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NO DEF. BRIEF

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY

Michael G. Nettles, Circuit Court Judge

VOLUME I OF II

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BRANNON JAISEL BRYANT, JR.,

APPELLANT

APPELLATE CASE NO. 2014-001693

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA) IN THE FOURTH JUDICIAL CIRCUIT
COUNTY OF DARLINGTON) IN THE COURT OF GENERAL SESSIONS
) 2013-GS-16-00512
STATE OF SOUTH CAROLINA,)
)
PLAINTIFF,)
)
VERSUS)
)
BRANNON JAISEL BRYANT,)
)
DEFENDANT.) DATE: JULY 28-31, 2014
DARLINGTON, SOUTH CAROLINA

TRIAL TRANSCRIPT

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1 JURY VOIR DIRE

2 THE COURT: Mr. Holt, you are recognized. You may call
3 your first case.

4 MR. HOLT: Thank you, Your Honor. If it please the
5 Court. The State would call the following two indictments:
6 2013-GS-16-00512, The State of South Carolina versus Brannon
7 Bryant for the possession of a weapon during a violent crime
8 and 2013-GS-16-00511, The State of South Carolina versus
9 Brannon Bryant, and he's indicted for murder.

10 THE COURT: Ladies and Gentlemen of the jury, I hold in
11 my hand these two documents that are known as indictments and
12 they accuse Brannon Bryant of murder and the possession of a
13 weapon during the commission of a violent crime. The State
14 is alleging this event took place on or about June 8th, 2012.

15 Ladies and Gentlemen of the jury, I hold in my hand
16 these two documents, but they have absolutely no evidentiary
17 value, whatsoever. As a matter of fact, as Mr. Bryant sits
18 at the defense table there, he's presumed to be just as
19 innocent as me or you. You start from that frame of
20 reference. I'm going to ask you a number of questions that
21 will be directed towards whether or not, given the facts of
22 this case, personalities involved with it, witnesses who are
23 going to testify, we are going to be asking you whether or
24 not you can be impartial with regard to the trial of this
25 case.

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1 My first question is if anyone -- I'm going to ask Mr.
2 Bryant to stand, turn around and face the jury panel. (He
3 complies) Thank you, Mr. Bryant. You may have a seat. Is
4 anyone related by blood or marriage or do you have a close,
5 social, business, or personal relationship with Mr. Bryant?
6 If so, please stand. Yes, ma'am, you can come forward.
7 Counsel, please feel free to come forward.

8 THE COURT: Yes, ma'am.

9 MS. BLAKNEY: I'm Conteasha Blakney. I don't know my
10 number.

11 CLERK OF COURT: Juror number 13.

12 THE COURT: Yes, ma'am.

13 MS. BLAKNEY: He's my cousin.

14 THE COURT: How close? Is he a first cousin?

15 MS. BLAKNEY: No, not first.

16 THE COURT: Do you know him fairly well?

17 MS. BLAKNEY: Uh-huh.

18 THE COURT: Have you ever socialized with him, that sort
19 of thing?

20 MS. BLAKNEY: Yes. His grandmother was a pastor and my
21 mother was sick and she used to live with her and so we
22 stayed together for awhile.

23 THE COURT: And due to that situation, do you feel you
24 can be fair and impartial?

25 MS. BLAKNEY: Probably. Especially if I don't really

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1 know, you know, the situation and everything.

2 THE COURT: Given the fact that you lived with him in
3 the past, that you referred to him as a cousin and you
4 actually lived together for a period of time?

5 MS. BLAKNEY: Uh-huh.

6 THE COURT: Okay. Well, I'm going to excuse you for the
7 purposes of this trial. Have a seat and don't talk to anyone
8 about what you talked about.

9 MS. BLAKNEY: Okay.

10 THE COURT: Ladies and Gentlemen of the jury panel.
11 There are a number of potential witnesses in this case. Pay
12 very close attention as I call the names of the witnesses and
13 the focus is going to be, are you related to them by blood or
14 marriage, or do you have a close, social, business, or
15 personal relationship with any of these witnesses. I'm going
16 to ask that you stand.

17 Potential witnesses are: Savoy Mack, also known as
18 "Bay-Boo". No response. Christina Reed. Are you related by
19 blood or marriage, do you have a close, social, business, or
20 personal relationship with Christina Reed? Dominique
21 Colelough, C-O-L-E-L-O-U-G-H. Marlene Jackson, Alta Mae
22 Hicks, Amos McRaven. Remain standing if you know them.
23 Antuyon Smith, John Scott, also known as "Roscoe". If each
24 of you could come forward. We will speak to you about these
25 particular problems.

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1 BAILIFF: Number 121. (Lutisha Richardson)

2 THE COURT: Your name?

3 MS. RICHARDSON: Lutisha Richardson. And you said,
4 Dominique Colclough?

5 THE COURT: Yes.

6 MS. RICHARDSON: My sister is married to his uncle.

7 THE COURT: Your sister is married to his uncle?

8 MS. RICHARDSON: (Nods head)

9 THE COURT: I don't think that would necessarily
10 disqualify you. But my question to you is, if called upon to
11 serve on this jury, could you set aside that relationship,
12 listen to the evidence presented in this case or the lack of
13 evidence and give both the State and the Defendant a fair and
14 impartial trial?

15 MS. RICHARDSON: I could.

16 THE COURT: All right. How often do you -- do you know
17 the Defendant, himself?

18 MS. RICHARDSON: I do know him, but not too much.

19 THE COURT: So, he's never come to your house to eat
20 dinner?

21 MS. RICHARDSON: No. We have family gatherings.

22 THE COURT: So, you have family gatherings. How often
23 would you meet in family matters?

24 MS. RICHARDSON: I haven't seen or talked to him in
25 years.

STATE OF SOUTH CAROLINA VERSUS BRANNON J. BRYANT

PROFFERED DIRECT EXAMINATION OF OFFICER DAVID FORTIN BY MR HOLT¹¹

1 THE COURT: How many family gatherings would you say you
2 have gathered up with him?

3 MS. RICHARDSON: Probably about three or four.

4 THE COURT: Do you consider him family?

5 MS. RICHARDSON: I do, because he's married into the
6 family.

7 THE COURT: Okay. In view of that, I'm going to excuse
8 you for the purposes of this trial.

9 CLERK OF COURT: Please have a seat back in the audience
10 and don't speak to anybody about what you talked to the Judge
11 about. Okay?

12 MS. RICHARDSON: All right.

13 BAILIFF: Number 147.

14 MR. WINGATE: You said, Savoy Mack?

15 THE COURT: Yes, sir.

16 MR. WINGATE: I've know him since he was a little kid.
17 He used to spend the night and come 'over to my house. He's a
18 good friend of mine.

19 THE COURT: So, Savoy Mack, you know him very
20 personally?

21 MR. WINGATE: Yes, sir.

22 THE COURT: If you were called to serve on this jury,
23 could you set aside your relationship with Savoy Mack and
24 listen to the evidence in this case or the lack thereof, and
25 pay attention to the law as I give it to you and give both

PROFFERED DIRECT EXAMINATION OF OFFICER DAVID FORTIN BY MR. HOLT¹²

1 the State and the Defendant a fair and impartial trial?

2 MR. WINGATE: Probably, but I grew up with him and I've
3 known him since a little kid. I probably would give more
4 favor to him.

5 THE COURT: Thank you for that. If you feel you can't
6 fairly evaluate his testimony, I will excuse you. Do you
7 think you would do that?

8 MR. WINGATE: Yes, sir.

9 THE COURT: I'll excuse you for the purposes of this
10 trial. Have a seat. Don't discuss this with the other
11 jurors.

12 MR. WINGATE: Okay.

13 THE COURT: Very good. All right. Ladies and Gentlemen
14 of the jury, there is another list of about 40 witnesses. I
15 want you to pay very close attention. Once again, are you
16 related by blood or marriage, do you have a close, social,
17 business, or personal relationship with any of these
18 witnesses, if so please stand. Pay very close attention.
19 Kathy Cash; James Dawson; Laurence Thomas; Cheryl McCall,
20 SLED; Mike Anderson, SLED; Alan Davis; Brian Rudick; David
21 Fortin, II; Chief James Hudson, Hartsville Police Department;
22 Todd Hardy, Coroner; Terry Gainey, Coroner's office; Michael
23 Stokes, Hartsville Police Department; Terry Anderson; Gary
24 White, EMS; Mark Blair, Hartsville Police Department; Jon
25 Stuart, Hartsville Police Department; Laura South, Hartsville

STATE OF SOUTH CAROLINA VERSUS BRANNON J BRYANT

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1 Police Department; Neil Cusack, Hartsville Police Department;
2 Tenyonda Richardson, Hartsville Police Department; Kelly
3 Woodham, Hartsville Police Department; Patricia Ray,
4 Darlington County Sheriff's Office; Gloria Mack, Hartsville
5 Police Department; Alta Mae Hicks; Kenyatta McDaniel;
6 Veronica Bryant; Savoy Mack; Van Segars; Terrance
7 Cabbagestalk; John "Roscoe" Scott, Dominique Colclough;
8 Gregory Colclough; Amos McRaven; Mary Anne Jackson; Keshawn
9 Johnson; Dr. Janice Ross, Newberry Pathologist; Shana B.
10 Sorrells, SLED; Verona Gibson, SLED; Jennifer Bartman, SLED;
11 Courtney Webster, SLED; Anita Williams. I'll ask each of you
12 to come forward.

13 BAILIFF: Number 75.

14 THE COURT: Mr. Jordan?

15 MR. JORDAN: Yes, sir.

16 THE COURT: I'm going to ask that you speak towards the
17 court reporter so she can hear you.

18 MR. JORDAN: All right. Mr. Rudick, from the police
19 force.

20 THE COURT: Not so loud that they can hear you, but loud
21 enough for her to hear you.

22 MR. JORDAN: All right. I'm a cub scout leader and he
23 has a son in the cub scouts and I've met him a few times.

24 THE COURT: The question is, he's going to be a witness
25 in this case, but the question is, could you set aside that

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1 relationship if called upon to serve on this jury? Could you
2 listen to his testimony and evaluate it as you would any
3 other evidence?

4 MR. JORDAN: I believe so.

5 THE COURT: In polite conversation, we qualify what we
6 say; we believe so, we think so, maybe. These are matters
7 where we have to deal in absolutes. My question to you is,
8 if you are called upon to serve on this jury, could you
9 listen to the witnesses, all the testimony, and evaluate it
10 fairly?

11 MR. JORDAN: Yes, sir.

12 THE COURT: You are qualified to serve. Thank you.

13 CLERK OF COURT: Have a seat in the audience and don't
14 speak to any of the jurors about what you talked to us about.

15 MR. JORDAN: Okay. Thank you.

16 BAILIFF: Number 138. (James Tiller)

17 THE COURT: Mr. Tiller?

18 MR. TILLER: Yes, sir.

19 THE COURT: You need to speak so the court reporter can
20 hear you.

21 MR. TILLER: Okay. I know Todd Hardee real well. His
22 dad married me and my wife. I go to his house all the time
23 to eat dinner. I don't know if that has anything to do with
24 it.

25 THE COURT: If called upon to serve on this jury and he

STATE OF SOUTH CAROLINA VERSUS BRANNON J BRYANT

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1 were to testify, would you give more weight to his testimony
2 than you would, based on your knowledge of him?

3 MR. TILLER: Yes, sir.

4 THE COURT: All right. We'll excuse you for the
5 purposes of this trial.

6 MR. TILLER: Are we going to have another trial?

7 THE COURT: You need to have a seat out there. We'll
8 see.

9 MR. TILLER: All right.

10 BAILIFF: Juror number 124. (Judy Sanders)

11 THE COURT: Yes, ma'am. Your name and number?

12 MS. SANDERS: Judy Sanders. I'm number 124. Kathy Cash
13 and I grew up together. We knew each other as children and
14 after we've become adults, we still remain friends. I
15 babysit her daughter on occasion.

16 THE COURT: If called upon to serve on this jury, could
17 you set aside that relationship and give her testimony the
18 same weight, evaluate it the same way as others? Do you
19 think, by virtue of the fact that you are friends with her
20 that you might give greater weight to what she has to say?

21 MS. SANDERS: I think I would.

22 THE COURT: You think you would?

23 MS. SANDERS: Yes, sir.

24 THE COURT: We will excuse you for the purposes on this
25 trial.

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1 CLERK OF COURT: If you would have a seat back in the
2 audience and don't talk to anybody about what you said.

3 BAILIFF: Number 63.

4 THE COURT: Yes, ma'am. Your name and number?

5 MS. HERRING: Number 63, Sara Herring.

6 THE COURT: What is your situation?

7 MS. HERRING: I know Todd Hardee really, really well and
8 I know Mark Blair and Kelly Woodham. Do you want me to tell
9 you how I know them?

10 THE COURT: Yes.

11 MS. HERRING: Okay. Todd Hardee, I went to school with
12 his son in high school and I was over at his house all the
13 time. I mean, they cooked meals for me and stuff like that.
14 Mark Blair taught me in 6th grade and comes into the pharmacy
15 where I work often. We know each other, most of all, on a
16 work basis, I guess. And then Kelly Woodham was really good
17 friends with my mom, because she's the school's SRO and when
18 I was there, she was teaching there and I know him because he
19 was always around and I know him personally, too.

20 THE COURT: All right. If called upon to serve on this
21 jury, could you listen to all the evidence or lack of
22 evidence and the law as I charge it to you and give both the
23 State and the Defendant a fair and impartial trial?

24 MS. HERRING: Yes.

25 THE COURT: All right. Now, you know some of these

PROFFERED DIRECT EXAMINATION OF OFFICER DAVID FORTIN BY MR HOLT¹⁷

1 witnesses. Do feel as though you could evaluate their
2 testimony just like you could any other witness and set aside
3 the fact that you know them and pay attention to what they
4 have to say?

5 MS. HERRING: Uh-huh. I pay attention to what they have
6 to say.

7 THE COURT: You could evaluate it just as you could any
8 other evidence?

9 MS. HERRING: Uh-huh.

10 THE COURT: All right. You are qualified to serve.

11 CLERK OF COURT: Thank you.

12 BAILIFF: Number 126. (Teresa Segars)

13 MS. SEGARS: Todd Hardee. I know him. My mom works
14 with him at the funeral home.

15 THE COURT: How often do you see him?

16 MS. SEGARS: I don't see him that often. My nephews
17 hang around with his boys.

18 THE COURT: He's not a real close acquaintance?

19 MS. SEGARS: Huh-un.

20 THE COURT: If called upon to serve on this jury, could
21 you set aside that relationship and give both the State and
22 the Defendant a fair and impartial trial?

23 MS. SEGARS: Yes, sir.

24 THE COURT: And just by virtue of the fact that you know
25 of him, you wouldn't give any greater weight to what he had

PROFFERED DIRECT EXAMINATION OF OFFICER DAVID FORTIN BY MR HOLT¹⁸

1 to say? You would evaluate his testimony just like every
2 other witness?

3 MS. SEGARS: Yes.

4 THE COURT: You are qualified to serve. Thank you.

5 CLERK OF COURT: Please return to your seat.

6 BAILIFF: Number 121. (Lutisha Richardson)

7 CLERK OF COURT: She's already excused.

8 THE COURT: You have been excused. Thank you.

9 BAILIFF: Number 148. (Letitia Wingate-McLeod)

10 THE COURT: What's your name and number?

11 MS. WINGATE-MCLEOD: My name is Letitia Wingate-McLeod
12 and my number is 148.

13 THE COURT: And who do you know?

14 MS. WINGATE-MCLEOD: Laurence Thomas.

15 THE COURT: How do you know him?

16 MS. WINGATE-MCLEOD: He is married to my cousin.

17 THE COURT: Do you see him on a regular basis?

18 MS. WINGATE-MCLEOD: Not every day.

19 THE COURT: Does he ever come to your house and spend
20 the night?

21 MS. WINGATE-MCLEOD: No.

22 THE COURT: Do you ever go to his house and spend the
23 night over there?

24 MS. WINGATE-MCLEOD: We do family gatherings.

25 THE COURT: If called upon to serve on this jury, could

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1 you set aside that relationship and evaluate the evidence as
2 presented by the State or lack thereof, the law as I charge
3 it to you and give the State and the Defendant a fair and
4 impartial trial?

5 MS. WINGATE-MCLEOD: (Nods Head) ,

6 THE COURT: Is that a "yes"?

7 MS. WINGATE-MCLEOD: Yes.

8 THE COURT: If this witness that you know, if he were to
9 testify, could you evaluate his testimony just like you would
10 everybody else's testimony or would you give his statements
11 greater weight? Could you be fair and evaluate it as you see
12 fit?

13 MS. WINGATE-MCLEOD: I could be fair.

14 THE COURT: All right. You are qualified.

15 MS. WINGATE-MCLEOD: There's another person, too.

16 THE COURT: Okay. Who is it?

17 MS. WINGATE-MCLEOD: Kenyatta McDaniel. I taught her
18 daughter.

19 THE COURT: Do you know her or just know her daughter?

20 MS. WINGATE-MCLEOD: I know her, too.

21 THE COURT: Could you set aside that relationship and be
22 a fair and impartial juror?

23 MS. WINGATE-MCLEOD: Yes, sir.

24 THE COURT: And you don't feel as though you would give
25 her testimony any greater weight?

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1 MS. WINGATE-MCLEOD: No, sir.

2 THE COURT: All right. You are qualified to serve.

3 Thank you.

4 BAILIFF: Number 106. (Xiaokai Niu)

5 THE COURT: Mr. Niu, how are you doing?

6 MR. NIU: Pretty good.

7 THE COURT: Tell me who you know.

8 MR. NIU: Gary White, with EMS. Gary White.

9 THE COURT: How well do you know him?

10 MR. NIU: Well, a few years ago we worked in the same
11 department, but I haven't heard from him in a few years.

12 THE COURT: Okay. If you were called to serve on this
13 jury and you were called to testify, by virtue of the fact
14 that you worked with him and knew him casually in a work
15 environment, could you set that relationship aside and
16 evaluate his testimony just as you would everybody else's?

17 MR. NIU: Yes, sir.

18 THE COURT: You are qualified to serve. Thank you.

19 BAILIFF: Number 103. (Jennifer Murray)

20 THE COURT: Yes, ma'am.

21 MS. MURRAY: Jennifer Murray, juror number 103.

22 THE COURT: Who do you know?

23 MS. MURRAY: Terrance Cabbagestalk.

24 THE COURT: How do you know him?

25 MS. MURRAY: He is one of my ex-best-friend's

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1 boyfriends.

2 THE COURT: Your ex-best-friend's boyfriend?

3 MS. MURRAY: I haven't spoken to her in seven-plus
4 months.

5 THE COURT: You say ex-best friend. Do you mean that you
6 are no longer friends with her or they are no longer
7 together?

8 MS. MURRAY: I'm no longer friends.

9 THE COURT: All right. If you were called upon to serve
10 on this jury, could you set aside that relationship and give
11 both the State and the Defendant a fair and impartial trial?

12 MS. MURRAY: Yes, sir.

13 THE COURT: All right. By virtue of the fact that you
14 knew her at one time and y'all were friends at one time but
15 are no longer friends now, would you give greater or less
16 weight to his testimony? Could you listen and evaluate this
17 witness just as you would any other witness?

18 MS. MURRAY: Yes.

19 THE COURT: All right. You are qualified to serve.

20 BAILIFF: Number 117. (Elizabeth Prescott)

21 THE COURT: Yes, ma'am.

22 MS. PRESCOTT: I think you said Brian Rudick was one of
23 them?

24 THE COURT: Yes, ma'am.

25 MS. PRESCOTT: All right. I know him socially. He's a

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1 casual acquaintance. I see him at ball games and that sort
2 of thing.

3 THE COURT: How often do you see him?

4 MS. PRESCOTT: During football season, every weekend.

5 THE COURT: Which football games?

6 MS. PRESCOTT: South Carolina.

7 THE COURT: All right. If you were called upon to serve
8 on this jury, could you set aside that relationship? Of
9 course, these are very important matters that we are
10 evaluating here and do you think if he were to testify, the
11 fact that you know him or are an acquaintance of his, would
12 you give greater weight to what he has to say or could you
13 evaluate it like you could every other witness' testimony and
14 give it the weight you think it deserves?

15 MS. PRESCOTT: I think I could be fair.

16 THE COURT: Okay. In polite conversation, we always
17 qualify what we say, but with these matters, we have to deal
18 with absolutes. My question to you is, could you be fair and
19 impartial? Answer "yes" or "no".

20 MS. PRESCOTT: No.

21 THE COURT: All right. We'll excuse you from this
22 trial.

23 CLERK OF COURT: Have a seat back in the audience, but
24 don't discuss with another juror what you talked to the judge
25 about.

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1 MS. PRESCOTT: Okay.

2 BAILIFF: Number 104. (Brenda Nettles)

3 THE COURT: Yes, ma'am.

4 MS. NETTLES: I'm not sure, but I think I may know
5 Patricia Ray. Was she Patricia White from Society Hill? We
6 had a casual acquaintance about 10 or 12 years ago.

7 THE COURT: You don't see her often?

8 MS. NETTLES: I haven't even seen her since.

9 THE COURT: Do you feel you could serve on this jury and
10 if she testified, do you feel like you could evaluate her
11 testimony just like you would any other and give the State
12 and the Defendant a fair and impartial trial?

13 MS. NETTLES: Yes, sir, I do.

14 THE COURT: You are qualified to serve. Thank you.

15 BAILIFF: Number 11. (Jordan Bishop)

16 CLERK OF COURT: Ms. Bishop?

17 MS. BISHOP: Yes. I apologize if you called her name
18 before, but I realized I knew the girl that's sitting over
19 there. I'm not sure if she has a close relationship to this
20 case, but I know her sister really well. I haven't spoken to
21 her in a couple of years. I don't know her well. I can't
22 think of her last name. I only know what it was.

23 THE COURT: It sounds that you aren't real close to her
24 because she don't really know her full name and you don't
25 deal with her on a day-to-day basis. If called upon to serve

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1 on this jury, could you listen to the evidence presented in
2 this case or lack of evidence and follow the law as I charge
3 it? Do you feel you are able to do that?

4 MS. BISHOP: Yes.

5 THE COURT: All right. You are qualified to serve.
6 Thank you.

7 Mr. Holt, I'm going to ask, if you could, to stand,
8 identify yourself and the members of your office.

9 MR. HOLT: Thank you very much, Judge. My name is John
10 Holt. I am the lowest person on the totem pole here in the
11 prosecutor's office in Darlington and directly above me is my
12 superior, Patti Parker. This is Doris Atkinson and John Pope.
13 I think my boss just stepped out.

14 THE COURT: Is anyone related by blood or marriage, do
15 you have a close social, business, or personal relationship
16 with any of these lawyers? Some of these lawyers may have
17 been engaged in the private practice of law before coming on
18 with the Solicitor's office and I'll ask an additional
19 question, have they represented you in a legal capacity in
20 the past. If so, please stand. No response.

21 THE COURT: I'm going to ask Defense counsel if you
22 could stand, identify yourself and members of your office.

23 MR. JONES: Yes, sir. My name is Rick Jones. Seated
24 here is Paul Neely and that is Kristy Wise. We work in the
25 Darlington County Public Defender's office.

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1 THE COURT: Has anyone ever been represented by any of
2 these lawyers in a private or public capacity? If so, please
3 stand.

4 Are you related by blood or marriage, do you have a
5 close social or business or personal relationship with any of
6 these attorneys that have been mentioned? If so, please
7 stand. No response.

8 Has any member of the jury panel formed or expressed an
9 opinion about any issue or matter involved in this case? If
10 so, please stand. No response.

11 Is any member of the jury panel aware of any bias or
12 prejudice towards the State or the Defendant in this case?
13 If so, please stand. No response.

14 Is any member of the jury panel a former law enforcement
15 officer or have a family member who is a law enforcement
16 officer or is a former law enforcement officer, if so, please
17 stand. If y'all could come forward.

18 BAILIFF: Number 11.

19 THE COURT: Your name and number?

20 MS. BISHOP: (Jordan Bishop, juror number 11)

21 THE COURT: Who are you related to?

22 JUROR: George Johnson.

23 THE COURT: Who does he work with?

24 JUROR: He's not here today. I'm just related to him.

25 THE COURT: Who does he work for?

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1 JUROR: Hartsville Police.

2 THE COURT: There are some Hartsville Police Department
3 Officers who are going to testify. Could you set aside the
4 fact that you may know somebody and give the State and the
5 Defendant a fair and impartial trial?

6 JUROR: Yes.

7 THE COURT: You are qualified to serve. Thank you.

8 BAILIFF: Number 42. (Brandon Edwards)

9 THE COURT: Yes, sir. I have a cousin that's a police
10 officer. My cousin's husband is a police officer in Georgia.

11 THE COURT: They aren't going to testify in this case,
12 but the fact that you are related to someone who is involved
13 in law enforcement, could you set that aside and listen to
14 the evidence presented in this case and give the State and
15 the Defendant a fair and impartial trial?

16 MR. EDWARDS: Yes, sir.

17 THE COURT: You are qualified to serve.

18 BAILIFF: Number 119. (Marion Rainey)

19 THE COURT: Yes, sir. Your name and number?

20 MR. RAINEY: My name is Marion Rainey, 119. My wife was
21 a probation/parole officer for the State of Virginia,
22 formerly.

23 THE COURT: Did she have the power of arrest?

24 MR. RAINEY: No, she does not. She worked with the
25 Fairfax County Police Department witness program, preparing

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1 children for testimony and provided supervision for the
2 county in Virginia.

3 THE COURT: The fact that your wife was involved in law
4 enforcement, could you set that aside, and these are very
5 important matters, and could you listen to the evidence or
6 lack of evidence in this case and the law as I charge it to
7 you and give both the State and the Defendant a fair and
8 impartial trial?

9 MR. RAINEY: I think I could.

10 THE COURT: In polite conversation, we qualify what we
11 say, but these are important matters that have to do with
12 absolutes. Could you be fair and impartial?

13 MR. RAINEY: Yes, sir.

14 THE COURT: Qualified to serve. Thank you.

15 BAILIFF: Number 33. (Whitney Dew)

16 THE COURT: Yes, ma'am.

17 MS. DEW: Thomas Dew, Jr. is my brother-in-law and he's
18 with the Bennettsville Police Department.

19 THE COURT: There are no people from Bennettsville to
20 testify today, but by virtue of the fact that you know
21 someone in law enforcement, could you set that aside in order
22 to serve on this jury, listen to the evidence in this case or
23 lack of evidence, the law as I charge it to you, and give the
24 State and the Defendant a fair and impartial trial?

25 MS. DEW: Yes, sir.

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1 THE COURT: You are qualified to serve. Thank you.

2 BAILIFF: Number 59. (Denise Ham)

3 THE COURT: Yes, ma'am.

4 MS. HAM: I came forward, as I stated earlier, my
5 husband was a state trooper, but he's passed.

6 THE COURT: What was his name?

7 MS. HAM: Jacob Ham.

8 THE COURT: There are no state troopers testifying in
9 this case, but could you set aside the fact that you were
10 married to a law enforcement officer and listen to the
11 evidence presented in this case, the law was I charge it to
12 you and give the State and the Defendant a fair and impartial
13 trial?

14 MS. HAM: Yes, I think so.

15 THE COURT: Now, you say you think so. In these
16 matters, we have to deal in absolutes. I'll ask you if you
17 can be fair and impartial.

18 MS. HAM: Yes, sir.

19 THE COURT: You're qualified to serve. Thank you.

20 BAILIFF: Number 98. (Bryan Miller)

21 THE COURT: Your name?

22 MR. MILLER: Bryan Miller. My cousin is in law
23 enforcement.

24 THE COURT: Who does he work for?

25 MR. MILLER: The Florence County Sheriff's Department.

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1 He's a deputy.

2 THE COURT: There's no one testifying in this case from
3 Florence County, but could you set aside the fact that you
4 are related to someone in law enforcement and if called upon
5 to serve on this jury, could you listen to the evidence
6 presented in this case, the law as I charge it to you, and
7 give the State and the Defendant a fair and impartial trial?

8 MR. MILLER: Yes, sir.

9 THE COURT: Qualified to serve.

10 BAILIFF: Number 83. (Alvcia Lee)

11 MS. LEE: I have a question about a question you asked.
12 My brother is incarcerated and Rick Jones is his public
13 defender.

14 THE COURT: Is that case ongoing?

15 MS. LEE: Yes, sir. He's currently locked up now. He
16 hasn't had his trial yet.

17 THE COURT: He has not?

18 MS. LEE: No, he's still incarcerated in the detention
19 center.

20 THE COURT: Mr. Jones has never represented you?

21 MS. LEE: Huh-uh. Just my brother. So, I know the
22 facts of the case and everything.

23 THE COURT: The facts of this case are completely
24 different and if called upon to serve on this jury, could you
25 listen to the evidence presented in this case, the law as I

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1 charge it to you, and give the State and the Defendant a fair
2 and impartial trial?

3 MS. LEE: Yes.

4 THE COURT: The fact that Mr. Jones represents your
5 brother, would you give greater weight to anything he has to
6 say or evaluate it as you would any other?

7 MS. LEE: Yes.

8 THE COURT: You could do that?

9 MS. LEE: Uh-huh.

10 THE COURT: You are qualified to serve.

11 BAILIFF: Number 47. (Michael Froese)

12 THE COURT: You have already been excused.

13 MR. FROESE: Okay.

14 BAILIFF: Number 44. (Reynel Evans)

15 MS. EVANS: I don't know a police officer, but I do know
16 someone sitting at the table with them. I don't have a
17 personal relationship with her, but she was a roommate of my
18 sister's at one time and knows my mom.

19 THE COURT: If called upon to serve on this jury, could
20 you listen to the evidence presented, listen to the law as I
21 charge it to you, set aside personalities and relationships
22 and give both the State and the Defendant a fair and
23 impartial trial?

24 MS. EVANS: Yes, sir.

25 THE COURT: Qualified to serve.

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1 THE COURT: Has anyone on the jury panel read, seen or
2 heard anything about the matter which is before the Court
3 here today? If so, please stand. No response.

4 Is there any member of the jury panel who is a
5 contributor to any group whose primary concern is the
6 promotion of law enforcement? Just about every Sheriff's
7 department in the State has a Sheriff's Association. There
8 are such groups as: MADD, Mother's Against Drunk Driving;
9 SADD, Students against drunk driving; CAVE, Citizens against
10 Violent Crime. Is there any member of the jury panel who
11 contributes to any such organization whose primary concern is
12 the promotion of law enforcement? If so, please stand. No
13 response.

14 Does any member of the jury panel knows any reason,
15 whatsoever, why you could not serve as a juror in this case
16 with particular emphasis being placed on your ability to be
17 fair and impartial to both the State and the Defendant? No
18 response.

19 Any additional questions from the State?

20 MR. HOLT: None, Your Honor.

21 THE COURT: Any from the Defense?

22 MR. JONES: Your Honor, on ours, numbers 6, 7, and 8, we
23 would ask those be asked.

24 THE COURT: I'm not going to ask number 6, but you are
25 protected on the record.

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1 Has any member of the jury panel been a victim of a
2 violent crime? If so, please stand. No response.

3 MR. JONES: And Your Honor, I failed to mention
4 number 9.

5 THE COURT: I'm not going to ask that. We will charge
6 the law in great detail regarding their obligations.

7 MR. JONES: And I'm protected on the record, Your Honor?

8 THE COURT: Yes. The strikes are five and ten, five and
9 ten. We'll have two alternates. The strikes are one and two
10 on each alternate.

11 JURY SELECTION

12 CLERK OF COURT: If you would, if your name is called,
13 come forward, bring with you whatever you brought with you
14 today, pocketbooks, sweater, whatever you have. If you will
15 come, stand right here in front of this rail and face the way
16 I'm facing now, please. Juror number 18, Leavi Bryant.
17 (Whereupon, Leavi Bryant, a white male, comes forward)

18 THE COURT: Mr. Bryant, please come forward, stand right
19 in the middle in front of the clerk and face the back of the
20 courtroom.

21 CLERK OF COURT: What sayeth the State?

22 MR. HOLT: Please excuse Mr. Bryant from this trial.

23 CLERK OF COURT: You've been excused from this case. If
24 you will just have a seat back in the audience, Mr.
25 Bryant. Thank you. Juror number 46, Shytia Foulks.

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1 (Whereupon, Shytia Foulks, a black female, comes forward)

2 CLERK OF COURT: What say you for the State?

3 MR. HOLT: Please excuse Ms. Foulks.

4 CLERK OF COURT: You've been excused, Ms. Foulks. If
5 you will have a seat back out in the audience for me.

6 Thank you. Juror number 63, Sara Herring.

7 (Whereupon, Sara Herring, a white female, comes forward)

8 CLERK OF COURT: What say you for the State?

9 MR. HOLT: Please present Ms. Herring.

10 CLERK OF COURT: What say you for the Defense?

11 MR. JONES: Please excuse the juror.

12 CLERK OF COURT: You're excused from this case. Please
13 have a seat back in the audience, Ms. Herring. Juror
14 number 70, Barbara Jenkins.

15 (Whereupon, Barbara Jenkins, a black female, comes forward)

16 CLERK OF COURT: What say you for the State?

17 MR. HOLT: Please present Ms. Jenkins.

18 CLERK OF COURT: What say you for the Defense?

19 MR. JONES: One second. Please seat the juror.

20 CLERK OF COURT: Please have a seat in the jury box, Ms.
21 Jenkins. Juror number 41 Cecil Dutton, Junior.

22 (Whereupon, a white male comes up forward)

23 CLERK OF COURT: What sayeth the State?

24 SOLICITOR: Please seat the juror.

25 CLERK OF COURT: What sayeth the Defense?

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1 MR. JONES: Please seat the juror.

2 CLERK OF COURT: Please have a seat in the jury box for
3 me, Mr. Dutton. Juror number 85, Veverly Leviner.

4 (Whereupon, a white female comes forward)

5 CLERK OF COURT: What sayeth the State?

6 MR. HOLT: Please present Ms. Leviner.

7 CLERK OF COURT: What sayeth the Defense?

8 MR. JONES: Please excuse this juror.

9 CLERK OF COURT: You have been excused for this
10 particular case. Please have a seat back in the audience
11 for me. Juror number 57, Zachary Grooms.

12 (Whereupon, Zachary Grooms, a white male, comes forward)

13 CLERK OF COURT: What sayeth the State?

14 MR. HOLT: Please present the juror.

15 CLERK OF COURT: What sayeth the Defense?

16 MR. JONES: Please seat the juror.

17 CLERK OF COURT: Please have a seat in the jury box for
18 me, Mr. Grooms. Juror number 142, Kimberly Washington.

19 (Whereupon, Kimberly Washington, a black female comes
20 forward)

21 CLERK OF COURT: What sayeth the State?

22 MR. HOLT: Please present Ms. Washington.

23 CLERK OF COURT: What sayeth the Defense?

24 MR. JONES: Please swear the juror.

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

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1 Washington. Juror number 100, Charles Moses.

2 (Whereupon, a black male comes forward.

3 CLERK OF COURT: What sayeth the State?

4 MR. HOLT: Please present Mr. Moses.

5 CLERK OF COURT: What sayeth the Defense?

6 MR. JONES: Please seat the juror.

7 CLERK OF COURT: Please have a seat in the jury box, Mr.
8 Moses. Juror number 119, Marion Rainey Junior.

9 (Whereupon, a white male comes forward)

10 CLERK OF COURT: What sayeth the State?

11 MR. HOLT: Please present this juror.

12 CLERK OF COURT: What sayeth the Defense?

13 MR. JONES: Please excuse this particular juror.

14 CLERK OF COURT: Mr. Rainey, have a seat back in the
15 audience for me, please. Juror number 92, Elizabeth
16 McCants.

17 (Whereupon, a white female comes forward)

18 CLERK OF COURT: What sayeth the State?

19 MR. HOLT: Judge, I think Mr. Jones and I have a matter
20 of law we need to take up with you, briefly.

21 THE COURT: Certainly.

22 (Brief Bench conference off the record.

23 THE COURT: Ms. McCants, you are excused for the
24 purposes of this trial only.

25 CLERK OF COURT: Just have a seat back in the audience

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1 for me, please. Thank you.

2 THE COURT: That's a Court's strike.

3 CLERK OF COURT: Juror number 44, Reynel Evans.

4 (Whereupon, a white female comes forward)

5 CLERK OF COURT: What sayeth the State?

6 MR. HOLT: Please present Ms. Evans.

7 CLERK OF COURT: What sayeth the Defense?

8 MR. JONES: Seat the juror.

9 CLERK OF COURT: Please have a seat in the jury box,
10 Ms. Evans. Juror number 23, Karen Carpenter.

11 (Whereupon, a white female comes forward.)

12 MR. JONES: I'm sorry, Mr. Clerk, what number?

13 CLERK OF COURT: Number 23.

14 MR. JONES: Thank you.

15 CLERK OF COURT: What sayeth the State?

16 MR. HOLT: Please present Ms. Carpenter.

17 CLERK OF COURT: What sayeth the Defense?

18 MR. JONES: Please excuse the juror.

19 CLERK OF COURT: You've been excused from this particular
20 case, Ms. Carpenter. Just have a seat back in the
21 audience for me, please. Juror number 74, Robin Jones.

22 (Whereupon, a white female comes forward.)

23 CLERK OF COURT: What sayeth the State?

24 MR. HOLT: Please present Ms. Jones.

25 CLERK OF COURT: What sayeth the Defense?

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1 MR. JONES: Please seat the juror.

2 CLERK OF COURT: Please have a seat in the jury box for
3 me, Ms. Jones. Juror number 131, Lee Sports.

4 (Whereupon, a white female comes a forward.

5 CLERK OF COURT: What sayeth the State?

6 MR. HOLT: Please present Ms. Sports.

7 CLERK OF COURT: What sayeth the Defense?

8 DEFENSE ATTORNEY: Please excuse this juror.

9 CLERK OF COURT: Ms. Sports, you have been excused from
10 this particular case. Please have a seat back in the
11 audience for me. Juror number 25, Wallace Caulder.

12 (Whereupon, a white male comes forward)

13 CLERK OF COURT: What sayeth the State?

14 MR. HOLT: Please excuse this juror.

15 CLERK OF COURT: You've been excused from this
16 particular case, Mr. Calder. Have a seat back in the
17 audience for me. Juror number 149, Holly Wright.

18 (Whereupon, a white female comes forward)

19 CLERK OF COURT: What sayeth the State?

20 MR. HOLT: Please present Ms. Wright.

21 CLERK OF COURT: What sayeth the Defense?

22 MR. JONES: Please excuse this juror.

23 CLERK OF COURT: Mr. Wright, you are excused from this
24 particular case. Have a seat back in the audience for
25 me, please. Juror number 126, Teresa Segars.

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1 (Whereupon, a white female comes forward)

2 CLERK OF COURT: What sayeth the State?

3 MR. HOLT: Please present Ms. Segars.

4 CLERK OF COURT: What sayeth the Defense?

5 MR. JONES: Please seat the juror.

6 CLERK OF COURT: Please have a seat in the jury box, Ms.

7 Segars. Number 20, Laura Byrd.

8 (Whereupon, a white female comes forward)

9 CLERK OF COURT: What sayeth the State?

10 MR. HOLT: Please present Ms. Byrd.

11 CLERK OF COURT: What sayeth the Defense?

12 MR. JONES: Present the juror.

13 CLERK OF COURT: Please have a seat in the jury box, Ms.

14 Byrd. Juror number 42, Brandon Edwards.

15 (Whereupon, a white male comes forward)

16 CLERK OF COURT: What sayeth the State?

17 MR. HOLT: Mr. Clerk, what was that number again?

18 CLERK OF COURT: Forty-two.

19 MR. HOLT: I apologize. Please present the juror.

20 CLERK OF COURT: What sayeth the Defense?

21 MR. JONES: Excuse the juror.

22 CLERK OF COURT: Please have a seat back in the audience,

23 Mr. Edwards. Thank you. Juror number 43, Brenda Ervin.

24 (Whereupon, a black female comes up forward.)

25 CLERK OF COURT: What sayeth the State?

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1 MR. HOLT: Please present Ms. Ervin.

2 CLERK OF COURT: What sayeth the Defense?

3 MR. JONES: Present the juror.

4 CLERK OF COURT: Now you can have a seat in the jury box.

5 Juror number 130, Tracy Smith.

6 (Whereupon, a white female comes forward)

7 CLERK OF COURT: What sayeth the State?

8 MR. HOLT: Please present Ms. Smith.

9 CLERK OF COURT: What sayeth the Defense?

10 MR. JONES: Please excuse this juror.

11 CLERK OF COURT: You've been excused from this particular

12 case, Mr. Smith. If you will just have a seat back in

13 the audience for me. Juror number 123, Larry Rollings.

14 (Whereupon, a white male comes forward. .

15 CLERK OF COURT: What sayeth the State?

16 MR. HOLT: Please present Mr. Rollings.

17 CLERK OF COURT: What sayeth the Defense?

18 MR. JONES: Please seat the juror.

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

20 Mr. Rollings. Juror number 19, David Bushman.

21 (Whereupon, a white male comes forward)

22 CLERK OF COURT: What sayeth the State?

23 MR. HOLT: Please present Mr. Bushman.

24 CLERK OF COURT: What sayeth the Defense?

25 MR. JONES: Please seat the juror.

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1 CLERK OF COURT: Have a seat in the jury box for me, Mr.
2 Bushman. This is for the alternates, one and two.

3 THE COURT: One and two on each.

4 CLERK OF COURT: Juror number 56, Tonya Griggs-Smith.

5 (Whereupon, Ms. Griggs-Smith, a white female comes forward)

6 CLERK OF COURT: What sayeth the State?

7 MR. HOLT: Please present the juror.

8 CLERK OF COURT: What sayeth the Defense?

9 MR. JONES: Please seat the juror.

10 CLERK OF COURT: Please have a seat in the first chair
11 outside the jury box, please, Ms. Griggs-Smith.

12 CLERK OF COURT: Juror number 86, Tanya Lewis.

13 (Whereupon, a white female comes forward)

14 CLERK OF COURT: What sayeth the State?

15 MR. HOLT: Please excuse this juror.

16 CLERK OF COURT: You've been excused from this particular
17 case, Ms. Lewis. Juror number 106, Mr. Xiaokai Niu.

18 (Whereupon, Mr. Xiaokai Niu, an Asian American male comes
19 forward)

20 CLERK OF COURT: Any show for 'cause from the State?

21 MR. HOLT: None.

22 CLERK OF COURT: What sayeth the Defense?

23 MR. JONES: Please seat the juror.

24 CLERK OF COURT: Please have a seat in the second chair
25 outside the jury box for me, Mr. Niu.

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1 THE COURT: Any objection with regard to the jury
2 selection process from the State?

3 MR. HOLT: There is none, Your Honor.

4 THE COURT: Any from the Defense?

5 MR. JONES: No, sir.

6 THE COURT: All right. Might counsel approach the bench
7 for just one moment.

8 (Brief bench conference off the record)

9 THE COURT: Mr. Rollings, I'm going to ask, if you
10 could, to change chairs with this gentleman right here. I'm
11 going to ask that you serve as the foreman of this jury. You,
12 like everyone else in the jury, when it comes time to
13 deliberate, will have one vote, however, you will have
14 additional responsibility, in that if there are questions or
15 concerns that develop throughout the trial of this case, I
16 will ask that the jurors communicate those concerns to you.
17 You will reduce it to writing and give it to the bailiff. If
18 it's something I can help you with, I'll be happy to do so.
19 In addition to that, when it comes time to deliberate, you
20 are to preside over the deliberation process. That
21 essentially means that you are to ensure that everybody's
22 voice is heard.

23 There are a number of things I want to admonish you
24 about. When you go back, we are going to take a break here.
25 We will reconvene at 2:00. The lawyers and I have some legal

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1 matters. We are going to be back here at 1:30 to tend to
2 those so we will be ready to go at 2:00. We need for you to
3 be here at 2:00, 2:00 sharp. Don't lollygag around. Be here
4 and be here on time.

5 I promise you that when you leave this courtroom and go
6 back to your place of work or back home, spouses are bad
7 about this, tell me what happened on jury service, but this
8 is going to be one occasion that you won't have to answer
9 your spouse. You tell them, "I've been ordered not to discuss
10 this matter." There is good reason for that, because it
11 might be that your spouse knows something about this case.
12 It might be that she or he has a particular opinion about
13 this type litigation. You are to base your decision on what
14 transpires here in this courtroom. You are going to be the
15 only 12 people that get to hear all the evidence and render a
16 verdict, so you need to base your decision on what transpires
17 here in this courtroom.

18 I see that y'all have been given some very handsome
19 badges that designate y'all as jurors. There is a reason for
20 that because this is a public building. When you come back
21 from lunch and you start coming from your car, we need to
22 know that you are a juror. It might be that the lawyers are
23 in the elevator with you and it might be that they are
24 talking about the case. That could cause some problems,
25 because you need to base your decision on what transpires in

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1 the confines of this courtroom and not anywhere else. So, if
2 you wear those badges, people will know that you are jurors
3 and will help us avoid that type conflict. I'm going to ask
4 that when you get out of your car, come in directly and the
5 bailiff will put you in the jury room. Don't lollygag around
6 in the public areas. That would increase the possibility
7 that you overhear something you ought not hear.

8 There isn't anything in the world today that we can't
9 put on the Google now. That's what my children call doing
10 the Google, doing research. You can't research anything about
11 this case, you can't research personalities, you can't look
12 to see if there are any articles written about this case. You
13 need to base your decision on what transpires here in this
14 courtroom. Do not engage in social media. I think, perhaps,
15 there could be some good use from social media. I'm not sure
16 exactly what it is, but there is no good use for social media
17 in this courtroom. Do not put on the Tweeter or Twitter what
18 you're doing, where you are, and what's going on in this
19 courtroom. This is something that you keep to yourself until
20 such time there is a verdict rendered. Then, you will be
21 released from that order. Until then, do not put anything on
22 social media, Facebook, LinkedIn, anything such as that.
23 We haven't heard in this courtroom where this alleged
24 incident took place, but at some point in time, you will.
25 Don't go out and do any independent investigation on your

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1 own. Base your decision on what transpires here in this
2 courtroom.

3 Mr. Foreman, I'm going to ask that you enforce that
4 rule. When you are in the jury room, there will be no
5 discussion about the case, no discussion about the witnesses,
6 the lawyers. You can talk about fishing, you can talk about
7 Carolina/Clemson football, you can talk about baseball, you
8 can talk about whatever you want to, but when you are in that
9 jury room, do not discuss this case until such time that
10 you've heard all the evidence, I charge you the law, and I
11 give you directions when you are to begin deliberations. So,
12 do not do that. Mr. Foreman, I'm going to ask that you
13 enforce that rule. Do you understand?

14 MR. ROLLINGS: Yes, sir.

15 THE COURT: All right. Very good. I'm going to ask
16 that everyone remain seated as this jury exits the courtroom
17 and I'll speak with the jury panel here, momentarily.

18 (Jury out at 11:48 AM)

19 THE COURT: Ladies and gentlemen of the jury panel, y'all
20 look awfully disappointed. But at any rate, you are free to
21 go this afternoon. We are going to ask that after 6:00
22 tomorrow, after you get the telephone number the bailiff is
23 going to give to you or the Clerk is going to give to you,
24 call it and follow the instructions. It will either tell you
25 to come and report back at 9:30 in the morning or call back

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1 Wednesday night. Just follow the instructions and follow
2 what it tells you to do. Thank you very much for your time
3 and consideration. You are free to leave at this time.

4 (Jury panel released at 11:49 AM

5 JULY 28, 2014 - AFTERNOON

6 MOTIONS

7 THE COURT: I understand there are some pre-trial
8 motions and the moving party is recognized.

9 MR. JONES: Yes, sir. I think we have an agreement as
10 to the first one concerning the I-Cop or the L3 video. There
11 are two sequences in that video that we have agreed that the
12 State will submit. I think Mr. Neely or Mr. Holt have either
13 marked them or understand which ones will be played. Other
14 than that, the rest of the video, we're fine with.

15 THE COURT: Any other motions?

16 MR. JONES: We're withdrawing our motion on that.

17 THE COURT: So there are no other motions at this time?

18 MR. JONES: We have a motion to suppress that Mr. Neely
19 will be arguing. Do you want to do that now?

20 THE COURT: Yes.

21 MR. NEELY: Thank you, Your Honor. One piece of
22 evidence, that it's my understanding that the State wishes to
23 enter is a cell phone which was found in the curtilage of the
24 Defendant's property. There was given no search warrant at
25 the time that the phone was found and I would argue that that

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1 cell phone should be suppressed instead of being admitted
2 into evidence.

3 THE COURT: All right. Mr. Holt, be glad to hear from
4 you in that regard.

5 MR. HOLT: Thank you, Judge. I guess there's two ways
6 we can do this. I could bring in my witness and we could
7 proffer a certain piece of his testimony and then after that,
8 I'd be happy to argue my stance on that.

9 THE COURT: Very good. You may call your first witness.

10 MR. HOLT: Could we get Mike Stokes from HPD up here,
11 please?

12 THE COURT: Yes, sir. Come around, place your left hand
13 on the Bible, raise your right hand as the Clerk administers
14 the oath.

15 (After being duly sworn by the Clerk of Court,

16 **MICHAEL STOKES** testified as follows:)

17 THE COURT: Have a seat in the witness chair. I want
18 you to you pull up real close to that microphone and speak
19 loudly, clearly, and slowly in order that we can hear
20 everything that you've got to say. Let's start with your
21 full name.

22 MR. STOKES: Michael Stokes.

23 THE COURT: All right. Mr. Stokes.

24 PROFFERED DIRECT EXAMINATION

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1 BY MR. HOLT:

2 Q Officer Stokes, where were you employed on the 8th of
3 June 2012?

4 A At the Hartsville Police Department.

5 Q And what was your position?

6 A As a patrol officer.

7 Q And how did you come to be involved in the murder trial
8 we're having today?

9 A I was called to the incident location to assist officers
10 there and Sergeant McCall.

11 Q All right. And in the furtherance of this assistance,
12 what did you actually do?

13 A At first, I was searching the area of 8th Street back
14 towards Bell Avenue for any signs of, like, blood
15 droppings or shoes.

16 Q And were you going house to house?

17 A At that time, we were not. I was just walking kind of
18 in the roadway, on the side of roads, sidewalk, things
19 like that.

20 Q Did that search, at first, produce any results?

21 A No, sir.

22 Q And why do you think that was?

23 A Because of the darkness. It was hard to see.

24 Q And when the sun came up, did you continue your search?

25 A When the sun came up, we did continue to search.

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1 Q And what did you find?

2 A I, first, found a pair of flip flops that were in the
3 yard, right next to the incident location.

4 Q And that yard is situated on the corner of what streets?

5 A 8th Avenue and Bell Avenue.

6 Q All right. And once you passed that yard and found
7 those flip flops, did you find anything else that y'all
8 kept for evidence?

9 A At that point in time, no, sir. After I found the flip
10 flops I notified Lieutenant Rudick.

11 Q All right. And after you did that, where did you go
12 then?

13 A We started canvassing the area of Bell Avenue just to
14 see if we could locate a witness. At that time, we were
15 going door to door in the 300 block of Bell Avenue.

16 Q And why did you go through the 300 block of Bell Avenue?

17 A Chief Hudson and another city employee, I'm not sure who
18 it was, went to the 400 block.

19 Q All right. So, it was not your decision to go to the
20 300 block?

21 A No, sir.

22 Q All right. And what did you find while in the 300 block
23 and where were you at when you found it?

24 A We were walking on a driveway at 325 Bell Avenue. It's
25 an apartment, a house that was made into several

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1 different apartments. On the right side of the
2 residence towards the rear, kind of in the driveway
3 area, I noticed a cell phone laying there that seemed
4 kind of out of place. So, I picked it up and passed it
5 off to Lieutenant Rudick.

6 Q And at that time, did you know where the subject, who
7 later became the subject, Brannon Bryant, did you know
8 where he lived at that time?

9 A No, sir.

10 Q Okay. And had you had any contact with Brannon Bryant
11 at that time?

12 A No, sir.

13 Q And had any officer above you told you to specifically
14 single out 325 Bell Avenue?

15 A No, sir.

16 Q And it's your testimony here today that you went there
17 just as you were going from home to home?

18 A Yes, sir.

19 Q All right. And what did you do with the cell phone at
20 325 Bell Avenue once you found it?

21 A I gave it to Lieutenant Rudick.

22 Q All right. And are you familiar with the area of
23 Hartsville?

24 A Yes, sir.

25 Q And that specific home, was there anything going through

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1 your mind when you picked that phone up as to why it
2 might be there?

3 A I was unsure if it was, could have been possibly a
4 stolen item. So, we just picked it up at that time,
5 because it was out of place.

6 Q All right. And did you know at that time who that phone
7 belonged to?

8 A No, sir.

9 Q Did you have any suspicion?

10 A No, sir.

11 Q All right. And were you later -- did you later come to
12 find out who lived at that home?

13 A Later on. It was after the victim, I believe after the
14 victim was identified, it somehow came up that her
15 boyfriend or somebody lived at that residence.

16 Q And about how much longer after you found the phone did
17 you find out that information right there?

18 A I'd say close to fifteen, thirty minutes. We'd already
19 left that location after I had turned the phone over to
20 Lieutenant Rudick.

21 Q Okay. And just to be clear, your position is what?

22 A At that time?

23 Q During that time.

24 A It was patrol officer.

25 Q And you were not in investigations.

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1 A No, sir.

2 Q And you were there merely to help the officers, I guess,
3 who would be grades above you?

4 A Yes, sir.

5 Q Okay. And you were in control of nothing really, right?

6 A Right.

7 Q You were just doing what you were told?

8 A I was just assisting.

9 Q All right. Please answer any questions Mr. Neely might
10 have.

11 THE COURT: Defense, you're recognized. Cross-
12 examination.

13 MR. NEELY: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. NEELY:

16 Q Good afternoon, Officer Stokes. You just testified that
17 you were called to the scene. Do you recall what time
18 you were actually called out there?

19 A Somewhere around 5:00 in the morning. I had just signed
20 on. I was the early man out on my shift, which my shift
21 started at 5:00 AM.

22 Q And then you searched the area between 8th and Bell? Is
23 that the area in front of the house in, kind of in that
24 corner area?

25 A Well, it's from the incident location. If you're

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1 looking at the incident location, back to the left,
2 that's just the way I came in. And we were searching,
3 just in that area, seeing if we could find any trails of
4 anything.

5 Q But that area didn't include 325 Bell Avenue? It was
6 kind of just that little corner area right where Bell
7 and 8th intersect?

8 A At first, it was just 8th Avenue and parts of Bell
9 Avenue.

10 Q Okay. And then you went canvassing that area door-to-
11 door to see if you could identify the victim?

12 A Correct.

13 Q What time did that take place?

14 A I'm not sure on the time. I didn't write it in my
15 report. It would have to be after the sun started to
16 come up.

17 Q Who gave you the order to go door-to-door canvassing the
18 area?

19 A From what I recall, Chief said something about, "We need
20 to get some people together to go door to door," to see
21 if we could identify the victim. And at that time,
22 Lieutenant Rudick asked me to go with him.

23 Q Do you know, if, at any time while Chief Hudson was
24 giving you this order, that he had a suspect in custody
25 already?

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1 A There was a person that was detained. I had no idea who
2 it was, that was in Sergeant Fortin's patrol car.

3 Q But there was somebody in custody at that point?

4 A They were, I wouldn't say in custody. I would say they
5 were ---

6 Q Well, was he free to leave?

7 A I really didn't deal with that when I was there. I just
8 knew that they had somebody.

9 Q All right. The cell phone that you found, it was --
10 describe that location for me one more time?

11 A It's in a relatively large house that was made into
12 different apartments and it was kind of in the driveway
13 area. The whole yard is basically dirt. As we were
14 walking kind of around towards the back of the house, it
15 was somewhere in the area, right there where the
16 driveway would be.

17 Q When you say "the back of the house," 325-C, where is
18 that in relation to the rest of the apartment building?

19 A I'm not a hundred percent sure. I think that's at the
20 rear.

21 Q It's at the rear. And was the phone found near there?

22 A It was kind of in between the two apartment doors.

23 Q Which two apartments? If there's "C", there's got to be
24 an "A" and a "B", also.

25 A I'm not sure. If I had the exact layout of the house in

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1 front me, I could tell you.

2 Q But it could have been in front of "C"?

3 A It wasn't in front of either door.

4 Q Okay. You said later on you found out who lived there
5 or you found out who lived in that apartment. You said
6 it somehow came up. Can you explain how it somehow came
7 up that you found out that Brannon lived in that
8 apartment?

9 A After we'd left the incident location, or 325 Bell
10 Avenue, we had no luck finding any witnesses or
11 anything. I believe we were called back to the incident
12 location because the victim was identified at that time.
13 And then, I guess through, somehow, investigations or
14 family statements, they were able to identify that
15 particular location.

16 Q And that was about fifteen to thirty minutes after you
17 found the phone?

18 A Around about that time. I'm not, I didn't have it
19 documented.

20 Q You said there were other people that you do report on
21 there that would know that Brannon was the one in
22 custody and who lived there?

23 A At the time we found the phone, no, we didn't.

24 Q But there were other people on scene that would have had
25 that information?

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1 A Not at that time, no.

2 Q Not at that time?

3 A No.

4 Q All right.

5 MR. NEELY: I don't have any further questions.

6 THE COURT: Any redirect?

7 MR. HOLT: None, Your Honor. Thank you.

8 THE COURT: Anything further from the State with regard
9 to a factual basis?

10 MR. HOLT: Nothing as far as facts. I'm ready to argue
11 my counterpoint.

12 THE COURT: All right. You may return to your seat.

13 MR. HOLT: Judge, I don't know if we told you. I think
14 by mutual agreement we're sequestering all of my witnesses.
15 They're all in the back. Lieutenant Rudick, however, will be
16 my lead investigator.

17 THE COURT: All right. And he will be allowed to stay
18 here. Y'all will agree to that?

19 MR. JONES: Yes, sir.

20 THE COURT: And how about Defense witnesses?

21 MR. HOLT: There's two people in the family I think I
22 need to sequester, per the -- until tomorrow. But I'll
23 certainly talk to them after this motion.

24 THE COURT: All right. And Defense witnesses, will they
25 be sequestered, as well?

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1 MR. JONES: They will be, Your Honor. I think most of
2 our witnesses are the State's witnesses, also.

3 THE COURT: Well, I'm going to not only rule that they
4 can't be present while they're testifying, I'm going to also
5 order that none of the witnesses discuss their testimony with
6 other witnesses throughout the trial. This is a Defense
7 motion. I'll be glad to hear from you with regard to
8 argument.

9 MR. NEELY: Thank you, Your Honor. I believe that later
10 this afternoon when some of the other officers testify, there
11 will be some testimony given that, around 5:00 AM or around
12 5:15 AM, in that area, that Brannon Bryant went from being
13 just a key witness in this investigation to being, not only a
14 crime suspect, but the only suspect in this investigation.
15 They had him in custody. I notice that Officer Stokes
16 testified that he wouldn't call it custody, per se, but he
17 was in the back of a patrol car with no means to get out of
18 that vehicle. He was in interrogation custody, being asked
19 questions repeatedly by various officers, namely Officer
20 Fortin. They had his information. They knew who he was.
21 They knew where he resided. When they went to canvass that
22 area, they knew which apartment was his. That cell phone was
23 found in the area that would be considered the curtilage of
24 his apartment. The exclusionary rule applies when there is a
25 warrantless search. Your Honor, really the purpose of the

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1 exclusionary rule is to deter bad police behavior. They
2 obviously knew that they needed a search warrant for that
3 area. Another officer that is on the witness list will
4 testify later that her sole job during the execution of the
5 search warrant was to search that exact same area. So, they
6 knew that they needed a search warrant. Allowing this cell
7 phone to come in, I believe, would trample on Mr. Bryant's
8 Fourth Amendment Constitutional Rights, Your Honor.

9 THE COURT: All right. Mr. Holt, you're recognized.

10 MR. HOLT: Thank you very much, Judge. To start with, I
11 don't think the Defense has any standing with their argument.
12 I've never heard the term curtilage of an apartment complex.
13 I think it was clear from the testimony that it is a larger
14 house that was divided three ways. There were three families
15 living there and he had one apartment. The officer even
16 testified that the phone was found in a communal parking lot.
17 I don't think anybody who lives in an apartment complex or a
18 home turned into an apartment has standing to object to
19 what's found in the communal parking lot. It would be shared
20 by all, seen by all, and witnessed by all.

21 Secondly, and I guess this would be my last point that I
22 would fall down to. Suppression is a last ditch effort from
23 the Court to correct inappropriate police behavior. And I
24 put Stokes up there, specifically, so Your Honor would know
25 that there was no incorrect behavior here. We had a murder

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1 that happened at 4:00 and at 5:00, officers were out going
2 from door to door saying, "Were you home? You know, if you
3 are a witness to this crime I'd like to speak with you." And
4 if, during the course of that, they go to a house that they
5 do not know the Defendant lives at, the officer who found the
6 phone had no idea who lived there. I think we talked about
7 that. Most of what Mr. Neely is objecting to is the belief
8 that other officers above that young man knew who lived there
9 and I don't think there's any evidence of that on the record.
10 Secondly, I think the record clearly states that Stokes did
11 not know who lived there. So, when he's canvassing house to
12 house looking for witnesses, does Your Honor really want to
13 prevent officers from doing that within the first hour of a
14 murder? Like, essentially, if we were to suppress this
15 evidence the rule would be that when somebody's murdered, you
16 sit there and do nothing until you get a search warrant. But
17 the fact of the matter is, with the evidence they had on him
18 now, they couldn't have got a search warrant anywhere. So,
19 suppression is definitely far and above what the Court should
20 do here. I don't think this evidence should be limited at
21 all. And thirdly, and maybe most simply, I know a little bit
22 about inevitable discovery. The phone's there. It's on the
23 floor. It's in the parking lot of that area. Within a few
24 hours later they were searching that area. It was inevitable
25 that this evidence was going to be discovered anyway. We

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1 didn't get that from Mike Stokes, I don't think. Most of
2 what Mr. Neely's arguing about is that other people knew it
3 an hour later. And if I was to go on that, I would say well
4 certainly within an hour, the Defendant was still in the
5 police car, not under arrest, but simply detained because he
6 was on the scene and knew more than anybody else at that time
7 about what happened to Ms. Thomas. So, I don't think, I
8 don't think there's standing, I don't think suppression
9 applies here, and I think, inevitably, the police would have
10 gotten this information anyway.

11 THE COURT: Anything further?

12 MR. NEELY: Just a couple of points, Your Honor. When
13 Solicitor Holt says that there's no standing, I think that as
14 a leaseholder in one of those apartment complexes, he still
15 has some, he maintains some reasonable expectation of privacy
16 in what would be his yard that he is paying for. It might be
17 a slightly less than reasonable expectation of privacy
18 because he shares that yard with the occupants of apartments
19 "A" and "B", but it doesn't just completely extinguish his
20 reasonable expectation of privacy in that area in front of
21 him.

22 Further, I think, Solicitor Holt kind of mis-categorizes
23 the evidence. I don't think the time frame was exactly as he
24 says. That search took place at least an hour after he'd
25 already been in custody. The sun was up. They were knocking

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1 door-to-door at that point. At that point, he was already
2 the prime suspect in this investigation. They had his
3 information. They knew where he lived. There was no reason
4 for him to go around to that particular apartment knowing
5 that that is where the prime suspect lived. And as Solicitor
6 Holt just said, when he went back there, there was no way
7 that Officer Stokes could have got a search warrant at that
8 point. If he couldn't have gotten a search warrant, then
9 there's no probable cause for him to be there and they have
10 no business being back there anyway. Thank you, Your Honor.

11 THE COURT: All right. I'm going to allow the evidence
12 in, primarily because property that's found in a parking lot,
13 there is no reasonable expectation of privacy. However, if
14 they would have come into his apartment and found it in his
15 apartment or found it in the trunk of his car, in a locked
16 briefcase somewhere, that might be a whole different issue.
17 But given the facts of this case, the way it transpired, that
18 they were going door-to-door, doing a reasonable
19 investigation to try to find out if anybody knew anything
20 about it and then just by happenstance they come across a
21 phone, I don't think that that's improper nor violative of
22 your client's Fourth Amendment Right. And I think that the
23 Inevitable Discovery Rule would apply, as well. So, based on
24 all of those reasons, I find that the evidence is admissible
25 and you're protected on the record.

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1 MR. NEELY: Thank you, Your Honor.

2 MR. HOLT: Thank you, Judge.

3 THE COURT: All right. Any other motions?

4 (Off the record discussion between counsel)

5 MR. JONES: Nothing from the Defense.

6 MR. HOLT: Judge, and what we were just discussing is,
7 currently we're having a video edited of the Defendant's
8 statement to police officers at the scene. One of those
9 officers has moved on to SLED. I have made arrangements for
10 him to testify tomorrow. There are, I believe, sixteen areas
11 where the Public Defender wants things deleted from the
12 record, namely, you know, discussions about the Defendant's
13 past that aren't appropriate in Court and I have acquiesced
14 to, I believe, fourteen of them. There are only two I'm
15 fighting and that motion should not take long at all.

16 THE COURT: All right. And when do you anticipate that
17 being, coming to fore?

18 MR. HOLT: We can do it right before Mike Anderson
19 testifies, because I believe we'll probably have to let you
20 see the parts of the video that are in dispute.

21 THE COURT: All right.

22 MR. HOLT: And he'll have to testify with the video up
23 there, is what I'm saying.

24 THE COURT: All right. And have y'all had an
25 opportunity -- how many witnesses do y'all anticipate calling

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1 today?

2 MR. HOLT: Today, Your Honor, I would like to call the
3 two officers that arrived first, Fortin and Davis. I'd like
4 to call Cheryl McCall. She has also moved onto SLED, but is
5 supposed to be here at two o'clock. I would like to call
6 Kelly Woodham, who will be very brief, and Michael Stokes.
7 So, just five this afternoon and then I would hope to get
8 five more HPD tomorrow before lunch.

9 THE COURT: Good. All right. Do we have all the jurors
10 here by chance? They weren't supposed to be here until two.
11 Let's get a headcount.

12 THE BAILIFF: We lack one more, Judge.

13 THE COURT: All right. We'll wait on them. We'll stand
14 right here until they show up.

15 (Brief break)

16 THE COURT: Have y'all had an opportunity to take a look
17 at some of the evidence that y'all can agree on with regard
18 to introduction? If you have not been able to, y'all might
19 want to start doing that and then at the conclusion of the
20 testimony today y'all might want to take a look at that, as
21 well.

22 (Attorneys discuss the evidence off the record)

23 THE BAILIFF: Are you ready for the jury, Judge?

24 THE COURT: Yes, sir.

25 (Jury in at 1:58 PM)

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1 (The Clerk of Court administers the oath to the jury)

2 INTRODUCTORY REMARKS TO THE JURY

3 THE COURT: Mr. Foreman, ladies and gentlemen of the
4 jury, we're about to begin the trial of the State of South
5 Carolina versus Brannon Bryant. Two different indictments:
6 2013-GS-16-0511, murder; 2013-GS-16-0512, possession of a
7 weapon during the commission of a violent crime.

8 Ladies and gentlemen of the jury, as I mentioned to you,
9 these indictments, they're simply the paperwork that starts
10 an accusation. They have absolutely no evidentiary value,
11 whatsoever. As a matter of fact, as Mr. Bryant sits over
12 there at the Defense table, he's presumed to be just as
13 innocent as me or you. We start from that frame of
14 reference. These are charges that have been levied against
15 him and to these charges he has pled not guilty.

16 When a person is charged and accused of a crime and he
17 pleads not guilty, certain constitutional safeguards come
18 into play. The first of which is, number one, he's presumed
19 to be innocent and the second of which is, the State has the
20 burden of proof. They have to prove each and every element
21 of the offense beyond a reasonable doubt. The State not only
22 has to prove it but they have to prove it to the highest
23 standard of proof known to our judicial system. If you were
24 involved in a, if this were an automobile accident and
25 someone was bringing a civil action to recover damages for

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1 injuries sustained, the plaintiff need only -- if you imagine
2 with me, if you will, the scales of justice where the lady is
3 blindfolded from all bias and all prejudice and holding the
4 scales in the beginning of the trial, the plaintiff in a car
5 accident case would only have to tilt the scales ever so
6 slightly in their favor in order to prevail. Because in that
7 instance, after all, all you're talking about is money.
8 These are important matters. They're dealing with very
9 important matters, peoples' very important constitutional
10 rights. In order for a Defendant to be found guilty they
11 have to prove each and every element beyond a reasonable
12 doubt and I envision that as locking up the scales. They
13 don't have to prove it beyond every doubt but beyond every
14 reasonable doubt, substantial doubt. I will charge you at
15 the conclusion of the case the definition of reasonable
16 doubt.

17 Ladies and gentlemen of the jury, we're going to, at
18 this juncture, begin the trial of the case and I want to give
19 you a little bit of an idea about what to expect. First of
20 all, Mr. Holt, who represents the State is going to stand up
21 and give you sort of an overview of the case. He's going to
22 tell you what the evidence is he intends to prove and the
23 position that he takes. The Defense, Mr. Jones, is going to
24 have an opportunity to give an opening statement as well.
25 But the Defendant doesn't have to give an opening statement

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1 because as I mentioned to you, the burden of proof is on the
2 State. The Defendant need not give an opening statement,
3 they need not testify, and they need not present any
4 witnesses, because after all, all of us in our everyday lives
5 have been accused of something and it's absolutely impossible
6 to prove your innocence. In the United States of America
7 when you're accused of a crime, you can't be hauled into a
8 forum and required to prove your innocence. That's not the
9 way it works in the United States of America. The State has
10 to prove the case beyond a reasonable doubt. But the
11 Defendant's going to be given an opportunity to give an
12 opening statement if they elect to do so. I anticipate they
13 will.

14 Then after that, we'll begin the taking of testimony,
15 the presentation of evidence. Once again, the Solicitor goes
16 first. They have the burden of proof. They will call
17 witnesses that come from this witness stand. The witnesses
18 will put their hand on the Bible, swear to tell the truth and
19 the lawyers will ask them questions that are relevant to this
20 case. Pay very close attention as they answer the questions.

21 Ladies and gentlemen, you have a very important job to
22 perform in this trial. You are going to be the triers of
23 fact. You are going to be the ones who listen to the
24 testimony and determine what the truth is. In every case
25 that's tried in this courthouse, and every other courthouse

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1 in the United State's of America, there's a question of fact.
2 And those are going to be the difficult questions that you
3 have to answer. You are the arbiter of the facts and I'm the
4 arbiter of the law. You're the ones that are going to be
5 called upon to listen to the factual evidence presented in
6 this case and determine what the truth is. My job is
7 different than that. I make a determination as to what
8 evidence you get to hear, I preside over the trial, and at
9 the conclusion of the case, I charge you the law.

10 Ladies and gentlemen of the jury, as the triers of fact,
11 you're necessarily going to be called upon to evaluate the
12 credibility of witnesses who testify. The law is very clear
13 and I'll charge you at the conclusion of the case about that.

14 But just to give you a preview, first of all, when
15 you're evaluating the credibility of a witness, use your good
16 common sense. You can believe one witness against many. You
17 can believe many against one. You can believe all of what a
18 witness says, none of what a witness says, or a portion
19 thereof. Ask yourself when a witness testifies what
20 opportunity they had to observe the things to which they're
21 testifying to. Ask yourself whether or not they have an
22 interest or a bias or a prejudice with regard to their
23 testimony. And sometimes, most importantly, the law tells
24 you that you have the opportunity to take into consideration
25 a witnesses' demeanor. You know, all of us who have teenage

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1 children, sometimes it's important to hear what they tell us,
2 but sometimes it's more important to pay attention to how
3 they tell us, the way they act, whether or not they're
4 nervous. Pay very close attention and evaluate that. You,
5 in your everyday lives, have the ability to evaluate
6 credibility of witnesses and you, in your collective wisdom,
7 will be called upon necessarily to do that.

8 The presentation of evidence will come in the form of
9 the State going first. The Defendant, if they elect to do
10 so, they aren't required to do so, but if they elect to
11 present evidence, they're going to be given an opportunity to
12 do that, and then, since the State has the burden of proof,
13 if there's any reply testimony after the Defense were to go
14 forward, if they elect to do so, then they can call some
15 reply witnesses and at the conclusion of that the parties
16 will have an opportunity to give closing arguments. Closing
17 arguments will be very similar in form to opening statements.
18 They're going to be where the lawyers stand before you and
19 give you a summary presentation, but the closing arguments
20 are different than the opening statements because at that
21 time, you'll have heard all of the evidence and these lawyers
22 who are advocates for their particular position are going to
23 be able to point out to the evidence that supports their
24 relative positions. Now, what they have to say is not
25 evidence but it will aid you immensely in your deliberation

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1 process. So, I'm going to ask that you pay very close
2 attention.

3 At the conclusion of the closing arguments, I'll charge
4 you the law. Once again, Mr. Foreman, there'll be no
5 discussion about the case, no discussion about the lawyers,
6 no discussion about what a witness says. I'm going to ask
7 that you enforce that rule. None of that's going to take
8 place during the periods of time that you're not in the
9 courtroom and I will tell you when you can begin
10 deliberations.

11 Given the nature of this case, the subject matter of the
12 case and the length of this case, I'm going to ask that you
13 not take notes, but that's going to require that you pay very
14 close attention to the evidence as it comes from the witness
15 stand and there's a reason for that. Some people take notes.
16 Some people don't. And it's -- you're going to be called
17 upon to listen to the evidence and render a verdict that
18 speaks the truth. You're going to have to find out what the
19 facts are.

20 I want to admonish you from the very beginning that my
21 job as the arbiter of the law, if I make a mistake with
22 regard to letting in the evidence or keeping evidence out
23 that should get in, those errors are easily corrected.
24 However, if there's an error in the findings of fact, which
25 is your job, quite often those never can be corrected. These

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1 are important matters. It's important to the State of South
2 Carolina. It's important to the Defendant. I'm going to ask
3 that you pay very close attention and you've taken a very
4 solemn oath to do that and we're going to ask that you do
5 that. I'm going to recognize the State, Mr. Holt.

6 MR. HOLT: Thank you very much Your Honor. May it
7 please the Court. Mr. Jones, Mr. Neely.

8 OPENING STATEMENT - MR. HOLT:

9 On Thursday, June 7, 2012, Shannon Patrice Thomas was
10 off work. When she was off work, she liked to have a good
11 time. She was going out with her friends that night.
12 Earlier in the afternoon, her mother stops and visits her on
13 Bell Avenue, kisses her goodbye. No idea that in less than
14 twelve hours, somewhere between 4:19 the following morning,
15 June 8th, and 4:40 when the police got there, that her
16 daughter was going to be brutally beat about the face and
17 murdered by the Defendant, Brannon Bryant.

18 Throughout the course of this trial, I'm going to be
19 explaining to y'all why I know he did that. We're going to
20 look at the DNA that was found on his shirt. You're going to
21 see his DNA found under her fingernails as she fought for her
22 life. You're going to hear about the phone calls that were
23 made, about the three different stories that were told from
24 Brannon Bryant to the various people that would listen to
25 him. You're going to hear and see the scratches that were on

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1 his arms. You're going to get most of your evidence from
2 that witness stand. You're going to get some of it from this
3 console. You're going to get all of it through me.

4 Ladies and gentlemen, what you're going to do this week
5 is not going to be fun and it's not going to be easy and it's
6 not going to be something you're going to want to repeat.
7 But what we do here this week is our duty as Americans.
8 Because in America the government just can't come pick you up
9 and say you did something. In America, you are innocent
10 until the government proves it otherwise.

11 But that's not going to be the thing that we're worrying
12 about this week. There won't be a single one of y'all, when
13 this is over with, that doubts that Mr. Bryant did this.
14 What you're going to be going into that room to argue about
15 is reasonable doubt. And all I'm going to tell you about
16 that until the closing is, that reasonable doubt is not some
17 boogy man that people like me back down from. Reasonable
18 doubt is a high burden. Reasonable doubt is something that
19 other nations don't know anything about. But reasonable
20 doubt is not something that cannot be overcome and the DNA in
21 this case will prove everything.

22 What I'd ask from you is to remember your oath and
23 remember what you're here for. You're here to pay attention
24 to the evidence and you're here to follow the law. And at
25 the end of the trial it won't matter what we think or believe

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1 or want the truth to be. It will be what the evidence we get
2 from there and from here shows us and that evidence is going
3 to show us, beyond a reasonable doubt, beyond any doubt, that
4 the man standing over her dead body when the police got there
5 is the man who killed her and that's the man who's in that
6 chair right now.

7 And aside from worrying about the reasonable doubt, I
8 want everybody to know that we're not looking for a why.
9 Because why you stab a twenty-five year old woman four days
10 before her twenty-six year old birthday, why that woman after
11 having a good time with her friends all day has to bleed out
12 less than a tenth of a mile from her party, bleed out on a
13 strangers doorstep, somewhere she never knew she'd end up in
14 the middle of the night, you're not going to know why. You
15 know why? Because good people can't understand that. And
16 there won't be y'all walking away from here with a good
17 feeling and this will not be an easy week. But if you bear
18 with me, hopefully it'll be a little more interesting than
19 your jury selection. Thank you so much.

20 THE COURT: Thank you, Mr. Holt. Mr. Jones, you're
21 recognized.

22 MR. JONES: Thank you, Your Honor. Solicitors.

23 OPENING STATEMENT - MR. JONES:

24 Mr. Foreman, ladies and gentlemen of the jury, my name's
25 Rick Jones. I think I mentioned that when you were being

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1 qualified. Mr. Paul Neely and I have the privilege this week
2 to represent Mr. Brannon Bryant.

3 I want to do three things today. The first thing is, I
4 want to repeat three things His Honor started this trial
5 with. Number one: anybody; me, you, anybody at all, and
6 specifically this week, Mr. Brannon Bryant walks into this
7 courtroom presumed to be innocent. Okay. Y'all have seen it
8 on TV. Y'all have read it. Presumed to be innocent. It's
9 not just a phrase. It is the bedrock of criminal
10 jurisprudence in the United States of America, number one.

11 Number two, when a person is charge with a crime, as Mr.
12 Bryant is here today, as His Honor said, he doesn't have to
13 prove anything because it's the United States over about two
14 hundred and forty years of its existence in its criminal law
15 has said, as the Judge said, you can't walk in here and
16 disprove something. You can't prove you're innocent. So,
17 the State -- Mr. Holt calls himself the government and that's
18 fine. The State has, the number two phrase I want you to
19 remember, the burden of proof. All right? They have the
20 burden to prove any person charged with a crime guilty. With
21 the third phrase, I want -- every time I get a chance to talk
22 to you, I'm going to mention these three. The third phrase
23 is the standard that they have to bear. The burden of proof
24 that they have is that they have to prove that whoever is
25 charged with a crime is guilty beyond a reasonable doubt.

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1 All right? So, we're presumed to be innocent when we walk
2 into a criminal court. The government, in this instance, the
3 State, has the burden of proof proving that person is guilty
4 of whatever crime has been charged and the standard that they
5 must meet is beyond a reasonable doubt.

6 Now, Mr. Holt told you he's not afraid of any of that,
7 particularly the beyond a reasonable doubt part of it. No
8 need to be afraid. What you have to do is you have to be
9 aware of it and if you will stay focused on, if not all
10 three, the burden of proof part that Mr. Holt said don't
11 worry about that, we'll come back and talk about that later.
12 But if you'll think about that every time somebody gets up in
13 that chair and starts to talk and every time a piece of
14 evidence is presented or it comes on the screen, wherever it
15 is presented to you, however it's presented to you, if you'll
16 think about that, beyond a reasonable doubt, I submit that
17 you'll have a different decision, you'll come to a different
18 conclusion at the end of this trial than Mr. Holt does.

19 Now, he's correct. About two-and-a-half, about two
20 years and two months ago on June the 7th, 2012, in the City
21 of Hartsville, in a neighborhood that's not so nice, the
22 corner of 8th Street and Bell Avenue, between Bell and
23 Sumter, in the City of Hartsville, a young lady was killed.
24 Mr. Holt said, and you'll see up here, (indicating), she died
25 on the step, on the front step of a house at 305 8th Street.

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1 Didn't know immediately, but later it was found out that she
2 had been stabbed and one of the stab wounds caused her death.
3 She died on the front step, sometime around 4:30 in the
4 morning, 4:30 to 4:40. The reason we know that is because
5 the lady -- there was a lady in that house. She didn't live
6 there. Her daughter lived there and she was there
7 babysitting with her grandchildren because her daughter was
8 at work. She worked a third shift and so she wasn't home.
9 So grandmama was staying with the kids. Around 4:30 there's
10 a bumping noise that she hears and the children hear. It
11 wakes them up. When they kind of figure out what's going on,
12 she goes to the front. She looks -- one of the children, I
13 think, says, "Mama, there's a lady on the step." I think she
14 actually has to -- through the peephole of her door, she has
15 to go somewhere else to look out of the door and sees a lady,
16 sure enough, on the front steps. No idea what her condition
17 is, but very wisely picks up the telephone and calls 9-1-1.
18 Within minutes -- we're probably four blocks from the police
19 station -- within minutes, the police arrive. When they
20 arrive, Mr. Brannon Bryant is either in the yard or up on the
21 step looking at the body and I think you'll see a picture, if
22 I'm not mistaken, of the front yard and the front yard
23 probably is from me to the wall, right there. A very tiny
24 front yard. Very tiny front yard.

25 Mr. Bryant, as the police come up, begins to talk to the

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1 policemen, very excited, apparently very intoxicated, and
2 begins to tell them what he has seen, what he has heard, what
3 he knows. They said, "Fine, stick him in the police car."
4 All right? Periodically, they come back to listen a little
5 bit to what he's got to say and they begin their
6 investigation.

7 Now, I've practiced law in and around Hartsville since
8 1986, and I know all of these police officers. Good
9 officers. You're going to hear from a number of them about
10 what their role in this particular case happened to be.
11 Unfortunately, in this case, because when the two officers
12 who responded first and then the numerous officers that came
13 later, when they came up and Mr. Bryant's in the police car
14 and the officers begin talk among themselves and they say
15 well, Mr. Bryant was up there looking at that body. Within
16 minutes they've got this case solved. No problem. The man
17 who's up there looking at the body is the one who did it.
18 And from that point until today, every thing -- I'll submit
19 to you, every thing that the Hartsville Police Department did
20 was not to find out what actually happened, but to pile on
21 whatever evidence they could to back up the initial decision
22 they made within five, ten, fifteen minutes of arriving at
23 the scene, that the man who was standing there, Mr. Bryant,
24 did it and you're going to hear a lot of evidence.

25 However, if you will do this for me, as you're listening

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1 to what is presented, I want you to think about what is not
2 presented and at the conclusion of the case, I'll have a
3 chance to talk to you again. And during my preparation for
4 this trial, what I just said became painfully apparent and I
5 think it's going to become apparent to you also. When that
6 fact is apparent to all, and I challenge you, as you listen
7 to the evidence, I want you to listen for the point in time
8 when it is beyond a reasonable doubt that nobody at
9 Hartsville Police Department is looking for someone else who
10 did this. All they are doing is trying to prove their
11 original hypothesis, which is, Mr. Brannon Bryant did it
12 because he was there. There's evidence. He talked to them
13 again, fairly intoxicated, about what he saw. "I'm walking
14 down the street. People are running, people are screaming.
15 I go back to my apartment" -- which is right around the
16 corner from where this young lady died -- and I see, I hear
17 none of that." None of it. None of that was investigated.
18 Not one bit. And I think you'll see what I'm talking about
19 at the conclusion of this case. All they're interested in is
20 how can we prove Mr. Brannon Bryant, who was standing over
21 that body, did this.

22 I don't think anybody, maybe one or two, on this jury is
23 as old as I am, but I had a little toy when I was young, and
24 I think they still make them. Mine was wood but I think most
25 of them now are plastic and they had a lot of shapes that fit

1 in slots. Mine had a star and had a circle and had a square
2 and had a rectangle and into those particular slots you had
3 to figure out which piece of block fit. The star piece
4 obviously went in the star slot. The round piece went in the
5 round spot. The square piece went in the square spot.
6 Interestingly enough, I think you'll see as the testimony is
7 presented, during the investigation of this case by the
8 Hartsville Police Department, the pieces of evidence that
9 they were finding, the round pieces, the square pieces, the
10 star pieces, they weren't fitting in the holes. So, they
11 were getting jammed in the holes. The square piece might
12 have gotten in the round piece, but you had to trim some of
13 the sides off. And it just wasn't working out.

14 Now, I'm not here to tell you there is no evidence that
15 Mr. Brannon Bryant was involved in this case. I'm just not
16 going to do it. He was standing over the young lady when the
17 police came up on the scene. However, I think that you're
18 going to hear that Mr. Bryant and the young lady had a
19 relationship, that they had had intercourse, that they had
20 had numerous opportunities to be together where the DNA,
21 which is going to be presented -- you're going to see people
22 up there. Everybody's got to see DNA in a trial, because we
23 have it on television and when we don't have it, we don't
24 have a case, period. And every night on at least one or two
25 shows, you've got to have DNA evidence or they can't prove

1 their case. We've got some DNA evidence. You're going to
2 find that young lady had some DNA under her fingernails that
3 more than likely belonged to Mr. Bryant. You're going to
4 find that there was a spot on his shirt that was probably her
5 DNA. You're also, I think, going to hear that during the
6 evening, either the late evening of the 7th or the early
7 morning of the 8th, that Mr. Bryant and Ms. Thomas had
8 numerous dealings with each other, including sexual
9 intercourse, which would explain where that DNA came from and
10 we're going to hear it from the DNA people that come up here
11 from SLED to testify.

12 So, we don't have a slam dunk as the Hartsville Police
13 Department thinks that they have, because this case didn't
14 get solved within the first five minutes of the
15 investigation. In fact, when we finish this case, I'll
16 submit to you they didn't solve it at all.

17 I look forward to working with you. I would ask, as the
18 Judge has asked, because of your job in this situation is to
19 be the finders of the fact, that -- you're the only people
20 that can do that. Everything that's presented here during
21 this case has to be processed by you and then unanimously, at
22 some point in time after the Judge gives you this case, are
23 going to have to determine what happened. As you do that,
24 I'm going to ask you, not only to look at what is presented
25 but what is not. And that, ladies and gentlemen, is where

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1 reasonable doubt enters into the situation. Thank you.

2 THE COURT: Thank you, Mr. Jones. All right. Mr. Holt,
3 you may call your first witness.

4 MR. HOLT: Thank you very much, Judge. If it please the
5 Court, could we get David Fortin from the back, please?

6 THE COURT: Mr. Fortin, I'm going to ask if you could,
7 to come forward in front of the Clerk, place your left hand
8 on the Bible and raise your right hand as the clerk
9 administers the oath.

10 (After being duly sworn by the Clerk of Court,
11 **DAVID FORTIN** testified as follows:)

12 THE COURT: I ask you to have a seat in the witness
13 chair, pull up real close to that microphone and speak,
14 loudly, clearly, and slowly in order that we can hear
15 everything that you've got to say and let's start with your
16 full name.

17 MR. FORTIN: David Paul Fortin, II.

18 THE COURT: Spell that last one.

19 MR. FORTIN: F-O-R-T-I-N.

20 DIRECT EXAMINATION

21 BY MR. HOLT:

22 Q All right. And Mr. Fortin, where were you employed on
23 the 8th of June, 2012?

24 A The City of Hartsville Police Department.

25 Q And how long had you been in law enforcement at that

1 time?

2 A Approximately, fifteen years.

3 Q All right. And what was your position at that time?

4 A I was a corporal in the patrol division.

5 Q And could you explain to us what being in the patrol
6 division, what your duties normally are and what's
7 expected of you.

8 A As a member of the uniform patrol division my duties
9 included patrolling the areas of the city, enforcing all
10 laws and city ordinances, therein.

11 Q All right. And how did you become involved in the
12 matter at hand, the murder of Shannon Thomas?

13 A I was called to the scene, sir.

14 Q And you were called to the scene by whom?

15 A By Dispatch.

16 Q And what were you told was awaiting you at the scene?

17 A It was dispatched to us as a drunk.

18 Q Okay. And about what time did you arrive at the scene?
19 Do you know?

20 A My recollection is approximately 4:40.

21 Q All right. Can you tell us the address for where you
22 were dispatched to?

23 A 305 South 8th Street.

24 Q All right. And how far away were you from there when
25 you received this phone call?

DIRECT EXAMINATION OF OFFICER DAVID FORTIN BY MR HOLT

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1 A I would estimate it's about, less than a quarter of a
2 mile.

3 Q Did anybody get there before you?

4 A Yes, sir. Officer Alan Davis was right before me.

5 Q And about how close were you to him?

6 A Within a car length. We left the office at the same
7 time.

8 Q And y'all got there at the same time?

9 A Yes, sir.

10 Q All right. And did y'all take the same route?

11 A Yes, sir.

12 Q Along the way, did you notice anyone?

13 A No, sir. I saw no one walking.

14 Q Did you see anybody with any braids out of the "no one"
15 that you saw?

16 A No, sir.

17 Q All right. And you said that Officer Davis was at the
18 scene. Did you notice anybody else at the scene?

19 A Yes, sir.

20 Q And who else was there?

21 A The subject we later identified as Mr. Bryant.

22 Q All right. And what was he doing when you got there?

23 A When we arrived at the scene, he was standing near the
24 porch at the, near her foot, where the subject was
25 lying.

1 MR. HOLT: Your Honor, would it be okay if he could
2 stand up and demonstrate about how close he saw Mr. Bryant to
3 the body?

4 THE COURT: Certainly. You may.

5 A (Witness complies)

6 Q First off, start by telling us where the body was.

7 A The body was laying, actually, on the porch, if you
8 could call it a porch. It's actually more like a stoop
9 with two or three stairs to it, with a little bit of an
10 overhang.

11 Q Okay.

12 A This would be pretty close to, I guess it was, a set of
13 stairs. He was off the stairs about ---

14 Q Let's just pretend that those stairs right there at the
15 top of that is the stoop and then show us exactly how he
16 was standing.

17 A I would put that he would be standing at the table.

18 Q Okay.

19 A Pretty much leaned over.

20 Q So, pretty much leaning over her body?

21 A Yes, sir.

22 Q Okay. All right. You can go ahead and be seated.

23 A (Witness complies)

24 Q And did you speak to, did you have a chance to speak to
25 the Defendant?

DIRECT EXAMINATION OF OFFICER DAVID FORTIN BY MR HOLT

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1 A Yes, sir.

2 Q And what did the Defendant tell you?

3 A Well, upon our arrival he initially told me he had just
4 found her there. He said, "I just found her here".

5 Q All right. Was the Defendant in the roadway flagging
6 you down?

7 A No, sir.

8 Q Okay. So, the Defendant was over the body.

9 A Yes, sir.

10 Q Did he notice you walking up?

11 A No, sir. He was -- I believe he saw us when we drove
12 up.

13 Q Okay. All right. So, he saw you when you drove up and
14 then he immediately started talking to you?

15 A He was at that position I told you about. As we
16 approached him, he backed up a little bit and said, "I
17 just found her here".

18 Q Okay. And what did he tell you he was doing that night?

19 A Later, he told me that he was coming back from Hartwood
20 Village, a party at Hartwood Village, and that he had
21 neared the corner there at Marlboro and 8th Street and
22 he said he had saw two people running ---

23 Q All right.

24 A --- and later heard a girl screaming.

25 Q And about how long had you been working in Hartsville at

1 that point?

2 A Close to four-and-a-half-years, sir.

3 Q And are you pretty familiar with the area?

4 A Yes, sir.

5 Q All right. And if you could come here ---

6 MR. HOLT: Judge, if it would be all right for him to
7 stand up?

8 THE COURT: Yes.

9 Q And if you could show, show the jury using this, about
10 where 305 South 8th Street is.

11 A South 8th Street is right about here. (Indicating on
12 large chart facing the jury)

13 Q All right. It's been marked.

14 A Yes, sir.

15 Q And where is Marlboro Avenue?

16 A It's two streets up, right here. (Indicating)

17 Q So, he was telling you that he was coming from what
18 direction?

19 A He told me from Hartwood Village, so he would have been
20 coming, that's going to be West on Marlboro.

21 Q Would he have been coming this way?

22 A Yes, sir.

23 Q On Marlboro Avenue?

24 A Yes, sir.

25 Q And then he'd have to make a turn about here?

DIRECT EXAMINATION OF OFFICER DAVID FORTIN BY MR. HOLT

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1 A If you stand at the corner here you can see pretty far
2 down the street.

3 Q All right. And which way did you approach from?

4 A We came up Marlboro Avenue. Here's 6th Street and we
5 actually came up 6th Street, took Marlboro, and then
6 turned right.

7 Q Now, did you see anybody running away from there?

8 A No, sir, we saw no one.

9 Q All right. Now, if I was to ask you -- you can go back
10 up there now.

11 A (Witness returns to witness stand)

12 Q I want to show you what's been marked as State's
13 Exhibit #7 and I'm going to ask you, without telling the
14 jury what it is, have you seen it before?

15 A Yes, sir.

16 Q All right. And since the last time you've seen it, have
17 there been any changes, alterations or deletions made?

18 A No, sir.

19 Q All right. Can you tell the jury what that is?

20 A That is the digital recording from my in-car video.

21 Q All right. And if you could hand me that back. And
22 could you explain to the jury what an in-car video is
23 and what the reason for having it is, what you did with
24 it, and how you utilized it in this case.

25 A The in-car video system is, in my car, it's a digital

1 system. There's a camera that's attached to the inside
2 of the windshield that observes anything in forward
3 view. There's also recording devices in the car that
4 can record my utterances or any subject utterances in
5 the car.

6 Q And did you use that in this instance?

7 A Yes, sir.

8 Q All right. Now, just forget about this for a minute and
9 let's go back to what we were talking about. When you
10 get there, the Defendant's there.

11 A Yes, sir.

12 Q You start talking to him. He told you the direction he
13 was coming from. What did y'all talk about after that?

14 THE COURT: Might we take up a matter of law? Mr.
15 Foreman, ladies and gentlemen of the jury, I'm going to ask,
16 if you could, to retire to the jury room but do not discuss
17 the case. Do not discuss the case.

18 THE BAILIFF: Come this way, please.

19 (Jury out at 2:35 PM)

20 THE COURT: I know that y'all have been preparing this
21 case for a good while and y'all probably have a good
22 understanding as to what might or might not have been a
23 custodial interrogation, but it seems to me it's always a
24 better course of action for everybody, if there are going to
25 be statements made by the Defendant, that we have a Jackson

DIRECT EXAMINATION OF OFFICER DAVID FORTIN BY MR HOLT

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1 v. Denno hearing. What is your position on that, Mr. Holt?

2 MR. HOLT: I think we could have it right now with the
3 one witness I have, Judge. I think that would be fine with
4 me.

5 THE COURT: Okay. And what is your position?

6 MR. JONES: Judge, my understanding, and what I thought
7 I was consenting to earlier is, that there is going to be a
8 clip shown of the officer asking Mr. Bryant to sit in the
9 back of the car and showing that the officer didn't touch Mr.
10 Bryant and then there's going to be a clip of him talking on
11 the telephone.

12 THE COURT: Him, being who?

13 MR. JONES: Him, being Mr. Bryant, talking on his
14 telephone.

15 THE COURT: I think those are, indeed, Defendant
16 statements and the law is very clear that if there's going to
17 be a statement made by a Defendant, we need to have a Jackson
18 v. Denno hearing and now is a good time to do that.

19 MR. HOLT: Okay.

20 THE COURT: And clearly, it sounds to me on its face
21 that those are not subject to interrogation, but we need to
22 find out what the circumstances are and we need to make those
23 findings.

24 MR. HOLT: Yes, sir.

25 THE COURT: Mr. Holt, you're recognized.

1 MR. HOLT: Thank you very much.

2 JACKSON V DENNO HEARING

3 DIRECT EXAMINATION

4 BY MR. HOLT:

5 Q You said you got to the scene.

6 A Yes, sir.

7 Q Was the Defendant there?

8 A Yes, sir.

9 Q And did you speak with him?

10 A Briefly, yes, sir.

11 Q And why did you speak with him?

12 A Well, he was on the scene. I wanted to know what was
13 going on, what he'd seen. Being that we were in such a
14 situation that we had to secure the scene, we asked him
15 to sit in the patrol car so we would be able to know
16 where he was at.

17 Q Did you put handcuffs on him?

18 A No, sir.

19 Q Did he confess to anything?

20 A No, sir, he didn't.

21 Q And essentially, what did he tell you when you got
22 there?

23 A He told me -- when we first got there, he told me, "I
24 just found her".

25 Q All right.

DIRECT EXAMINATION OF OFFICER DAVID FORTIN BY MR. HOLT

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1 A That was his exact statement, "I just found her here".

2 Q Where did he tell you he was coming from?

3 A Hartwood Village.

4 Q And at any time, did you offer him any incentive to tell
5 you anything?

6 A No, sir.

7 Q And is it your testimony today that you did tape a
8 police camera copy using your in-car video of the
9 conversation you have with him where you elicited those
10 statements?

11 A Yes, sir.

12 MR. HOLT: Judge, at this time I'd like permission to
13 play those statements as well as the surrounding actions to
14 Your Honor so that you can be made aware that there was no
15 coercion and that there was no threat of force. Also, Judge,
16 to point out that he was not in detention at that time. When
17 these initial statements are made, he's merely the first
18 witness there to the scene. I'll play that for you now and
19 direct the television to you.

20 (Whereupon, a portion of State's Exhibit 7, an in-car
21 video, is published for the Court.)

22 MR. HOLT: And as you can see, Judge, essentially that
23 is less of an interrogation and more of video in the way to
24 show that Officer Fortin did not touch the Defendant when he
25 put him in the car and I think what the State's offering that

1 for is proof positive that the first person on the scene did
2 not contaminate it, because you saw their brief interaction.

3 Now, the second video is, I guess could be considered a
4 statement by the Defendant. It is a phone call the Defendant
5 makes from his own personal phone while he's in the back seat
6 of the officer's car.

7 (Whereupon, a second portion of the in-car video,
8 State's Exhibit #7 is published for the Court.)

9 MR. HOLT: And that's the extent of the statement I want
10 to play. And I think you can hear from either statement,
11 yourself, the Defendant's not in custody. The Defendant does
12 not believe himself to be in custody. And, you know, my
13 other argument would be that what right to privacy does
14 anybody have in the back of a police car and I think there's
15 case law that states the fact that no one does have privacy
16 in the back of a police car.

17 THE COURT: Yes, sir.

18 MR. JONES: Judge, had Mr. Holt intended to introduce
19 the entire video from start to finish, we would certainly, we
20 would have vigorously objected, because the fact is, Mr.
21 Bryant was in custody because he was not free to go.
22 However, because there are two only clips that he wanted to
23 play, we have consented to those two clips.

24 THE COURT: All right. Well, in view of the -- they are
25 admissible, number one, because you've agreed to do so.

DIRECT EXAMINATION OF OFFICER DAVID FORTIN BY MR. HOLT

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1 MR. JONES: Yes, sir.

2 THE COURT: But secondly, there are a number of cases,
3 one of which comes to my mind is State versus Turner,
4 §371 S.C. 595, where two co-defendants were talking in the
5 back of a car, and this is not subject to an interrogation.
6 I, specifically, find that he is not in custody while in the
7 back of the car. Given the amount of time that this
8 particular statement is being played, he was not there for an
9 inordinate amount of time. There's certainly no pressure.
10 These were voluntary statements made, not subject to
11 interrogation. Therefore, Miranda is not required. And so,
12 based on your agreement and my findings with regard to the
13 circumstance, which requires that even if you did object, I
14 would find them to be admissible for those reasons. So,
15 those are indeed admissible. All right. Anything further
16 from anybody?

17 MR. HOLT: Nothing from the State, Judge.

18 THE COURT: All right. Very good.

19 (Jury in at 2:48 PM)

20 THE COURT: Mr. Holt, you're recognized.

21 MR. HOLT: Thank you very much, Judge.

22 CONTINUED DIRECT EXAMINATION OF OFFICER FORTIN BY MR. HOLT

23 Q Officer Fortin, if I've previously asked you something
24 and lose my place, please forgive me, but I think we
25 were at around the time you asked the Defendant to step

1 into your patrol car. When you got to the scene you saw
2 him, you spoke with him briefly, and what did he tell
3 you?

4 A Well, he told me he'd just found the subject there, the
5 victim there, and he later told me that he was walking
6 home.

7 Q Where did he say he was walking home from?

8 A Hartwood Village, sir.

9 Q What did he say he was doing there?

10 A He said he was at a party there.

11 Q Okay. After he told you this, what did you do then?

12 A We put him, we went ahead and put him in the back of
13 Officer Davis' patrol car.

14 Q And why did you do that?

15 A Basically, he's -- at that time, we felt he was a
16 witness, at the very least, a witness to the event and
17 we were busy securing the scene. So, we did not want
18 him to get gone before somebody could talk to him.

19 Q And when you placed him in Officer Alan's {verbatim}
20 car, did you touch him?

21 A No, sir.

22 Q And previous to placing him in the car, had you touched
23 the body?

24 A No, sir.

25 Q All right.

DIRECT EXAMINATION OF OFFICER DAVID FORTIN BY MR. HOLT

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1 MR. HOLT: And, Judge, at this time I'd like permission
2 to play the aforementioned video.

3 THE COURT: Any objection from Defense?

4 MR. JONES: No, sir. No, sir, that's fine.

5 THE COURT: You may publish it.

6 (Whereupon, State's Exhibit #7 was published for the
7 jury.)

8 Q (video playing) Could you tell the jury why they're not
9 hearing volume right now?

10 A Most likely, I didn't hit the record button at that
11 point.

12 Q So, when you do hit the record button, we'll be able to
13 hear what was talked about?

14 A Yes, sir. Should be able to hear everything.

15 Q And once again, this is video of you getting to the
16 scene?

17 A Yes, sir. We had just arrived.

18 Q (Stops video) All right. So, at that time you hadn't
19 touched her?

20 A I had never touched her.

21 Q And you also had not touched the Defendant?

22 A That's correct.

23 Q All right. Is it pretty standard to run your car video?

24 A Yes, sir.

25 Q Like that?

1 A Yes, sir. Usually on scenes or traffic stops or when we
2 have somebody in the car. Yes, sir.

3 Q All right. Now, after this happened right here, what
4 else did you do while at the scene?

5 A I contacted my Sergeant, Sergeant McCall.

6 Q Why did you do that?

7 A Well, she's the on-duty supervisor and we needed her at
8 the scene to start directing.

9 Q All right. What happened after that?

10 A We established a perimeter and we got EMS on the way and
11 she started making, I know Sergeant McCall started
12 making calls to the investigators. Primarily we just,
13 you know, barricaded the scene off and tried to prevent
14 contamination.

15 Q All right. And at any time -- and I'm all confused now.
16 But you've already covered where he told you he was
17 coming from, right?

18 A Yes, sir.

19 Q All right.

20 MR. HOLT: Your Honor, at this time I'd like to show the
21 second part of that video.

22 THE COURT: Any objection from the Defendant?

23 MR. JONES: No, sir.

24 (Whereupon, a second portion of State's Exhibit #7 was
25 published for the jury.

DIRECT EXAMINATION OF OFFICER DAVID FORTIN BY MR HOLT

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1 Q (Video playing) Whose music is that?

2 A That's in my car with the radio on.

3 Q Who's in your car at this time?

4 A Mr. Bryant.

5 (Mr. Holt pauses video)

6 Q Did the Defendant flag you down?

7 A No, sir.

8 Q Was there any stores anywhere in the neighborhood he
9 could have gotten cigarettes from at that hour?

10 A No, sir.

11 (Mr. Holt resumes video)

12 (Mr. Holt stops video)

13 Q No place to buy cigarettes from, correct?

14 A No, sir.

15 Q Okay. All right. Who finally, and you can look and see
16 what time your video was right here, it says 6:13.

17 (Indicating) Who finally put handcuffs on the
18 Defendant, do you know?

19 A The -- Chief Hudson.

20 Q Okay. And when you first got him, was he your main
21 suspect like we heard Mr. Jones talk about?

22 A No, sir.

23 Q Okay. All right. Thank you very much, Officer Fortin.
24 Please answer any questions Mr. Jones might have.

25 A Yes, sir.

CROSS EXAMINATION OF OFFICER DAVID FORTIN BY MR JONES

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1 THE COURT: Cross-examination.

2 MR. JONES: Thank you, sir.

3 CROSS-EXAMINATION

4 BY MR. JONES:

5 Q Mr. Fortin, you say you'd been with the Hartsville PD
6 for about four years prior to this?

7 A At that point, yes, sir.

8 Q Okay. How many times had you been in that neighborhood
9 before?

10 A Literally, thousands.

11 Q That's not a very nice neighborhood, is it?

12 A No, it's not known for that.

13 Q And, in fact, there have been lots of murders, lots of
14 cuttings, lots of shootings, lots of all kind of events
15 going on in that neighborhood, probably, in the four
16 years or so that you worked for Hartsville PD. Would
17 that be a fair statement?

18 A It's an active neighborhood.

19 Q All right. And being an active neighborhood, are you
20 able to buy -- are you aware that you're able to buy
21 things not through legal channels in that neighborhood,
22 such as drugs, alcohol?

23 A Yes, sir.

24 Q Perhaps cigarettes?

25 A Yes, sir.

CROSS EXAMINATION OF OFFICER DAVID FORTIN BY MR. JONES

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- 1 Q Bootleggers everywhere?
- 2 A I'm not aware of any bootleggers.
- 3 Q All right. Let's get back to when you arrived on the
- 4 scene. I think you said you and Officer Davis followed
- 5 each other to 305 8th Avenue?
- 6 A Yes, sir.
- 7 Q When you got there, were your blue lights on?
- 8 A No, sir.
- 9 Q Why not?
- 10 A Because we were responding to a drunk in the area.
- 11 Q And is it -- would it be common practice not to have
- 12 blue lights on if you're responding to ---
- 13 A If it's not a priority call.
- 14 Q Okay. When you got there, where did you end up parking
- 15 your car? I don't remember if you could see on the
- 16 first ---
- 17 A I parked directly behind Officer Davis and we were
- 18 almost directly in front of the residence where the
- 19 subject was found.
- 20 Q And can you estimate for me the distance from your car
- 21 to the front stoop where the lady was found?
- 22 A It might be thirty feet.
- 23 Q A short front yard. Is that correct?
- 24 A It is. It's very short.
- 25 Q Okay. And as I recall, you said that Mr. Bryant was --

CROSS EXAMINATION OF OFFICER DAVID FORTIN BY MR JONES

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1 if this is the stoop, he was right here, somewhere right
2 around here?

3 A He was standing almost beside the stoop.

4 Q Okay. At the young lady's feet?

5 A Yes, sir.

6 Q All right. In your report, you indicated that Mr.
7 Bryant said something about him flagging you down.

8 A He told me he had flagged me down.

9 Q Okay.

10 A But I never saw him do such.

11 Q All right. So, the first time you saw Mr. Bryant, he
12 was at that...

13 A Yes, sir.

14 Q All right. And did you or Mr. Davis get to the stoop
15 first or simultaneously?

16 A I didn't, I didn't approach her. I didn't get that
17 close to her. I don't think I got within ten feet of
18 her.

19 Q Did Officer Davis?

20 A Not to my knowledge. I didn't watch Officer Davis
21 because my eyes were on Mr. Bryant.

22 Q Okay. And how did you get Mr. Bryant to come from the
23 stoop to you?

24 A I just told him to come.

25 Q And he responded?

CROSS EXAMINATION OF OFFICER DAVID FORTIN BY MR. JONES

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1 A He just walked right over to me.

2 Q Okay. Is it a fair statement to say that he was rather
3 animated?

4 A No, I wouldn't think so. He was excited, but I wouldn't
5 call it animated.

6 Q Okay. And that's a better word, excited. After you
7 spoke with him and before you put him in the car, did
8 you notice any smell of alcoholic beverages? Could you
9 tell he'd been drinking?

10 A Not to my recollection. I don't recall.

11 Q How about the yard. You said you got within about ten
12 feet of the stoop?

13 A Yes, sir.

14 Q Do you recall if the porch light was on or off?

15 A No, sir, I don't recall that. It might have been, but
16 we've got street lights in the area, too.

17 Q Okay. So, how would you describe the area? Was it well
18 lit?

19 A Fairly well lit.

20 Q Now, I think you told Mr. Holt that as you were talking
21 to Mr. Bryant, initially, he was not your prime suspect.
22 At some point in time, did you consider him to be a
23 suspect in this matter?

24 A Yeah, we did kind of consider him a suspect just because
25 of his proximity to the victim, but that doesn't

1 necessarily mean we have anything to charge him on.

2 Q I understand. I understand. And when you say "we," who
3 would "we" be?

4 A Just the officers in general. That's a broad statement.

5 Q Specifically, that morning, would that have also been
6 your hypothesis, that because he was there, he would
7 have been a suspect?

8 A He's a potential suspect, but at the very least, he's a
9 witness.

10 Q Got you. And when you placed him in the car, as we saw
11 on the video, he was talking. Correct?

12 A Yes, sir. He was...

13 Q Excited, as you said.

14 A Yes, sir.

15 Q You told him to keep breathing and he'd be all right.
16 Why did you say that?

17 A In my experience as a police officer, a lot of suspects
18 or subjects or even victims will get excited and they'll
19 stop breathing and just get even more hyped up or pass
20 out.

21 Q During your time on the scene -- and how long was that?
22 Do you recall?

23 A I believe I was there, approximately, two hours.

24 Q All right. During your time on the scene, did you ever
25 place your hands on Mr. Bryant?

CROSS EXAMINATION OF OFFICER DAVID FORTIN BY MR JONES

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1 A Not to my recollection, no, sir.

2 Q Okay. Did you ever see any other officer place their
3 hands on Mr. Bryant?

4 A Not until Chief Hudson put him in handcuffs.

5 Q And about what time was that? Do you recall?

6 A I couldn't tell you an exact time. I'd say it was
7 approximately two hours.

8 Q All right. And if I'm correct, you said the beginning
9 time was 4:40?

10 A About 4:40, yeah. So, that would have made it 8:40-ish.
11 But like I said, I wasn't looking at my watch at that
12 time.

13 Q Maybe 6:40-ish?

14 A I'm sorry. Yes, sir.

15 Q Okay. So, it's about twenty to seven. Is this a
16 reflection of about the lighting situation, that it may
17 be 7:40-ish?

18 A Yes, sir.

19 Q Okay.

20 MR. JONES: One second, Your Honor.

21 Q Just a couple more questions, Mr. Fortin. When you
22 arrived and you began either talking to or listening to
23 Mr. Bryant, did he tell you or did he give you a
24 description of what he saw?

25 A He did tell me later in the car that he was on Marlboro,

REDIRECT EXAMINATION OF OFFICER DAVID FORTIN BY MR. HOLT 102

1 at the corner of Marlboro and 8th, and he saw two people
2 running and then he said he heard a female's voice say
3 "ow", "ow", "ow", and then scream. And he -- I asked
4 him what happened then. He said he went home, but he
5 later returned to the scene.

6 Q Could he give you a description of either of those two
7 people?

8 A At the time he did not. He said they were just two
9 people running.

10 Q Okay.

11 MR. JONES: And that's all I have. Thank you.

12 THE COURT: Any redirect?

13 MR. HOLT: Briefly, Judge.

14 REDIRECT EXAMINATION

15 BY MR. HOLT:

16 Q He told you -- did you just answer Mr. Jones that it was
17 too dark he couldn't give a description?

18 A He said he didn't, he didn't see them. He said he saw
19 them running, but he didn't give me any kind of
20 description. He said it was too dark for him to see who
21 it was.

22 Q All right. At that time, did he ever inform you or did
23 he ever talk with you anything to do about a pair of
24 woman's shoes?

25 A Yes. He said when he returned to the scene, he saw a

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DIRECT EXAMINATION OF OFFICER ALAN DAVIS BY MR. HOLT

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1 pair of woman's shoes on the sidewalk and some drops of
2 blood and then he found her on the stoop.

3 MR. HOLT: Thank you very much.

4 THE COURT: All right. You may step down. Mr. Foreman,
5 ladies and gentlemen of the jury, we're going to take about a
6 five minute recess. Do not discuss the case. Everyone
7 remain seated as the jury exits the courtroom.

8 (Jury out at 3:05 PM)

9 MR. HOLT: Your Honor, at this time I'd ask that he be
10 excused. He's got to catch a flight to Oregon.

11 THE COURT: Any objection?

12 MR. JONES: No, sir.

13 THE COURT: You're free to leave. We'll stand at ease
14 for ten minutes.

15 (BRIEF BREAK)

16 (Jury in at 3:11 PM)

17 THE COURT: All right. Let's have quiet.

18 MR. HOLT: Thank you very much, Your Honor. Judge, at
19 this time, the State would like to call Alan Davis to the
20 stand.

21 THE COURT: All right. Officer Davis. Officer Davis,
22 please come forward, place your left hand on the Bible and
23 raise your right hand as the clerk administers the oath.

24 (After being duly sworn by the Clerk of Court,

25 **JAMES ALAN DAVIS** testified as follows:)

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1 THE COURT: Have a seat in the witness chair. Pull up
2 real close to that microphone and speak loudly, clearly, and
3 slowly where we can hear everything that you've got to say.
4 And let's start with your full name, Officer Davis.

5 MR. DAVIS: James Alan Davis.

6 THE COURT: Very good.

7 DIRECT EXAMINATION

8 BY MR. HOLT:

9 Q Officer Davis, can you please -- the Judge just asked
10 you for your full name. That was my first question.

11 All right. And where are you currently employed?

12 A McBee Police Department.

13 Q And how long have you been there?

14 A About eight months now.

15 Q All right. And where were you employed on June 8th,
16 2012?

17 A Hartsville Police Department.

18 Q And about how long have you been in law enforcement?

19 A A little over thirty years.

20 Q And when you were there at the time of this murder, what
21 was your position?

22 A Patrolman.

23 Q And could you please explain to the jury what the
24 difference between patrolman, and maybe investigator,
25 and Chief, evidence, what the difference in your job is

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1 than the others.

2 A Well, as a patrolman, our duty is, of course, patrol the
3 city, do traffic. We're actually first responders,
4 whereas the investigators and all, they come after
5 something's done if we need them to investigate the
6 crime.

7 Q And, specifically, the events of that night, how were
8 you alerted to the scene?

9 A We were alerted by dispatch to respond to the scene in
10 reference to a person that was lying on the front steps
11 of a complainant, of the complainant's residence.

12 Q And about what time was that?

13 A About 4:51.

14 Q And did anybody else go with you?

15 A Corporal Fortin responded also. He was behind me in his
16 patrol car and arrived pretty much at the same time I
17 did.

18 Q All right. And what did you notice when you first got
19 to the scene?

20 A I noticed a -- well, the first thing I noticed was a
21 black male standing on a brick walk up to the house.
22 And then I noticed the black female laying on the porch,
23 face down, her face was in the direction of the door.

24 Q And what way was that male looking?

25 A He was turned towards the house, kind of more towards

1 the house than the street, was looking at me and looking
2 at the person on the ground at the same time.

3 Q Was he flagging you down?

4 A Not that I recall.

5 Q Okay. And was there anyone else there besides him when
6 you showed up?

7 A No, there wasn't.

8 Q And what route did you take to get there? Well, I guess
9 the first appropriate question would be, where were you
10 when you received the call?

11 A If I recall, we was at the police station and I took the
12 route down Marlboro and took a left onto 8th Street.

13 Q All right. And so from Marlboro to 8th Street, did you
14 witness any people?

15 A I don't recall seeing anyone at that time.

16 Q Did you see anybody running away?

17 A I didn't see anyone.

18 Q All right. Did you ever touch the body of Ms. Shannon
19 Thomas?

20 A I did.

21 Q All right. And explain to the jury what parts of the
22 body you touched.

23 A I touched her lower back. It was exposed, partially. I
24 touched just to see if the temperature, to see if she
25 was still warm or, you know, what condition she was in

DIRECT EXAMINATION OF OFFICER ALAN DAVIS BY MR HOLT

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1 and I also checked her carotid artery to see if she had
2 a pulse and I didn't find one.

3 MR. HOLT: Permission to approach the court reporter,
4 Judge.

5 THE COURT: Certainly.

6 (Whereupon, State's Exhibit #8 was marked for
7 identification.)

8 Q Officer Davis, I'd like to show you what's been marked
9 as State's Exhibit #8 and I'd like to ask you, does that
10 photograph fairly and accurately represent what you saw
11 when you responded to the scene, first, that night?

12 A It does, exactly.

13 Q Okay. But did you take that photograph?

14 A No, I didn't.

15 Q All right. But you testified that it looks exactly like
16 it?

17 A Yes, it is.

18 Q Could you hold that photograph up to the jury and could
19 you explain to them what they're looking at.

20 A What you're looking at, what it appeared to be, at the
21 time, was the deceased body of a black female. There
22 was blood pooled under her, also going down the steps,
23 and she appeared to be non-responsive and cold to the
24 touch.

25 Q All right. Now, and this is very important. After you

1 checked her for a pulse, did you ever touch the
2 Defendant?

3 A I did not.

4 Q And, in fact, that whole night, did you ever come in
5 contact with the Defendant?

6 A I did not.

7 Q All right. After you saw the body, what did you do
8 next?

9 A I called on the radio and asked for an ambulance to be
10 sent to the location and I asked for Corporal Fortin to
11 call investigations.

12 Q All right. What did you do after that?

13 A I secured the scene, which is standard procedure, by
14 taping it off with police tape where the line couldn't
15 be crossed, you know, without us knowing it and I asked
16 Corporal Fortin to, you know, have him to ask the
17 subject to sit down in my police vehicle while I secured
18 the scene.

19 Q All right. And previous to him getting in your vehicle,
20 did he tell you anything, tell you where he was coming
21 from, what he was doing?

22 A No, he didn't. He just seemed to be in hysterics and he
23 was saying that there's so much blood and, you know, he
24 seemed to be upset.

25 Q And after he was locked in and the scene was secure,

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1 what other jobs did you take care of while you were on
2 the scene?

3 A We actually blocked off the roads leading up to the
4 scene at the stop signs. I did some searching of the
5 area after a couple of other officers were able to help
6 me secure the area, the main area, which I had, you
7 know, taped off. I went and searched both sides of the
8 road, the yards that were adjoining, looking for any
9 kind of evidence, looking for any blood that may be on
10 the road, anything that may be connected to the crime.

11 Q Did you find anything?

12 A I did not.

13 Q All right. About how long were you an officer with HPD
14 at that time?

15 A Four years.

16 Q And had you been there ---

17 A I'm sorry. Correction. I'd been there about two years.

18 Q Okay. And about what -- were you pretty familiar with
19 that area?

20 A Yes, I was.

21 Q Were there any stores open that you could have bought
22 cigarettes from?

23 A There was two stores in -- there are two stores in
24 Hartsville that are open twenty-four hours. One is at
25 the north end of the city and the other is at the south

1 end of the city.

2 Q All right. About how far away are we talking about from
3 this location?

4 A The closest one would have been about a mile-and-a-half.

5 Q All right. Did you find any murder weapon when you were
6 looking for it?

7 A No, I did not.

8 Q Okay. Thank you very much. Please answer any questions
9 that the Defense might have.

10 THE COURT: Mr. Jones.

11 CROSS-EXAMINATION

12 BY MR. JONES:

13 Q I'm terrible with ranks.

14 A Pardon?

15 Q I'm terrible with ranks. You are?

16 A Sergeant.

17 Q Sergeant. Okay, sir. Sergeant Davis, when you got to
18 the -- well, let me back up. I believe you stated that,
19 I think you stated that you got there at 4:51?

20 A I believe the call came out at 4:51. I was there
21 shortly after.

22 Q All right. Were you the lead vehicle or was ---

23 A Yes, sir. I was.

24 Q Okay. So, both you and Mr. Fortin got there about the
25 same time?

CROSS EXAMINATION OF OFFICER ALAN DAVIS BY MR JONES

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1 A Yes, sir.

2 Q All right. So, you got the call at 4:51, a couple,
3 three minutes after that?

4 A Yes, sir.

5 Q All right. When you were dispatched, what kind of call
6 did you think you were going to? Do you remember?

7 A The call was, there was a person laying on the
8 complainant's front door steps and they weren't sure
9 what the problem was at the time.

10 Q And when you arrived or when you proceeded from the
11 police station to 305 South 8th Street, did you have
12 your blue lights on?

13 A No, I did not.

14 Q Okay. And why not?

15 A Because a person laying on the porch, I didn't assume
16 there was an emergency at that time. I assumed that
17 someone was sleeping or maybe even drunk.

18 Q Okay. Would that have been standard procedure not to
19 have blue lights on for that type of call?

20 A Yes, it was, sir.

21 Q Okay. Now, when you got there, I believe that you
22 stated that someone, who you later found to be Mr.
23 Bryant, was on the walkway. Is that correct?

24 A Yes, sir. He was on the brick walkway or right in that
25 general area that was leading up to the steps.

1 Q And if you recall, how far -- how long is that walkway?

2 A I would say it was probably about, maybe totally, maybe
3 thirty feet long.

4 Q Not very long?

5 A No, sir.

6 Q And if we use that top step as the stoop where the young
7 lady was laying ---

8 A Yes, sir.

9 Q --- do you recall how far back Mr. Bryant was when you
10 first saw him? If I'm moving away from that step, am I
11 close?

12 A If these are the steps ---

13 Q Am I closer or farther?

14 A --- the distance would be about where you are now and it
15 would be facing more toward the jury and kind of looking
16 toward the steps, but facing in that direction.

17 Q And if we're a total of thirty feet, maybe -- I'm not
18 real good with distances, either. Would it be as far
19 back as that bench back there?

20 A To the road?

21 Q Yes.

22 A To the road, it would probably be about half that
23 distance.

24 Q All right. I'm going to remember my mark right there.
25 Maybe from here to the road?

CROSS EXAMINATION OF OFFICER ALAN DAVIS BY MR. JONES

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1 A Yes, sir.

2 Q Okay. So, your recollection is that when you first saw
3 Mr. Bryant, he's about halfway between the stoop and the
4 road and I believe you said he's looking at both of you
5 at the same time?

6 A Yes, sir.

7 Q All right. And would you, in any shape, form or
8 fashion, describe his reaction to you as flagging you
9 down?

10 A I never noticed him flagging me down. When we got there
11 he was -- or should I say, as I approached and got out
12 of the car, he seemed upset and, actually, he seemed
13 real upset. And he was just saying, "There's so much
14 blood," and that sort of thing.

15 Q Hysterics, I believe you said?

16 A Yes, sir.

17 Q Did you get close enough to him to observe his demeanor,
18 other than the hysterical state that he was in?
19 Specifically, could you tell if he'd been drinking?

20 A No, I could not.

21 Q And your conversations with him, or did you have
22 conversations?

23 A No. At the time, I put myself between him and the
24 female, just standard for me just in case there was, if
25 they had something to do with it or, whether he did or

1 not, that's what I would have done.

2 Q Gotcha.

3 A And I waited for Corporal Fortin to approach and then I
4 asked him to place him in the car.

5 Q Was he aggressive towards you at all?

6 A No, he wasn't. He wasn't aggressive. He was
7 cooperative. We asked him -- we didn't arrest him. We
8 just asked him to have a seat in the car where he could
9 be questioned about what he may or may not have seen.

10 Q All right. And when -- did you hear any of his
11 description about seeing someone in the neighborhood?

12 A No, sir, I did not.

13 Q Did you hear any of that?

14 A No, sir, I didn't.

15 MR. JONES: One second, Your Honor.

16 A The only thing, the only thing I did hear him say is
17 that he heard someone scream, but he wasn't talking to
18 me at that time.

19 Q Okay. All right.

20 MR. JONES: One second.

21 Q One thing that I forgot to ask you. When you walked up
22 to the young lady on the stoop, you said you did touch
23 her?

24 A Yes, sir, I did.

25 Q When you touched her, what were you determining?

CROSS EXAMINATION OF OFFICER ALAN DAVIS BY MR. JONES

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1 A It was actually to see if she was warm to the touch and
2 then I checked her carotid artery to see if she still
3 had a pulse and I did that as a result of seeing the
4 blood pooled, already.

5 Q There was a great deal of blood?

6 A There was a lot of blood, yes, sir.

7 Q And, again ---

8 MR. JONES: Number 8, Solicitor?

9 MR. HOLT: Yes, sir.

10 Q Exhibit #8, which I don't believe is in evidence yet,
11 but that accurately reflects what you saw that evening?

12 A That's exactly what I saw.

13 Q Okay. And I assume this was taken with a flash
14 photography camera.

15 A Yes, sir.

16 Q Was it that light when you got there?

17 A That light? No, it was not. It was -- the porch light
18 was on. It wasn't quite that light, but it was light
19 enough for the, to be illuminated by the porch light.

20 Q Thank you.

21 A It was light enough I could see the tattoo on her back.

22 Q Okay. When you were around the victim's body, did you
23 get any blood on you?

24 A No, sir. I was very careful not to touch anything
25 except what I meant to touch, which was to check her.

1 Q In other words, you watched your steps and you watched
2 your hands?

3 A Yes, sir.

4 Q You did everything you could not to get any blood on
5 you.

6 A Exactly.

7 Q Did you have gloves or anything on?

8 A No, I did not.

9 Q Did not? Just checked the pulse to see if she would
10 respond.

11 A Yes, sir.

12 Q When you describe her as being cold to the touch, what
13 does that mean to you?

14 A Well, most of the time if someone -- if they're real
15 cold, that can tell you, of course, no blood flow.
16 There's a problem. And with as much blood as there was
17 there, a person's going to be cold when they bleed-out
18 like that and that's the reason I also checked the pulse
19 after I checked to see if she might have been warm,
20 because the temperature outside was a little cool, also.

21 Q And are you able to say with any certainty how long she
22 might have been deceased?

23 A No, sir. I couldn't say.

24 MR. JONES: That's all I have. Thank you.

25 THE COURT: Any redirect?

REDIRECT EXAMINATION OF OFFICER ALAN DAVIS BY MR HOLT

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1 MR. HOLT: Briefly, Judge.

2 REDIRECT EXAMINATION

3 BY MR. HOLT:

4 Q You said the porch light was on when you got there?

5 A Yes, sir.

6 Q And the Defendant was looking at the body at that same
7 time, right?

8 A That's correct, sir.

9 Q All right. So, he had a full view of everything that
10 was in that picture?

11 A Yes, sir.

12 Q And could you see tattoos in that picture?

13 A I could see one on her back and I know it was a name at
14 the time and I didn't actually read it, but I know it
15 was a name and I didn't pay, you know, particular
16 attention to the name.

17 Q Officer Davis, thank you for testifying today.

18 A Thank you.

19 THE COURT: You may step down.

20 MR. DAVIS: Thank you.

21 MR. HOLT: Judge, he's from out of town, as well. At
22 this time I'd ask that he be allowed to leave his subpoena.

23 THE COURT: All right. Is there any objection from the
24 Defense?

25 MR. JONES: No objection.

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1 THE COURT: You're free to leave. Thank you, sir.

2 OFFICER DAVIS: Thank you.

3 MR. HOLT: All right. At this time, Your Honor, the
4 State would call Cheryl McCall to the stand.

5 THE COURT: Ms. McCall. Ms. McCall, please come forward
6 and place your left hand on the Bible as the Clerk
7 administers the oath.

8 (After being duly sworn by the Clerk of Court,

9 **CHERYL MCCALL**, testified as follows:)

10 THE COURT: Please come forward. And I'm going to ask
11 if you could to have a seat in the witness chair. Pull up
12 real close to that microphone and speak loudly, clearly, and
13 slowly, in order that we can hear everything that you've got
14 to say and let's start with your full name.

15 MS. MCCALL: Cheryl McCall.

16 THE COURT: Thank you, Ms. McCall.

17 DIRECT EXAMINATION

18 BY MR. HOLT:

19 Q Agent McCall, where are you currently employed?

20 A The State Law Enforcement Division.

21 Q What's that commonly known as?

22 A SLED.

23 Q All right. And how long have you worked there?

24 A Since March of this year.

25 Q And what are your duties at that current job?

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- 1 A I'm a child fatality investigator.
- 2 Q All right. And about how long have you been in law
- 3 enforcement?
- 4 A Twelve-and-a-half years.
- 5 Q And where were you employed on the 8th of June, 2012?
- 6 A At the Hartsville Police Department.
- 7 Q And could you tell the jury what your job at that time
- 8 was?
- 9 A I was Sergeant, on patrol.
- 10 Q And what kind of duties does that position entail?
- 11 A Responding to calls, backing up officers, all
- 12 supervisory duties and approval of reports of anything
- 13 that happens on the street, I'm responsible for.
- 14 Q All right. And were you involved with the murder of
- 15 Shannon Thomas?
- 16 A Yes, sir.
- 17 Q And can you tell us how you became aware of it and what
- 18 you did once you did become aware of it.
- 19 A Dispatch advised us that it was unknown person knocking
- 20 on the door at a residence at 305 South 8th street.
- 21 Q At about what time?
- 22 A I think we received that call at about 4:51 in the
- 23 morning on June the 8th.
- 24 Q Okay.
- 25 A And Corporal Fortin and Officer Davis responded to that

1 call first and they arrived on the scene and once they
2 got there they notified me that I needed to get there
3 immediately.

4 Q All right. And why did you need to get there
5 immediately?

6 A Well, I did not know until I got there. Once I got
7 there, they told me I needed to block off the street
8 with my car, which I did. I got some gloves out of my
9 car and as I was walking up, I realized there was a lot
10 more going on than what originally the call had come out
11 as. I saw a female laying on the porch of the
12 residence. Corporal Fortin was in the roadway talking
13 to a gentleman who I didn't know at the time. And so, I
14 asked what was going on and they said that it was
15 believed that the female on the porch was deceased.

16 Q All right. And can you describe to the jury what route
17 you took to get to there? And I guess the question will
18 be, where were you when you left for South 8th Street
19 and what route did you take to get there.

20 A I believe I was at the police department when that call
21 came in. About that time of the morning, we would have
22 been getting ready to end the shift.

23 Q All right. And what direction would you have come down
24 to get there?

25 A I would have come out the back of the police department,

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1 the little alleyway, and turned onto 6th Street and then
2 turned onto Marlboro Avenue and then turn onto 8th
3 Street and I think I parked my car at about 8th and Bell
4 and blocked the roadway.

5 Q And while you were making that drive from the police
6 station to the scene of the crime, the scene of the
7 murder, did you happen to see any individuals with
8 braids running away?

9 A No, sir.

10 Q All right. Now, once you got there, tell us how you took
11 charge of the scene and why it was your duty to do so.

12 A Well, the first thing I did was try to check on the
13 person laying on the porch. That was my first thing I
14 had to do. With my gloves on, I walked up and checked
15 to see if she had a pulse. There was obviously a lot of
16 blood. It didn't appear that she was still alive, but I
17 did so anyway and requested for EMS to come. I think
18 Corporal Davis, excuse me, Officer Davis, had already
19 done so, but I made sure that they were already on the
20 way.

21 Q All right. And after you touched the victim's body, you
22 had gloves on while you did that.

23 A Yes, sir.

24 Q What did you do with those gloves?

25 A They were laid in my car.

1 Q Did you ever come into contact with the Defendant in
2 this case?

3 A No, sir.

4 Q All right. So, you never touched the Defendant.

5 A No, sir.

6 Q That's your testimony.

7 A No, sir.

8 Q Okay. All right. And then what happened after you
9 checked for the pulse? Walk me through what happened
10 next.

11 A I returned to my car and started getting some crime
12 scene tape out and tried to secure the area as much as I
13 could and waited on the ambulance to get there.

14 Q What happened when the ambulance got there?

15 A They have a device to try to check -- I forget what it's
16 called. They have a medical device that they place on,
17 with leads, on the person and try to check for a pulse.
18 And they have a strip of readout to read to determine if
19 she has any kind of pulse or any vital signs that they
20 read out.

21 Q And how did that go?

22 A They didn't get any kind of vital signs.

23 MR. HOLT: Permission to approach, Your Honor.

24 THE COURT: Yes.

25 Q Let me show you what's been previously marked as State's

DIRECT EXAMINATION OF CHERYL MCCALL BY MR HOLT

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1 Exhibit #8. And I want to ask you, without telling me
2 or the jury what that is, have you ever seen that
3 photograph before?

4 A Yes, sir.

5 Q And who created that photograph?

6 A I took that one.

7 Q And does it accurately represent what you saw that
8 night?

9 A Yes, sir.

10 Q And since the last time you've seen that photograph,
11 have there been any changes, alterations or deletions
12 made?

13 A No, sir.

14 Q All right.

15 MR. HOLT: Your Honor at this time, the State would move
16 State's Exhibit, for identification purposes, Exhibit #8,
17 into evidence.

18 THE COURT: Any objection?

19 MR. JONES: No objection.

20 THE COURT: All right. It's going to be denominated as
21 State's Exhibit Number...

22 MR. HOLT: Eight.

23 THE COURT: Eight is into evidence.

24 (Whereupon, a photograph is entered into evidence as
25 State's Exhibit #8, without objection)

1 Q All right. And does that truly and accurately represent
2 what you saw when you were there?

3 A Yes, sir.

4 Q Did you move the body in any manner to take that
5 picture?

6 A No, sir.

7 Q Okay. And were you able to look at tattoos on her back?
8 Could you see them clearly?

9 A Yes, sir.

10 Q All right. Were you able to read what one of the
11 tattoos was?

12 A Yes, sir.

13 Q And what does that tattoo say?

14 A Shannon.

15 Q Okay. And, in your opinion, would that be easy to see
16 or very hard to see?

17 A It was easy to see.

18 Q All right. And did you call the Coroner's office?

19 A Yes, sir.

20 Q And what happened after the Coroner got there?

21 A Once the Coroner arrived on scene, the Coroner and EMS
22 personnel moved the victim out into the yard, front
23 yard, turned her over on her back so we could try to
24 identify her and try to determine what kind of wounds
25 she had.

DIRECT EXAMINATION OF CHERYL MCCALL BY MR HOLT

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1 Q Were y'all immediately able to identify the victim?

2 A No, sir.

3 Q And how did y'all go about trying to ID the victim?

4 A I think the investigators and some of the officers were
5 involved in trying to identify her. I stayed on the
6 scene and was there securing the area. I didn't leave
7 to try to begin the identification process.

8 Q Did you happen to talk to the older lady that was home
9 that night?

10 A The person inside the residence?

11 Q Yes, ma'am.

12 A I did.

13 Q And what did you inform her?

14 A I just, first of all, I asked her what happened and what
15 she had heard and she said that she had heard some
16 thumping noises or some bumping noises, I believe is
17 what she had told me. And she looked outside and didn't
18 see anything at first and then she looked out of a
19 different window and saw someone laying on the porch and
20 so she called 9-1-1. I told her what had happened and
21 what we were doing outside and I asked her please not
22 come to come outside through the front door and she said
23 that she would not.

24 Q All right. And did you happen to search the body of the
25 victim?

1 A No, sir, I did not. Mr. Hardee, the Coroner, found an
2 envelope in the back pocket. We were trying to get some
3 kind of identification off of her and there was an
4 envelope with some pills, I believe, that was in the
5 back, but there was no identification on her.

6 Q All right. Were you able to determine what those pills
7 were?

8 A No, sir. I did not.

9 Q Okay. And after the scene was secured, what did you do
10 after that? After you searched her body trying to
11 figure out who she was, what did you do next?

12 A Once Lieutenant Rudick and all the investigators said
13 the scene was secure, the only thing I did was ask the
14 fire department to come and try to help clean up the
15 area for the homeowner. And the three pills and the
16 envelope that was taken off the victim's body, I placed
17 those into evidence. I labeled all the photographs that
18 I took. I attached those to the police report, did my
19 incident report, and cleared the scene. That's what I
20 did.

21 Q All right. And did you have a chance to look for any
22 evidence while on foot at the scene?

23 A We did for a few minutes, but I didn't find any evidence
24 in the immediate crime scene. I did not.

25 Q All right. And where did you search?

CROSS EXAMINATION OF CHERYL MCCALL BY MR. JONES

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1 A In the 8th Street area, kind of in the roadway.

2 Q And can you show us right here...

3 MR. HOLT: Your Honor, can she come down here and show
4 us?

5 THE COURT: Certainly.

6 Q Can you show us about where you searched?

7 A This is the residence. (Indicates on large chart in
8 front of the jury)

9 Q Yes, ma'am.

10 A My car was parked about right here. Can y'all see? My
11 car was parked about right here, blocking the roadway.
12 I searched in the roadway and along the edge of the
13 roadway, in front of the residence to back where my
14 vehicle was, in this area right here.

15 Q All right. Were you able to find anything?

16 A No, sir. Not relative to the scene.

17 Q All right. Thank you.

18 A (Witness returns to stand)

19 Q All right. Agent McCall, please answer any questions
20 Defense counsel might have.

21 A Yes, sir.

22 THE COURT: Mr. Jones.

23 CROSS-EXAMINATION

24 BY MR. JONES:

25 Q As I always say, I'm bad with titles. You are now Agent

1 McCall?

2 A Yes, sir.

3 Q All right. Agent McCall, when you got to the scene, do
4 you remember about what time it was?

5 A I wrote this in -- this is my initial report and these
6 are my dispatch and relevant times, so it should have
7 been around 4:56.

8 Q And I believe you believe you stated that you came from
9 the police station, out the back door, 6th Street to
10 Marlboro, turned down Marlboro to 8th?

11 A Yes, sir.

12 Q At any time, from the time you arrived until the time
13 that you left, did you talk to Mr. Brannon Bryant?

14 A No, sir, I didn't speak to Mr. Bryant.

15 Q Did you become aware that he had described two people
16 running in the roadway on 8th Street, at any time?

17 A Only when Corporal Fortin and Officer Davis had told me
18 later that he had said those things, but I didn't speak
19 to him about it.

20 Q And did you become aware, when they told you that Mr.

21 Bryant had, that Mr. Bryant had told both of those

22 officers that he was at the corner of Marlboro and 8th,
23 looking south, and saw some activity in the ---

24 MR. HOLT: Objection, Judge. That's got to be some form
25 of hearsay.

CROSS EXAMINATION OF CHERYL MCCALL BY MR. JONES

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1 THE COURT: I'll ask that you re-phrase the question.

2 MR. JONES: I will.

3 Q Did you ever hear anything about what Mr. Bryant said
4 occurred in the 300 block of 8th Street, from Fortin or
5 Davis?

6 A No, sir.

7 Q Okay. Mr. Holt asked you if you saw anybody when you
8 left the police station, came down Marlboro and turned
9 onto 8th Street. You didn't see anybody. Is that
10 correct?

11 A I didn't see anybody with braids or anything. No, sir.

12 Q Okay. Do you know why braids are important and why he
13 keeps asking everybody that question?

14 A No, sir.

15 Q Okay. When you got to the body and you took State's #8,
16 that accurately reflects what you saw when you got
17 there?

18 A No, sir. EMS had already been -- was there.

19 Q Do you know if they had moved the body?

20 A They did not move her. The only thing they did was
21 place those leads where you see them, to try to get a
22 readout.

23 Q Except for the leads, anything different about this
24 picture than when you first got there?

25 A No, sir.

1 Q The lighting, would it be different? Would it have been
2 that bright when you first arrived at 4:56 in the
3 morning?

4 A No, it was not.

5 Q Okay. So, it would have been a lot darker. Is that
6 correct?

7 A Yes, sir.

8 Q And your state mind when you arrived, were you very
9 excited or hysterical when you pulled up and walked up
10 to the body?

11 A No, sir.

12 Q So, you immediately were able to determine that there
13 was a tattoo on the back. Is that correct?

14 A Yes, sir. You can see the tattoos.

15 Q When you said that dispatch told you that there was a
16 call about someone bumping on the front porch -- is that
17 how you described that?

18 A No. That's what the lady inside the residence later
19 told me when I asked her what she heard and what
20 happened.

21 Q Okay. And did she say that she saw movement at all?

22 A No, she did not.

23 Q She heard a bumping noise and looked out and saw a lady
24 on the front?

25 A She looked out. At first, she didn't see anything.

CROSS EXAMINATION OF CHERYL MCCALL BY MR. JONES

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1 Q Well, then how did she see a lady on the front porch?

2 Did she describe that?

3 A Looked out of a different window. She looked out --

4 first, she looked out the door through the peephole and
5 didn't see anything.

6 Q And when you were talking with her, that was at the
7 scene sometime after 4:56 AM?

8 A Yes, sir.

9 Q Did she tell you that she had seen a black male in the
10 front of the yard on the street?

11 A No, sir.

12 Q Did you ask her anything about that?

13 A No. She said she didn't see anyone but the person on
14 the porch.

15 Q And would you describe your conversation with her as an
16 interview or just a brief discussion?

17 A It was an interview. She was my complainant.

18 Q At any time, did you find out that she, in fact, did see
19 somebody in the front yard or on the street?

20 A No, sir.

21 Q You're not aware of that?

22 A No, sir.

23 Q Okay.

24 MR. JONES: That's all I have, Your Honor. Thank you.

25 THE COURT: Any redirect?

REDIRECT EXAMINATION

BY MR. HOLT:

Q When the homeowner was later interviewed by investigators, were you a part of that?

A No, sir.

Q All right. So, all you know is what happened at the scene that you bore witness to that night?

A Yes, sir.

Q All right. Thank you very much Agent McCall.

THE COURT: All right. You may step down.

MR. HOLT: I'd like to ask that she be released from her subpoena.

THE COURT: Any objection from the Defense?

MR. JONES: No, sir. Not at all.

THE COURT: You're free to leave.

MS. MCCALL: Thank you.

THE COURT: You're welcome to stay, but you're free to leave.

MS. MCCALL: Thank you.

THE COURT: You may call your next witness.

MR. HOLT: Thank you very much, Judge. The State would call Michael Stokes, please.

THE COURT: Officer Stokes, please come forward and place your left hand on the Bible and raise your right hand as the clerk administers the oath.

DIRECT EXAMINATION OF MICHAEL STOKES BY MR HOLT

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1 (After being duly sworn by the Clerk of Court,

2 **MICHAEL STOKES** testified as follows:)

3 THE COURT: Have a seat in the witness chair. I'm going
4 to ask you to pull up real close to that microphone and speak
5 loudly, clearly, and slowly, in order that we can hear
6 everything that you've got to say.

7 DIRECT EXAMINATION

8 BY MR. HOLT:

9 Q Please give your whole name to the jury.

10 A Michael Stokes.

11 Q All right. Michael, how old are you?

12 A Thirty.

13 Q How long you been in law enforcement?

14 A Six-and-a-half years.

15 Q All right. Who have you worked for in six-and-half-
16 years?

17 A I started out with the Sheriff's department, then I went
18 to the City of Florence, and then I came over to the
19 Hartsville Police Department.

20 Q All right. And where were you employed on the 8th of
21 June, 2012?

22 A Hartsville Police Department.

23 Q All right. And what was your position in law
24 enforcement at that time?

25 A As a patrol officer.

STATE OF SOUTH CAROLINA VERSUS BRANNON J BRYANT

DIRECT EXAMINATION OF MICHAEL STOKES BY MR HOLT

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1 Q All right. And what are the duties of a patrol officer?

2 A To respond to calls and assist where needed.

3 Q And how did you get on the murder of Shannon Thomas?

4 A That morning, I was called to the scene.

5 Q Who called you?

6 A I believe it was Sergeant McCall.

7 Q Okay. And about how long did it take you to arrive?

8 What time were you clocking in that morning?

9 A At 5:00 in the morning.

10 Q All right. And what time did you get called out to the
11 scene?

12 A Right at the time I signed on the radio, they asked me
13 to respond to an incident on 8th Street, just past Bell
14 Avenue.

15 Q Why don't you explain to the jury what "sign onto the
16 radio" means.

17 A It's beginning our tour of duty. I was the early guy
18 out on my shift. I came in at 5:00 in the morning.

19 Q Okay. And after you received the call, what did you do
20 and where did you go?

21 A I went straight to the incident location.

22 Q And about how far away from 305 South 8th Street were
23 you?

24 A Approximately three to four minutes.

25 Q So, it didn't take you very long to get there, did it?

DIRECT EXAMINATION OF MICHAEL STOKES BY MR HOLT

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1 A No, sir.

2 Q And when you got there, what did you start doing? What
3 did you see?

4 A When I first got there, there was EMS on location,
5 Officer Davis, and Sergeant Fortin. And I was asked to
6 walk Bell Avenue, excuse me, 8th Street back towards
7 Bell Avenue to look for any signs of blood or shoes that
8 was noticeable.

9 MR. HOLT: And, Your Honor, can he come down off the
10 stand and look at the map and explain to the jury where he
11 looked for those items?

12 THE COURT: You may.

13 A When I arrived on the scene, I parked somewhere in this
14 area. (Indicating on large chart in front of jury) This
15 is the incident location. I was asked to walk back 8th
16 Street, around Bell Avenue in this area, just to check
17 to see if there was any, like, blood droppings or shoes
18 or anything.

19 Q All right. And what did you find when you did that?

20 A When we first started looking, we didn't locate any
21 blood droppings or shoes at that time.

22 Q And why was that, do you think?

23 A The big factor of it was, it was still dark outside and
24 we were trying to operate with flashlights and stuff.
25 It was a lot harder to see.

1 Q And about how long after your first futile search did
2 you start another search?

3 A Approximately, an hour, right at sunrise.

4 Q All right. And what did you do at that time?

5 A Standing at my patrol car, there was a lot right beside
6 the incident location. I was looking in that area and
7 noticed a pair of flip flops. At that time, once I
8 noticed the flip flops, I informed Lieutenant Rudick of
9 my findings.

10 Q And that lot, what streets bordered that lot?

11 A It would be at the corner of Bell Avenue and 8th Street.

12 Q So, you're saying right here in the middle?

13 A Yes, sir.

14 Q Right about there. (Indicating) Okay. Now, if you could
15 look at what's been marked as State's Exhibit #6, which
16 is -- and just use this pen just to mark about where you
17 found those shoes.

18 A (Witness complies)

19 Q All right. And if I can hand you this, this is State's
20 Exhibit #2. Do you have a knife on you?

21 A No, sir.

22 Q All right. Why don't you see if you can get in there
23 anyway.

24 A (Witness opens sealed exhibit)

25 Q Looks like Christmas. All right. Now, without telling

DIRECT EXAMINATION OF MICHAEL STOKES BY MR. HOLT

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1 the jury what those are, have you ever seen them before?

2 A Yes, sir.

3 Q And since the last time you've seen them, have there
4 been any changes, alterations, or deletions made?

5 A No, sir.

6 Q All right. And can you tell me what they are, in
7 State's Exhibit #2?

8 A A pair of black female flip flops.

9 Q And where did you find these?

10 A In the yard right beside the incident location. It was
11 a fenced-in area.

12 Q And can you sign your initials near where you found
13 them, where you wrote that, so that we're aware of that?

14 A Yes, sir. (Witness complies)

15 MR. HOLT: Your Honor, I'd like to move State's Exhibit
16 #2 at this time, into evidence.

17 THE COURT: Any objection?

18 MR. JONES: No, sir.

19 THE COURT: State's Exhibit #2 is into evidence, without
20 objection.

21 (Whereupon, a pair of flip flops are entered into
22 evidence as State's Exhibit #2, without objection.)

23 Q All right. After you found State's Exhibit #2, what did
24 you do with them?

25 A I just informed Lieutenant Rudick of the findings.

1 Q And why were you telling Lieutenant Rudick what you were
2 doing?

3 A Because he's a part of the investigation staff that was
4 doing the investigation.

5 Q All right. What did you do after you found that?

6 A After we found that, myself and Lieutenant Rudick went
7 to the 300 block of Bell Avenue, going...

8 Q Why did you pick the 300 block of Bell Avenue?

9 A I didn't pick it. I was instructed to go to that side
10 of the block.

11 Q Well, where were the other officers?

12 A There was another group that went on the 400 block.
13 That would be to the left on Bell Avenue.

14 Q All right. When you went to the 300 block of Bell
15 Avenue, what were you doing and what did you find?

16 A Myself and Lieutenant Rudick were trying to find a
17 witness or somebody that could possibly identify our
18 victim. We arrived at 325 Bell Avenue.

19 Q Well, hold on. Let's stop right there. How many houses
20 did you check?

21 A I'm unsure on the exact number, probably about, I'd
22 estimate six or eight houses.

23 Q All right. Well, estimates are fine.

24 A With no contact.

25 Q No contact. And what were you looking for?

DIRECT EXAMINATION OF MICHAEL STOKES BY MR. HOLT

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1 A We were looking just for a witness or somebody that
2 might could possibly identify our victim.

3 Q All right. And what -- continue with your story. I'm
4 sorry. I interrupted you.

5 A Then we went to this address of 325 Bell Avenue, which
6 is an apartment complex. It's kind of like a large
7 house that's approximately sectioned off into three
8 different apartments. If you're facing the house, kind
9 of on the right side towards the rear of the house,
10 there was a cell phone located in the driveway, which
11 appeared kind of odd to me. At that time, I informed
12 Lieutenant Rudick of the cell phone and picked it up and
13 handed it to him.

14 Q All right.

15 MR. HOLT: Permission to approach, Judge.

16 THE COURT: Yes, sir.

17 Q I want to show you what's been marked as State's Exhibit
18 #4, and at this time, I would like to hand you some
19 scissors as well. Okay?

20 A All right.

21 Q And if you could open that up and if you could tell the
22 jury whether you recognize what State's Exhibit #4 is.

23 A (Witness complies) Yes, sir, I can recognize it.

24 Q And is that the cell phone you found?

25 A Yes, sir.

1 Q And since the last time you've seen it, have there been
2 any changes made to it that you can tell?

3 A Not that I'm aware of.

4 MR. HOLT: Your Honor, at this time, the State would
5 move the cell phone, marked State's Exhibit #4, into
6 evidence.

7 MR. JONES: And we renew our objection, Your Honor.

8 THE COURT: All right. It's into evidence over the
9 Defense's objection. And it's State's Exhibit...

10 MR. HOLT: Number 4.

11 THE COURT: Number 4, into evidence.

12 (Whereupon, a cell phone is entered into evidence as
13 State's Exhibit #4, over objection)

14 Q And if you could pull that out and show it to the jury
15 and explain to them why you picked it up.

16 A It's a Samsung cell phone from T-Mobile. It was kind of
17 odd to us that this type of cell phone was found in this
18 area. It's a high crime area so we were unsure at the
19 time if it was a possible stolen cell phone or if it was
20 just dropped. We were unsure, so we collected it at
21 that time to possibly later on run the serial number on
22 it to see if it's related to any crimes or stolen
23 properties.

24 Q And what was the address you found that phone at?

25 A It was at 325 Bell Avenue.

DIRECT EXAMINATION OF MICHAEL STOKES BY MR HOLT

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1 Q And later on during the course of the investigation, did
2 you happen to come across information telling you who
3 lived at 325 Bell Avenue?

4 A Yes, sir. Later on, after the phone we picked up, we
5 also checked that apartment to try to find somebody that
6 could identify the victim. Then we were called back to
7 the actual incident location off of 8th Street and at
8 that time, it was discovered that the Defendant lived at
9 325 Bell Avenue.

10 Q So, the Defendant lived there. You didn't know that
11 before you went looking though, did you?

12 A No, sir.

13 Q And did you ever find out whose cell phone that was?

14 A I was told later on that it was the victim's cell phone.

15 Q Okay. Thank you very much. Let's put that down. Now,
16 let me ask you, did, at any time during the course of
17 your helping on this case, did you touch the Defendant?

18 A No, I did not.

19 Q And at any time when you were helping on this case, did
20 you touch the body?

21 A No, I did not.

22 Q Did you come into any contact with any blood?

23 A No, sir.

24 Q All right. After you found this phone with Lieutenant
25 Rudick, what other things did you do in the

1 investigation?

2 A After that, we went back to the incident location. I
3 was then cleared up from that incident location to
4 answer calls for service. Later on that morning, I was
5 called to the Detective division to transport the
6 Defendant. Once at the detention center, I took the
7 Defendant's clothing and placed them into paper bags.

8 Q All right.

9 MR. HOLT: Permission to approach, Judge?

10 THE COURT: Certainly.

11 Q I'll hand you this, what's been marked as State's
12 Exhibit #1. Why don't we open that up.

13 A (Witness complies)

14 Q And I want you to tell me if you recognize what's inside
15 and how you recognize it.

16 A Can I take the bags out?

17 Q Yes, sir.

18 A It's two brown bags that appear to be the same style we
19 use when we're taking evidence.

20 Q All right.

21 A Do you want me to continue on opening these?

22 Q Yes, sir. All right. Don't touch them with your hands.

23 A Okay.

24 Q Why don't you tell the jury what that is.

25 A It appears to be the red shirt that I took off the

Defendant at the detention center.

Q All right. Now, when you say you took the shirt off of him, can you explain to the jury the procedure about how that's done? Because they might think you just physically take a shirt off of him.

A The Defendant was moved to a isolated area that has a door opening, like a little window door in the rear of it, that when we're investigating cases or we're taking Defendant's clothing, that the Defendant takes the clothing off and we have one of these brown bags that's open and it allows the Defendant to place one piece of clothing in a brown bag and then that bag is sealed. And then if they have more items, we put them in separate bags.

Q So, you've never touched that shirt before?

A No, sir.

Q All right. And once you took that shirt from him at the jail, did you lock that bag up?

A It was folded up and placed in the rear of my patrol car.

Q And then where did you go?

A I transported it back to the Hartsville Police Department where it was turned over to Lieutenant Rudick.

Q All right. And what else, what other -- So, were you

1 ever able to find anybody who had heard any screaming
2 that night?

3 A No, sir.

4 Q Okay. And did you search the surrounding neighborhood?

5 A Well, I checked 8th Street and the 300 block of Bell
6 Avenue.

7 Q And, probably, about how many houses did you check?

8 A Oh, approximately, ten or twelve houses.

9 Q All right. Thank you very much. Please answer any
10 questions that the Defense might have.

11 THE COURT: Cross-examination.

12 MR. JONES: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. JONES:

15 Q Officer Stokes, you said you did not touch the Defendant
16 at all. Is that correct?

17 A Correct.

18 Q How did you get handcuffs on him without touching him?

19 A When I arrived at the detective division, he was in
20 handcuffs.

21 Q Why does your report say that you handcuffed him and
22 double-locked, checked him for locks and double,
23 whatever it is?

24 A For policy, we just match the rear of the handcuffs, the
25 arm of the handcuff, to make sure it's double locked.

CROSS EXAMINATION OF MICHAEL STOKES BY MR JONES

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1 Q So, your testimony is you never touched him, although
2 you took him into custody and you transported him from
3 Hartsville to Darlington?

4 A Yes, sir.

5 Q Now, in this high crime area, you checked approximately
6 six to eight houses or ten to twelve houses?

7 A An estimate. When we first started, it was probably six
8 houses in between where we started at Bell Avenue and
9 8th Street. Then there was a couple of houses more we
10 checked on the left, past 325 Bell Avenue.

11 Q Did you get anybody to any of the doors?

12 A No, sir. I had no luck to get anyone.

13 Q In all the houses, nobody responded to your knock?

14 A None that I checked.

15 Q So you were not able to get anybody to ID anybody
16 because you never found anybody to talk to.

17 A Correct.

18 Q All right. Solicitor Holt asked you about, did you hear
19 anybody or did you talk to anybody about any screaming
20 going on. Did somebody tell you that there was some
21 screaming going on, earlier?

22 A Well, I believe while Sergeant McCall was talking to the
23 owner of the residence, they said they heard something,
24 but I can't testify to that.

25 Q But you weren't able to verify it, because you didn't

1 talk to anybody?

2 A Well, I talked to somebody, like the owner of the
3 residence, but I was mainly there with Sergeant McCall
4 as she was talking with the homeowner.

5 Q So, you talked to Ms. Hicks. That's who we're talking
6 about?

7 A I'm not sure of the lady's name.

8 Q Okay. The lady in the house where the lady was found on
9 the stoop?

10 A Yes, sir. I was with Sergeant McCall while she was
11 questioning her.

12 Q Did you ask her any questions?

13 A Not that I can recall.

14 Q Did you hear her, at any time, say that she had seen a
15 black male anywhere in her yard or in the street in
16 front of her door?

17 A I believe right after the blood was washed off, she said
18 that she saw somebody. So, I got Sergeant McCall and
19 told her that the female said she saw something out
20 there or possibly somebody. So, I had Sergeant McCall
21 follow up on that with the complainant.

22 Q Were you privy to any conversation, other than, "she saw
23 somebody"?

24 A I was there for parts of it, but I can't recall what was
25 said or what wasn't said.

DIRECT EXAMINATION OF KELLY WOODHAM BY MR. HOLT

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1 Q Okay. Thank you very much.

2 MR. JONES: That's all I've got.

3 THE COURT: Any redirect?

4 MR. HOLT: None, Your Honor.

5 THE COURT: All right. You may step down. You may call
6 your next witness.

7 MR. HOLT: Judge, the Defense [verbatim] would call
8 Kelly Woodham. The State. I said the Defense would call.

9 THE COURT: Yes, sir, please come forward. I'd ask, if
10 you could, place your left hand on the Bible and raise your
11 right hand as the Clerk administers the oath.

12 (After being duly sworn by the Clerk of Court,
13 **KELLY WOODHAM** testified as follows:)

14 THE COURT: Have a seat in the witness chair. Pull up
15 real close to that microphone and speak loudly, clearly, and
16 slowly, in order that we can hear everything that you've got
17 to say and let's start with your full name, please, sir.

18 MR. WOODHAM: William Kelly Woodham.

19 THE COURT: How you spell that last one?

20 MR. WOODHAM: W-O-O-D-H-A-M.

21 THE COURT: Very good. All right.

22 DIRECT EXAMINATION

23 BY MR. HOLT:

24 Q Officer Woodham, how long have you been with HPD?

25 A Right at nine years.

STATE OF SOUTH CAROLINA VERSUS BRANNON J BRYANT

1 Q Well, what did you do before that?

2 A I was with the Bishopville Police Department.

3 Q All right, sir. About how long have you been in law
4 enforcement?

5 A About ten years.

6 Q Do you like it?

7 A Yes, sir.

8 Q All right. What's your current position at HPD?

9 A Police officer and victim's advocate.

10 Q And what kind of duties does that entail?

11 A I assist victims with court proceedings, victims and
12 victim's families with court proceedings, paperwork to
13 possibly get assistance from the state and any other
14 duties as assigned.

15 Q Why is it that I see your name on so many incident
16 reports if that's what you're duties are?

17 A Well, I am the victim's advocate, so I do interact with
18 victims and their families quite a bit. I also work in
19 the investigations office. So, periodically, I assist
20 them with their duties.

21 Q All right. So, typically -- let me just ask this. On
22 the day in question, June 8th, 2012, how did you become
23 involved in the murder of Ms. Shannon Thomas?

24 A When I arrived at work, Sergeant McCall advised me there
25 had been a homicide and they were having difficulty

DIRECT EXAMINATION OF KELLY WOODHAM BY MR HOLT

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1 identifying the victim because she didn't have any ID on
2 her.

3 Q Okay. And what did you do next?

4 A Sergeant McCall had a name, Ms. Shannon Thomas. I
5 looked that name up on Facebook to see if she possibly
6 had a Facebook page. There was an active page. I
7 printed out some photographs for Sergeant McCall to
8 possibly identify her as the victim.

9 Q Did you take them to the scene? Did you ever visit 305
10 South 8th Street?

11 A No, I didn't.

12 Q Okay. And more importantly, did you ever have a chance
13 to touch the body of Ms. Thomas?

14 A No, I didn't.

15 Q And did you ever have any chance to touch the Defendant?

16 A No, I didn't.

17 Q All right. How else were you involved in the case?

18 A After that, I was requested by Sergeant McCall and
19 Lieutenant Rudick to go to 325-C Bell Avenue to get a
20 description of the apartment complex to secure a search
21 warrant for that apartment.

22 Q And did you do that?

23 A Yes, I did.

24 Q All right. And what else? Did you go with them when
25 they did the search warrant?

1 A I stayed on scene and when they arrived, I assisted in
2 completing and executing the search warrant.

3 Q All right. What did you find while you were inside?
4 What were the areas you searched?

5 A Prior to going inside, in the trash can located right
6 outside the door of Apartment "C", I located a knife and
7 a pair of shorts.

8 Q All right. And did it look like there was any type of
9 blood or anything like that on the knife and the shorts?

10 A I couldn't tell. I notified Lieutenant Rudick of my
11 findings and pointed them out to him and then he took
12 the scene over from there, or the trash can.

13 Q All right. Did you do anything else?

14 A I searched the kitchen of 325-C. I did not locate
15 anything.

16 Q Now, let me ask you this, why are you watching all the
17 evidence today?

18 A Detective South was our evidence custodian. She had a
19 medical appointment with her daughter that had been
20 scheduled prior to knowing about this trial.

21 Q And since -- where did Laura South hand you that
22 evidence at?

23 A In the room out there where we've been sitting.

24 Q And you've been watching it since then?

25 A Yes, I have.

CROSS EXAMINATION OF KELLY WOODHAM BY MR. NEELY

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1 Q And has it ever got out of your sight?

2 A No, it hasn't.

3 Q All right. Thank you so much for being here today.

4 Please answer any questions Defense counsel may have.

5 THE COURT: Mr. Neely, you're recognized.

6 MR. NEELY: Thank you, Your Honor.

7 CROSS EXAMINATION

8 BY MR. NEELY:

9 Q Officer Woodham, you just testified that you went to
10 325-C Bell Avenue to get a description of the house to
11 execute a search warrant.

12 A Correct.

13 Q And then you testified that you stayed on scene to help
14 execute that search warrant.

15 A Correct.

16 Q Do you recall writing your incident report?

17 A My supplement, yes.

18 Q Yes, sir. And do you recall that in that incident
19 report, you stated that you actually went back to the
20 detective station for about twenty minutes to meet with
21 the victim's family and that no one showed up?

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

23 Q But it's possible that is in your incident report?

24 A It's possible.

25 Q And then when you were -- then you went back to 325-C

1 Bell Avenue and you looked in that trash can?

2 A Correct.

3 Q And what did you find?

4 A A knife and a pair of shorts.

5 Q What kind of knife was it?

6 A I believe it was a kitchen knife.

7 Q Like a paring knife?

8 A A kitchen knife.

9 Q A kitchen knife.

10 A It wasn't like a pocket knife. It had a set blade on
11 it.

12 Q All right.

13 MR. NEELY: Thank you, Your Honor. No further
14 questions.

15 THE COURT: Any redirect?

16 MR. HOLT: None, Your Honor.

17 THE COURT: All right. You may step down. You may call
18 your next witness.

19 MR. HOLT: Judge, I think we've run out of witnesses I
20 have available for this afternoon.

21 THE COURT: All right. Very good. Mr. Foreman, ladies
22 and gentlemen of the jury, we're going to recess until 9:30
23 in the morning. We need all of y'all to be here a little bit
24 ahead of time. Don't tarry around the common areas of the
25 courthouse, come directly to the jury room. Once again, do

1 not discuss the case amongst yourselves or with your family
2 members or coworkers. I don't know whether there's been any
3 media attention to this case. Don't look up anything on the
4 internet with regard to this case. If there's anything on
5 the news, which I don't anticipate there would be, or if
6 there's any article in the newspaper, I'm going to ask that
7 you not, I'm not only going to ask, I'm going to order that
8 you not look at that. If you were to see something about a
9 murder case in Darlington County, divert your attention from
10 that. Do not read that. You're going to hear all the
11 evidence as it's presented here in this courtroom and that's
12 what you need to base your decision on and do not place
13 anything on any kind of social media. We'll see you back at
14 9:30, 9:30 sharp. Everyone remain seated as the jury exits
15 the courtroom.

16 (Jury out at 4:14 PM)

17 THE COURT: Anything from the State before we recess?

18 MR. HOLT: No, Your Honor.

19 THE COURT: Anything from the Defense?

20 MR. JONES: No, sir.

21 THE COURT: Be here at 9:30, 9:30 sharp. Why don't
22 y'all be here a little bit early in case there are any
23 matters that we need to tend to. All right. And is the
24 Defendant out on bond?

25 MR. HOLT: No, sir.

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1 MR. JONES: No, sir.

2 THE COURT: Okay. All right. We'll stand at ease until
3 9:30.

4 MORNING - JULY 29, 2014

5 THE COURT: Good morning, everybody.

6 MR. HOLT: Good morning.

7 MR. JONES: Good morning.

8 THE COURT: Anything from the State before we proceed?

9 MR. HOLT: Judge, just, I guess, everyone -- before we
10 start, I'd like to call out and make sure there's nobody in
11 the courtroom who's under subpoena that sneaked in. I would
12 hate to lose the right to question them because they came in.

13 THE COURT: Is there anybody in the courtroom who is
14 subpoenaed to be a witness? (No response)

15 THE COURT: All right. Very good. Anything from the
16 Defense?

17 MR. JONES: No, sir.

18 THE COURT: All right. We're ready for the jury.

19 THE BAILIFF: All right, sir.

20 (Jury in at 9:33 AM)

21 THE COURT: Mr. Foreman, ladies and gentlemen of the
22 jury, thank you for being here and thank you for being here
23 on time. These are very important matters and we ask that
24 you focus as the witnesses testify and the evidence comes
25 before you. Mr. Holt, you're recognized. You may call your

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1 next witness.

2 MR. HOLT: Thank you very much, Your Honor. At this
3 time, I'd like to call Alta Mae Hicks. She might be waiting
4 for us outside.

5 CLERK OF COURT: If you'll come up and take the oath of
6 the witness, please ma'am. Right here.

7 THE COURT: Place your left hand on the Bible and raise
8 your right hand as the Clerk administers the oath

9 (After being duly sworn by the Clerk of Court, **ALTA**
10 **MAE HICKS** testified as follows:)

11 THE COURT: I'm going to ask you to have a seat in this
12 witness chair. Speak loudly, clearly, and slowly in order
13 that we can hear everything that you've got to say and let's
14 start with your full name, please, ma'am.

15 MS. HICKS: My name is Alta Mae Hicks.

16 THE COURT: And you can pull up a little bit closer to
17 that microphone. There you go. All right. Thank you, Ms.
18 Hicks.

19 DIRECT EXAMINATION

20 BY MR. HOLT:

21 Q Ms. Hicks, could you tell us where you're from.

22 A I'm from Darlington County, Hartsville, South Carolina.

23 Q All right. And where do you currently live?

24 A I live at 431 Primus Park Road.

25 Q And how old are you?

1 A I'm sixty-three.

2 Q Sixty-three. All right. And on the night in question,
3 June 7th, 2012, it would have really been the early
4 morning hours of June 8th.

5 A Yes.

6 Q Where were you sleeping that night?

7 A I was sleeping in my daughter's bedroom.

8 Q And why were you in your daughter's bedroom?

9 A Well, I was there taking care of her children.

10 Q And where was your daughter?

11 A My daughter was at work.

12 Q All right. And who was at the house with you?

13 A My grandchildren.

14 Q And how many of them were there, you reckon?

15 A It was three.

16 Q That's a lot to take care of.

17 A Yes.

18 Q And could you please describe to the jury what you
19 witnessed that night.

20 A Okay. Well, I was sitting in the living room and I was
21 watching TV. So, I decided to get up and go lay down.
22 So, when I went and laid down on my daughter's bed,
23 before I went, I looked out the front. I always check
24 around the house before, you know, I lay down. So, when
25 I laid down, I was just, you know, drifting off to

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1 sleep. So, I heard a knock on the door and it was
2 (demonstrating). So, I jumped up and I went running to
3 the living room. So, I looked through the peephole, but
4 I couldn't see anybody. So, about that time my
5 granddaughter, she had jumped up and went to the bedroom
6 facing the front of the house and she looked out the
7 window and she said, "Grandmama, there's a lady laying
8 on the porch". So, about that time, I ran around to the
9 bedroom and looked out the window and there was a lady
10 laying on the porch. So, about that time I ran back
11 around, through the dining room into the living room,
12 and I grabbed my phone and I called 9-1-1.

13 Q Cell phone or a house phone?

14 A Cell phone.

15 Q Okay. And after you called 9-1-1, what did you do?

16 A Well ---

17 Q And let me stop you right there. And I hate to do this,
18 but I realize I need to ask you something and I forgot.

19 A Okay.

20 Q Was your porch light on?

21 A Yes.

22 Q Okay. And how do you know that?

23 A Well, I always leave the porch light on.

24 Q All right.

25 A Yes.

1 Q Go ahead.

2 A Then I ran back around to take care of, to check on the
3 children and then I ran back around to the living room
4 and I was looking out the front window and I saw a man
5 standing, like, in front of the house. He was looking
6 toward the house. He had on a red and white jersey.

7 Q Okay. And what did you do after that?

8 A Well, at that time, I just went and, you know, sat down
9 and waited for the police to come.

10 Q And about how long after you call 9-1-1 until they got
11 there?

12 A It wasn't long. I can't say exactly, you know, how many
13 minutes did it take, but it wasn't long.

14 Q Over an hour or under an hour?

15 A Under an hour.

16 Q Okay. Over thirty minutes or under thirty minutes?

17 A It seemed like it was under thirty minutes.

18 Q Okay. All right. So you leave the porch light on.
19 Now, when did you tell the police that you saw a man in
20 a red shirt? Because it happened, you said, after you
21 called 9-1-1.

22 A Yes.

23 Q All right. When did you tell the police that, do you
24 know?

25 A I'm not sure. But I did tell them when they, you know,

DIRECT EXAMINATION OF ALTA MAE HICKS BY MR. HOLT

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1 questioned me about it.

2 Q All right. Now, was this a stressful situation for you?

3 A Yes, it was.

4 Q Is this something that happens all the time?

5 A No, it don't.

6 Q All right. Now, they took you to the investigations,
7 didn't they, and asked you some questions about that
8 man?

9 A Yes.

10 Q And what did you tell them?

11 A I told them that I wasn't sure about the man that I saw
12 in the pictures, but I remember the man that I saw
13 standing in front of the house.

14 Q All right. What did you notice about the man standing
15 in front of your house in the red and white shirt?

16 A Well, he was clean shaven.

17 Q Uh-huh.

18 A Didn't have no mustache or anything.

19 Q Okay. Was he a tall man or a short man?

20 A He was kind of tall.

21 Q Okay. And was he a fat man or a thin man?

22 A He was kind of slim. He wasn't a big man.

23 Q All right. Ms. Hicks, can you think about anything else
24 that you saw that night that was important?

25 A No. That was pretty much it. It happened so quick. It

1 just happened real quick. Everything just was, just
2 happened.

3 Q Who cleaned up the porch for you?

4 A The police.

5 Q All right. All right. Please answer any questions the
6 Defense counsel might have, okay?

7 A Okay.

8 THE COURT: Cross-examination, Mr. Jones.

9 MR. JONES: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. JONES:

12 Q Good morning, Ms. Hicks.

13 A Good morning.

14 Q Ms. Hicks the night that all of this happened back in
15 2012, was that the first night that you had stayed at
16 your daughter's house?

17 A Yes.

18 Q Never had been there before?

19 A I'd been there before but, you know, that night I was
20 there. Uh-huh.

21 Q Okay. And again, just so I'm clear. Is that that the
22 first night that you had spent the night there with your
23 grandchildren?

24 A No, it hadn't.

25 Q Okay. So you'd been there before?

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1 A Yes.

2 Q All right. And you'd spent the night with your
3 grandchildren before while your daughter was working?

4 A Yes.

5 Q Okay. And is that why knew that the porch light was on,
6 because you always cut the porch light on?

7 A Yes.

8 Q Now, at the house that you were staying at, your
9 daughter's house, does she own it or was she renting
10 that house?

11 A Well, she was renting that house from my cousin.

12 Q And you're familiar enough with the house that I can ask
13 you some questions about the front?

14 A Yes.

15 Q Okay. If I say that this step right here, ---

16 A Uh-huh.

17 Q --- this top step, is the stoop where you walk out the
18 door where this lady was laying.

19 A Uh-huh.

20 Q Can you tell me about how far it is to the road from
21 that stoop? If I walk back this way, can you stop me
22 when I get to the road?

23 A Stop.

24 Q Okay. So it's about, roughly, this far from the front
25 porch to the road?

- 1 A Yes. It has a short front yard.
- 2 Q Yes, ma'am.
- 3 A Yes.
- 4 Q Okay. And when all of this was happening, and you heard
- 5 (demonstrating) the knock on the door?
- 6 A Yes.
- 7 Q You were asleep in the back bedroom. Is that correct?
- 8 A I wasn't quite asleep, I was just about to drift off.
- 9 Q Got it. So, a knock on the door got your interest.
- 10 A Right. Right.
- 11 Q All right.
- 12 A Yes.
- 13 Q And I believe that you said that you came -- there was a
- 14 peephole in the front door?
- 15 A Yes.
- 16 Q All right. When you first looked out the peephole, did
- 17 you see anything?
- 18 A No, I didn't.
- 19 Q All right. And what window -- again, this is the front
- 20 stoop. (Indicating on large chart on easel)
- 21 A Uh-huh.
- 22 Q The door is right here and you just looked out the
- 23 peephole. Which side of the house did you have to go
- 24 to, to look out?
- 25 A To look out?

CROSS EXAMINATION OF ALTA MAE HICKS BY MR JONES

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- 1 Q Yes, ma'am.
- 2 A It's double front window.
- 3 Q Yes, ma'am.
- 4 A And then around in the children's room, there's a double
- 5 window.
- 6 Q Okay. And if I'm standing, looking at your front door.
- 7 A Uh-huh.
- 8 Q Would that double window that you looked out be over
- 9 here or over here?
- 10 A It would be on this side.
- 11 Q Over here?
- 12 A Uh-huh.
- 13 Q Okay. So when you went to the children's room and you
- 14 looked out, that's when you could see a lady on the
- 15 front porch?
- 16 A Yes.
- 17 Q All right. Did you see her move? Did you see any kind
- 18 of activity, whatsoever?
- 19 A No, she wasn't moving.
- 20 Q All right. And from the time you heard the knock until
- 21 you spotted the lady on the front stoop, was it a matter
- 22 of minutes or seconds or can you give me a time frame
- 23 how long we're talking about that this all occurred?
- 24 A Well, it was a matter of minutes because when my
- 25 granddaughter said she saw the lady, I just ran around

1 into the other room.

2 Q Got you. All right. Then where did you have to go to
3 get your phone?

4 A I had to go back around into the living room.

5 Q All right.

6 A And it was right by the door, the front door.

7 Q So you made the call.

8 A Yes.

9 Q And did that just take a few seconds to make a call?

10 A Yes.

11 Q All right. Tell me when you looked out again and saw a
12 man. How long after that 9-1-1 call was it before you
13 looked out and saw a man?

14 A Well, it was a few minutes because I went around and
15 checked on the children.

16 Q Yes, ma'am.

17 A And I came back around and I was looking out the front
18 window and I saw him standing there.

19 Q Very good. And that night things got very hectic, I
20 assume, after the police got there and there were blue
21 lights flashing and a lot was going on. Is that
22 correct?

23 A Yes.

24 Q Did someone tell you not to come out the front door?

25 A Yes. The police officer. I went to open the door and

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1 he said close it back because it's a crime scene.

2 Q And you said he. Do you know which officer that might
3 have been?

4 A No. I don't remember.

5 Q But it was a man, not a woman?

6 A It was a man.

7 Q Did you stay awake the whole time while all of this
8 activity was going on?

9 A Yes.

10 Q All right. At some point in time, did another police
11 officer come around to your back door and talk with you?

12 A Yes.

13 Q All right. And do you remember if that was a man or a
14 woman?

15 A That was a man.

16 Q Okay. Was there a woman with the man?

17 A I'm not quite sure.

18 Q Okay. When that man came round to talk to you, did you
19 tell him that you saw a man in the front yard?

20 A I'm not quite sure whether I told him.

21 Q Okay. When do you remember telling a policeman about
22 that?

23 A I remember telling them when I went to the office, to
24 the police office.

25 Q Okay. And you were interviewed at that time. Do you

1 remember who that was that interviewed you?

2 A No, I don't right remember, you know.

3 Q Was it the same man or a different man?

4 A It was a different man.

5 Q. Okay. And did you speak with him about who you saw, the
6 description of the person that you saw?

7 A Yes.

8 Q All right. And if I wrote down what you said, did you
9 tell him that the man was clean shaven?

10 A Yes.

11 Q Did you tell him that he was tall?

12 A Yes.

13 Q And that he was slim?

14 A Yes.

15 Q And that he had a red and white jersey on?

16 A Yes.

17 Q Do you remember if the jersey -- is that kind of like a
18 football or a ---

19 A Basketball jersey.

20 Q A basketball jersey?

21 A Yes.

22 Q Did it have a number on it? Do you remember?

23 A I'm not quite sure if it had a number on it.

24 Q What makes you say it was a basketball jersey, though?

25 A Because it didn't have any sleeves in it. It was like,

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1 you know, a ball-shirt-type jersey with no sleeves.

2 Q And, again, I don't know exactly how to describe it.

3 But it had little thin straps?

4 A Straps, yes.

5 Q Okay. And did you notice anything else about that
6 shirt? You didn't notice if it had a number on it?

7 A No.

8 Q Okay. Anything else that you remember telling the
9 police officer who interviewed you later at the, I guess
10 at the police station. Is that where it happened?

11 A Right.

12 Q Okay. Anything else you remember telling him about?

13 A Well, I told him that I'd seen the man with the white
14 and red jersey on.

15 Q Yes, ma'am.

16 A And he was clean shaven. He didn't have any facial hair
17 like a mustache or a beard.

18 Q And now while you were there, did they show you some
19 pictures?

20 A Yes.

21 Q All right. And did they call that a photo lineup?

22 A Yes.

23 Q All right. And did you study each one of those
24 pictures?

25 A Yes.

1 Q And did you see the person that you saw in your front
2 yard in any of those pictures.

3 A I wasn't sure about -- you know, I saw a man. But I
4 wasn't quite sure that was the man that I saw in the
5 front yard.

6 Q All right. Did you identify anybody in those pictures
7 as the person that you saw?

8 A No.

9 Q And do you remember telling the officer that you were
10 pretty sure that you knew that you could recognize that
11 man?

12 A Pretty sure.

13 MR. JONES: If I could have one second, please?

14 Q Ms. Hicks, after you could not identify anyone in those
15 pictures that they showed you ---

16 A Uh-huh.

17 Q --- did they show you another set of pictures or just
18 the one set?

19 A I think there was another set.

20 Q Okay. Did you ever identify anybody?

21 A I identified somebody that kind of favored the man. But
22 I wasn't sure whether that was the man that I saw that
23 night.

24 Q Was it in the first set of pictures or another set of
25 pictures?

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1 A I think it was in the second set of pictures.

2 Q Okay. Did that happen the same time that you were being
3 interviewed or did you get called back later?

4 A No, it was the same time.

5 Q Same time, okay. And was it the same officer that
6 showed you two sets of pictures?

7 A Yes.

8 Q And are you sure there were two sets of pictures?

9 A Yes.

10 Q Okay. And I know it stretches the memory a little bit,
11 but when you were in that interview, when you were shown
12 the first set of pictures, was that set of pictures --
13 did the officer have that set of pictures with him when
14 he started talking to you or did he have to get up and
15 leave and come back. Do you remember?

16 A I'm not quite sure.

17 Q Okay. And that's fine. Thank you, ma'am.

18 MR. JONES: That's all I have.

19 THE COURT: Redirect?

20 MR. HOLT: Thank you, Judge.

21 REDIRECT EXAMINATION

22 BY MR. HOLT:

23 Q Ms. Hicks, you wanted to be a hundred percent sure you
24 knew who was in the picture if you said so, didn't you?

25 A Yes.

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1 Q All right. And you weren't a hundred percent sure, were
2 you?

3 A No.

4 Q So, you didn't say so, did you?

5 A No.

6 Q Thank you, Ms. Hicks.

7 MR. HOLT: No further questions.

8 THE COURT: You may step down. Thank you, Ms. Hicks.

9 MR. HOLT: May I get Ms. Williams, please.

10 CLERK OF COURT: Would you like for her to be excused?

11 MR. HOLT: I would.

12 MR. JONES: No objection, Your Honor.

13 THE COURT: All right. You're free to leave.

14 CLERK OF COURT: If you'll come forward, ma'am, and take
15 the oath of the witness.

16 THE COURT: Yes, ma'am. Please come forward and place
17 your left hand on the Bible and raise your right hand as the
18 clerk administers the oath.

19 (After being duly sworn by the Clerk of Court,

20 **ANITA WILLIAMS** testified as follows:)

21 THE COURT: Have a seat in the witness chair. I'm going
22 to ask you to pull up real close to that microphone. Speak
23 loudly, clearly and slowly in order that we can hear
24 everything that you've got to say.

25 MS. WILLIAMS: Okay.

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1 THE COURT: Let's start with your full name.

2 MS. WILLIAMS: Anita Dix Williams.

3 THE COURT: Thank you, Ms. Williams.

4 DIRECT EXAMINATION

5 BY MR. HOLT:

6 Q Ms. Williams, how you doing?

7 A All right.

8 Q And now where are you from?

9 A Hartsville, South Carolina.

10 Q And how old are you?

11 A Fifty-three.

12 Q All right. Where you live right now?

13 A I stay on East Lidia Highway.

14 Q Okay. Now, let me ask you something, on the early
15 morning hours of June 8th, 2012, did you find yourself
16 near Bell Avenue?

17 A Yes, I did.

18 Q And can you tell me how you did that?

19 A My nephew stays next door to me and the person that we
20 saw, the...

21 Q Victim?

22 A Yeah, the victim, was his sister. And he came and
23 knocked on my door and asked me to take him downtown
24 because someone told him that his sister just got
25 killed. So, I got in the car and took him downtown and

1 it was on Bell Avenue and we stopped and got out the
2 car. I was trying to chase him down to calm him down,
3 but I lost track of him.

4 Q He was upset?

5 A Yes. He was very upset. So I lost track of him so I
6 started walking down the street trying to calm my nerves
7 and I happened to look down and found some keys.

8 Q All right.

9 MR. HOLT: Permission to approach, Judge.

10 THE COURT: Certainly.

11 Q I'm going to cut open what's been previously marked for
12 identification purposes as State's Exhibit #5 and I want
13 to ask you, without saying what they are, okay, have you
14 ever seen these items before?

15 A Not until the morning of her death.

16 Q All right. And are they in essentially the same shape
17 as that morning?

18 A Yes.

19 Q And can you tell the jury what those are?

20 A Keys and a lighter.

21 Q All right.

22 MR. HOLT: Judge, at this time, I'd like to move State's
23 Exhibit #5 into evidence.

24 THE COURT: Any objection?

25 MR. JONES: Yes, sir. I'm going to object. I don't

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1 think he's established where they have been found, other than
2 somewhere on the road.

3 THE COURT: All right.

4 MR. HOLT: Judge, I don't think I need to establish
5 exactly where they were found. I think I need to establish
6 if she's seen them and they've been in her possession before.
7 They're not fungible objects. They're a key that fits a
8 certain lock with a certain key chain on it.

9 THE COURT: I'll overrule your objection. The general
10 vicinity has been established for the record. And you'll be
11 given wide latitude with regard to cross-examination to
12 establish whatever point you would like.

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

14 (Whereupon, a set of keys are entered into evidence as
15 State's Exhibit #5, over objection.)

16 MR. HOLT: And Judge, if the witness could step down.

17 THE COURT: You may step down, yes.

18 A (Complies)

19 Q Now, Ms. Williams, I'm going to show you a map. I'm
20 going to put it here where everybody can see it. I
21 didn't put it on my big board today. Okay. If this
22 would be Bell Avenue at South 8th Street.

23 A Uh-huh.

24 Q The location of the home, 305 South 8th Street, okay?
25 Where do you think you parked?

1 A I parked my car, I think between right here at this
2 first house. It's right up in there.

3 Q Okay. And about where do you think you found those
4 keys?

5 A I crossed over 8th Street. This is Bell, right?

6 Q Yeah.

7 A I crossed over 8th Street. Somewhere up in there.

8 Q So, it would have been somewhere up in here?

9 A Uh-huh.

10 Q And I'll let you circle the area you think it could have
11 been and put your initials by them.

12 A (Witness complies)

13 Q Somewhere in that area you think?

14 A Uh-huh. Uh-huh.

15 Q All right. And what did -- you can go ahead and have a
16 seat and I thank you so much. Yes, ma'am.

17 A (Witness complies)

18 Q Now, when you found those keys, what did you do with
19 them?

20 A I picked them up and I said, I wonder if these got
21 anything to do, you know, with what just happened and I
22 took them and walked across 8th Street, on the other
23 side of Bell, and I handed them to the police officer.
24 And I said, I don't know whether these got anything to
25 do with it, but I found these in the road.

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1 Q All right. Do you remember what the police officer's
2 name was?

3 A I have no idea.

4 Q All right. And did you eventually get your nephew home
5 that day?

6 A No. He got in the car with his dad, as far as I know.

7 Q All right. And what did you do after you handed the
8 police officer those keys?

9 A I stayed there a little while longer and made sure that
10 nothing else was going on and then I got in my car and
11 proceeded to go home.

12 Q All right. Thank you so much. Please answer any
13 questions that Defense counsel might have, all right?

14 A Okay.

15 THE COURT: Cross-examination?

16 MR. JONES: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. JONES:

19 Q Ms. Williams, on the map that you just were shown by Mr.
20 Holt, you circled, it appears to me that you circled the
21 intersection of Bell Avenue and ---

22 A It was close to the intersection, somewhere up in that
23 vicinity.

24 Q And tell me again, based on this, where you parked your
25 car.

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1 A On the other side of 8th Street, on Bell. And I was
2 walking up and down the street. We just kept walking up
3 and down the street and when I walked back up towards
4 Bell, towards the cotton gin, that's when I looked down
5 and I seen the keys. They was almost at the
6 intersection.

7 Q When you pulled up to that intersection ---

8 A Uh-huh.

9 Q --- of Bell and 8th, was that intersection blocked by a
10 police car?

11 A No, it was not at the moment.

12 Q Were there policemen in the vicinity, though?

13 A Yes, they were.

14 Q Did you see blue lights flashing and cars parked
15 anywhere on 8th?

16 A There was cars everywhere.

17 Q All right. But the intersection was open?

18 A It was open.

19 Q How far down towards -- are you familiar with 305 South
20 8th Street?

21 A No.

22 Q From that intersection, how far was it until the first
23 police car was parked blocking the road, blocking 8th
24 Street?

25 A I can't remember that, either.

CROSS EXAMINATION OF ANITA WILLIAMS BY MR JONES

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1 Q Was there a car blocking the road?

2 A No.

3 Q Where were the policemen?

4 A They were on Bell. Some was on 8th, because the house
5 where they found her, they had that -- they were all up
6 in there.

7 Q But the road was not blocked at the time that you went
8 by?

9 A The road was not blocked.

10 Q Okay. And I'm not sure if you were asked, but do you
11 remember what time of day or night that was?

12 A No, I don't remember. All I know, it was in the
13 morning.

14 Q Was it light outside?

15 A Yes, it was.

16 Q Okay. Do you remember if it had been light for a while?

17 A Can't remember that either. I just got -- my nephew
18 came and got me and I just jumped in the car.

19 Q Well, let me back up a minute, okay? What did you do
20 earlier before your nephew came to get you?

21 A I was laying in the bed late.

22 Q That's okay. Do you remember how late you may have laid
23 in the bed that morning?

24 A No.

25 Q And you don't remember how long the sun might have been

1 up?

2 A No.

3 Q Okay? Had you had breakfast?

4 A I don't usually eat breakfast.

5 Q Anything else, specific, about what time of day or
6 morning -- was it before lunchtime?

7 A (Shakes head)

8 Q You just don't know?

9 A (Shakes head)

10 Q Okay. Now, when you found these two items -- all right.
11 And you have marked the intersection again?

12 A Uh-huh.

13 Q Was it on 8th Street or Bell Avenue that you found them?

14 A It was on Bell Avenue.

15 Q And you don't recall how far from the intersection you
16 were?

17 A No.

18 Q All right. Did you find anything else?

19 A No.

20 Q How long did it take you to find a policeman to hand
21 those two items two?

22 A Well, I could see the police officer, so I just walked
23 on down there and gave them to him.

24 Q Do you remember which one?

25 A I don't.

DIRECT EXAMINATION OF TENYONDE RICHARDSON BY MR. HOLT 179

1 Q Do you have any idea of a name?

2 A I don't remember.

3 Q Male or female?

4 A It was a male.

5 Q Okay. And after you handed the key and the lighter to
6 an officer you ended up going home?

7 A Uh-huh.

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

9 THE COURT: Okay.

10 MR. JONES: That's all I have. Thank you very much.

11 THE COURT: Redirect, Mr. Holt?

12 MR. HOLT: None, Judge.

13 THE COURT: All right. You may step down. Any
14 objection to this witness being excused?

15 MR. HOLT: I'd ask you to.

16 MR. JONES: No objection.

17 THE COURT: You're free to leave. Thank you, ma'am.

18 MS. WILLIAMS: Thank you.

19 MR. HOLT: Can I get Tee Richardson out of the back?

20 THE COURT: Yes, sir. Please come forward, place your
21 left hand on the Bible and raise your right hand as the clerk
22 administers the oath.

23 (After being duly sworn by the Clerk of Court,

24 **TENYONDE RICHARDSON** testified as follows:)

25 THE COURT: Have a seat in the witness chair. Pull up

STATE OF SOUTH CAROLINA VERSUS BRANNON J. BRYANT

1 real close to that microphone.

2 MR. RICHARDSON: Yes, sir.

3 THE COURT: Speak loudly, clearly, and slowly ---

4 MR. RICHARDSON: Yes, sir.

5 THE COURT: --- so that we can hear everything that
6 you've got to say and let's start with your full name?

7 MR. RICHARDSON: My full name is Tenyonda Richardson.

8 THE COURT: Can you spell that first one for us.

9 MR. RICHARDSON: It's T-E-N-Y-O-N-D-E.

10 THE COURT: Okay. Very good.

11 DIRECT EXAMINATION

12 BY MR. HOLT:

13 Q Officer Richardson, where are you currently employed?

14 A At Hartsville Police Department.

15 Q How long you been with HPD?

16 A A little over twelve years.

17 Q All right. How long you been in law enforcement?

18 A A little twelve years.

19 Q. HPD the only place you ever worked?

20 A That's correct.

21 Q All right. What's your position, currently?

22 A I'm a patrol lieutenant.

23 Q Okay. And how about on June 8th, 2012, what was your
24 position then?

25 A I was the patrol commander, first sergeant.

DIRECT EXAMINATION OF TENYONDE RICHARDSON BY MR. HOLT 181

1 Q And what does a patrol commander?

2 A My job as a patrol commander is to oversee the daily
3 operations of patrol.

4 Q All right. What's the difference between patrol and
5 investigations?

6 A Patrol, they're the ones who pretty much work the
7 streets. Investigations, they're the ones who come out
8 and investigate different things that happen in the
9 neighborhood, when they get a call from patrol.

10 Q All right. How were you notified of the murder of Ms.
11 Shannon Thomas that took place on June 8th, at 305?

12 A When I came in, because normally I come in early. I
13 heard a commotion over the radio. So, I responded to
14 the area of 8th and Bell Avenue.

15 Q And when you responded there, what did you do?

16 A I pretty much maintained crowd control in the area of
17 Bell and 8th Street.

18 Q And was there a lot of people there?

19 A Yes, sir.

20 Q All right. Can you think about anything in particular
21 you might have done that was important?

22 A Basically, that morning just no more than maintaining
23 the crowd control and helping with searching of the
24 residence.

25 Q All right. Well, I just want to ask you just two things

STATE OF SOUTH CAROLINA VERSUS BRANNON J BRYANT

CROSS EXAMINATION OF TENYONDE RICHARDSON BY MR NEELY 182

1 that are very important. Did you ever have occasion to
2 touch the body?

3 A No, sir.

4 Q And did you ever have occasion to touch the Defendant?

5 A No, sir.

6 Q All right. Officer Richardson please answer any
7 questions Defense might have.

8 THE COURT: Mr. Jones, Mr. Neely, you're recognized.

9 MR. NEELY: Thank you, Judge.

10 CROSS-EXAMINATION

11 BY MR. NEELY:

12 Q Good Morning, Lieutenant.

13 A Good morning, sir. How you doing?

14 Q What time did you respond that morning to the scene?

15 A Let me look at my notes. It was around 7:50 a.m.

16 Q Seven-fifty. And when you responded, did you go
17 straight to 305 8th Street?

18 A I went to the area of 8th and Bell, which is pretty much
19 near the area. Yes, sir.

20 Q And you did crowd control?

21 A Yes.

22 Q And after that, did you stay on scene and help execute
23 the search warrant or did you leave and then come back?

24 A I left the area of 8th and went down to the area that
25 needed to be searched.

STATE OF SOUTH CAROLINA VERSUS BRANNON J. BRYANT

CROSS EXAMINATION OF TENYONDE RICHARDSON BY MR NEELY 183

1 Q And during that search, did you find anything?

2 A No, I didn't find anything.

3 Q How long were you on the scene that morning?

4 A Timing-wise, I really can't say.

5 Q Okay.

6 MR. NEELY: Judge, one moment.

7 Q A couple more questions, Lieutenant. That morning, did
8 you walk up and down the area between 8th and Bell?

9 A Yes, sir. Just no more than where the crowd was, yes,
10 sir.

11 Q Did you happen to notice keys or a lighter on the
12 ground?

13 A No, I didn't.

14 Q All right. Nothing further then.

15 THE COURT: Any redirect?

16 MR. HOLT: None, Your Honor.

17 THE COURT: All right. You may step down. Any
18 objection to this witness being excused?

19 MR. HOLT: I would appreciate if you would allow him to
20 get off his subpoena.

21 MR. JONES: No objection.

22 THE COURT: You're free to leave. Thank you. You may
23 call your next witness.

24 MR. HOLT: Thank you very much, Judge. At this time,
25 I'd like to call Kathy Cash, please.

DIRECT EXAMINATION OF KATHY CASH BY MR HOLT

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1 CLERK OF COURT: Come around, ma'am.

2 THE COURT: Yes, ma'am. Please come forward. I'm going
3 to ask you to stand in front of the clerk there. Place your
4 left hand on the Bible and raise your right hand as the clerk
5 administers the oath.

6 (After being duly sworn by the Clerk of Court,

7 **KATHY CASH**, testified as follows:)

8 THE COURT: Pull up real close to that microphone and
9 speak, loudly, and slowly in order that we can hear
10 everything that you've got to say.

11 MS. CASH: Okay.

12 THE COURT: And let's start with your full name, please.

13 MS. CASH: It's Kathy Donaldson Cash.

14 THE COURT: Okay. Very good.

15 DIRECT EXAMINATION

16 BY MR. HOLT:

17 Q Ms. Cash, how old are you?

18 A Fifty.

19 Q And where are you from? Where do you live right now?

20 A Hartsville.

21 Q Your whole life?

22 A Uh-huh.

23 Q All right. And how many children do you have?

24 A Well, one now.

25 Q All right. Can you tell us June 7th, 2012, where was

DIRECT EXAMINATION OF KATHY CASH BY MR HOLT

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1 the last place you remember seeing your daughter?

2 A On Bell Avenue at a white long apartment house. I found
3 out now, the last day.

4 Q And what were you doing there?

5 A Well, she called me early that day like she do
6 sometimes. She said, "Mom, you going to come see me?"
7 And I told her, I said, "I got to work late tonight
8 Shannon. It depends on how I feel. I'll call you." So
9 that was around noon. So I called her -- do you want me
10 to keep going, right?

11 Q Yes, ma'am.

12 A I called her after I got off work and I started driving
13 towards her because she was staying with my grandmother
14 on 8th Street. And so I got there and called her. I
15 said, "Shannon, I said, where are you?" I said, "I'm
16 coming to see you." She said, "Oh, mom, I down here on
17 Bell Avenue." I said, "Bell Avenue"? And I said,
18 "Where"? And I said, "turn left or right?" And she
19 said, "Turn right, and come on down and you'll see a
20 white house. It's a apartment, but it look like a
21 house." And she asked me, she said, "You know where
22 this junk yard at over here where they do cars?" I
23 said, "Okay. I know exactly where you are. I'll be
24 there in a sec." So when I got there, I parked in the
25 front and I blowed the horn and kept blowing the horn

1 and she wasn't coming out. So I called the phone. I
2 said, "Shannon, I'm out here to see you. Where are you?
3 I don't see you. I'm blowing the horn." She says, "Oh,
4 I'm in the back. Wait. I'm coming." So I back out
5 into the yard and pulled on the side, you know, right on
6 the side by the fence that day. And so she came out and
7 we talked and, you know, just having a good time like we
8 always do and how we doing. I'm doing all right. And I
9 asked her, I said, "Shannon who you with over here? Who
10 stays here?" She said, "Oh, mom. I'm just over here
11 with some friends hanging out, me and some girls and the
12 guy that stays here." Which I never knew the guy. I
13 never heard of him before until after Shannon, you know,
14 was gone. And so after we talk, we talked and shugged a
15 little bit and I said, "Well, I know you not be doing
16 anything." "No, mom, I ain't allowed. We just having a
17 little fun, you know, like we do." I said, "Okay." And
18 I said, "I love you baby." She said, "I love you, too."
19 And then we gave each other a kiss like we always do.
20 And then she walked all the way back to the back of the
21 apartment, at the apartment complex house and then she
22 did a little dance as she do sometime, but she never did
23 this part right here and then she gave me a kiss and
24 blew and told me bye and I blew the horn and drove off.
25 Q And that was the last time you saw her?

DIRECT EXAMINATION OF KATHY CASH BY MR. HOLT

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1 A Yes.

2 Q It sounds kind of like y'all had a friendly
3 relationship.

4 A Oh, yes. Uh-huh.

5 Q Did y'all talk about each other's personal lives a lot?

6 A Uh-huh. Yes.

7 Q Did she often tell you about who she was dating?

8 A Anybody that she dates, she tells me. Even if I agree
9 with it or not, she usually, "Mom, I want you to, you
10 got to meet my bull." She would tell me, "Mom,
11 everybody. Mama, I want you to meet my bull." "I'd say
12 all right, Shannon." So, you know, Shannon make sure I
13 do that, whether I agree with it or not. I'd tell her
14 about it later.

15 Q So, what you're saying is, even if it's a horrible
16 person that you wouldn't like ---

17 A Yeah. She always told me.

18 Q --- she would bring him around and ---

19 A Yes.

20 Q All right. Well, let me just come up here real quick.

21 MR. HOLT: Permission to approach, Your Honor.

22 THE COURT: Certainly.

23 Q I'm going to show you what's been marked as State's
24 Exhibit #2 and I'm going to ask you, do you recognize
25 these sandals?

1 A Yes.

2 Q And how do you recognize these sandals?

3 A On my baby's feet.

4 Q Okay. And I want to show you State's Exhibit #4 and I
5 want to ask you if you recognize State's Exhibit #4?

6 A Yes, I paid for it.

7 Q And how do you recognize it?

8 A It's her phone.

9 Q Okay. And when you first got -- well, I guess that was
10 the last time you saw your daughter that night on Bell
11 Avenue, but it wasn't the last time you were on Bell
12 Avenue.

13 A Right.

14 Q And when you went there that morning, what did you find?

15 A When I went there that morning, went to Bell Avenue?

16 Q On June 8th.

17 A Oh, well, I found Shannon was already gone to the
18 coroner. I missed her. We was riding down the road
19 trying to find her, but somebody told us that they had
20 already took her body away. Because when I, I mean, I
21 would call Shannon and I texted Shannon that morning, I
22 love her, like I always do, but she never texted back.
23 But I just figured she was asleep. So, I was getting
24 dressed for work and then my son called me, you know,
25 and told me. Mom -- but he was out of town. He was out

DIRECT EXAMINATION OF KATHY CASH BY MR. HOLT

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1 of town to see, went out of town to see the White House
2 and kind of stuff like that. And he said, "Mom, he said
3 somebody said Shannon hurt, got hurt." And I said,
4 "Huh?" And he said, "Yes, she hurt." And so then I
5 called my friend and asked them to go around and see. I
6 said, and I'm coming. And so then, by the time we got
7 there, anyway, like I said, she was gone, already gone
8 away to do the stuff they do for dead people.

9 Q Did you see the phone at that time?

10 A No. Anything else?

11 Q No, ma'am, I don't think there's anything else.

12 A Me and Shannon were very close. Me and my kids grew up
13 that way to be able to tell each other anything, because
14 I never judged them but I always would tell them what I
15 like and what I don't like. And then, but you know,
16 we'd deal with that. Me and Shannon talked on a daily
17 basis. She was my baby.

18 Q You feel certain that if she was in a relationship with
19 a man she would have told you?

20 A I know for sure.

21 Q All right. All right. Ms. Cash, please answer any
22 questions Defense counsel might have.

23 THE COURT: Cross-Examination, Mr. Jones.

24 MR. JONES: Thank you, sir.

25 CROSS-EXAMINATION

STATE OF SOUTH CAROLINA VERSUS BRANNON J BRYANT

1 BY MR. JONES:

2 Q I just have a couple of questions.

3 A Uh-huh.

4 Q You said Shannon lived with her grandmother, that would
5 be your mother?

6 A No, my great grandma.

7 Q Your great grandmother?

8 A Uh-huh.

9 Q Where is that?

10 A On James.

11 Q And in relation to Bell Avenue, how do you get to James
12 from Bell Avenue?

13 A From James to Bell? Well, from James, from Bell Avenue
14 to James?

15 Q Yes, ma'am.

16 A Well, you come on down the road, you turn left. You go
17 on down to James and turn right.

18 Q Okay. And if I'm on Carolina Avenue.

19 A Uh-huh.

20 Q Looking down 8th Street.

21 A Uh-huh.

22 Q Do I come to Bell Avenue first?

23 A Uh-huh.

24 Q And then I keep going a couple of more streets?

25 A Uh-huh.

CROSS EXAMINATION OF KATHY CASH BY MR JONES

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- 1 Q And then I get to James?
- 2 A Right.
- 3 Q Let's see if that's on this map. If I show you this
- 4 little map and if I tell you ---
- 5 A Get it a little closer. I got my bifocals on.
- 6 Q Yes, ma'am. If I tell you that Carolina Avenue is right
- 7 there.
- 8 A Uh-huh.
- 9 Q And that Marlboro Avenue is right there.
- 10 A Uh-huh.
- 11 Q And that Bell Avenue is right there.
- 12 A Uh-huh.
- 13 Q And that Sumter is there.
- 14 A Uh-huh.
- 15 Q Do I keep going that way?
- 16 A Right.
- 17 Q Do you know how many more streets it is?
- 18 A Okay. Sumter.
- 19 Q Sumter would be right there.
- 20 A I think it's Sumter and Logan. It's Logan maybe and
- 21 then James.
- 22 Q So it's, to your knowledge, two blocks that way?
- 23 A Right. Uh-huh.
- 24 Q Okay. Thank you.
- 25 MR. JONES: That's all I have. Thank you very much.

DIRECT EXAMINATION OF GARY WHITE BY MR HOLT

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1 THE COURT: Any redirect?

2 MR. HOLT: None, Judge.

3 THE COURT: Any objection to this witness being excused?

4 MR. HOLT: I'd appreciate it if you would so she can
5 join her family.

6 THE COURT: All right. You're free to leave. You may
7 call your next witness.

8 MR. HOLT: I need Gary White from EMS. He should be
9 right there in the back.

10 (After being duly sworn by the Clerk of Court, **GARY**
11 **WHITE** testified as follows:)

12 THE COURT: Mr. White, please have a seat in the witness
13 chair. Pull up real close to that microphone and speak
14 loudly, clearly, and slowly, so that we can hear everything
15 that you've got to say. And let's start with your full name.

16 MR. WHITE: Thank you, Your Honor. My name is Gary
17 Wilson White.

18 THE COURT: Thank you, Mr. White.

19 DIRECT EXAMINATION

20 BY MR. HOLT:

21 Q Mr. White, what's your current job?

22 A I am an emergency medical technician with Darlington
23 County EMS.

24 Q All right. And how long have you had that job?

25 A In various forms, about twelve years, both full-time and

DIRECT EXAMINATION OF GARY WHITE BY MR HOLT

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1 part-time.

2 Q And what type of duties does your position entail?

3 A I respond to emergency calls within Darlington County to
4 provide medical services as needed.

5 Q All right. And what was your position on the night in
6 question, early morning hours June 8th, 2012?

7 A I was on an ambulance crew in Hartsville, stationed in
8 Hartsville, responsible for responding to calls.

9 Q All right.

10 MR. HOLT: If I could approach, Judge?

11 THE COURT: Certainly.

12 Q I'd like to show you what's been marked as State's
13 Exhibit #13. And I just want to ask you, did you have
14 occasion to visit 305 South 8th Street that night?

15 A Yes, sir, I did.

16 Q And about what time did you get out there, do you think?

17 A Approximately 5:00 AM.

18 Q All right. And when you got out there, what did you
19 find?

20 A We found, my partner and I found a black female laying
21 face-down on the steps of a residence at 305 8th Street.
22 The police, the Hartsville Police Department was present
23 on the scene. They asked us to check on her status. We
24 checked. We could find no pulse, no breathing. There
25 was a pool of blood coming from her onto the steps. The

1 EKG monitor, the electrocardiogram monitor, was placed
2 on her to determine if there was a heartbeat or not and
3 there wasn't.

4 Q And that's a machine?

5 A Yes, sir.

6 Q Okay. And so did you ever touch, physically touch the
7 victim?

8 A Yes, sir. My partner and I had to roll her over to
9 assess her airways, to see if she was breathing. So,
10 yes, sir, we touched her.

11 Q All right. And did you have ever have occasion to touch
12 anybody that the police had that day? Did you have
13 occasion to touch the Defendant in this case, Brannon
14 Bryant, that night?

15 A No, sir.

16 Q So you never came into contact with him?

17 A No, sir.

18 Q Okay. And could you tell us, without telling us what
19 that is, if you recognize State's Exhibit #13?

20 A Yes, sir. This is. We call it our run report. The
21 technical name is a pre-hospital care report. We call
22 it a run report. That's a report that we write on any
23 call we go on that details whatever care or actions were
24 taken.

25 Q And did you write that report?

CROSS EXAMINATION OF KATHY CASH BY MR. JONES

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1 A My partner and I wrote this, yes, sir.

2 Q Okay. And since the last time you've looked at it, have
3 there been any changes, alterations or deletions made?

4 A No, sir.

5 MR. HOLT: And, Your Honor, at this time we'd like to
6 put State's Exhibit #13 into evidence.

7 THE COURT: Any objection from Defense?

8 MR. JONES: No objection.

9 THE COURT: It's into evidence. And that's denominated
10 State's Exhibit ---

11 MR. HOLT: Thirteen.

12 THE COURT: Thirteen is into evidence.

13 (Whereupon, an EMS report is entered into evidence as
14 State's Exhibit #13, without objection.)

15 Q And what can that one report tell us that you haven't
16 already testified to? Anything? What time did you get
17 on the scene? What time did you leave the scene?

18 A We were there for approximately an hour-and-a-half,
19 maybe two hours. As our protocol, with any type of,
20 anytime there's a death, we have to call the county
21 coroner to come to the scene and we had to await his
22 arrival. And once he took care of everything he has to
23 do, he instructed us to put the patient -- as we put
24 them in a body bag and put them on a stretcher and
25 transport her body to Carolina Pines ER, to the morgue

1 there.

2 Q Mr. White, thank you so much for coming today.

3 A Yes, sir.

4 Q I really appreciate it. And please answer any questions
5 Defense counsel might have.

6 A Thank you, sir.

7 THE COURT: Cross-examination.

8 MR. JONES: Yes, sir, thank you.

9 CROSS-EXAMINATION

10 BY MR. JONES:

11 Q Mr. White, let me show you a picture that's been marked
12 as State's Exhibit #8.

13 A Yes, sir.

14 Q Does that accurately reflect what you found on the scene
15 there that morning?

16 A Yes, Mr. Jones, that's correct.

17 Q Now, with the exception of those two blue dots right
18 there -- well, what are those two blue dots right there?

19 A Those are from the EKG, electrocardiogram machine. They
20 are leads, they're the ends of the leads that we place
21 on the patient to get the electrical impulse activity of
22 the heart, to see if it's there.

23 Q And you placed those dots there?

24 A I don't know if I did or my partner did. One of us did.

25 Q Okay. But other than -- the two dots are the only thing

CROSS EXAMINATION OF KATHY CASH BY MR. JONES

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1 different about what you saw when you got there?

2 A Yes, sir. To the best of my knowledge, yes, sir.

3 Q And you said, face down. She's kind of on the side with
4 the face down?

5 A Yes, sir.

6 Q Okay. And that's before she was moved by you and your
7 partner?

8 A Yes, sir.

9 Q And your run report, show me on there where it says what
10 time you got there and what time you left?

11 A Yes, sir. At the bottom there's a box called call times
12 and mileages. We have -- it says arrived at scene,
13 0500, 5:00 AM. And we left the scene at 6:31 AM and
14 arrived at Carolina Pines ER at the morgue at 6:40 AM.

15 Q And is there a block also that shows what time you left
16 wherever you started from, to make the call?

17 A Oh, to make the call? Yes, sir. I'm sorry. There's a
18 block that says, "Unit notified" at 4:58 AM, and we went
19 en route at the same time. So about two minutes before
20 we got there from our location on Davis and 4th Street,
21 the county building, over to 8th Street. It takes a
22 couple of minutes.

23 Q That's all I've got. Thank you.

24 THE COURT: Redirect?

25 MR. HOLT: None, Judge.

DIRECT EXAMINATION OF NEIL CUSACK BY MR. HOLT

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1 THE COURT: All right. Any objection to this witness
2 being excused?

3 MR. HOLT: No, sir.

4 MR. JONES: No, sir.

5 THE COURT: You're free to leave.

6 MR. WHITE: Thank you, Your Honor.

7 MR. HOLT: Neil Cusack.

8 CLERK OF COURT: Please come forward, put your left hand
9 on the Bible, please?

10 (After being duly sworn by the Clerk of Court,

11 **CHARLES NEIL CUSACK** testified as follows:)

12 THE COURT: Have a seat here in the witness chair. Pull
13 up real close to that microphone. Speak loudly, clearly, and
14 slowly, in order that we can hear everything that you've got
15 to say. And let's start with your full name.

16 MR. CUSACK: Charles Neil Cusack.

17 THE COURT: All right. Thank you, Mr. Cusack, Officer
18 Cusack.

19 DIRECT EXAMINATION

20 BY MR. HOLT:

21 Q Officer Cusack, can you tell us where you're currently
22 employed?

23 A At the Hartsville Police Department.

24 Q And how long have you been there?

25 A This December will make twenty-seven years.

STATE OF SOUTH CAROLINA VERSUS BRANNON J BRYANT

DIRECT EXAMINATION OF NEIL CUSACK BY MR. HOLT

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- 1 Q How long you been in law enforcement, total?
- 2 A Twenty-seven years.
- 3 Q All those years with HPD?
- 4 A Yes, sir.
- 5 Q Okay. And on June 8, 2012 where were you employed?
- 6 A With the Hartsville Police Department.
- 7 Q And what was your position at that time?
- 8 A I was a lieutenant over administrations.
- 9 Q Okay. And what's your current position?
- 10 A I am a support sergeant.
- 11 Q All right. Lieutenant over administrations. What type
- 12 duties does that entail?
- 13 A I was over the reports, the clerks in the office. I
- 14 also had duties of maintaining the police fleet, supply,
- 15 armory, and anything else the Chief deemed necessary for
- 16 me to do.
- 17 Q Well, on the morning of June 8th, 2012, did he deem it
- 18 necessary for you to come out to the crime scene?
- 19 A Yes, sir. He called me that morning and had me come
- 20 respond.
- 21 Q All right. When you got there, what did you do? Well,
- 22 hold on. Let's step back a second. I'm getting ahead
- 23 of myself. You said the Chief notified you.
- 24 A Yes, sir.
- 25 Q About what time was that?

1 A It was before six, because I believe I got to the scene
2 a little after six, around 6:00.

3 Q And when you got there, what did you start doing? Take
4 the jury from there.

5 A When I responded when I got there, I met with Chief
6 Hudson and he told me what they had. He wanted to know
7 if I could identify the victim. So I had the EMS
8 worker, Gary White, escort me back to the ambulance
9 because the victim had been moved from the scene into
10 the ambulance. He got up in there. He opened the body
11 bag. I stepped into the side and looked at her face and
12 I didn't know who she was. From there ---

13 Q So you never touched the body?

14 A No, sir.

15 Q Okay. Did you ever touch -- did you ever touch the
16 Defendant?

17 A No.

18 Q So you never touched either of them?

19 A No.

20 Q Okay.

21 A From there, I started canvassing the area. I walked
22 back up 8th Street towards Bell Avenue, just checking
23 the area to see if there was any type of evidence on the
24 side of the road or in the bushes or anything. I found
25 a silver colored earring that was -- it looked to be out

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1 of place. It was laying on the ground, hadn't been
2 stepped on it. So I had Detective Mack come over and
3 photograph it and take it in for possible evidence.
4 After I did that, I saw some people out of the house, at
5 the corner at the 400 block of Bell Avenue, Ben Cotton.
6 I went over there an spoke with him to see if he knew
7 anything and he told me he really didn't know anything.
8 He'd been out and after he'd heard all the ambulances
9 and stuff come up.

10 Q Did you ask him if he'd heard any screaming late that
11 night?

12 A Yeah. He said he didn't. I went across the street,
13 knocked on the door. No one would come to the door. I
14 went to the next house over and I woke up an elderly
15 black female and asked her if she had, did she hear
16 anything earlier around 4:00 in the morning and she had
17 no clue of what was going on, period. When I left her
18 house, I was going to continue canvassing. Chief Hudson
19 called me and asked me if I would assist Sergeant Mike
20 Anderson down at investigations on interviewing a person
21 of interest.

22 Q At any time before you were ordered to interview
23 anybody, did you have any suspicion about who it might
24 be? Did you develop any prejudices against any
25 particular person ---

1 A No.

2 Q --- or did you believe you had a suspect?

3 A No, sir.

4 Q All right. Well, take us from the interview. What
5 happened then?

6 A We got to the interview. Sergeant Mike Anderson read the
7 Defendant, here, his Miranda rights and explained
8 everything. The interview was being taped and
9 everything. Went through the story. He seemed to be
10 kind of nonchalant about it. We asked him a lot of
11 questions and got a lot of different stories. We asked,
12 you know, we could see some cuts on his arm and we asked
13 about it and at first he said the cuts on his arm ---
14 THE COURT: Might counsel approach the bench for one
15 moment.

16 (Brief bench conference held off the record)

17 MR. HOLT: You know, Judge at this time I'd ask if we
18 could take our morning break. I'd also reserve the right to
19 recall Office Cusack. Is that okay?

20 THE COURT: Yes, sir.

21 MR. JONES: No objection.

22 THE COURT: Any objection?

23 MR. JONES: No, sir.

24 THE COURT: All right. You may step down. And we're
25 going to take about a ten minute recess. Once again, do not

1 discuss the case amongst yourselves or with anyone else. All
2 right, everyone remain seated as the jury exits the
3 courtroom.

4 (Jury out at 10:32 AM)

5 THE COURT: During this period of time you're not
6 allowed to discuss this case with the Solicitor or the Public
7 Defender. How long do you anticipate the break taking to get
8 all this stuff lined up?

9 MR. HOLT: No more than ten minutes, Your Honor.

10 THE COURT: Okay. We'd just ask that you have a seat
11 right there and if you need to go the restroom, they'll
12 assist you in that regard. Don't discuss the case with
13 either side.

14 (Brief Break)

15 THE COURT: I'd like to have the foreman for just one
16 moment.

17 THE BAILIFF: All right.

18 (Whereupon, the jury foreman enters courtroom.)

19 THE COURT: Mr. Rollins, how are you doing?

20 THE FOREMAN: Yes, sir.

21 THE COURT: I'm just asking so you can speak with the
22 court reporter here. I understand that you have recognized
23 one of the witnesses.

24 THE FOREMAN: Yes, sir.

25 THE COURT: Who is that?

1 THE FOREMAN: Gary White.

2 THE COURT: All right. How well do you know him?

3 THE FOREMAN: I've probably shook his hand two or three
4 times in my life.

5 THE COURT: All right. And the fact that he, you have
6 shaken his hand two or three times, could you set that aside
7 and evaluate the evidence that he's presented in this trial,
8 just like you would any other evidence?

9 THE FOREMAN: Oh, yeah.

10 THE COURT: The fact that you have shaken his hand a
11 couple of times, would that mean that you would necessarily
12 give greater weight to anything he has to say?

13 THE FOREMAN: No. Huh-uh. I just know he's a nice
14 person. That's it.

15 THE COURT: Very good. Well, you're qualified to serve.
16 Thank you.

17 THE FOREMAN: Thank you.

18 THE COURT: Any additional -- any objections from the
19 State?

20 MR. HOLT: None, Judge.

21 THE COURT: Any from the Defense?

22 MR. JONES: No, sir.

23 THE COURT: All right. We're ready for the jury.

24 THE BAILIFF: Okay.

25 (Jury in at 10:56 AM)

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1 THE COURT: Mr. Holt, you're recognized.

2 MR. HOLT: Thank you very much, Judge. At this time I
3 have no further questions for Lieutenant Cusack, but I ask
4 that I reserve the right to call him back if need be at a
5 later time in trial.

6 THE COURT: All right. Any objection from Defense?

7 MR. JONES: No, sir.

8 THE COURT: All right. You may cross-examine this
9 witness.

10 MR. NEELY: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. NEELY:

13 Q Good morning, Lieutenant.

14 A Good morning.

15 Q I just have a quick question. You said that while you
16 were at the crime scene you found an earring?

17 A Yes, sir.

18 Q Does that earring have any significance to this case at
19 all?

20 A I don't know. I found the earring. I had to take them
21 back to photograph it and take it in.

22 Q All right. And while you were at the crime scene before
23 you left, you walked up and down 8th and Bell, kind of
24 looking for evidence.

25 A Yes, sir.

- 1 Q Did you happen to find a key?
- 2 A No, sir.
- 3 Q What about a lighter?
- 4 A No, sir.
- 5 Q While you were at the crime scene, did you see the
- 6 Defendant?
- 7 A No, sir.
- 8 Q You saw him later?
- 9 A Yes, sir.
- 10 Q What kind of shirt was he wearing?
- 11 A When I saw him?
- 12 Q Yes, sir?
- 13 A Down in investigations? That's the first encounter I
- 14 had with him. It was a reddish-colored, dark burgundy,
- 15 reddish-colored shirt.
- 16 Q It was a shirt?
- 17 A It was pretty much a shirt.
- 18 Q Did it have sleeves?
- 19 A (No verbal response).
- 20 Q To the best of your knowledge.
- 21 A Short sleeve, I mean, real short. More athletic type.
- 22 Q But you wouldn't classify it as a jersey. It was more
- 23 like a tee-shirt?
- 24 A Tee-shirt, jersey.
- 25 Q Those are kind of different.

CROSS EXAMINATION OF NEIL CUSACK BY MR NEELY

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1 A Well...

2 MR. HOLT: Objection, Judge. He's not a fashion
3 photographer.

4 MR. NEELY: I think it's common knowledge, Judge, that
5 there is a difference between a jersey and a shirt. I think
6 he's playing coy.

7 THE COURT: I'll allow him some leeway in that regard.

8 Q It wasn't a sports shirt. It was a tee-shirt. Right?

9 A It was kind of like an athletic shirt type.

10 Q All right.

11 MR. NEELY: No further questions, Judge.

12 THE COURT: All right. Any redirect?

13 MR. HOLT: None, Your Honor.

14 THE COURT: All right. You may step down.

15 MR. CUSACK: Yes, sir.

16 THE COURT: You may call your next witness.

17 MR. HOLT: Thank you very much. Can I get Chief Hudson
18 from the back, please?

19 (After being duly sworn by the Clerk of Court,

20 **JAMES HUDSON**, testified as follows:)

21 THE COURT: Have a seat in the witness chair, pull up
22 real close to that microphone and speak loudly, clearly, and
23 slowly, in order that we can hear everything that you've got
24 to say.

25 DIRECT EXAMINATION

STATE OF SOUTH CAROLINA VERSUS BRANNON J. BRYANT

1 BY MR. HOLT:

2 Q Chief, could you give your whole name for the jury,
3 please?

4 A Chief James Hudson, Jr.

5 Q And where are you currently employed?

6 A Hartsville Police Department.

7 Q And how long have you been with HPD?

8 A Three years.

9 Q And where were you at before that?

10 A Darlington County Sheriff's Office.

11 Q Well, how long have you been in law enforcement in
12 total?

13 A Nineteen years.

14 Q Nineteen years. All right. And where were you employed
15 on the early morning hours of June 8th, 2012?

16 A Hartsville Police Department.

17 Q And what was your position at the time?

18 A Chief.

19 Q Okay. And is that the person who's in charge of
20 everybody else?

21 A Yes, sir.

22 Q Okay. All right. What are your duties in the position
23 of Chief as far as it relates to a crime scene?

24 A My duties are to oversee the crime scene as a whole, to
25 make sure that everything's being done properly.

DIRECT EXAMINATION OF JAMES HUDSON BY MR HOLT

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1 Q All right. Let me ask you this. How were you informed
2 or notified about the murder of Shannon Thomas? How did
3 you know to get to 305 South 8th Street?

4 A I received a call from the on-call investigator at my
5 residence.

6 Q And who was the on-call investigator?

7 A At the time, it was Brian Rudick, if I'm not mistaken.

8 Q Okay. And after you spoke with him what did you do?

9 A I got up, got dressed and went to that location.

10 Q All right. And what did you find when you got there and
11 what steps did you take once you was there?

12 A Upon my arrival, I found a patrol officer that was
13 already on the scene and they had the scene secured.
14 And as I walked closer to the scene, I could see a
15 person laying on the ground.

16 Q All right. What did you do after that?

17 A I backed off and waited for the coroner to arrive and
18 the other personnel to arrive so we could secure the
19 scene further.

20 Q Did you ever touch the body?

21 A No, sir.

22 Q Okay. Go ahead.

23 A After that, we began to work the scene as to protocol.
24 They told me that they had a person of interest in a
25 patrol car. At that time, I walked to the patrol car

1 and I saw the person sitting in the patrol car was not
2 cuffed, but I saw a scratch on that person's arm.

3 Q And what did you think about that scratch?

4 A Well, with the information I got that we had a deceased
5 person on the ground and it appeared that person had
6 some puncture wounds. As a former investigator myself,
7 I felt like those scratches were important to the
8 investigation.

9 Q So did you have any opinion toward the individual in the
10 car before you saw the scratches? Did you have a
11 prejudice against him? Did you believe he was probably
12 the one who did it?

13 A No, sir.

14 Q All right. So the scratches changed your mind?

15 A It did. Yes, sir.

16 Q And when you saw the scratches, what did you do then?

17 A I immediately called an officer over to get a camera,
18 take photos of those scratches. And after that, that
19 person was handcuffed and then that person was
20 transported to investigations.

21 Q At any time during that, did you touch the Defendant?

22 A No, sir.

23 Q Okay. And do you remember who you called over to put
24 handcuffs on him?

25 A If I'm not mistaken it was Deputy Fortin.

DIRECT EXAMINATION OF JAMES HUDSON BY MR HOLT

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1 Q Deputy Fortin? Okay. All right. And what did you do
2 after that, do you remember?

3 A After that, I backed off and the coroner arrived and
4 pretty much then I just stood back and watched everybody
5 do their particular jobs.

6 Q Did you have any problems that day?

7 A Not that day, we didn't have any problems.

8 Q All right. And did you eventually -- about how much
9 longer did it take you to find out who the body belonged
10 to or who the young woman was?

11 A We didn't have any identification on the person that was
12 laying on the ground. There was a tattoo on her back,
13 on the back of the person. And the body was, in my
14 opinion, was not visible to recognize at that time. So
15 we began canvassing that area, myself and another
16 officer went to the 400 block of Bell and two of my
17 officers went to the 300 block of Bell.

18 Q All right. And did you speak to any homeowners in that
19 area?

20 A We did.

21 Q And did you find anybody who had heard screaming that
22 night?

23 A No, sir, we didn't.

24 Q All right. And did you find anybody who had witnessed
25 anything?

1 A No, sir, we didn't.

2 Q All right. What did you do after that?

3 A We continued to canvass the area and throughout going
4 from door to door, we began to gather information that
5 this could be the possible person that was, we found on
6 the ground. And upon that time, they said that tattoo
7 spelled out Shannon.

8 Q Yes, sir.

9 A And that's when everything began to come together. And
10 we realized that that was, the victim was Shannon Thomas
11 at that time.

12 Q All right. And during the time that you figuring this
13 out, where was the Defendant?

14 A The Defendant was already transported to the detective
15 division.

16 Q All right. So by the time the Defendant's at the
17 detective division, you still didn't know who the body
18 was?

19 A No, sir.

20 Q All right. And about how long had he been gone when
21 y'all figured out who the body was?

22 A I'd say maybe thirty to forty minutes.

23 MR. HOLT: I beg the Court's indulgence.

24 Q Chief, please answer any questions the Defense counsel
25 might have, okay?

CROSS EXAMINATION OF JAMES HUDSON BY MR JONES

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1 A Yes, sir.

2 THE COURT: Cross-examination, Mr. Jones.

3 MR. JONES: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. JONES:

6 Q Chief, when you got to scene, I think you said that you
7 saw there was a young lady deceased on the front stoop
8 of that house?

9 A Yes, sir.

10 Q How close did you get to the young lady?

11 A A couple feet away.

12 Q Okay. I believe you stated that the body was
13 unrecognizable?

14 A To myself.

15 Q To yourself? Did you know, did you later, after it was
16 determined to be Ms. Thomas, did you have prior
17 knowledge of Ms. Thomas? Had you ever seen her or
18 talked to her?

19 A Yes, sir.

20 Q Are you in fact related to her?

21 A I'm somewhat, yes, sir.

22 Q Can you tell me how?

23 A I'm related to her father.

24 Q But when you walked up, being related to her and looked,
25 a couple of feet -- if I use that step as the stoop,

1 will you stop me when I am about where you were?

2 A When you stop right about there.

3 Q About right here. And you looked at her and did not
4 recognize her?

5 A She was face-down.

6 Q Okay. After that, is that when you walked back and
7 talked to the gentleman who was in the patrol car?

8 A After I was told that they had a person of interest in
9 a patrol car.

10 Q Okay. Was it light by the time that you were there?
11 Was the sun up by the time we're ---

12 A It was daybreak about the time I arrived.

13 Q Did you have the gentleman get out of the back of the
14 car to talk to you?

15 A He exited the back of the car once they was putting
16 handcuffs on him. I never used any verbal words to that
17 gentleman. I just saw the scratches on his arm. I
18 never actually spoke to him.

19 Q And tell me where you saw the scratches on his arm.

20 A If I'm not mistaken, it was on his left arm.

21 Q All right. And was he seated in the car at that time or
22 was he out of the car?

23 A He was in the back seat of the car.

24 Q Okay. And was there a light on in the car or was it
25 light enough outside for you to observe the scratches?

DIRECT EXAMINATION OF BRIAN RUDICK BY MR. HOLT

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1 A It was light enough outside to observe the scratches.

2 Q Okay. So there wasn't any artificial light, in other
3 words.

4 A No, sir.

5 Q It was sunshine. You could see, or daybreak?

6 A It was daybreak.

7 Q Gotcha.

8 MR. JONES: One second, please, Your Honor. That's all
9 I have. Thank you.

10 THE COURT: Any redirect?

11 MR. HOLT: None, Judge.

12 THE COURT: All right. Any objection to this witness
13 being excused?

14 MR. HOLT: None.

15 MR. JONES: No, sir.

16 THE COURT: All right. You're free to leave. Thank
17 you. You may call your next witness.

18 MR. HOLT: Judge, I think at this time the State's going
19 to call Brian Rudick to the stand.

20 THE COURT: Mr. Rudick, please come forward, place your
21 left hand on the Bible and raise your right as the clerk
22 administers the oath.

23 (After being duly sworn by the Clerk of Court,

24 **BRIAN RUDICK** testified as follows:)

25 THE COURT: Mr. Rudick please come forward and have a

STATE OF SOUTH CAROLINA VERSUS BRANNON J. BRYANT

1 seat in the witness chair, speak loudly, clearly, and slowly,
2 in order that we can hear everything that you've got to say.
3 Start with your full name and spell that last one.

4 MR. RUDICK: Brian Rudick, R-U-D-I-C-K.

5 DIRECT EXAMINATION

6 BY MR. HOLT:

7 Q Officer Rudick, could you tell us where you're currently
8 employed.

9 A Hartsville Police Department.

10 Q All right. How long have you been there?

11 A October, will be twenty years.

12 Q And any law enforcement previous to that?

13 A No, sir.

14 Q So twenty years total in law enforcement?

15 A Yes, sir.

16 Q All right. What's your current position?

17 A I am a lieutenant over the investigations division.

18 Q All right. And what was your position on the morning of
19 June 8th, 2012?

20 A Lieutenant over the investigations division.

21 Q What were your duties? Can you explain to the jury what
22 the lieutenant of the investigation division does?

23 A As a lieutenant, I'm a staff officer. I'm sort of one
24 of the three hands of the Chief that has direct contact
25 with the officers. I'm tasked with the oversight of the

DIRECT EXAMINATION OF BRIAN RUDICK BY MR HOLT

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1 investigations division, which is both our criminal and
2 our narcotics investigators. Everything from scheduling
3 and daily activities to oversight of cases. Because
4 we're a small agency, I'm also on call on a rotating
5 basis as an investigator.

6 Q All right. And how were you notified that morning about
7 the murder of Shannon Thomas?

8 A I received a phone call from dispatch.

9 Q And once you received that call, what did you do?

10 A I got up and got dressed and responded to the scene.

11 Q All right. When you got there, what did you find?

12 A Per protocol, I usually locate the supervisor. I spoke
13 to Sergeant McCall. She briefed me on what they had
14 found and discovered, how they got to the scene, what
15 they had up to that point.

16 Q All right. And what did they have up to that point, do
17 you know?

18 A I was told they were dispatched to some kind of
19 disturbance or a person on the porch, possibly someone
20 intoxicated. When they arrived, they found the
21 Defendant -- excuse me, the victim in a pool of blood.
22 They did have someone that was on scene when they
23 arrived. I was told that he was sitting in a police car
24 waiting for an investigator to speak to him.

25 Q Okay. And what did you do after that?

1 A Well, since we already knew, or they told me that the
2 victim is deceased, I knew it was going to be sort of a
3 long, protracted scene, case to work. I was the only
4 investigator there. So I made a few phone calls to
5 Sergeant Mike Anderson and Sergeant Gloria Mack, to get
6 them coming to the scene to assist. I also called Chief
7 Hudson.

8 Q And what did you do after that?

9 A One of the initial things you do on a crime scene per
10 our protocol is photograph. You want to capture images
11 of where everything is before anything gets moved or
12 disturbed. So I started the photography process.

13 Q All right. What did you photograph first?

14 A You start from the outside in. So I started from the
15 roadway taking photographs of the mailbox so I had an
16 address. Photographs of the scene from a distance. I
17 took photographs of the cars parked in the yard for
18 license plates. It's easy in hindsight, you know, you
19 should have done this or you should not have done this.
20 When you're in the process, you don't know what's going
21 to be relevant and what's not. So like the license
22 plates of vehicles in the scene. No one had documented
23 those and a day later, if it became important, well,
24 whose car was there, you would need that information.
25 So you start taking photographs from the outside in.

DIRECT EXAMINATION OF BRIAN RUDICK BY MR HOLT

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1 Q All right.

2 MR. HOLT: Permission to approach, Your Honor.

3 THE COURT: Yes.

4 Q I'm going to show you what's been marked as State's
5 Exhibits #8, #9, #10, #11, and #12. And I'm going to
6 ask you if you recognize those.

7 A Yes, I do.

8 Q All right. And since the last time you've seen them,
9 have there been any changes, alterations or deletions
10 made?

11 A No, sir.

12 Q And did you create those photographs?

13 A I believe State's Exhibit #8 was one of the photographs
14 possibly taken by Sergeant McCall. I made several that
15 are exactly the same, from the same position. I believe
16 those were taken before I arrived.

17 Q Are all those photos true and accurate representations
18 of what you saw as you walked around the scene?

19 A Yes, sir.

20 MR. HOLT: Your Honor, at this time I'd like to move #8,
21 #9, #10, #11, and #12 into evidence.

22 THE COURT: Any objection from the Defendant?

23 MR. JONES: May we look at them, Your Honor?

24 THE COURT: Yes.

25 MR. JONES: Your Honor, we -- if I understood, he wants

1 to move #8 in. Eight's already in.

2 MR. HOLT: Hold on. Yeah, that's right.

3 MR. JONES: We would object to #11 as being cumulative.
4 And we would object to #11 and #12 as being cumulative. It's
5 of the same thing.

6 THE COURT: All right. Let me see them.

7 MR. JONES: Did you move #9 in?

8 MR. HOLT: Yeah. And, Judge, I'd be happy to respond
9 and explain why they're not.

10 MR. JONES: Okay. No objection to #9, Your Honor. The
11 picture is cumulative to #8. And there's #8, Your Honor.

12 MR. HOLT: And I would just briefly say it's not
13 cumulative to #8 because it shows a much clearer image of the
14 tattoo and how visible it was and you can actually see what
15 the tattoo is and it's important because it's the female's
16 name.

17 THE COURT: Mr. Foreman, ladies and gentlemen of the
18 jury, I'm going to ask that you retire to the jury room for
19 just one moment. Do not discuss the case.

20 (Jury out at 11:17 AM)

21 THE COURT: I understand that #8 has already been agreed
22 to be introduced.

23 MR. JONES: Yes, sir.

24 THE COURT: Without objection from the Defense?

25 MR. JONES: Yes, sir.

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1 THE COURT: And the State would like to introduce #11,
2 which is a different view, a different perspective.

3 MR. JONES: Yes, sir.

4 THE COURT: But it shows the tattoo. It does appear to
5 be cumulative to some extent. Would the Defense be in a
6 position to stipulate that the tattoo says Shannon, and it
7 was very visible?

8 MR. JONES: I'd think we'd be willing to stipulate that
9 the tattoo does, in fact, say Shannon. I don't know if we'd
10 be willing to stipulate that it was very visible.

11 THE COURT: Okay. Well, then I think the photograph
12 then becomes relevant for them to see whether or not it's
13 visible. So I'm going to admit it under those circumstances.

14 MR. JONES: Yes, sir.

15 THE COURT: How about #10?

16 MR. JONES: Which one is #10?

17 THE COURT: Number 10 is the handcuffs.

18 MR. JONES: If I understand why those are being
19 admitted, both show the same scratch. One shows the scratch
20 as his arm is handcuffed and the other one show the scratch
21 with a ruler next to.

22 MR. HOLT: And I can explain why I'd ask for both,
23 Judge. The first scratch is from farther back and it shows
24 that the scratch was visible to the naked eye from a few
25 steps away, just like Chief Hudson talked about. The second

1 scratch is an up close, it gives you a better idea.

2 THE COURT: You mean the second picture of the same
3 scratch?

4 MR. HOLT: The second picture of the same scratch. But
5 it matches Chief Hudson's testimony so far and what will be
6 Rudick's testimony, that after noticing the scratch they
7 photographed it, then they put a tape measure up to it so
8 that they could give the jury an idea of how large the
9 scratch was.

10 THE COURT: All right. I will indeed allow #10 and #12
11 into evidence. And because the Defense has refused to
12 stipulate that the tattoo "Shannon" is visible, I'm going to
13 allow that into evidence, as well.

14 MR. HOLT: And Judge, can the record reflect that there
15 are over forty-something photographs, many of which are
16 cumulative, none of which I'm trying to get in. That'll
17 pretty much be the extent of it right there.

18 THE COURT: Very good. All right. Those are into
19 evidence.

20 (Whereupon, 4 photographs, State's Exhibits #9, #10,
21 #11, #12, were admitted into evidence. Numbers 11 and 12,
22 over objection.)

23 (CLERK OF COURT approaches Judge Nettles)

24 (Juror #56, Tonya Griggs-Smith enters the courtroom.)

25 THE COURT: Yes, ma'am. Your full name?

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1 THE JUROR: Tonya Griggs-Smith.

2 THE COURT: And I understand that you are remotely
3 familiar with this witness?

4 THE JUROR: Well, I've seen him at my school a couple of
5 times. I just know his face. I don't know that much about
6 him.

7 THE COURT: Okay. And he's never come to your house to
8 eat dinner and you've never been to his house to eat dinner?

9 THE JUROR: No, sir.

10 THE COURT: And, as a matter of fact, you didn't really
11 know what his name was.

12 THE JUROR: No, sir.

13 THE COURT: All right. Just by virtue of the fact that
14 you have seen him before, that wouldn't effect your ability
15 to evaluate any testimony we have and evaluate it like any
16 other evidence?

17 THE JUROR: I wouldn't think so, no, sir.

18 THE COURT: Okay. You know, in polite conversation we
19 always say, I don't think so. I don't believe so. These are
20 matters we have to deal in absolutes. My question to you is,
21 the fact that you've seen him around the school, would that
22 effect your ability to be fair and impartial?

23 THE JUROR: No, sir.

24 THE COURT: You're qualified to serve. Thank you.

25 (Whereupon, the juror returns to the jury room.)

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1 THE COURT: All right. We're ready for the jury.

2 THE BAILIFF: All right, sir.

3 (Jury in at 11:23 AM)

4 THE COURT: Mr. Holt you're recognized.

5 **BRIAN RUDICK**

6 CONTINUED DIRECT EXAMINATION

7 BY MR. HOLT:

8 MR. HOLT: Thank you very much, Judge. If the witness
9 can come down so that we can talk about the pictures in front
10 of the jury?

11 THE COURT: He can.

12 A (Witness leaves the witness stand)

13 Q All right. You said that when you arrived on the scene
14 you noticed the body on the front porch. Is this the
15 photograph you took?

16 A It is.

17 Q Okay. And can you tell me clearly what the tattoo on
18 her back says?

19 A Shannon.

20 Q And was that clear to you when you got there?

21 A Yes.

22 Q All right. But just to be clear to the jury and to be
23 honest, was it daylight or was it still night when you
24 got there?

25 A When I initially got there, it was still dark.

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1 Q Okay. And was the porch light on?

2 A It was.

3 Q All right.

4 MADAM COURT REPORTER: What number?

5 MR. HOLT: That was #11. I apologize.

6 Q All right. And if I could show you #9, and you can
7 explain the significance of that to the jury?

8 A Number 9 was a photograph of a pair of sandals or flip
9 flops that were located just to the north of the crime
10 scene.

11 Q And where did you find those sandals?

12 A In a fenced-in yard of a residence, just to the north of
13 the crime scene. The crime scene was visible in the
14 background.

15 Q And how did you get into the area to get the flip flops?

16 A Initially, we went to the front door and knocked, tried
17 to gain permission from the property owner to go in the
18 backyard. No one was home or no one at least came to
19 the door. So, I scaled the fence.

20 Q All right. And can you show the jury, using the shoes
21 in this matter, just kind of show the jury where that
22 was located, that house?

23 A The crime scene was 305. The house where this picture
24 was taken was the corner lot at the corner of 8th and
25 Bell.

1 Q All right. That's where you found the flip flops.
2 Okay. Now, can you explain to the jury what #10 is and
3 why that's important.

4 A Number 10 is a picture of the Defendant's arms. Chief
5 Hudson actually called me over and asked me to
6 photograph the scratch that he had on his arm.

7 Q And why was that scratch relevant?

8 A It was relevant because of the injury and his proximity
9 to the victim and the original officers. It might have
10 indicated some type of altercation.

11 Q And when you took this photograph, could you tell if it
12 was a fresh scratch or an old?

13 A It appeared to be fresh. It had not scabbed up.

14 Q All right. And just briefly to the jury, just so they
15 can get an idea of how large it was, what is #12?

16 A #12 is a photograph taken with a scale, a photo scale.
17 When you photograph anything at the crime scene, what
18 you want to do is take multiple photographs, similar to
19 when I took the photo of the house, outside in. You
20 also take one far enough away, which was the first one
21 that we showed. The second one was with a scale to
22 actually judge the size of the item in the original
23 photograph.

24 Q So what was the scale? What's that?

25 A Those are inches. It starts at zero, and actually,

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1 that's a three-inch scale on either plane.

2 Q So not very large?

3 A An inch-and-a-quarter, I think.

4 Q All right. Go ahead and have a seat. Investigator
5 Rudick, thank you so much.

6 A (Witness returns to the witness stand)

7 Q Now, you mentioned briefly when you were describing your
8 photographs about your trip through the neighborhood.
9 Can you tell us, did you stop at any homes and why did
10 you do that and what were you looking for?

11 A After the scene was processed, we had gathered together
12 with Chief Hudson. And in an attempt to locate any
13 possible witnesses, evidence, secondary crime scenes, et
14 cetera, he asked that Officer Stokes and myself walk the
15 300 block of Bell Avenue while he and Sergeant Stuart
16 walked the 400 block.

17 Q And did you actually speak to any homeowners while you
18 were walking that 300 block of Bell Avenue?

19 A I did. It was roughly thirteen or fourteen residents on
20 that block. As a matter of efficiency, we broke up,
21 took several each. I started at the west end of the
22 block, which would have been the lower numbers 3, 302,
23 304, spoke to several, the first -- I think it was two
24 or three houses, mostly elderly people. No one had seen
25 or heard anything.

- 1 Q From the previous night?
- 2 A Correct.
- 3 Q Okay. So, you weren't able to find any witnesses. What
- 4 did you do then?
- 5 A We ended up going to the end of the block, coming back
- 6 towards 8th Street, just in an efficient way of working
- 7 the block.
- 8 Q Was it light or dark by then?
- 9 A By that time, it had started to lighten up,
- 10 considerably.
- 11 Q Okay. Now, can you explain to the jury when you noticed
- 12 the sandals and what you thought about them.
- 13 A The sandals were actually noticed prior to us walking
- 14 the block.
- 15 Q All right. And did you notice something -- did you walk
- 16 by that area before or what happened?
- 17 A It's adjacent -- probably from me to the first rows of
- 18 seating from the crime scene. But initially, it was
- 19 dark. I didn't see anything in the yard of relevance
- 20 from where I was standing, working the crime scene.
- 21 Q So you missed them in the dark?
- 22 A In the dark, I did.
- 23 Q And do you think, do you think most people would have?
- 24 A Definitely.
- 25 MR. JONES: Objection, Your Honor.

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1 THE COURT: Sustained. Speculation.

2 Q But you didn't notice them?

3 A I did not.

4 Q But when it got light, you did notice them?

5 A They were brought to my attention. I was still focusing
6 on the scene and doing the tasks that I needed to do.
7 And Officer Stokes located them or saw them and brought
8 them to my attention.

9 Q All right. What else did Officer Stokes locate?

10 A After the initial crime scene process, while we were
11 walking in the 300 block of Bell Avenue, canvassing the
12 neighborhood, we were at 325 Bell Avenue, which is a
13 house that had been subdivided into apartments. I mean,
14 we had sort of circled back up and met and were walking
15 together at this point. Knocked on "A" & "B" the
16 apartments "A" & "B". "A", being on the north side,
17 "B", being on the East side. We got to "C". No one was
18 home. And as we were walking away, I noticed him
19 bending down. He picks up a cell phone and hands it to
20 me and says, what's this? At the time we didn't know
21 what it was. I just maintained it.

22 MR. HOLT: Permission to approach, Judge?

23 THE COURT: Yes.

24 Q And just briefly, I want to point out to you where #4 is
25 located. Is that the cell phone that y'all noticed that

1 day?

2 A It is.

3 Q Okay. All right. And at that time did you know who
4 lived at 325?

5 A I did not.

6 Q Did you have any reason to know?

7 A No.

8 Q And I don't know if I covered this with you earlier.
9 I'm looking my notes. Did you have any occasion to
10 touch the body when you got there?

11 A I did.

12 Q And what did you check for?

13 A I touched the body while we were taking photographs of
14 the tattoos after the coroner and EMS had moved the body
15 off of the porch.

16 Q All right. And did you have occasion to touch the
17 Defendant?

18 A I did not.

19 Q All right. Well, how did you get the photograph of him
20 and how close were you then?

21 A I was standing in proximity of him because he was
22 already handcuffed and just standing beside the police
23 car facing away from me. I simply took the photograph,
24 held the scale up. In our training, you don't
25 physically put the scale on any object that you're

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1 trying to photograph. Held the scale, a half-inch off
2 of his skin, photographed it. And that's all I ---

3 Q And which way was he facing? Was he facing towards you
4 or away from you?

5 A He was facing away from me.

6 Q And was he in handcuffs?

7 A He was.

8 Q All right. At what point did you draw the connection
9 between the phone you and Stokes found and possibly the
10 occurrence at 325 Bell Avenue?

11 A After our sweep of the 300 block, we met back up with
12 Chief Hudson roughly at the intersection of 8th and
13 Bell. All of this is in very close proximity. We were
14 discussing next steps. Around this time, some family
15 members started showing up. Chief Hudson is very
16 familiar with the community and we had started sort of,
17 like he said, putting two and two together of who this
18 might be. During that time frame, I received a phone
19 call from Detective Mike Anderson, who was conducting
20 the interviews. He said that he had determined that Mr.
21 Bryant lived at 325-C Bell Avenue and that we probably
22 needed to secure a search warrant for that residence.
23 At that time, I connected with the phone realizing that
24 that's roughly where we found the phone during our
25 sweep.

1 Q Now, how did you figure out who the phone belonged to?

2 A After that, when we determined we were going to need a
3 search warrant, First Sergeant Mark Blair actually
4 started typing it, getting all the particulars and the
5 details together for that. I went back to -- from the
6 crime scene I left and went to the detective division to
7 get that information and to help him write the search
8 warrant. While I was there, Terry Gainey, an
9 investigator with the Coroner's office, called me. He
10 said he was speaking to the victim's mother at the time.
11 He had been aware, because he was in close proximity as
12 we were talking and discussing the case, he was standing
13 there with us. He knew we had found a phone. And while
14 I was standing in my office, I have her mother and I
15 have her cell phone number. I'm going to call it from
16 my phone. And as I'm standing in my office, the phone
17 that we picked up started ringing. I looked at the
18 phone number and it was his phone number. At that
19 point, we realized that it was her phone that we had
20 picked up.

21 Q All right. And you didn't know that until you got that
22 call to your office?

23 A No, sir.

24 Q All right. Now, did you ever end up searching the home,
25 325-C Bell Avenue?

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1 A We did.

2 Q And how did you get in the home? Did you have to break
3 the door down?

4 A No, sir. We went up to the home. As I arrived with the
5 search warrant. I briefly spoke to Chief Hudson once
6 again at the front of the Road. Sergeant Stuart
7 approached me, showed me a key and a lighter he said a
8 lady had handed him. At the time, we didn't know the
9 relevance, bagged it in a separate bag. A bag that had
10 nothing else in it. I had that in my possession when we
11 went up to the door. Knocked on the door again, still
12 no answer. And then the thought came to me, well, maybe
13 this has something to do with the key. So I just tried
14 the key and it opened the door.

15 Q All right.

16 MR. HOLT: Permission to approach, Judge?

17 THE COURT: Sure.

18 Q And I show you what's been marked as State's Exhibit #5.
19 And I want to ask you, do you recognize that?

20 A Yes, sir.

21 Q And what is that? Can you tell the jury?

22 A That is a single house key on a green key fob and a red
23 lighter.

24 Q All right. And is that the key you used to enter the
25 Defendant's home?

1 A It is.

2 Q All right. And what did you find at the scene when you
3 got inside?

4 A Initially, when we served the search warrant, I had
5 assistance from several other officers. Once again, you
6 work from the outside in. So we started on the
7 perimeter, the curtilage of the property. I believe
8 Lieutenant Richardson was one of the assisting officers,
9 Sergeant Stuart. We started from the outside searching
10 the property, worked in towards the door. Corporal
11 Woodham had opened the trash can that was to the left of
12 the door and indicated that he had found a knife. They
13 were all instructed if they found anything of relevance
14 or interest to stop, don't touch it. Notify me, and it
15 would be photographed and properly collected. So I
16 photographed what appeared to be a kitchen knife or a
17 steak knife, down in the bottom of the trash can,
18 covered over by a little bit of debris. I photographed
19 it and then properly collected it.

20 Q Did you find anything in the house that turned out to be
21 useful to the investigation?

22 A We found a pair of blue jeans. They had a knife clipped
23 in the pocket in the master bedroom, well the only
24 bedroom actually. We collected that. Two shirts that
25 had some staining on them. We weren't exactly sure what

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1 the stains were, but we collected those, as well. We
2 found a small paring knife in the sink under some dirty
3 dishes. Not knowing the relevance, we collected that,
4 as well.

5 Q In your experience, does everything you collect turn out
6 to be relevant?

7 A No.

8 Q All right. Now, Investigator Rudick, I'm going to ask
9 you if -- who sent Michael Stokes to the jail to get the
10 clothes?

11 A I'm not sure who actually called him to transport. It
12 would be my assumption that it would have been one of
13 the officers doing the interview.

14 Q Do you have any gloves?

15 A I do not.

16 Q Here are some gloves right here. I'm going to ask you
17 to take a look at what's been marked as State's Exhibit
18 #1, I believe for just identification purposes only.

19 A Do you want me to open it up?

20 Q Yes. Now, not telling us what it is, can you tell us,
21 can you tell us if you stored that or did you collect
22 that or who collected it and gave it to us? Can you
23 tell us how you dealt with that, I guess, would be the
24 appropriate question.

25 A I did not personally collect this. It was collected by

1 Officer Stokes at the jail. All the evidence in this
2 case ended up coming through my office, physically,
3 being stored and secured in my office until it was
4 secured in the evidence vault.

5 Q If you can pull that up. And just tell us, how is your
6 office secured and how does that work?

7 A The investigations division is a secured building. The
8 public does not have access to our building. It is
9 locked with both a padlock and a thumb lock, and a
10 normal door lock twenty-four hours a day. It has an
11 alarm system with motion detectors in every room. So
12 you cannot enter the building itself and then the
13 interior offices are locked as well.

14 Q All right. So nobody that wasn't with you is coming
15 into your office?

16 A No.

17 Q All right. And who did you hand that shirt over to? Do
18 you remember?

19 A It would have been given to the evidence technician,
20 Laura South.

21 Q All right. Now, did you say you were the lead
22 investigator on the case?

23 A I was.

24 Q You can wrap that back up before you take the gloves
25 off.

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1 A (Witness complies)

2 Q Now, do you decide, as the lead investigator, what gets
3 sent to SLED or who decides that? And can you tell the
4 jury why something would be sent to SLED?

5 A Investigations of this nature are a collaborative
6 effort. Obviously, one person cannot do everything.
7 It's normally discussed between the relevant
8 investigators, staff officers, what we think is
9 significant, what is not, what needs to be tested, what
10 is not. We send specific items to State Law Enforcement
11 Division's Forensics Lab because we don't have the
12 technology to do some of the more advanced testing and
13 they only accept a certain amount per case. So you have
14 to be selective of what you send. Obviously, with
15 thousands of agencies across the state, you can't send
16 everything you collect on ever scene. SLED would never
17 get any work done.

18 Q All right. And about how long does it take to get
19 anything you send to SLED back?

20 A Sometimes it's relatively quick. I recently got DNA
21 back from three years ago.

22 Q Okay. All right. Investigator Rudick, please answer
23 any questions the Defense counsel might have.

24 THE COURT: Cross-examination, Mr. Jones.

25 MR. JONES: Yes, sir, thank you.

CROSS-EXAMINATION

BY MR. JONES:

Q And I always do this, so I apologize. It's Lieutenant?

A Yes, sir.

Q Lieutenant Rudick. All right. You are the lead or chief investigator in this matter. Is that correct?

A I am.

Q As chief or lead investigator, do you have -- you're privy to all of the evidence that has been collected by the various officers?

A Yes.

Q Have you reviewed all of that evidence?

A I have.

Q Okay. All right. Let's start with -- Actually, we'll go in reverse order. And I hate to do this, but could you put your gloves back on? A new set.

A (Witness complies)

Q All right. If you'll unroll that shirt.

A Yes, sir.

Q Unroll it and hold it up for me.

A (Witness complies)

Q Tell me, again, what that is.

A This is the shirt Mr. Bryant was wearing.

Q On June the 8th, 2012?

A Yes, sir.

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1 Q Did you personally observe him in that shirt?

2 A At the scene, I did. Yes, sir.

3 Q All right. Is that in any shape or form or fashion a
4 sleeveless basketball jersey?

5 A No, sir.

6 Q All right. And you were present this morning when Ms.
7 Hicks talked about the gentleman she saw in her yard?

8 A I was.

9 Q All right. Is that the shirt she described as a
10 sleeveless basketball jersey?

11 A This is not a sleeveless basketball jersey.

12 Q Thank you. All right. You can put it down, but don't
13 take your gloves off because I'm going to ask you
14 something else. Thank you. Were you present when Ms.
15 Hicks was interviewed?

16 A No.

17 Q Have you reviewed that interview?

18 A I have.

19 Q Did you, in fact, prepare the photo ID or the photo
20 lineup that she was using?

21 A I don't recall if I did or not.

22 Q Okay. Are you aware if she identified anyone in that
23 photo ID?

24 A She did not.

25 Q All right. Was Mr. Brannon Bryant's picture in that

1 photo ID?

2 A It was.

3 Q Do you recall what number picture it was?

4 A I believe it was three.

5 Q Very good. And do you recall her saying or her
6 indicating that she did not recognize anyone in that
7 lineup as being the person in her yard that night?

8 MR. HOLT: I think I just want to object here, Judge. I
9 don't believe we've established that Rudick was the one
10 interviewing the lady. Have we established that?

11 MR. JONES: I didn't ask him that. I asked him if he
12 was the chief investigator and as a result has he reviewed
13 all the evidence and he said, yes.

14 THE COURT: I'll allow him to answer the question.

15 A In those particular words, no. I don't recall. I've
16 watched the video several times but not verbatim, word-
17 for-word. She did not recognize anyone in the lineup.

18 Q And were you aware on the morning of June the 8th,
19 sometime around daybreak, that Ms. Hicks had been, if
20 not interviewed, she had been questioned, and indicated
21 that she had seen somebody in her front yard?

22 A Sergeant McCall mentioned that she spoke to her at the
23 back door, yes.

24 Q Okay. At that time, were you aware that she said that
25 the person was wearing a sleeveless basketball jersey?

CROSS EXAMINATION OF BRIAN RUDICK BY MR JONES

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1 A Not to those words.

2 Q All right. Were you aware that she described that
3 person as a black male, light skinned, slim, clean
4 shaven?

5 A Yes.

6 Q All right. Now, in your observation of Mr. Brannon
7 Bryant, was he clean shaven on that morning?

8 A I believe he had a little bit of facial hair.

9 Q The picture -- I'm going to show you eight, State's #8
10 and State's #11, which I believe are of the victim on
11 the front stoop. Is that correct?

12 A It is.

13 Q And I believe you said you took #11, but that Officer
14 McCall took #8?

15 A I believe so.

16 Q All right. And, again, I think we've established that
17 those blue dots were not there until EMS got there. Is
18 that correct?

19 A EMS had already been there when I arrived, so that's how
20 I saw the body.

21 Q Okay. Was that an accurate depiction of the light that
22 was available at the time that you arrived on the scene?

23 A That picture is augmented by the flash on my camera.

24 Q Very good. Thank you. All right. I'm going to show
25 you State's #2. Well, are those the shoes that you

1 described?

2 A Yes.

3 Q Okay. Were those shoes taken into evidence that
4 morning?

5 A Yes.

6 Q Were those shoes taken to SLED for any analyzation?

7 A Not that I'm aware of.

8 Q Okay. And who makes -- again, who makes that decision
9 to take something or not to take something to SLED?

10 A It's a collaborative effort between the investigators,
11 all that have knowledge of the case.

12 Q Thank you. And if you would, tell me who those people
13 are in this particular case.

14 A In that particular case, it would have been the evidence
15 technician, Laura South, myself, Sergeant Mike Anderson.
16 We might have referred to Neil Cusack at the same time
17 because he was in the interviews.

18 Q Okay. Now, you went from 305 8th Street, where pictures
19 #8 and #11 were taken and did you walk up, let's say
20 north on 8th Street to Bell Avenue and take a right onto
21 the 300 block?

22 A Several times.

23 Q Do you recall the first time you did that?

24 A The first time I did it was to speak to Chief Hudson
25 when he called us to that intersection to discuss the

CROSS EXAMINATION OF BRIAN RUDICK BY MR JONES

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1 canvass.

2 Q And the approximate time, if you have one?

3 A Probably 6:30, 6:45, maybe.

4 Q Had the keys and the lighter been found at that point in
5 time?

6 A Not that I'm aware of, no.

7 Q Did you see the set of keys or a key, a single key on
8 the chain that you described and the lighter anywhere
9 around that area where you were?

10 A No, sir.

11 Q When Mr. Bryant was in the back of the police car, did
12 you ever talk to him?

13 A No, sir.

14 Q Did you ever go up and observe him?

15 A Not until Chief Hudson already had him outside the car.

16 Q At that point in time, was he cuffed like that?

17 A Yes.

18 Q Okay. Do you know what time that was?

19 A It was one of the last things we did before collapsing
20 the crime scene, so without examining the data on that
21 picture, exactly when it was taken, I cannot tell you.

22 Q Well, it was daylight.

23 A It was 7:00 or 7:30, somewhere in there, I'm assuming.

24 Q Okay. And you arrived at what time?

25 A 0520.

1 Q All right. So within two hours, Mr. Bryant's under
2 arrest for this crime. Is that a fair statement?

3 A I did not place him under arrest for this crime, sir.

4 Q Why was he handcuffed?

5 A I didn't handcuff him.

6 Q Who handcuffed him?

7 A I do not know.

8 Q Was there any reason for him to be handcuffed if he
9 wasn't being charged with this crime?

10 A Officer Safety, several security reasons why I could
11 think, if the focus had shifted from him being a witness
12 to something.

13 Q Until Chief Hudson got there and those handcuffs were
14 placed on him, was he not being restrained in any way?

15 A Other than having a seat in the car waiting for an
16 investigator to speak to him, as far as I know, he was
17 not restrained at all.

18 Q So tell me, as chief investigative officer, why at that
19 point in time he was handcuffed?

20 A Several reasons. Once again, if whoever handcuffed
21 thought he was maybe a flight risk or some kind of
22 security risk. Anytime we transport in the back of a
23 police car, we handcuff.

24 Q All right. Let's move on to 325 Bell Avenue?

25 A Okay.

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1 Q I show you State's #6. Does that accurately reflect
2 where 305 8th, the crime scene, and 325-C Bell Avenue
3 are in relation to each other?

4 A Yes, sir.

5 Q Any idea of the distance between the two of them by the
6 street?

7 A By the street, a hundred, hundred and twenty-five yards
8 at the most.

9 Q Okay. And you said you traveled that general vicinity a
10 couple of times that morning?

11 A Yes.

12 Q All right. At what time did you -- were you involved in
13 the execution of the search warrant?

14 A I was.

15 Q Okay. Do you recall what time that you began the search
16 of 325-C?

17 A Between 8:00 and 8:30 AM.

18 Q All right. And if I understood you correctly, during
19 the search you were in communication with either -- and
20 I don't who exactly, but Investigators Anderson or
21 Cusack who were interviewing Mr. Bryant. Is that
22 correct?

23 A Prior to the search.

24 Q Prior to the search?

25 A Prior.

1 Q They already had him at the station talking to him?

2 A Yes.

3 Q And when you began searching the residence, it's my
4 understanding that you and Mr. Woodham, Officer Woodham,
5 found a knife in the trash can.

6 A Yes.

7 Q Found a pocket knife in the jeans pants pocket in the
8 bedroom.

9 A Yes, sir.

10 Q Found a paring knife in the sink, I guess?

11 A Uh-huh.

12 Q Did you find any other weapons of any kind?

13 A No other -- no firearms, no.

14 Q Nor any other knives?

15 A I don't believe so.

16 Q Were those three knives sent to SLED for analyzation?

17 A I believe they were.

18 Q Any positive results of any kind on any of those knives?

19 A No.

20 Q Okay. And you found -- if I'm not mistaken, there was
21 at least two shirts, did I hear you say, that might have
22 had some stains of some sort on there?

23 A Yes.

24 Q Were those taken to -- did you take possession of those
25 items?

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1 A I did.

2 Q Either one of those items either analyzed or provided
3 any information, whatsoever, that's helpful to this
4 case?

5 A I believe they were sent to SLED and the stains were not
6 blood.

7 Q Okay.

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

9 Q Lieutenant Rudick, again, as chief investigative
10 officer, all of the information concerning this case
11 appears to have your name on it as far as SLED reports
12 and that kind of thing. Is that correct?

13 A Yes, sir.

14 Q And you've reviewed those documents?

15 A I have.

16 Q Okay. Specifically, I'm going to refer you to a report
17 from SLED from the toxicology department. Have you
18 reviewed that?

19 A I have.

20 Q Okay. And does it indicate that -- what is -- whose
21 blood's being analyzed?

22 A It depends on which report you're looking at, sir. I
23 got a whole bunch of SLED reports, specifically.

24 Q I'll show you that one.

25 MR. HOLT: Judge, I'm going to object to this. Mr.

1 Jones is free to cross-examine the SLED personnel tomorrow
2 morning. I don't see how Rudick, Detective Rudick, would
3 have to know what's on the report or if he didn't generate
4 that information.

5 THE COURT: What's your position with regard to how
6 that's not hearsay?

7 MR. JONES: Your Honor, he has analyzed -- he's the
8 chief investigative officer of the case and has said that
9 he's analyzed all the information that's been gathered, part
10 of which are the SLED reports. And, again, I understand the
11 SLED people are coming. I believe I can ask him about those
12 reports -- other than the results. I don't think I can ask
13 him anything else.

14 THE COURT: Yeah. I'll allow you to ask for the
15 results.

16 MR. JONES: All right.

17 Q Are you with me on that report, yet?

18 A Not yet.

19 THE COURT: Why don't you show him the reports you've
20 got in your hand?

21 MR. JONES: I will, Your Honor. I'll hand it to him.

22 Q All right. You with me?

23 A Yes, sir.

24 Q And that report was sent to you?

25 A It was.

CROSS EXAMINATION OF BRIAN RUDICK BY MR JONES

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1 Q All right. And does it indicate that Ms. Shannon Thomas
2 had a blood alcohol level?

3 A It does.

4 Q And what was her level?

5 A .342.

6 Q 342?

7 A .342.

8 Q Excuse me. .342. And on the next page does it indicate
9 that she had marijuana in her system?

10 A It does.

11 Q And what is the reading of that?

12 A The Tetrahydrocannabinol is 3.1. And the metabolite
13 from that is 5.2.

14 Q Thank you. Now, as you are at 325 Bell Avenue gathering
15 evidence, I believe you said that the Defendant, Mr.
16 Brandon Bryant, was already at investigations being
17 interviewed by, was it Sergeant Anderson?

18 A Yes, sir.

19 Q Sergeant Anderson and Sergeant Cusack?

20 A Right.

21 Q As you are collecting evidence, did you become aware
22 that Mr. Bryant indicated that there had been a sexual
23 encounter between he and Ms. Thomas?

24 A Not during the search warrant.

25 Q Okay. So, did you in any way examine or collect the bed

1 sheets from the house?

2 A No.

3 Q All right. Did you later become aware that Mr. Bryant
4 said a sexual act had been involved between he and Ms.
5 Thomas?

6 A At a later time, I did.

7 Q Okay. Were the bed sheets collected then?

8 A No.

9 Q When you began canvassing the area to the north, headed
10 back towards Bell Avenue to talk to, I guess, people who
11 may have heard, seen, or may have some knowledge of this
12 event, did anybody canvass to the South?

13 A I'm sure they did. We had lots of officers. I was not
14 personally directing each officer on what to do. I was
15 focused on the crime scene.

16 Q Did you have any information in your reports about any
17 contact that any of your officers may have had with
18 people south of the 305 8th Street?

19 A Not that I'm aware of.

20 Q And at some point in time, did you become aware that the
21 victim actually lived several blocks south of 305 8th
22 Street?

23 A At some point during the investigation, yes.

24 Q Did you also become aware that the interrogation, if you
25 will, or the interview that was being held between

CROSS EXAMINATION OF BRIAN RUDICK BY MR. JONES

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1 Anderson, Cusack and Brannon Bryant, that during that
2 interview Mr. Bryant indicated that he observed a male
3 and a female going south on 8th Street?

4 A Much later, yes.

5 Q Okay. At any point in time did anybody investigate that
6 information of anyone going south of 8th street about
7 4:40 or 4:50 on June the 8th of 2012?

8 A Specifically, no. I know that myself, Chief Hudson,
9 several other investigators with our contacts in the
10 community developed information throughout the case that
11 we looked into. Specifically, no, I didn't go door to
12 door southbound.

13 Q Okay. Did you ever talk to a Dominique Colclough?

14 A I did not.

15 Q Did anybody to your knowledge from your office talk to
16 Dominique Colclough?

17 A Yes.

18 Q How about a Christina Reed?

19 A Yes.

20 Q All right. And you're familiar with those
21 conversations?

22 A I would have at some point, yes.

23 Q All right. And is it true that in the investigation,
24 Ms. Christina Reed brought a knife to one of your
25 officers and said she'd gotten the knife from Dominique

1 Colclough, who had been at the scene that evening?

2 A Yes.

3 Q All right. Was that knife sent to SLED for analyzation?

4 A I am not sure if it was or not. I don't believe.

5 Q And, again, was that a collaborative decision between
6 yourself, Ms. South, Mr. Anderson and Mr. Cusack?

7 A I'm assuming it was.

8 Q Okay. All right. Also during the investigation, were
9 there any other, either potential witnesses or persons
10 of interest, interviewed by either you or your officers?

11 A All the people that Mr. Bryant had identified that were
12 at his apartment the night of the incident were
13 interviewed by Mike Anderson or other officers.

14 Q And would that include Mr. Savoy Mack?

15 A Yes.

16 Q Van Segars?

17 A Yes.

18 Q Mr. Terrance Cabbagestalk?

19 A Yeah.

20 Q Mr. John "Roscoe" Scott?

21 A Yes.

22 Q Mr. Dominique Colclough?

23 A Yes.

24 Q Mr. Amos McRaven?

25 A Yes.

CROSS EXAMINATION OF BRIAN RUDICK BY MR JONES

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1 Q And based upon the information gathered from all of the
2 witnesses, which you have reviewed, who, to your
3 knowledge, was in or about 305, 325-C, Bell Avenue
4 between the night of June the 7th, 2012, and the morning
5 of June 8th, 2012?

6 A Mr. Bryant, Ms. Thomas, Mr. Colclough, Roscoe, all the
7 officers obviously, executing the search warrants.

8 Q How about Mr. Mack?

9 A Mr. Mack. He was there at some point during the evening,
10 yes.

11 Q Mr. McRaven?

12 A McRaven's name came up, yes.

13 THE COURT: Mr. Jones, we're going to take a recess
14 until about 1:30.

15 MR. JONES: Yes, sir.

16 THE COURT: I'm going to ask, if you could -- according
17 to the rules, you can't have any discussions with Mr. Jones
18 or Mr. Holt and you're going to be free to leave to go to
19 lunch and be back at 1:30. Do not discuss the case with
20 either lawyer. Is that fair?

21 MR. RUDICK: Yes, sir.

22 THE COURT: Mr. Foreman, ladies and gentlemen of the
23 jury, do not discuss the case amongst yourselves or with
24 anyone else. Do not do any independent investigation. Be
25 back at 1:30, 1:30, sharp.

1 THE BAILIFF: Okay. Come this way, please.

2 (Jury out at 12:07 PM)

3 (Lunch Break)

4 AFTERNOON - JULY 29, 2014

5 THE COURT: Good afternoon everybody. Anything from the
6 State before we proceed?

7 MR. HOLT: Judge, just briefly. And we might not be
8 able to settle this right now, but I'm looking at the Court
9 Reporter sheets from yesterday, the things I had moved in and
10 the things I have not, and I've not going to move everything,
11 but I thought that yesterday I moved in the DVD, Fortin's
12 mobile vision. And I believe that that was the videotape
13 that there was a few motions on and I thought that I'd moved
14 in those six minutes that were going to be shown.

15 MR. JONES: And if he didn't, we have no objection to
16 those six minutes.

17 THE COURT: All right. He did not, but he has no
18 objection, so it's into evidence by stipulation.

19 MR. JONES: Can we have we have some type of limit --
20 the whole CD is in evidence. Can we have something that says
21 only the two clips that they played?

22 MR. HOLT: Which is about six minutes.

23 THE COURT: Yeah. And did you, Madam Court Reporter,
24 did you transcribe what was actually played or did you just -
25 - did you do that?

CROSS EXAMINATION OF BRIAN RUDICK BY MR JONES

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1 MADAM COURT REPORTER: No, sir.

2 THE COURT: Okay. Well ---

3 MR. HOLT: Judge, I've got the times that I played
4 written down.

5 THE COURT: Okay. Well, let's just put on the record
6 part of that is in the record and we'll do it that way. And
7 if you feel compelled to do that, at some point in time you
8 could -- over the evening hours you could redact them?

9 MR. JONES: Yes, sir.

10 THE COURT: And that way for appellate purposes there's
11 no chance that it would show up in the record. Or you could
12 actually just put on the sticker, you could put the time
13 stamp and "only these portions". That might be easier.

14 MR. HOLT: Yeah. I'll do that. I'll do that this
15 afternoon.

16 THE COURT: That way you won't have to redact it. But
17 it'll be on the record, our discussion here today and the
18 portions that y'all have agreed to introduce into evidence.

19 (Whereupon, by stipulation, Officer Fortin's patrol car
20 DVD is entered into evidence, portions designated, as
21 State's Exhibit #7)

22 THE COURT: Anything from the Defense before we bring
23 the jury out?

24 MR. JONES: No, sir.

25 THE COURT: All right, we're ready for the jury.

1 THE BAILIFF: All right, sir.

2 (Jury in at 1:35 PM)

3 THE COURT: Mr. Foreman, ladies and gentlemen of the
4 jury, all of y'all look well-fed, very attentive, ready to
5 hear some testimony. And thank you for being here, and being
6 here on time. All right. Mr. Holt, you're recognized. And
7 I understand that we, with regard to this witness you're ---

8 MR. JONES: I believe I was cross-examining. I'm just
9 about finished, Your Honor.

10 THE COURT: Very good.

11 MR. JONES: I need to ask a few more questions.

12 **BRIAN RUDICK**

13 CROSS-EXAMINATION CONTINUED

14 BY MR. JONES:

15 Q Mr. Rudick, I don't think I wrote down exactly where I
16 was, so if I repeat, I apologize. Let me talk another
17 minute or two about the search at 325-C Bell that you
18 were involved in. Tell me again. It was you and
19 officers ---

20 A Sergeant Stuart, Officer Woodham, Lieutenant Richardson.
21 I have the full list of the officers that were with me.

22 Q Okay. But there were several, other than yourself?

23 A Yes.

24 Q Okay. Now, I think I had mentioned at some point in
25 time you received information that the Defendant, during

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CROSS EXAMINATION OF BRIAN RUDICK BY MR JONES

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1 his questioning, had indicated to Sergeants Anderson and
2 Cusack, that there was some consensual sex between
3 himself and the victim. And I believe I asked you, you
4 did not collect any bed sheets or bed clothes.

5 A Correct.

6 Q Did you happen to notice whether there was any other
7 evidence of sexual activity, such as condoms, wrappers,
8 anything of that nature?

9 A Not that I recall.

10 Q Okay. And none of that was collected?

11 A No, sir.

12 Q And I'm sorry, I don't recall. Did you tell me that you
13 did not actually speak to Mr. Bryant or did you speak
14 with Mr. Bryant?

15 A The only words I ever spoke to Mr. Bryant were at the
16 back of the police car when Chief Hudson called me over
17 to photograph his arm.

18 Q All right?

19 A I addressed him by name simply because I knew who he was
20 and that was all I said to him was a general greeting,
21 hello, or something like that.

22 Q During any of your contacts, whether or not they were
23 verbal or not between yourself and Mr. Bryant, do you
24 have an opinion as to whether or not he had -- could you
25 tell whether or not he had been involved in drinking

1 alcoholic beverages at all?

2 A The brief moment I was close enough to him, I did not
3 detect anything.

4 Q Okay. And just so I'm clear, the picture -- the two
5 pictures, State's #10 and #12, #10 being the handcuffed
6 wrist of Mr. Bryant and #12 being the scale, that's the
7 same arm, the same cut we're talking about. Is that
8 correct?

9 A Yes, it is.

10 Q Not two?

11 A No, sir. This scale photograph is actually turned
12 upside down.

13 Q Okay. So the sticker should be on the other end?

14 A Yes.

15 Q Okay. And looking at #12, can you tell us using your,
16 you said it was a three-inch scale?

17 A It's a three-inch scale, yes.

18 Q What size is that cut, according to your information?

19 A It's a little over an inch long.

20 Q Okay. And, again, State's #10 shows that on the, kind
21 of the left inside. That's, again, the same cut we're
22 talking about?

23 A Yes.

24 Q All right. Very good. Thank you.

25 A The pictures are seconds apart.

REDIRECT EXAMINATION OF BRIAN RUDICK BY MR HOLT

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1 Q And you did or did not handcuff Mr. Bryant?

2 A I did not.

3 Q Did not. Okay. Thank you. When you went to 325-C Bell
4 Avenue to execute the search warrant, were you the one
5 that entered the residence first?

6 A I was.

7 Q Did you try the door without the key first or did you
8 insert the key first?

9 A I tried the door first.

10 Q And was it locked or unlocked?

11 A It was.

12 Q It was locked?

13 A It was locked.

14 Q Very good.

15 MR. JONES: One second, please, sir. And that's all I
16 have. Thank you very much.

17 THE COURT: Redirect.

18 MR. HOLT: Thank you very much, Judge.

19 REDIRECT EXAMINATION

20 BY MR. HOLT:

21 Q Office Rudick, while I'm asking you these preliminary
22 questions, can you go ahead and put some gloves on for
23 me, please?

24 A (Witness complies)

25 Q Do you remember -- were you in the courtroom when Alta

1 Mae Hicks testified earlier?

2 A I was.

3 Q Do you know if she does or doesn't wear glasses?

4 A I do not know.

5 Q Do you remember about how old she said she was?

6 A Sixty-two or three.

7 Q Are you familiar with how a peephole works?

8 A I am.

9 Q And when you look through a peephole, do you see a
10 complete vision or do you see a slightly distorted
11 vision?

12 A It's slightly distorted, sort of fisheyed-style so you
13 can get more of the periphery into the field of view.

14 Q And can you, once again, unwrap the shirt that Michael
15 Stokes collected and then gave to you?

16 A (Witness complies)

17 Q Do you remember, in your role as lead investigator, what
18 two colors Alta Mae Hicks said the shirt was?

19 A Red and white.

20 Q Okay. And I believe the jury is seeing a inverted
21 shirt. Can un-invert or right-side-up that shirt?

22 A (Witness complies)

23 Q Okay. And that's the shirt the Defendant was wearing
24 that night?

25 A It is.

DIRECT EXAMINATION OF TERRANCE CABBAGESTALK BY MR. HOLT 261

1 Q Thank you very much, Officer Rudick.

2 MR. HOLT: No further questions.

3 THE COURT: All right. You may step down. Any
4 objection to this witness being excused?

5 MR. JONES: No, sir.

6 THE COURT: All right. You're free to leave. Mr. Holt,
7 you may call your next witness.

8 MR. HOLT: Can I get Terrance Cabbagestalk out here
9 please. He's one of the young men I took back earlier ???.

10 THE COURT: Yes, sir. Please come around and I'm going
11 to ask you to place your left hand on the Bible and raise
12 your right hand as the clerk administers the oath.

13 (After being duly sworn by the Clerk of Court,
14 **TERRANCE CABBAGESTALK** testified as follows:)

15 THE COURT: Have a seat in this witness chair. Pull up
16 real close to that microphone. Speak loudly, clearly, and
17 slowly, in order that we can hear everything that you've got
18 to say and let's start with your full name, please, sir.

19 MR. CABBAGESTALK: My name is Terrance Andrew
20 Cabbagestalk.

21 THE COURT: All right. Very good.

22 MR. HOLT: Thank you very much, Judge.

23 DIRECT EXAMINATION

24 BY MR. HOLT:

25 Q Mr. Cabbagestalk, how old are you?

1 A Thirty-four.

2 Q And where are you from?

3 A Hartsville, South Carolina.

4 Q And how long have you lived there?

5 A Thirty-four years.

6 Q And did you know Shannon Thomas?

7 A Yes, sir.

8 Q About how long had you known her?

9 A I'd say ten to twelve years.

10 Q Okay. And did you know the Defendant in this case,
11 Brannon Bryant?

12 A Yes, sir.

13 Q Now, do you remember hearing on June 8th, 2012, that she
14 had been murdered?

15 A Yes, sir.

16 Q And the previous day, June 7th, did you see Shannon or
17 Brannon that day?

18 A Yes, sir.

19 Q And where did see them and about what times? And what I
20 want you to do is walk us through your day, what you
21 were doing directly before you saw them, what you were
22 doing them afterwards and try and give us an appropriate
23 time frame if possible.

24 THE COURT: Mr. Cabbagestalk, you can pull up closer to
25 that microphone if you want to. That chair will move. It's

CROSS EXAMINATION OF TERRANCE CABBAGESTALK BY MR. JONES 263

1 easier on your neck that way.

2 MR. CABBAGESTALK: (Complies)

3 THE COURT: There you go. All right.

4 A Throughout the day or later on throughout the day,
5 pretty much the only time I saw the two, we were at the
6 Comfort Inn playing in the pool. And then, from there,
7 I separated from them, I went back to my brother's house
8 and I waited on my girlfriend to come pick me up.

9 Q About what time did you separate from them?

10 A I want to say right before seven.

11 Q And about how many people were out there at the Comfort
12 Inn?

13 A Four to five.

14 Q Okay. And did it appear to you that Shannon and Brannon
15 had any type of relationship?

16 A No public displays of affection at all.

17 Q Did you see them holding hands?

18 A No, sir.

19 Q Whispering?

20 A No, sir.

21 Q Butterfly kisses?

22 A No, sir.

23 Q Was it your impression that they were there together or
24 separate?

25 A We were all there, mutual.

CROSS EXAMINATION OF TERRANCE CABBAGESTALK BY MR. JONES 264

1 Q Okay. All right. And you said you left at what time
2 now?

3 A Right before seven.

4 Q Do you know whether ---

5 A A few minutes 'till seven.

6 Q I apologize. Do you know where the Hartfield Inn
7 Village Apartments are?

8 A Hartfield Inn is a hotel.

9 Q Okay. Do you know where those rooms are?

10 A Yes, sir.

11 Q And were you there at any time that day?

12 A No, sir.

13 Q All right. Thank you very much, Mr. Cabbagestalk.

14 THE COURT: Cross-examination.

15 MR. JONES: Yes, sir

16 CROSS-EXAMINATION

17 BY MR. JONES:

18 Q Mr. Cabbagestalk, do you remember giving a statement to,
19 I believe it was Sergeant Mack, Sergeant Anderson?

20 A Yes, sir.

21 Q All right. And have you reviewed that statement prior
22 to your testimony today?

23 A No, sir.

24 Q. All right. And do you recall telling them that what,
25 the events you just described happened on June the 6th

CROSS EXAMINATION OF TERRANCE CABBAGESTALK BY MR JONES 265

1 and not June the 7th?

2 A The day prior.

3 Q Yes, sir.

4 A We were all together.

5 Q Yes, sir, would that have been ---

6 A I don't know particularly what exact date that was, sir,
7 but the day prior.

8 Q Okay. And that was when you were at the Comfort Inn
9 swimming?

10 A I was amongst them, yes, sir.

11 Q And I believe the next day you said, if I'm not
12 mistaken, that you and your girlfriend went for Pizza at
13 about 10:00 or 11:00 AM. You picked up your daughter at
14 the YMCA, went to Pine Ridge, stayed all afternoon and
15 night. That would have been the day of the, the 6th,
16 the day of ---

17 A Of the incident?

18 Q Yes, sir.

19 A I would assume so, because I was uptown that morning
20 with my wife, with my girlfriend and then we stayed
21 uptown, went and got some pizza and went on about our
22 business, went back to Pine Ridge.

23 Q Again, just so I'm clear. What you described to Mr.
24 Holt happened the day before that. Is that correct?

25 A The day before the incident occurred ---

1 Q Yes, sir.

2 A --- around the times of between five and seven, we were
3 at the Comfort Inn. From my understanding, the incident
4 didn't occur until that night, which was the next day
5 literally, after twelve.

6 Q And if I tell you that the 7th was Thursday and she died
7 on a Friday morning, are you describing the Thursday for
8 me?

9 A Yes.

10 Q Okay. All right. Do you recall in that interview how
11 you described Shannon?

12 A No, sir.

13 Q Do you recall describing her as a party girl?

14 A A party girl?

15 Q Yes?

16 A I wouldn't say party girl.

17 Q So, you deny saying that during your interview to
18 Sergeant Anderson and Sergeant Mack?

19 A I'm not saying I deny it, but I don't recall saying it.

20 Q That's fair enough. Thank you.

21 THE COURT: Any redirect?

22 MR. HOLT: None, Judge.

23 THE COURT: You may step down.

24 MR. HOLT: I also ask that he be allowed to leave.

25 THE COURT: All right. Any objection from the Defense?

DIRECT EXAMINATION OF KESHAUN JOHNSON BY MR. HOLT

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1 MR. JONES: No, sir.

2 THE COURT: You're free to leave. Thank you. You may
3 call your next witness.

4 MR. HOLT: Thank you, Your Honor. If I could get
5 Keshawn Johnson from the back.

6 THE COURT: Just come around. I want you to face the
7 clerk. Place your left hand on the Bible and raise your
8 right hand as he administers the oath.

9 (After being duly sworn by the Clerk of Court,
10 **KESHAUN JOHNSON** testified as follows:)

11 THE COURT: I'll ask you to have a seat in the witness
12 chair, pull up real close to that microphone. Speak loudly,
13 clearly, and slowly, in order that we can hear everything
14 that you've got to say and let's start with your full name.

15 MR. JOHNSON: My name KeShaun Jerrell Johnson.

16 THE COURT: Very good.

17 DIRECT EXAMINATION

18 BY MR. HOLT:

19 Q Mr. Johnson, how old are you?

20 A I'm twenty-four.

21 Q And where are you from?

22 A Hartsville, South Carolina.

23 Q How long have you lived there?

24 A All my life.

25 Q All right. And were you friends with Shannon Thomas?

- 1 A Yes, sir.
- 2 Q And how did you find out about her passing?
- 3 A My father told me.
- 4 Q And what time did he tell you?
- 5 A About 7:00 that morning.
- 6 Q All right.
- 7 A Around seven.
- 8 Q Were you up exercising or were you in the bed?
- 9 A No, I was sleeping.
- 10 Q Okay. Now, that would have been on a Friday, correct?
- 11 A Yes, sir.
- 12 Q All right. The following day, the day -- not the
- 13 following, but the day before. The day before she was
- 14 murdered that night. Did you have occasion to speak
- 15 with her?
- 16 A Yes, sir.
- 17 Q Did she call you or did you call her?
- 18 A I called her earlier that day and she called me later on
- 19 that night.
- 20 Q And what did you call her about earlier that day?
- 21 A I really don't remember, actually.
- 22 Q Okay. And, what, was this two years ago now?
- 23 A Yes, sir.
- 24 Q All right. Now, about what time did she call you back?
- 25 A It was around four-something in the morning.

CROSS EXAMINATION OF KESHAUN JOHNSON BY MR JONES

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1 Q And did y'all speak to each other?

2 A Yes, sir.

3 Q About how long?

4 A It couldn't have been no longer than about twenty
5 seconds.

6 Q Do you remember what y'all talked about?

7 A No, sir.

8 Q And why?

9 A I was half asleep.

10 Q And the call woke you up?

11 A Yes, sir.

12 Q All right. And have you and Shannon ever been boyfriend
13 and girlfriend?

14 A No.

15 Q Had y'all ever had a relationship?

16 A Yes, in the past.

17 Q Okay. Are you sure about the appropriate time she
18 called you that night?

19 A I'm positive.

20 Q All right. And you're sure that call woke you up?

21 A Yes, sir.

22 Q All right. Please answer any questions that Defense
23 counsel might have.

24 CROSS-EXAMINATION

25 BY MR. JONES:

1 Q 4:00 AM, on Friday, you get a call. Is that right?
2 June the 8th, 2012?

3 A Uh-huh.

4 Q Yes?

5 A Yes, sir.

6 Q Twenty seconds?

7 A It'd be no longer than that.

8 Q All right. You don't recall any of the conversation?

9 A No. It's been about two years. I really don't
10 remember. She didn't sound like she was in no danger
11 when I talked to her. I didn't get that kind of vibe at
12 all from her.

13 Q She didn't scream. She didn't holler. She didn't say
14 come get me?

15 A No.

16 Q Okay. You just don't remember what she said?

17 A I really don't remember, sir.

18 Q How do you know it was four-something?

19 A Because I looked at the time when I woke up.

20 Q And you were dead asleep?

21 A Yes, sir.

22 Q What time did you call her?

23 A I have no clue. It was sometime in the daytime, though.

24 Q The day before?

25 A Yes, sir.

DIRECT EXAMINATION OF GLORIA MACK BY MR. HOLT

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1 MR. JONES: Thank you.

2 THE COURT: Any redirect?

3 MR. HOLT: None, Your Honor.

4 THE COURT: All right. You may step down. Any
5 objection to this witness being excused?

6 MR. HOLT: I'd ask if you would.

7 MR. JONES: No, sir.

8 THE COURT: You're free to leave. You may call your
9 next witness.

10 MR. HOLT: Gloria Mack, from the back, please. She
11 should be with the other Hartsville Detectives.

12 THE COURT: Yes, ma'am. Please come forward. I'll ask
13 you to stand in front of the clerk over here. Place your
14 left hand on the Bible and raise your right hand as he
15 administers the oath.

16 (After being duly sworn by the Clerk of Court,
17 **GLORIA MACK** testified as follows:)

18 THE COURT: Have a seat in the witness chair. Pull up
19 real close to that microphone and speak loudly, clearly, and
20 slowly, in order that we can hear everything that you've got
21 to say and let's start with your full name, please, ma'am.

22 MS. MACK: Gloria Mack.

23 THE COURT: Thank you, Ms. Mack. Mr. Holt.

24 MR. HOLT: Thank you, Judge.

25 DIRECT EXAMINATION

STATE OF SOUTH CAROLINA VERSUS BRANNON J BRYANT

1 BY MR. HOLT:

2 Q Officer Mack, where are you from?

3 A I'm from Hartsville.

4 Q How long have you lived there?

5 A All my life.

6 Q Are you nervous about being here today?

7 A Just a little.

8 Q All right. How long have you worked for HPD?

9 A Almost fifteen years.

10 Q All right. How long have you been in law enforcement?

11 A Fourteen.

12 Q Okay. So you worked for them in another job?

13 A A prior year, I started at the detention center. I
14 wouldn't include that.

15 Q What is your current position?

16 A I'm currently assigned to investigations.

17 Q And what position were you in on June 8th, 2012?

18 A I was working in investigations.

19 Q All right. And what did your job duties entail at that
20 time?

21 A My job duties is to help patrol process crime scenes
22 that they need help with, collect evidence and process
23 crime scenes, assisting with them.

24 Q How were you notified of the murder of Ms. Shannon
25 Thomas?

DIRECT EXAMINATION OF GLORIA MACK BY MR HOLT

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1 A My lieutenant called me at home.

2 Q And once he notified you, what did you do?

3 A I immediately got ready and responded to the scene on
4 8th Street.

5 Q And what did you do after you arrived on the scene?

6 A Once I got to the scene, I was told to look for any kind
7 of evidence in the immediate area.

8 Q Did you find any?

9 A I recovered an earring that was on the 300 block of that
10 street. I think it was Bell. I think I found an
11 earring.

12 Q Okay. Let me ask you this. Did you speak to any
13 witnesses?

14 A I didn't speak to any witnesses directly. I
15 accompanied Mike Anderson on some interviews where I ---

16 Q I mean, I'm thinking of the day of, at the scene.

17 A No.

18 Q Did you go from home to home looking for information?

19 A No, I didn't do that.

20 Q All right.

21 MR. HOLT: If I could approach, Your Honor?

22 THE COURT: You may.

23 Q First, let me ask you, did you ever touch Ms. Shannon
24 Thomas' body?

25 A No, I did not.

1 Q Or did you ever touch the Defendant in this case,
2 Brannon Bryant?

3 A No, I did not.

4 Q I'm going to ask you to look at what's been marked, for
5 identification purposes, as State's Exhibit #16. And
6 it's inside a plastic bag and I'd like you to look at
7 the contents, okay? And I want to ask you just briefly,
8 do you recognize those contents?

9 A Yes, I do.

10 Q And how do you recognize them and where do you recognize
11 them from?

12 A These were the items that I took to the autopsy in
13 Newberry.

14 Q Okay. Did you take them to the autopsy or did you take
15 them from autopsy to SLED?

16 A I'm sorry. I took them from the autopsy to SLED.

17 Q All right. And why did you have to do that?

18 A Well, when there's a murder and evidence is collected,
19 that's where we take it when it's a body.

20 Q All right. And then what purpose is it to take the
21 evidence from Newberry to SLED?

22 A For SLED to process it.

23 Q Officer Mack, you can put that evidence back up and
24 thank you for coming. Please answer any questions that
25 Defense Counsel might have, okay?

CROSS EXAMINATION OF GLORIA MACK BY MR JONES

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1 THE COURT: Any cross-examination?

2 MR. JONES: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. JONES:

5 Q Tell me your rank, please, ma'am?

6 A Sergeant.

7 Q Sergeant, okay. Sergeant Mack, during the time that you
8 were assigned to do some duties in this investigation, I
9 believe you said that you accompanied Sergeant Anderson
10 as he did some interviews. Is that correct?

11 A That's correct.

12 Q And do you remember, specifically, which interviews you
13 were involved with?

14 A I sat in on with Savoy Mack and Alta Mae Hicks, I think.

15 Q Were you in on Terrance Cabbagestalk? Do you remember?

16 A Yes. I think I was there for that.

17 Q And do you recall -- well, let me ask you this. Did you
18 review any of your notes or any of the interviews prior
19 to your testimony today?

20 A Yes, sir.

21 Q All right. Let me ask you, specifically, about Terrance
22 Cabbagestalk. What is your recollection of what he told
23 you and Sergeant Mack [verbatim] about seeing Mr. Bryant
24 and Ms. Thomas at the Comfort Inn. Do you have any
25 notes on that?

1 A No, I did not.

2 Q Did not, okay. Do you have any notes about whether or
3 not he saw either of them or both on June the 7th, 2012?

4 A No, I do not.

5 Q Do not?

6 A No.

7 Q Okay. Do you have any notes about how he described Ms.
8 Thomas?

9 A No.

10 Q Okay. Let me ask you about this same question as it
11 relates to Ms. Hicks. You say you did sit in on Ms.
12 Hicks' interview?

13 A Yes.

14 Q Yes?

15 A Uh-huh.

16 Q And were you there when she was shown the photo lineup?

17 A No, I was not.

18 Q You were not?

19 A No.

20 Q Did you hear her describe the man she saw outside of her
21 home the morning of June the 8th of 2012?

22 A No.

23 Q Did not hear that?

24 A No.

25 Q And I believe that's all I have. Thank you.

DIRECT EXAMINATION OF DR JANICE ROSS BY MS PARKER

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1 A Okay.

2 THE COURT: Any redirect?

3 MR. HOLT: None, Your Honor.

4 THE COURT: All right. Any objection to this witness
5 being excused? From the State?

6 MR. HOLT: None.

7 THE COURT: Any from Defense?

8 MR. JONES: No, sir.

9 THE COURT: You're free to leave. Thank you, ma'am.
10 You may call your next witness.

11 MS. PARKER: Your Honor, at this time the State calls
12 Dr. Janice Ross.

13 THE COURT: Ms. Ross, if you come forward and place your
14 left hand on the Bible and raise your right hand as the clerk
15 administers the oath.

16 (After being duly sworn by the Clerk of Court,
17 **DR. JANICE ROSS**, testified as follows:)

18 THE COURT: Dr. Ross, have a seat in that witness chair.
19 And I'm going to ask that you pull up real close to that
20 microphone. Please speak loudly, clearly, and slowly, in
21 order that we can hear everything that you've got to say and
22 let's start with your full name.

23 MS. ROSS: Yes, sir. Janice Edwards Ross.

24 THE COURT: Thank you, Dr. Ross. Yes, ma'am.

25 DIRECT EXAMINATION

STATE OF SOUTH CAROLINA VERSUS BRANNON J BRYANT

1 BY MS. PARKER:

2 Q Dr. Ross, what is your occupation?

3 A I'm a forensic pathologist.

4 Q And where do you work?

5 A In Newberry, South Carolina, for Newberry Pathology
6 Associates.

7 Q And how long have you worked for Newberry Pathology?

8 A Since May of 2000.

9 Q And tell the jury a little bit about your educational
10 background and your specific training.

11 A Yes. I have a Bachelor's Degree from the University of
12 South Carolina and a Doctor of Medicine, an MD, from
13 Upstate Medical Center in Syracuse, New York. That's
14 where I did further training in the field of pathology.
15 It's a field where doctors learn how to identify
16 diseases by looking at tissue under the microscope. We
17 learn how to use laboratory testing to identify and
18 diagnose diseases and we learn how to do an autopsy to
19 find a cause of death. I did further training in
20 forensic pathology, which means -- forensic, the word
21 forensic, means legal. So we use our pathology
22 knowledge in a legal matter to identify cause and manner
23 of death through an autopsy, on legal matters such as;
24 homicides, suicides and accidents.

25 Q Okay.

DIRECT EXAMINATION OF DR JANICE ROSS BY MS PARKER

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1 MR. JONES: Your Honor, I apologize. But if it will
2 help, I will be glad to stipulate Dr. Ross' qualifications
3 and will consent to her being qualified as an expert, if that
4 would help.

5 THE COURT: Very good. Mr. Foreman, ladies and
6 gentlemen of the jury, normally a lay witness can only
7 testify as to things they hear, see and smell, but an expert
8 witness is different. Because of their education and
9 training they're allowed to render opinions in their field of
10 study. Just by virtue of the fact that someone is an expert
11 doesn't mean that you necessarily have to believe their
12 opinion. You evaluate it just like you would any other
13 evidence. I'll charge you in greater detail with regard to
14 how to evaluate expert witnesses and their testimony at the
15 conclusion of the case. Yes, ma'am.

16 Q Dr. Ross, the Defense has consented to your
17 qualifications, but tell the jury how many autopsies
18 have you done throughout the course of your career?

19 A Over six thousand.

20 Q Okay. Now, did you have an opportunity to perform an
21 autopsy on the victim in this case, which was a Shannon
22 Thompson?

23 A Yes.

24 Q Okay. And I'm going to ---

25 MS. PARKER: Permission to approach the witness, Your

1 Honor?

2 THE COURT: Yes.

3 Q I'm going to show you what's marked State's Exhibit #17.
4 And I'm going to ask you, do you recognize that?

5 A Yes.

6 Q And what is that?

7 A This is the autopsy report on Shannon Thomas from
8 June 8th, 2012.

9 Q And is that your report?

10 A Yes.

11 Q And has it been changed or edited or any changes or
12 alterations made to it in any way?

13 A No.

14 MS. PARKER: Your Honor, at this time, we'd like to move
15 #17 into evidence, State's #17.

16 THE COURT: Any objection?

17 MR. JONES: If I might see it, Your Honor. Just to make
18 sure I've got it. I think I've got it. No objection, Your
19 Honor.

20 THE COURT: It's into evidence without objection from
21 Defense. And that's denominated State's Exhibit...

22 MS. PARKER: Number 17, Your Honor.

23 THE COURT: Seventeen is into evidence.

24 (Whereupon, an autopsy report is entered into evidence
25 as State's Exhibit #17, without objection.)

DIRECT EXAMINATION OF DR JANICE ROSS BY MS PARKER

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1 Q Now, Dr. Ross, what date did you receive the body?

2 A On June 8th, 2012.

3 Q Okay. Approximately what time?

4 A 9:00 in the morning.

5 Q And was the autopsy performed that morning?

6 A Yes.

7 Q And before we talk about your findings, I wanted to
8 touch a little bit on any evidence that would have been
9 collected. Would you tell the jury, what type of
10 samples do you collect during the course of an autopsy.

11 A Yes. During the course of an autopsy we collect blood,
12 urine if there is any, fluid from the eye. We collect
13 any kind of foreign objects from the skin or wounds. If
14 it's a gunshot wound, for instance, we will do x-rays to
15 look for any kind of metal inside the body. In certain
16 cases, especially homicides, we do rape kits, and we
17 take fingernails for processing.

18 Q And in this case, in particular, did you collect blood,
19 urine, and ocular fluid?

20 A Yes.

21 Q And was a rape kit done?

22 A Yes.

23 Q And according to your records, who was the law
24 enforcement officer that those samples were turned over
25 to?

1 A Gloria Mack.

2 Q Okay. I'm going to --

3 MS. PARKER: Permission to approach, Your Honor?

4 THE COURT: Yes.

5 Q --- show you what's already been identified as State's
6 Exhibit #16, not into evidence, but I'm just going to
7 ask you do you recognize some of those labels on those
8 samples? Do you recognize those?

9 A Yes.

10 Q All right. And, Dr. Ross, if you would, tell the jury a
11 little bit about the autopsy and how you begin that
12 process, what you do first.

13 A Yes. We take photographs of the body clothed. And we
14 take their clothes off and inventory clothing and look
15 for any injury in the clothing itself. We then look at
16 the external body, take photographs, and then we do a
17 precise internal examination of each organ to identify
18 any organs that were injured.

19 Q And in this case, what injuries were you able to
20 observe?

21 A There were two stab wounds. One, the one that was fatal
22 went underneath the left collar bone, went inside the
23 chest to the left, and went through the upper lobe of
24 the left lung and then it went right into the heart, a
25 small stab wound to the front wall of the heart. Then

DIRECT EXAMINATION OF DR. JANICE ROSS BY MS PARKER

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1 there was a ---

2 Q Tell us about the second stab wound.

3 A The second stab wound was in the interior right
4 shoulder, which stayed just underneath the skin. There
5 were some, what we call incised wounds -- Incised means
6 an injury made by a sharp instrument, you know, where
7 you just cut the skin, the very surface of the skin --
8 that were on the upper left arm.

9 Q Would you go into a little more detail about the incised
10 wounds, if you are able?

11 A They were just a regular -- they kind of went underneath
12 the skin and actually caused some avulsion of the skin.
13 It just had a little flap that could be turned over.
14 And so there were about, there were three or four of
15 those on the surface of the right upper -- I'm sorry,
16 the left upper arm.

17 Q And did you observe any injuries to the victim's head,
18 were there any blunt force injuries?

19 A Yes. In the course of looking at the brain, we look
20 underneath the scalp and there were some bruises
21 underneath the scalp that didn't have any specific
22 pattern. I couldn't tell what they were from. But
23 there was not underlying injury, no injury to the skull
24 and no injury to the brain.

25 Q Would those injuries be indicative, in your opinion, of

1 some type of blow or hit to the head?

2 A Yes.

3 Q I mean, without knowing what, some type of hit to the
4 head?

5 A Yes.

6 Q And in your opinion -- well, let me ask you this. Were
7 you able to determine the cause of death?

8 A Yes.

9 Q In your opinion, what was the cause of death?

10 A What is called exsanguination, which means to bleed out
11 due to the stab wound to the lung and the heart.

12 Q Okay. One more question before I forget. In your
13 examination of the body, was there any evidence that you
14 noted in your report that the victim was currently
15 menstruating or on her monthly cycle?

16 A No, I did not.

17 Q And if she would have been, would that information have
18 been notated in your report ---

19 A Yes.

20 Q --- if you would have found a tampon or any blood in
21 that area?

22 A Yes. We examine the uterus and we look for that,
23 specifically.

24 Q Okay. And previously, with State's Exhibit #16 that I
25 had you identify, did you recognize some of the labels

CROSS EXAMINATION OF DR JANICE ROSS BY MR JONES

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1 in that? Could you tell the jury a little about
2 gathering the fingernail clippings? Was that done in
3 this case?

4 A Yes.

5 Q And how is that done?

6 A We just clip off the fingernails that are present and
7 put them in a small brown envelope and seal it.

8 Q Okay. And all of those items were given to Ms. Gloria
9 Mack?

10 A Yes.

11 Q No further questions. Please answer any questions the
12 Defense may have.

13 THE COURT: Cross-examination, Mr. Jones.

14 MR. JONES: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. JONES:

17 Q Dr. Ross, on your report, the wound that you described
18 as the fatal wound, which was the one to the chest area.
19 Correct?

20 A Yes.

21 Q And if I show you State's Exhibit #8 and tell you that
22 is the position the body was found in at approximately
23 4:58 AM on June the 8th, 2012, would the loss of blood
24 correspond to what you've said exsanguination, bleeding
25 out?

1 A Correct.

2 Q All right. And if I tell you that at approximately --
3 well, less than ten minutes before that, there was
4 testimony that someone was knocking on the door of that
5 residence, and then ten minutes later that body was
6 found. Would you have an opinion as to whether or not
7 that person could have died in that ten-minute period of
8 time?

9 A Well, she could have sustained consciousness and moved
10 around for a couple of minutes after the stabbing, yes.

11 Q Okay. And when you, in your report, I have it on page
12 five of five, the third paragraph where it says if
13 specimens are drawn for toxicological analysis if a
14 positive analysis is submitted to this prospectus, an
15 amended opinion may be necessary. Would you tell me
16 what that means?

17 A Yes. We don't get the toxicology results back for
18 several weeks after we do an autopsy and that's just a
19 disclaimer, basically. If, for instance, the
20 toxicology, blood toxicology came back with a very high
21 level, a lethal, a toxic level of a drug, then we might
22 have to rethink the cause of death.

23 Q And did you get the reports in this situation?

24 A Yes.

25 Q And if I might refer you to them.

CROSS EXAMINATION OF DR JANICE ROSS BY MR JONES

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1 A Yes.

2 Q The blood alcohol level is listed as what?

3 A .34 percent.

4 Q All right. And would that have risen to the level of
5 toxicity where her life could have been in danger?

6 A It could be toxic in some people. People who drink
7 often will gain a tolerance. Usually we think of
8 alcohol as being deadly at a .4 or above.

9 Q All right. In your opinion, .342, is that a relatively
10 high level?

11 A That's a very high level, yes.

12 Q And also on that toxicology report, it indicates on the
13 next page, levels of THC.

14 A Yes, sir.

15 Q And do those levels cause you any concern?

16 A Just the fact that she was using marijuana.

17 Q And are the levels indicated? I believe it's a 3.1 or a
18 5.1. Do those indicate a high, low or medium range?

19 A They're not real high, but that's a toxicology question.

20 Q Okay. But, in and of itself, those two indicators would
21 not have caused you an alarm as to her danger she was in
22 as a result of those levels?

23 A Correct.

24 Q Oh, I do have another question. If, as I mentioned
25 earlier, if there was a report that ten minutes prior to

1 the young lady being found on the porch like in that
2 condition as in State's #8, I believe that -- how long,
3 in your opinion, or do you have an opinion, as to how
4 long it would take a body to become cold to the touch?

5 A That's very variable depending on the temperature the
6 body started with, if she had a fever or not and the
7 outside temperature. So it's very difficult to tell.

8 Q And that's fair enough. Thank you, ma'am.

9 THE COURT: Any redirect?

10 MS. PARKER: None, Your Honor.

11 THE COURT: Any objection to Dr. Ross being excused?

12 MR. JONES: No, sir.

13 THE COURT: You're free to go. Thank you.

14 MR. JONES: Your Honor, may we approach real quickly?

15 THE COURT: Certainly.

16 (Whereupon, a bench conference was held off the record.)

17 THE COURT: Mister Foreman, ladies and gentlemen of the
18 jury, we are going to take a quick break. Don't talk about
19 the case and we'll have you back out shortly.

20 (Jury out at 2:18 PM)

21 THE COURT: Anything from the State before we proceed?

22 MR. HOLT: No, sir, Your Honor.

23 THE COURT: Anything from the Defense?

24 MR. JONES: No, sir.

25 THE COURT: All right. We're ready for the jury.

DIRECT EXAMINATION OF WILLIAM D. SESSOMS BY MR HOLT

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(Jury in at 2:37 PM)

THE COURT: Yes, sir, if you could place you left hand on the Bible and raise your right hand as the clerk administers the oath.

(After being duly sworn by the Clerk of Court,

WILLIAM D. SESSOMS testified as follows:)

THE COURT: Have a seat in the witness chair. Pull up real close to that microphone. Speak loudly, clearly, and slowly, in order that we can hear everything that you've got to say and let's start with your full name.

MR. SESSOMS: William David Sessoms.

THE COURT: Spell that last one?

MR. SESSOMS: S-E-S-S-O-M-S.

THE COURT: Thank you, Mr. Sessoms.

DIRECT EXAMINATION

BY MR. HOLT:

Q Mr. Sessoms, where are you currently employed?

A I am currently retired. I retired six weeks ago from the Darlington County 9-1-1 Communications Center.

Q And how old are you?

A Sixty-two.

Q And how about before the communications center, where did you work?

A I was a police officer with the Cheraw Police Department from '74 to '78. Got back into it with the Hartsville

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1 Police Department from 1980 to 2001. I was with the
2 Darlington County Sheriff's Department from 2002 until
3 2008, and then transferred over to the 9-1-1 center.

4 Q So between law enforcement and 9-1-1, about how many
5 years do you have working for your community?

6 A Thirty-seven-and-a-half years.

7 Q All right. Can you tell me what the 9-1-1 center is and
8 how it works and what your position was there.

9 A In 1992, Darlington County decided to go with the 9-1-1
10 communications center. It would be a central
11 communications center for Darlington County rather than
12 call your local police department, fire department. All
13 fire, EMS, and law enforcement emergency services were
14 put under one roof as a central communications center.
15 The center operates 24/7, open, you know, all the time,
16 365. The calls come in. If it's an emergency 9-1-1 --
17 we also receive some calls on the non-emergency lines
18 that turn out to be emergencies, the main
19 responsibilities of the 9-1-1 calls. Everything coming
20 into the center is recorded. All the phones or regular
21 traffic, everything coming in, is recorded.

22 Q All right.

23 MR. HOLT: Permission to approach Judge?

24 THE COURT: Certainly.

25 Q I just want to show you what's been marked as State's

DIRECT EXAMINATION OF WILLIAM D SESSOMS BY MR. HOLT

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1 Exhibit #15. And without telling the jury what it
2 specifically is, can you tell me if you recognize it?

3 A Yes, sir.

4 Q All right. And can you tell me, have you seen it
5 before? Do you know what it is?

6 A Yes, sir. I refer to it as a CAD report. Once a call
7 comes in, we generate a call for service and the
8 computer time stamps everything and every information is
9 put in, you know, the format on this report.

10 Q All right. And can you read what the date was on that
11 one?

12 A June 8th, 2012, 4:48 PM.[verbatim].

13 Q All right. What does that mean? What originated at
14 4:48?

15 A According to this report we received -- now, this shows
16 the 9-1-1 call. We received a call on June 8, 2012 at
17 4:48 PM [verbatim]. The location was 305 South 8th
18 Street, inside the city limits of Hartsville and the
19 caller's name -- do I need to say it?

20 Q Yes, sir, please.

21 A It would be Ms. Alta Mae Hicks. Gives a phone number
22 and the call came in, initially, the call came in as a
23 suspicious person.

24 Q Yes, sir. And how can you tell that from your report?

25 A On the report, the call type. Whatever the complainant

1 tells us is going on, once the 9-1-1 operator picks up,
2 that's what they type into the computer and it's locked.
3 And then at 5:44, the call-type was a dead person.

4 Q All right. And that was at what time?

5 A 5:44.

6 Q All right. Now, I want to show you one more thing. And
7 I want to ask you to look at State's Exhibit #14 and ask
8 you if you recognize that.

9 A It appears to be a copy of a tape that I made for the
10 Hartsville Police Department.

11 Q And would that tape correspond with that CAD report?

12 A Yes, sir.

13 Q Okay.

14 MR. HOLT: And, Your Honor, at this time the State would
15 move #14 and #15 into evidence.

16 THE COURT: Any objection?

17 MR. JONES: If I might look at them real quick? Okay.

18 THE COURT: And that's State's Exhibits...

19 MR. HOLT: #14 and #15.

20 THE COURT: #14 and #15 are into evidence.

21 (Whereupon, a DVD and a CAD report are entered into
22 evidence as State's Exhibits #14 and #15, without objection.)

23 Q Does this thing work on a 24-hour clock or a 12-hour
24 clock?

25 A It works on military time. A 24-hour clock.

DIRECT EXAMINATION OF LAURA SOUTH BY MR HOLT

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1 Q All right. If it says 4:51 is that in the early morning
2 or ---

3 A That would be 4:48 PM [verbatim]. Well, I'm sorry. I'm
4 sorry. I made a mistake. It is in standard 24-hour
5 time.

6 (Whereupon, State's Exhibit #14 was published for the
7 jury.)

8 Q Is that the 9-1-1 call that your office received that
9 night?

10 A From reviewing the playback and looking at the CAD
11 report, they are one in the same call. Yes, sir.

12 Q All right. And just so we're clear, what time did that
13 come into your office?

14 A According to the CAD report it was June 8th, 2012, 4:48
15 -- it was actually -- a police officer was dispatched at
16 4:51. It actually took a couple of three minutes for
17 her to take the information to get it dispatched to the
18 police.

19 Q All right. Within that 48 to 51, that would have
20 counted the phone call, too, right? She would have to
21 hangup before she could call?

22 A Yes, sir.

23 Q Okay. And so that, to be clear, that would have taken
24 place in the AM, because if it says 4 on a military
25 clock, then that means in the morning. Right?

DIRECT EXAMINATION OF LAURA SOUTH BY MR. HOLT

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1 A That's correct.

2 Q Okay. All right. Mr. Sessoms, I'm glad that you've
3 retired. I'm happy for you. Please answer any
4 questions Mr. Jones might have.

5 MR. JONES: Nothing from the Defense, Your Honor.

6 THE COURT: All right. Any objection to him being
7 excused?

8 MR. HOLT: No, sir, Your Honor.

9 THE COURT: You're free to leave.

10 MR. SESSOMS: Thank you, sir.

11 THE COURT: You may call your next witness.

12 MR. HOLT: Can I get Laura South from the back, please?

13 THE COURT: Yes, ma'am, please come forward and place
14 your left hand on the Bible and raise your right hand.

15 (After being duly sworn by the Clerk of Court,

16 **LAURA SOUTH** testified as follows:)

17 THE COURT: Have a seat in the witness chair. I'm going
18 to ask you pull up real close to the microphone. Speak
19 loudly, clearly, and slowly, in order that we can hear
20 everything that you've got to say. Mr. Holt.

21 MR. HOLT: Thank you very much, Judge.

22 DIRECT EXAMINATION

23 BY MR. HOLT:

24 Q Could you please give the jury your name.

25 A Laura South.

STATE OF SOUTH CAROLINA VERSUS BRANNON J. BRYANT

DIRECT EXAMINATION OF LAURA SOUTH BY MR. HOLT

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1 Q And where are you currently employed?

2 A With the Hartsville Police Department.

3 Q And how long have you been with HPD?

4 A For seventeen years.

5 Q In a row?

6 A Yes.

7 Q How long have you been in law enforcement?

8 A Seventeen years.

9 Q Okay. And what's your current position there at HPD?

10 A I'm the evidence custodian.

11 Q And is that the only thing you do there?

12 A I also test all the marijuana for the department.

13 Q All right. And were you employed on the 8th of June,
14 2012, for HPD?

15 A Yes, I was.

16 Q And what was your capacity at that time?

17 A I was the evidence custodian.

18 Q And what are your duties in regards to being the
19 evidence custodian?

20 A I log the evidence. I secure it in the safe and I take
21 it for testing.

22 Q When you say, a safe, how big you reckon the door is?

23 A It's, I don't know, about -- a little bit bigger than a
24 regular sized door. It's like a big vault.

25 Q So, it's a room you keep evidence in?

1 A Yes, it's a room.

2 Q With a safe door?

3 A Yes.

4 Q All right. And who has the combination besides
5 yourself?

6 A Just Lieutenant Rudick.

7 Q So, not everybody from the department can just walk in
8 and go as they please?

9 A No, sir.

10 Q All right. And how were you notified of the murder of
11 Ms. Shannon Thomas?

12 A I found out when I arrived to work that day. I was
13 actually assisting with the Police Youth Camp that day.

14 Q You did not go to the scene?

15 A No, sir.

16 Q So you didn't -- did you ever come into physical contact
17 with the victim?

18 A No.

19 Q Did you ever come into physical contact with the
20 Defendant?

21 A No.

22 Q All right. And were you responsible for the keeping of
23 the evidence in this case?

24 A Yes, sir.

25 Q Okay. If I can approach, I'm going to ask you what's

DIRECT EXAMINATION OF LAURA SOUTH BY MR HOLT

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1 been marked as State's Exhibit #1, it's inside there.
2 And I'd like to ask you if you know what it is and how
3 you know what it is.

4 A It's a burgundy tee shirt.

5 Q No, you don't have to touch it.

6 A Okay. It's a burgundy shirt that was taken off the
7 Defendant at the jail.

8 Q All right. And who took it off of him at the jail?

9 A Michael Stokes, Officer Michael Stokes, actually took
10 custody of it.

11 Q And from Stokes it went to who?

12 A It went into evidence at the detective division.

13 Q All right. And you retrieved it from there?

14 A Yes.

15 Q And what did you do with that shirt?

16 A I logged it into our system and also logged it onto
17 SLED's I-lab system, to pre-log it for testing and then
18 later took it to SLED to be tested.

19 Q So you actually took it up there?

20 A Yes.

21 Q All right. And if you could hand me that back.

22 A Okay.

23 Q All right. Now, I want to show you what's been
24 previously marked for identification purposes. It's
25 State's Exhibit #18 and I'd like to ask you if you've

1 seen that before.

2 A Yes.

3 Q Did it have that bag on it last time you saw it?

4 A (No verbal response)

5 Q Well, did it have that bag on it when you picked it up?

6 A No.

7 Q All right. What did you take to SLED? What is it and
8 how do you know?

9 A This is a buccal swab taken from the suspect and when I
10 got it, it was in this envelope, the manilla envelope.

11 Q All right. And do you know when you got it?

12 A On June 12th of 2012.

13 Q Okay. And once you had -- well, how about this?

14 A Uh-huh.

15 Q Is it pronounced buccal or ---

16 A From what I understand, it's buccal.

17 Q Buccal?

18 A Uh-huh.

19 Q Okay. So, can you tell the jury what a buccal swab is?

20 A Sure. It's a sterile cotton swab that you would rub on
21 the inside of someone's cheek to get a DNA standard.

22 Q All right. Why do you stay standard, what does that
23 mean?

24 A That means it's DNA that we know comes from that person.

25 Q All right. And then what do they use the standard for?

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1 A They use that to test against any evidence you would
2 submit that might have DNA on it.

3 Q So the standard we need, to make sure it's correct?

4 A Right.

5 Q All right. And once you received the standard, who did
6 you take the standard to?

7 A To SLED.

8 Q To SLED?

9 A Uh-huh.

10 Q All right. And when you say you took it up there,
11 explain that to the jury.

12 A I go to the SLED lab in Columbia and there's an evidence
13 in-take section and one of the ladies there would
14 actually take control over it or take custody of it, log
15 it, make sure it's further logged and they would have
16 put it in this bag and sealed it and sent it for the
17 proper testing.

18 Q And once they finish testing, what happens to it?

19 A They'll send me an email with the results of the test
20 and I can go pick it up. I go pick it up from SLED and
21 bring it back to our office and secure it in the safe.

22 Q All right. Now, is every piece of evidence you receive
23 and secure important?

24 A No.

25 Q All right. What have you got in that box over there

1 you've been hauling around with you?

2 A There's some clothing. There's a bunch of DVDs with
3 interviews, all different stuff'---

4 Q What did you take ---

5 A --- for this case.

6 Q What did you take to SLED and is there a set number on
7 things you can take or can you just go up there and get
8 what you want whenever you want to? And about how long
9 does it take you to receive things back from SLED?

10 A Well, you can take -- on a violent crime, you can take
11 up to five DNA pieces of evidence, not including the
12 standards. It's less for property crimes. As far as
13 when you get the results back, it really depends on what
14 priority its given and what kind of backlog that they
15 have.

16 Q Well, for example, when did you send these, the items
17 for this trial?

18 A These items were taken on the first of June, 2012.

19 Q All right. And when did you receive these items back?

20 A The items -- some of the items came back just a few
21 months later. But as far as the results from the DNA
22 profiles that were done, on that other evidence, I did
23 not get that until this month.

24 Q So July ---

25 A July 14th, I got the results back. I picked them up

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1 later on, but ---

2 Q So the results from the information you took with that
3 standard, you got back in July ---

4 A July of this year, July of '14.

5 Q --- 2014?

6 A Yes.

7 Q So that's two years.

8 A Yes.

9 Q All right, now. Can you just take anything and
10 everything you want to be tested and why don't y'all
11 test this stuff in Hartsville?

12 A We don't have the capability and I'm not a scientist. I
13 am certified to test marijuana. I've had SLED training
14 on that, but that's it. I don't know a thing about
15 testing DNA.

16 Q So you said you got to take five things up there?

17 A I can. But, yeah.

18 Q Excluding the standards?

19 A Right.

20 Q So with the standards you got to take six things? What
21 five things to this case did you take?

22 A I took three knives and the burgundy tee-shirt and a
23 pair of pants.

24 Q All right. And were they able to find DNA on all of
25 them?

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1 A No, there was no blood found on any of the knives or on
2 the pair of pants, just on the shirt.

3 Q And on the shirt, whose blood was found?

4 A The victim's blood.

5 Q Okay. And I don't have any more questions. Please
6 answer any questions that Defense counsel might have

7 A Yes, sir.

8 THE COURT: Cross-Examination, Mr. Jones.

9 MR. JONES: Just a second, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. JONES:

12 Q Ms. South, the box that you have over there.

13 A Yes, sir.

14 Q Does that contain everything that was logged in from
15 this particular case?

16 A The only thing that it doesn't contain is things that
17 have to be refrigerated, which would have been collected
18 at autopsy.

19 Q Okay. And now, do you have an inventory with you of
20 everything that was collected?

21 A Yes. I believe it's in the other room.

22 Q Can I ask you to get that?

23 A Yes, sir.

24 MR. JONES: May I ask her to get that, Your Honor?

25 THE COURT: Yes.

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1 MS. SOUTH: (Addressing Mr. Holt) Do you still have
2 that? You might have a list. It's got some highlights.
3 That's it. Yes.

4 MR. HOLT: I've got a list. It's got some work product
5 on it.

6 MS. SOUTH: (Addressing Mr. Holt) Do you want me to get
7 mine? I can get mine.

8 MR. HOLT: No, this will be all right.

9 MR. JONES: And this will do. I just want to ask a
10 couple of questions.

11 (Mr. Holt hands document to the witness)

12 Q Okay. Does that appear to be an inventory of everything
13 that was logged into evidence in this particular case?

14 A Yes.

15 Q Except the items that needed to be refrigerated?

16 A Well, those are listed on here to.

17 Q Oh, okay.

18 A I just have next to it that it's in the fridge.

19 Q All right. I believe that you said that the items sent
20 would have been three knives?

21 A Yes.

22 Q The burgundy tee-shirt?

23 A Yes.

24 Q And pants?

25 A Yes. It's a pair of denim pants, size 36 by 32.

1 Q Now, the knives that were sent ---

2 A Yes.

3 Q --- do you know -- on my list I have number 31. Does
4 that correspond to your list?

5 A Yes.

6 Q And does it say where those knives came from?

7 A Not on this list. It would be on the evidence sheets.

8 Q Okay. Do you know?

9 A No, I wasn't at the scene so I don't remember off-hand.

10 Q Okay. All right. Does item 57 list another knife?

11 A Yes.

12 Q And does it say Sunoco emblem on it?

13 A Yes.

14 Q Okay. And that knife was not sent?

15 A No.

16 Q Okay. And how about items 53 and 55. Can you tell me
17 what those items are?

18 A Those are the suspect's shoes and socks.

19 Q All right. And have you observed those two items?

20 A I don't remember ever actually -- unless we looked at
21 them the other day, I can't remember. Once they're
22 packaged, I mean, I don't really -- I don't look at
23 them. I don't process them, so...

24 Q Do you know if they were the shoes he was wearing when
25 he was interviewed and arrested?

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- 1 A I'm not sure.
- 2 Q Not sure. But those, items 53 and 55 were not sent to
- 3 SLED, correct?
- 4 A No, sir.
- 5 Q Item 12 was listed as an earring. Is that correct?
- 6 A Yes, sir.
- 7 Q And that was not sent?
- 8 A No.
- 9 Q Did I understand you correctly that in a violent crime,
- 10 of which this is most definitely a violent crime ---
- 11 A Uh-huh.
- 12 Q --- you are limited to five items total or five at one
- 13 time?
- 14 A Five at one time.
- 15 Q Okay. Gotcha. And SLED does not limit you in what you
- 16 can send, it just tells you don't send more than five at
- 17 a time?
- 18 A Right.
- 19 Q Okay. So if you or if the investigative team decided to
- 20 send everything you got ---
- 21 A I'm not sure that they would -- I'm not sure if they
- 22 would take that much, especially if testing's already
- 23 been done. I really don't know. I've never tried to
- 24 send that much.
- 25 Q But in any event, no more than five at a time?

1 A I would imagine that you can -- right. No more than
2 five at a time.

3 Q Okay. You gave some results. Do you have in evidence
4 the actual reports?

5 A I have it here, yes.

6 Q How about items 46 and 47, can you tell me what those
7 are?

8 A That is a golf shirt, white with blue stripes, and a
9 yellow tee-shirt.

10 Q All right. 46 would be the white shirt?

11 A Uh-huh.

12 Q And 47 would be the yellow tee-shirt?

13 A Yes, sir.

14 Q And neither one of those were sent?

15 A No. No, sir.

16 Q And 52?

17 A 52 is a pair of women's sandals.

18 Q All right. Do you know if those are the same sandals
19 that have been introduced into evidence?

20 A Yes, sir.

21 Q Okay. And that has 52 on the bag?

22 A It should, yes.

23 Q All right. Thank you. Those were not sent?

24 A No, sir.

25 MR. JONES: I think I'm about finished. Let me ask one

1 more question.

2 Q You mentioned that some of the DNA results came back a
3 couple of weeks ago?

4 A Right. Only the DNA results came back.

5 Q The DNA?

6 A Uh-huh.

7 Q Okay. But you did get certain other items back much
8 earlier. Is that correct?

9 A Right. Right.

10 Q All right. And I guess if it had been necessary or felt
11 to be necessary, if you got say two items back a year
12 ago, could you have sent two more?

13 A Yes.

14 Q Okay. But in this case, that was not done?

15 A No, it was not done.

16 Q Okay.

17 MR. JONES: That's all I have. Thank you.

18 THE COURT: Any redirect?

19 MR. HOLT: None, Your Honor.

20 THE COURT: Any objection to this witness being excused?

21 MR. HOLT: I'd ask that she be excused.

22 THE COURT: You're free to leave.

23 MS. SOUTH: Thank you, sir.

24 THE COURT: You may call ---

25 MR. HOLT: Judge, that's all the witnesses scheduled for

1 today. They went faster than expected.

2 THE COURT: Mr. Foreman, ladies and gentlemen of the
3 jury, these lawyers have moved forward with speed and
4 dispatch very efficiently. These are very difficult cases to
5 coordinate these various agencies and all, but it works out
6 good for y'all. Y'all will be able to get some rest this
7 afternoon and we'll be back at 9:30, 9:30 sharp in the
8 morning. Do not discuss the case with anyone else or amongst
9 yourselves. Do not do any independent research. Sometimes
10 there's a tendency when you're not working to want to stay up
11 and watch David Letterman or one of those late-night shows.
12 Don't do that because you need to stay awake during these
13 trials and it's very important stuff and I'm going to ask
14 that you be very attentive. Be here at 9:30, 9:30 sharp.
15 Thank you very much.

16 (Jury out at 3:06 PM)

17 MORNING - JULY 30, 2014

18 THE COURT: Anything from the State before we proceed?

19 MR. HOLT: Judge, I think we might have to have four
20 reports marked. SLED recently got here. There's about five
21 people that are going to testify. That's what we're working
22 on right outside. We need to get those marked and maybe Mr.
23 Jones and Mr. Neely can look at them right now so they won't
24 have to later.

25 (Whereupon, State's Exhibits #19, #20, #21, and #22

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1 were marked for identification.)

2 THE COURT: Might counsel approach the bench for one
3 moment.

4 (WHEREUPON, a bench conference was held off the record.)

5 THE COURT: All right. Let's have quiet.

6 (Jury in at 9:33 AM)

7 THE COURT: Mr. Foreman, ladies and gentlemen of the
8 jury, thank you for being here and being here on time.
9 Everyone looks refreshed, ready to start hearing testimony
10 and I'm going to recognize the State. Mr. Holt.

11 MR. HOLT: Judge, I think Ms. Patti Parker will be
12 handling the next four witnesses.

13 THE COURT: Ms. Parker, you're recognized.

14 MS. PARKER: Yes, Your Honor. At this time, the State
15 calls Ms. Shannon Sorrells.

16 THE COURT: Ms. Sorrells, if you could come forward and
17 I'm going to ask you if you could, to place your left hand on
18 the Bible and raise your right hand as the Clerk administer's
19 the oath. I understand you have a crutch and a broken leg so
20 we're going to see how we can do this logistically. Why
21 don't we get you seated first.

22 (After being duly sworn by the Clerk of Court,

23 **SHANNON SORRELLS** testified as follows:)

24 THE COURT: I'm going to ask you if you could help her
25 slide that chair up close to that microphone. We are

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1 roughing you up pretty good this morning, aren't we? I'll
2 ask you to pull up close to that microphone and speak loudly,
3 clearly, and slowly, in order that we can hear everything
4 that you've got to say and let's start with your full name,
5 please, ma'am.

6 MS. SORRELLS: Shannon Cornett Sorrells.

7 THE COURT: Spell that last one for us?

8 MS. SORRELLS: S-O-R-R-E-L-L-S.

9 THE COURT: Very Good. Ms. Parker.

10 DIRECT EXAMINATION

11 BY MS. PARKER:

12 Q Thank you, Ms. Sorrells, would you tell the Court where
13 are you employed.

14 A The South Carolina Law Enforcement Division, more
15 commonly known as SLED.

16 Q And what is your position there at SLED?

17 A Right now I am currently a drug chemist in the drug
18 analysis department.

19 Q What was your position there in 2012?

20 A I was a forensic toxicologist.

21 Q Okay. And would you tell the jury a little bit about
22 what forensic toxicologists do.

23 A A forensic toxicologist is a forensic scientist who
24 analyzes biological and chemical samples. Mainly,
25 biologicals; blood, urine, brain, liver. And we analyze

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1 those samples for the presence of alcohol, drugs and
2 other poisons and then we interpret what we find in
3 courts of law, to coroner's and to pathologists.

4 Q Okay. Would you tell the Court a little bit about your
5 educational background and training with SLED.

6 A I have a Bachelors in Chemistry from the University of
7 South Carolina. I have my Master's in Analytical
8 Chemistry also from the University of South Carolina. I
9 had an extensive one-year in-house training under a
10 senior toxicologist. I have been to the Morganstein
11 School of Alcohol and the Morganstein School of Drugs in
12 Indiana and in California. I have been to multiple
13 training sessions throughout the country for toxicology.

14 MS. PARKER: And, Your Honor, at this time the State
15 would offer Ms. Sorrells as an expert in the field for
16 forensic toxicology.

17 THE COURT: Any query with regard to her qualifications?

18 MR. JONES: No, sir.

19 THE COURT: This witness is, in deed, qualified to
20 testify in the field of toxicology. As I mentioned to you
21 earlier, normally a witness can only testify as to things
22 they hear, see and feel, but an exception is given when this
23 Court rules that a person is an expert. They're allowed to
24 give opinions in their field of expertise. Just because
25 they're expert doesn't mean that you have to believe their

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1 testimony. You evaluate it, just like you would any other
2 testimony. Ms. Parker.

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

5 THE COURT: Yes.

6 Q I'm going to show you what's been marked State's Exhibit
7 #20. Do you recognize that item?

8 A May I compare it to my original?

9 Q Yes, ma'am.

10 A It appears to be a copy of my report.

11 Q Have there been any changes or alterations ---

12 A No.

13 Q --- or any editing been made to that report?

14 A Not that I noticed, no.

15 Q Okay.

16 MS. PARKER: Your Honor, at this time we would move to
17 have State's Exhibit #20 entered into evidence.

18 THE COURT: Any objection from the Defense?

19 MR. JONES: No, sir.

20 MS. PARKER: He's had an opportunity to review it.

21 THE COURT: State's Exhibit denominated ---

22 MS. PARKER: Twenty.

23 THE COURT: Twenty, is into evidence.

24 (Whereupon, a toxicology report is entered into evidence
25 as State's Exhibit #20, without objection)

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1 Q Now, Ms. Sorrells, that's your report?

2 A Yes, it is.

3 Q Okay. I was going to ask you. I want to talk a little
4 bit about your report. Tell us about the samples you
5 received in this case at SLED to analyze.

6 A In this case I received: a blood sample from a, what was
7 labeled as Shannon Thompson; a urine sample; an ocular
8 sample, which is your eye fluid, ocular fluid; a gastric
9 sample, which is the contents of your stomach; and a
10 pill that was found on her.

11 Q Okay. Now, when you receive samples of this nature, is
12 that usually coming from an autopsy?

13 A It is.

14 Q Okay. And would you tell us about what work was done on
15 these samples.

16 A With every case that comes in, the first thing that
17 occurs is a blood alcohol. So for this, a alcohol level
18 was done on the blood sample that was received and it
19 was done on the ocular fluid that was also received.
20 Ocular fluid is much more accurate, because it has a
21 barrier around it. If you have an open wound and you
22 have alcohol on you, it can get in the wound. It can
23 effect the blood. That doesn't mean that's technically
24 your blood alcohol level. So we check ocular and blood,
25 just to make sure that the numbers are similar and that

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1 the blood is accurate.

2 Q Okay. And what were your results for the ocular fluid
3 for any substances?

4 A The ocular fluid we had ethanol, which is common alcohol
5 that you drink, of a 0.359.

6 Q Okay. And was that consistent with ethanol from the
7 blood levels, from the blood sample?

8 A The blood sample was a 0.342, which is very close and
9 very consistent, yes.

10 Q Okay. And I wanted to ask you about what kind of
11 effects would you expect to see or what type of
12 impairment. Let's talk a little bit about this level.
13 What would you expect to see?

14 A This is an extremely high, high level of alcohol. A lot
15 of times you see it in very experienced drinkers, but
16 they're not fully conscious, they're not aware of what's
17 going on around them. For those that are not
18 experienced, this level can result in coma or death
19 depending on your weight and height. At this level you
20 are, for the most part, at an unconscious state of mind.

21 Q Okay. What about -- with this level, what about, we'll
22 say in your opinion, an individual's ability to fight?

23 A At this level, again, your mind is not conscious but
24 your mind still reacts. You still have that fight or
25 flight syndrome. Your body just reacts. Your mind's

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1 not really telling you to do it. You're just going on
2 instinct at that point.

3 Q What about an individual's ability to run at this level?

4 A You're not going to be moving fast. You're not going to
5 be moving in a straight line. If you run, you're going
6 to be stumbling, tripping over yourself. Going in a
7 direction just to go. You're not -- you have no
8 conscious thought of where you're going, how you're
9 getting there. You're just -- at this level, you are
10 just moving.

11 Q Tell us, were there any other substances found?

12 A Yes. Tetrahydrocannabinol, which we call THC, which is
13 the main component of marijuana. It is the active
14 component of marijuana. That was also found in her
15 system.

16 Q Okay. Please answer any questions the Defense may have
17 at this time.

18 THE COURT: Mr. Jones, You're recognized. Cross-
19 examination.

20 MR. JONES: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. JONES:

23 Q Sorrells or Sorrells?

24 A Sorrells.

25 Q Sorrells. Ms. Sorrells, I think the last question was,

1 there were levels of THC present in the samples.

2 A Yes.

3 Q Is that correct?

4 A That is correct, yes.

5 Q I don't think we actually got into that. Can you tell
6 me what the levels were and then I'm going to ask you
7 the difference between the two readings.

8 A Okay. Well, THC again, which is the main component of
9 marijuana, was at a level of 3.1 micrograms per liter.
10 We also found it's a metabolite, which is the 11-carboxy
11 tetrahydrocannabinol, and it was at a level of 5.2
12 micrograms per liter.

13 Q And now, in English, can you tell me what that is?

14 A That means that 11-Carboxy THC, just shows a history.
15 It shows that at some point you smoked it. It can stick
16 around in the body for up to thirty days. It is a very
17 -- it likes to hide in the fat cells, in the liver
18 cells, and it leaks out over time. So it's just an
19 indication that at some point in time you smoked
20 marijuana. The THC actually, just the THC, is at a 3.1.
21 That means that at some time within the past twenty-four
22 hours, she had smoked marijuana. That drug does not
23 stay in the system for more than twenty-four hours, but
24 it's missing it's -- it's missing metabolite that says
25 it was within the last four hours. So it had to be some

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1 time within the past twenty-four hours that the
2 marijuana was smoked.

3 Q And compared to what is the threshold at 2.0, can you
4 speak about that and tell me what that means.

5 A The threshold that we put there at 2.0 means that we can
6 accurately detect down to 2.0 micrograms per liter of
7 marijuana with a ninety-nine point seven percent
8 confidence level. We can actually detect lower than
9 that, but we don't report it. 2 micrograms per liter is
10 our cut-off. We don't report anything lower than that
11 amount.

12 Q And if you could, when you talk about the alcohol level
13 and the 3.59 or 3.42 being an extremely high level.

14 A Yes.

15 Q Can you give us a grade or the same analysis for the 3.1
16 THC level? Is that a high, low, or medium range of THC?

17 A It's not a high level. We've seen much higher, much
18 higher, but it is still having an effect on the system.
19 It's a CNS, a central nervous system, depressant drug,
20 just like alcohol. It has the same effects as alcohol
21 for the most part, effects on the brain. So you're
22 having some CNS depression in this case, not only from
23 the alcohol, but it's being increased by the
24 tetrahydrocannabinol.

25 Q All right. So the combination of the two would make

1 your comments concerning the very high level of ethanol,
2 even higher?

3 A It would make that level appear to be almost even
4 higher. Yes.

5 Q And following that, when you were describing a person
6 who is in that condition, as we assume that this victim
7 was, does that increase?

8 A It will increase the alcohol effects. It's an additive.
9 It will increase the alcohol effects. So with the .34
10 that you were seeing, it is still to the point where
11 it's more likely that she has no idea what is going on.

12 Q Very good. All right. And I think you described the
13 fight or flight type of thing. That perhaps would be an
14 instinctive reaction that a normal person may have
15 through a dangerous situation?

16 A It's an instinctive reaction. Everybody has them. For
17 example, the best way we can do it is, people talk about
18 alcohol tolerance. Tolerance is really a learned
19 system. It's an instinctual thing. Your body starts to
20 sway after you reach a certain alcohol level. You're
21 having trouble standing. So automatically, without even
22 thinking about it, you widen your stance and that's just
23 to help keep balance. You lean up against something.
24 You're not really thinking, hey, I need to lean up
25 against this. You're just automatically doing it. It's

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1 just an automatic sense in the system that even though
2 your mind's not saying, "Oh, I can't stand up. I need
3 to widen my stance to keep my balance," you just do it
4 automatically.

5 Q And that being the case, I know when often we talk about
6 DUIs, driving under the influence. You always talk
7 about unsteady on their feet, slurred speech.

8 A Slurred speech, yes.

9 Q Eyes do funny things. In your opinion, a person with
10 these two levels of alcohol and marijuana, what would
11 their speech have been like in all likelihood?

12 A It would have been very slow, very slurred, not making
13 much sense. Words, the words don't come in the correct
14 order sometimes. But then again, this is in general.

15 Q Certainly.

16 A But, again, it's a very, very slowed speech, very
17 sluggish, thought process is not connecting.

18 Q Would a person in that condition say, twenty minutes
19 prior to her death, have had a hard time conducting a
20 rational telephone conversation?

21 A Rational, yes. Could it happen, could she have had a
22 phone conversation? She could. But it would have been
23 in very, very slow speech, very sluggish, difficult to
24 understand,

25 Q If you had been on the other end of a telephone

1 conversation, would you expect to have a reaction to the
2 way that person was talking?

3 A You would have thought something was wrong.

4 MR. JONES: One second, please. That's all I have.

5 Thank you very much.

6 THE COURT: Any redirect?

7 MS. PARKER: No redirect, Your Honor.

8 THE COURT: You may step down. Any objection to this
9 witness being excused?

10 MS. PARKER: No objection at all.

11 THE COURT: You're free to leave.

12 MS. PARKER: Ms. Gibson.

13 THE COURT: While we're waiting on this next witness,
14 could the attorney general and defense counsel come forward
15 for just one moment.

16 (WHEREUPON, a bench conference was held off the record.)

17 THE COURT: Yes, ma'am. If you could come forward. And
18 I'm going to ask, if you could, to place your left hand on
19 the Bible and raise your right hand as the clerk administer's
20 the oath.

21 (After being duly sworn by the Clerk of Court,

22 **VERONA GIBSON** testified as follows:)

23 THE COURT: Please come forward, have a seat in the
24 witness chair. I'm going to ask if you could -- I believe
25 everybody in Columbia has gotten a gimp leg.

DIRECT EXAMINATION OF VERONA GIBSON BY MS PARKER

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1 MS. GIBSON: It's seeming that way, yes, sir.

2 THE COURT: All right. Very good. But you can get
3 around without crutches?

4 MS. GIBSON: Yes, sir.

5 THE COURT: Well, good. I'm going to ask if you could
6 to pull up real close to that microphone. Speak loudly,
7 clearly, and slowly, in order that we can hear everything
8 that you've got to say and your full name, please ma'am.

9 MS. GIBSON: Verona Gibson.

10 THE COURT: All right. Ms. Gibson.

11 MS. PARKER: Thank you, Your Honor .

12 DIRECT EXAMINATION

13 BY MS. PARKER:

14 Q Ms. Gibson, where are you employed?

15 A South Carolina Law Enforcement Division or SLED.

16 Q And what's your position there?

17 A I'm a forensic technician and a DNA caseworker for the
18 department.

19 Q And how long have you worked for SLED?

20 A Approximately six years.

21 Q Tell us a little bit about your duties as a technician.

22 A We get in larger pieces of evidence that the agency
23 would like to process for body fluids, such as semen,
24 saliva, urine, blood, or we do touch DNA or ownership
25 collection.

1 Q Okay. And then when y'all receive those items, what
2 kind of steps do you take to do your job as a
3 technician?

4 A For the semen and blood, we have presumptive tests,
5 which are just quick color-change tests, to say that
6 this spot we're looking on those items may possibly be
7 either semen or saliva. If that's positive, we would
8 cut that area and send it up for DNA testing. If it's
9 ownership, we scrape the areas that would impact the
10 skin the most, such as the collar area or the cuff area.
11 Then those areas are swabbed and that swab is sent to
12 DNA.

13 Q Okay.

14 MS. PARKER: Permission to approach the witness, Your
15 Honor?

16 THE COURT: Yes.

17 Q Ms. Gibson, I'm going to show you a portion of what's
18 been marked State's Exhibit #1. Do you recognize that
19 item?

20 A I do, yes, ma'am. On the paper we use to process it on
21 is the item number that the shirt was assigned when it
22 came into SLED, then our lab number, my initials and the
23 date that it was processed on. The same information,
24 except the date, is written on the inside of the shirt.

25 Q Okay. And tell the Court what you did to process that

DIRECT EXAMINATION OF VERONA GIBSON BY MS. PARKER

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1 item. Tell us -- well, first of all, let's start by
2 telling us when you received it.

3 A When I received it?

4 Q Yes, ma'am.

5 A On 7/9/12 at 14:42.

6 Q Okay. And what did you do with the shirt?

7 A The shirt was laid-out. The request was for blood. So
8 I visually examined the shirt to see if there were any
9 areas that could possibly look like a blood stain. We
10 also used an, or I also used an alternate light source.
11 It's kind of like a blue light or a black light to show
12 areas that could possibly be blood stains that aren't
13 visible to the naked eye and there was one area that
14 tested positive for our test for the blood.

15 Q Okay. And after that area tested positive, what did you
16 do then?

17 A We cut the area out, seal it in a coin envelope, which
18 looks like a little small manilla envelope. It's sealed
19 and then sealed in a heat-sealed pouch and forwarded for
20 further testing.

21 Q Okay. So blood was identified on that shirt?

22 A It was indicated.

23 Q Indicated. Okay. Sorry, wrong terminology.

24 MS. PARKER: Now, Your Honor, at this time, we would

25 like to move State's Exhibit #1 into evidence, which will be

1 just the shirt.

2 THE COURT: Any objection?

3 MR. JONES: No objection, Your Honor.

4 THE COURT: It's into evidence without objection.

5 That's denominated as State's Exhibit #1 and is in evidence.

6 (Whereupon, a shirt is entered into evidence as State's
7 Exhibit #1, without objection.)

8 Q I'm going to show you what's marked State's Exhibit #21.
9 Do you recognize that?

10 A Yes, ma'am. It appears to be a copy of the report that
11 was generated based on my work.

12 Q Okay. Have there be any changes or editing or deletions
13 made in that report?

14 A Not that I can see, no, ma'am.

15 MS. PARKER: Your Honor, at this time, we would like to
16 move State's #21 into evidence.

17 MR. JONES: Your Honor, I apologize. I think I've
18 looked at it but if I can look one more time. (Comes forward
19 and looks at object) No objection.

20 THE COURT: State's Exhibit #21 is into evidence.

21 (Whereupon, Ms. Gibson's report is entered into evidence
22 as State's Exhibit #21, without objection.)

23 Q Okay. And Ms. Gibson was the tee-shirt the only item
24 you looked at?

25 A No, ma'am, it was not.

CROSS EXAMINATION OF VERONA GIBSON BY MR JONES

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1 Q Okay. Let's just talk briefly about some of the other
2 items you looked at in processing. Tell us about item
3 number 9 that's listed on your report?

4 A Item 9 was a pocket-style knife. I swabbed the entire
5 knife and it was negative for the presumptive test for
6 blood.

7 Q Okay. And item 10?

8 A It was a knife with a broken handle. It was also
9 swabbed in its entirety and there was no blood indicated
10 there as well.

11 Q And number 11?

12 A It was a paring-style knife.. It also was swabbed, the
13 entire surface, and no blood was indicated there as
14 well.

15 Q Okay. And so when no blood is indicated, at that point,
16 what do you do?

17 A The item is packaged and returned to the agency and
18 nothing is forwarded to DNA.

19 Q So there wasn't anything else to work with at all on
20 those items?

21 A Correct.

22 Q Okay. At this time, please answer any questions the
23 defense may have.

24 THE COURT: Cross-examination, Mr. Jones.

25 CROSS-EXAMINATION

STATE OF SOUTH CAROLINA VERSUS BRANNON J BRYANT

1 BY MR. JONES:

2 Q Tell me your name again.

3 A Verona Gibson.

4 Q Okay. And Ms. Gibson, the report that we are looking at
5 is actually signed by Stephanie Stanley?

6 A That is correct.

7 Q Can you tell me why she would have signed it and not
8 you?

9 A That is a policy of our laboratory. Evidence processing
10 technicians reports are signed by DNA analysts or
11 forensic serologists.

12 Q Very good. Okay. And as you were going through the
13 report, you've got one more item, a pair of pants.

14 A Yes, sir.

15 Q Did you examine those also?

16 A I did, yes, sir.

17 Q And anything to indicate that ---

18 A No, sir, there were no areas that tested positive.

19 Q Very good. So we've got a pocket knife, broken-handled
20 knife and a paring knife. Is that right?

21 A Correct.

22 Q Did you look at any other knives?

23 A No, sir.

24 Q There was never a knife with a Sunoco emblem on it?

25 A I did not receive that knife, no, sir.

CROSS EXAMINATION OF VERONA GIBSON BY MR JONES

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1 Q Those were the only three?

2 A Yes, sir.

3 Q Okay. Let me ask you, I have heard that if I am an
4 investigative agency in the State of South Carolina and
5 I need to send something to SLED, I'm limited in what I
6 can send. Do you know anything about that?

7 A We have an evidence submission guideline. In violent
8 crimes, we prefer that the first submission is limited
9 to five items. If there's no probative results found,
10 then the agency is welcome to submit more items. If
11 there is special circumstances, we will always accept
12 more items.

13 Q So it is not, don't send anything else?

14 A No, sir, it is not.

15 Q Okay. Very good. Now, the only item that you were
16 involved with that had some positive results were the
17 shirt. And I hate to do this. You took your gloves off?

18 A I did, yes, sir, but I can put them back on.

19 Q If you don't mind putting them on for me. If you'll
20 hold that shirt up for me, I want to ask you a question
21 or two about it. Now, that's the shirt we're talking
22 about?

23 A Yes, sir.

24 Q All right. And on the ---

25 A On the rear?

1 Q Yes, ma'am. That's on the left side in the back. Is
2 that correct?

3 A Correct.

4 Q Did you make that cut?

5 A I did, yes, sir.

6 Q All right. Now, and I don't have a ruler. Give me an
7 estimate of the size of that hole.

8 A Maybe two inches by three inches.

9 Q Okay. And from that hole you found what indicated to
10 you that there was some blood on there?

11 A There was an area that was swabbed and it testified
12 positive for out tests, yes, sir.

13 Q How big an area?

14 A It would probably be slightly smaller than the cutting
15 because I must write on the cutting. So it's usually
16 just a little bit larger than the area.

17 Q A little bit smaller then? The cut is a little larger?

18 A The cut is a little bit larger than the area.

19 Q Very good. All right. And from that there was blood
20 indicated?

21 A Yes, sir.

22 Q And what happens to it from there?

23 A In this case it was forwarded to our serology section of
24 the DNA department.

25 Q All right. And no other items, other than the five that

DIRECT EXAMINATION OF COURTNEY WEBSTER BY MS PARKER

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1 we just talked about were examined by you?

2 A Yes, sir, that was all.

3 Q Very good.

4 MR. JONES: That's all I have. Thank you.

5 THE COURT: Any redirect?

6 MS. PARKER: Briefly, Judge.

7 THE COURT: Okay.

8 REDIRECT EXAMINATION

9 BY MS. PARKER:

10 Q Ms. Gibson, you did the work on these samples, didn't
11 you?

12 A Yes, ma'am.

13 Q Not Ms. Stanley?

14 A No, ma'am.

15 Q And SLED, tell us about the volume of evidence y'all
16 receive statewide.

17 A I'm not exactly sure the number of cases that come in
18 each year. Case-wise, we're usually in the fifteen
19 thousand to seventeen thousand cases a year for the
20 whole laboratory. A large number of those contain DNA.
21 So if we took every sample that came in from every case
22 from every agency, we would -- we just wouldn't have
23 space to store everything, much less process everything.

24 Q Thank you, Ms. Gibson.

25 THE COURT: Any objection to this witness being excused?

DIRECT EXAMINATION OF COURTNEY WEBSTER BY MS PARKER

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1 MR. JONES: Not from me, Your Honor.

2 THE COURT: You're free to leave. Thank you, ma'am.

3 MS. GIBSON: Thank you.

4 THE COURT: Take your time. Be careful. It's probably
5 easier for you to walk out this way as around.

6 You may call your next witness.

7 MS. PARKER: Your Honor, at this time the State calls
8 Ms. Courtney Webster.

9 THE COURT: Yes, ma'am. Place your left hand on the
10 Bible, raise your right hand as the clerk administers the
11 oath.

12 (After being duly sworn by the Clerk of Court,
13 **COURTNEY WEBSTER** testified as follows:)

14 THE COURT: Have a seat in that witness chair. Pull up
15 real close to that microphone. Speak loudly, clearly, and
16 slowly, so we can hear everything that you've got to say and
17 let's start with your full name.

18 MS. WEBSTER: My name is Courtney Webster.

19 THE COURT: You're the only one without crutches today.
20 What y'all doing up there in Columbia? Y'all playing on a
21 soccer team or something?

22 MS. WEBSTER: I'm not entirely sure.

23 THE COURT: That was a tough question. All right.
24 You're recognized Ms. Parker.

25 DIRECT EXAMINATION

STATE OF SOUTH CAROLINA VERSUS BRANNON J BRYANT

DIRECT EXAMINATION OF COURTNEY WEBSTER BY MS PARKER

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1 BY MS. PARKER:

2 Q Ms. Webster, where are you currently employed?

3 A I'm employed at the South Carolina Law Enforcement
4 Division, also referred to as SLED.

5 Q Okay. And what kind of work do you do there?

6 A I'm a forensic serologist in the DNA case work
7 department.

8 Q Okay. Explain a little bit, what is serology? What
9 does that term mean?

10 A Forensic serology is the identification of different
11 kinds of body fluids. We do various types of testing
12 for different body fluids, such as blood, semen, and
13 saliva and the basis of our testing is if any body
14 fluids are possibly present, we will forward them on for
15 further analysis to the DNA section.

16 Q Okay. And tell us a little bit about your educational
17 background.

18 A I have a Bachelors of Science from Southern Wesleyan
19 University and I majored in forensic science biology and
20 history. In addition to my Bachelor's Degree, I have
21 also completed graduate-level course work in biological
22 evidence screening and serology from the University of
23 Florida.

24 Q And what special training do employees get through SLED,
25 if any?

DIRECT EXAMINATION OF COURTNEY WEBSTER BY MS. PARKER

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1 A SLED has a specialized in-house training program where I
2 was trained under a court-qualified analyst in body
3 fluid identification, evidence handling, chain of
4 custody, report writing. I have performed types of
5 various cases under supervision, as well as watching
6 numerous cases under a court-qualified analyst. I also
7 took extra course work on-line from various institutes
8 such as DNA.gov., from The National Institute of
9 Justice, West Virginia University and other additional
10 biological and serological class. In addition, I've
11 completed supervised casework as well as competency
12 testing to ensure that I was competent to perform all of
13 my serological testing.

14 Q Okay.

15 MS. PARKER: Your Honor, at this time, the State would
16 offer Ms. Courtney Webster to be qualified as an expert in
17 the field of forensic serology.

18 THE COURT: Any query with regard to her qualifications?

19 MR. JONES: Your Honor, if it was mentioned and I missed
20 it, may I ask her how many times she's been qualified in the
21 past?

22 THE COURT: You may.

23 THE WITNESS: I have not been qualified before, sir.

24 THE COURT: There's always the first.

25 MR. JONES: Yes, sir.

DIRECT EXAMINATION OF COURTNEY WEBSTER BY MS PARKER 333

1 THE COURT: Any query with regard to her qualifications?

2 MR. JONES: No, sir.

3 THE COURT: Based on your qualifications that you've
4 testified to and your on-the-job training, I do indeed find
5 that she's qualified to testify in the field of serology.
6 And I will charge you in greater detail on how to evaluate
7 expert testimony at the conclusion of the case. Ms. Parker.

8 MS. PARKER: Thank you, Your Honor.

9 THE COURT: She's allowed to render opinions in the
10 field of serology.

11 MS. PARKER: Permission to approach the witness?

12 THE COURT: Yes.

13 Q I'm going to show you what's marked State's Exhibit #16.
14 Do you recognize that item, or any of the items
15 contained inside that bag? You can go ahead and open
16 it, if you like.

17 A Yes, I do recognize this. I recognize it based on the
18 lab number and the container number that's listed here
19 on this label, as well as my initials and date on a seal
20 that I made myself.

21 Q Okay. And so what does that seal with your initials
22 mean, that you worked with those samples?

23 A Yes. It means that what was contained in this package,
24 I worked with and then when I was finished, I sealed it
25 and then signed it myself.

1 Q Okay. After you do your work, where do the items
2 usually go if there's further analysis needed?

3 A If there's further analysis needed, I will forward it on
4 to the DNA section of our department.

5 Q Okay. Do you identify DNA on samples?

6 A I do not.

7 Q Okay. I'm going to show you what's marked State's
8 Exhibit #22. Do you recognize that?

9 A Yes, this appears to be my report.

10 Q Okay. Is it in the condition you last saw it or that
11 copy, has it been changed or altered or any deletions
12 made from it?

13 A It appears to be correct.

14 Q Okay.

15 MS. PARKER: Your Honor, at this time, the State would
16 move to have Exhibit #22 entered into evidence.

17 THE COURT: Any objection from the Defense?

18 MR. JONES: No, sir.

19 THE COURT: Twenty-two is into evidence.

20 (Whereupon, Ms. Webster's report is entered into
21 evidence as State's Exhibit #22, without objection.)

22 Q Okay. Ms. Webster, let's talk a little bit about the
23 items that you looked at. And I'm just going to go down
24 your report. Let's see. Let's start with item six and
25 the breakdown items from item 6 that came from the rape

DIRECT EXAMINATION OF COURTNEY WEBSTER BY MS PARKER 335

1 kit from Shannon Thompson. Did you identify anything on
2 any of the vaginal, oral or rectal smears?

3 A For the vaginal, oral, and rectal smears, I did not
4 identify spermatozoa.

5 Q Okay. And explain to the jury what spermatozoa is and
6 how that process works to look for it.

7 A A spermatozoa is also know as a sperm and that is the
8 cellular component of seminal fluid. Whenever we
9 received smears in a sexual assault case, what we do is
10 we look at them under a microscope to visualize if there
11 are any sperm cells present. If there are, we will
12 report them out as having identified them and if there
13 are not any, then I report that there were no
14 spermatozoa identified. I do not perform any testing on
15 the smears. I merely looked at them under a microscope
16 to visualize if sperm was present.

17 Q And what's the difference between the work you do with
18 smears versus swabs in these criminal sexual conduct
19 kits?

20 A For smears, I do not perform any testing. I just do
21 visualization, but for any sort of swabs that might be
22 submitted, I will do a test on them to see if semen is
23 possibly present.

24 Q Okay. Did you look at any swabs in this case?

25 A I did.

1 Q Okay. And was anything identified or indicated?

2 A For items 6.2, which was a vaginal swab, I had no semen
3 identified. Item 6.3, which is also another set of
4 vaginal swabs, I also have no semen identified. Item
5 6.4, oral swab, no semen was identified. Item 6.5,
6 another set of oral swabs, no semen identified. Item
7 6.6, rectal swab, no semen identified. Item 6.7, an
8 additional set of rectal swabs, I had semen indicated
9 and the item was forwarded to the DNA section.

10 Q What's the difference between something being indicated
11 versus identified?

12 A For indicated versus identified. If a -- for example, a
13 result of semen is indicated. That means that semen is
14 possibly present. That does not confirm that it's there
15 and that's why we forward it on to DNA analysis for
16 further analysis. Identified means that the body fluid,
17 the body fluid is confirmed. At that point, also, it
18 would still be forwarded on for DNA analysis.

19 Q So on that particular rectal swab, in this case it came
20 from the victim, you had something possibly indicated
21 but not identified. It was just possibly indicated.
22 Correct?

23 A That's correct.

24 Q Explain to the jury a little of how the biology of how
25 those presumptive tests work for semen.

CROSS EXAMINATION OF COURTNEY WEBSTER BY MR. JONES

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1 A The way that our tests work is, it looks for a
2 particular substance that is found in high
3 concentrations in semen. If that particular substance
4 is there, when I perform the test, it will show a
5 positive result and if it's not there, it will be a
6 negative result.

7 Q Did you do any work with the fingernail clippings?

8 A For items 7.4, 7.2, which are fingernail clippings, I
9 forwarded them on for DNA analysis.

10 Q Okay. What about item, what y'all identified as item
11 13? 13.1, excuse me.

12 A Item 13.1 is a cutting from a shirt and further results
13 of that item, blood was identified, and I forwarded the
14 item on to the DNA section.

15 Q Okay. So is that the same as a presumptive that
16 indicated or was blood actually identified?

17 A In this case, blood was actually identified. It is
18 confirmed that blood is present.

19 Q Okay. Please answer any questions the Defense may have.

20 THE COURT: Cross-examination, Mr. Jones.

21 CROSS-EXAMINATION

22 BY MR. JONES:

23 Q Ms. Webster, just a few questions. From your report,
24 we've got fifteen items. Does that sound right?

25 A That is correct.

1 Q Okay. All right. And we've got number 6. Does that
2 just tell us that that's everything under 6? 6.1, 6.2?

3 A Item 6 is the actual sexual assault kit. And then the
4 items that follow below it, such as 6.1 and 6.2, so-on,
5 those are the items contained inside of the kit.

6 Q Very good. All right. And as you are trying to either
7 identify or indicate whatever it is we're doing now,
8 each one of those items are individually tested by you.

9 A That is correct.

10 Q Okay. And on 6, that sexual assault evidence, and I
11 think it's commonly referred to as a rape kit, does that
12 sound right?

13 A Yes, or a CSC kit.

14 Q All right. Now, on a rape kit, if there is sperm
15 identified, is it normally identified in all or most of
16 the swabs or smears or can it just be on one or maybe
17 two or more?

18 A It is varied on particular circumstances as to where
19 semen could be indicated. It is very much dependent
20 upon the various scenario as to where it will be found.
21 Typically, if semen is indicated on a particular set of
22 swabs, the corresponding smear will generally have also
23 spermatozoa present as well.

24 Q Very good. Now, if a person wore a condom during sex,
25 would you expect to see any indicated or identified

CROSS EXAMINATION OF COURTNEY WEBSTER BY MR JONES

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1 sperm?

2 A It is hard to say whether or not, always, a sperm semen
3 will be indicated with a condom. Generally, that is
4 considered a preventative method, but isn't always a
5 hundred percent to prevent semen from being there.

6 Q Okay. All right. Is ejaculation in a male required in
7 order for sperm to be present?

8 A In most cases, yes. There is something called pre-
9 ejaculation where sometimes some ejaculate fluids, semen
10 fluid, it starts prematurely and is left behind.

11 Q Very good. Now, I think you mentioned 6.7 was a rectal
12 swab and there was semen indicated. Is that correct?

13 A That is correct.

14 Q And tell me again how it was indicated. What exactly
15 happens?

16 A For this particular swab, the test that I performed on
17 it looks for a substance that is found in very high
18 concentrations in seminal fluid and I performed this
19 test. And in this instance, the test was positive and
20 so I forwarded it for further analysis.

21 Q All right. Very good. Thank you. And as to 7, item 7
22 is just a broad heading for 7.1, 7.2. Is that correct?

23 A That's correct.

24 Q Okay. And you didn't do anything with those, other than
25 send them on?

1 A That's correct. I just forwarded them on for further
2 analysis to the DNA section.

3 Q Very good. All right. And 13.1 was the cutting from
4 the shirt. Is that correct?

5 A That's correct.

6 Q All right. Do you know or do you recall or do you have
7 notes as to how big a spot we are talking about?

8 A I do not have that information. I merely received the
9 cutting after it was processed and I took a small piece
10 of that stain and tested it for blood. I do not know,
11 though, as to the exact size of the blood spot that was
12 present.

13 Q Do you have a test that would indicate the age of that
14 spot? The age of the blood?

15 A No, I do not.

16 Q Does anyone to your knowledge have that type of test?

17 A Not to my knowledge.

18 Q And that being the case, it could have been there for a
19 minute, it could have been there for two years?

20 A That is possible.

21 Q Okay.

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

23 Q The kit, Ms. Webster, that was submitted. Is that, in
24 your experience, do you receive a kit such as that in
25 the majority of homicide cases where a female is the

REDIRECT EXAMINATION OF COURTNEY WEBSTER BY MS PARKER 341

1 victim?

2 A Actually, yes. It's not uncommon for a kit to be done
3 on any deceased person regardless of gender, just to see
4 what exactly might have happened, just to test and see
5 if something happened prior to their passing.

6 Q So it's not out of the ordinary to get that type of kit,
7 either male or female?

8 A That is correct.

9 Q Okay. Very good.

10 MR. JONES: That's all I have. Thank you, Your Honor.

11 THE COURT: Any redirect?

12 MS. PARKER: Briefly.

13 REDIRECT EXAMINATION

14 BY MS. PARKER:

15 Q Ms. Webster, Mr. Jones brought up the rectal swab where
16 semen was indicated. Was any semen indicated on the
17 other rectal swab? 'There were two,' were there not?

18 A Yes, there were two. And for the first rectal swab,
19 item 6.6, I did not identify semen. But for item 6.7,
20 the second set of rectal swabs, semen was indicated.

21 Q Now, was that a strong or a weak showing?

22 A It was a weak. It was a weak positive. But regardless
23 of whether or not the test is a weak positive or a
24 strong positive, we forward the sample on for further
25 analysis.

DIRECT EXAMINATION OF JENNIFER BARTMAN BY MS PARKER

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1 Q And are there any other bodily fluids or substances that
2 can cause a presumptive test like that for semen to flag
3 positive or trigger a positive?

4 A There are actually -- there are several other bodily
5 fluids, such as vaginal secretion, breast milk, and
6 saliva where this particular substance can be found in
7 much lower levels.

8 Q And the substance you speak of, is that a protein you're
9 testing for?

10 A It is. It is a protein that we're looking for and it
11 can be found in lower levels, like I said, in vaginal
12 secretions, breast milk and saliva.

13 Q Thank you, Ms. Webster.

14 THE COURT: Any objection to this witness being excused?

15 MR. JONES: None, Your Honor.

16 THE COURT: Any from the state?

17 MS. PARKER: No, Your Honor.

18 THE COURT: You're free to leave. Thank you. You may
19 call your next witness.

20 MS. PARKER: Your Honor, at this time, the State calls
21 Jennifer Bartman.

22 CLERK OF COURT: If you'll come around to be sworn,
23 please?

24 THE COURT: Place your left hand on the Bible and raise
25 your right hand as the clerk administers the oath.

STATE OF SOUTH CAROLINA VERSUS BRANNON J BRYANT

DIRECT EXAMINATION OF JENNIFER BARTMAN BY MS PARKER

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1 (After being duly sworn by the Clerk of Court,
2 **JENNIFER BARTMAN** testified as follows:)

3 THE COURT: Yes, ma'am. We're going to ask you to pull
4 up real close to that microphone, speak loudly, clearly, and
5 slowly, in order that we can hear everything that you have to
6 stay and let's start with your full name.

7 MS. BARTMAN: My name is Jennifer Bartman.

8 THE COURT: Thank you.

9 DIRECT EXAMINATION

10 BY MS. PARKER:

11 Q Thank you, Ms. Bartman. Where are you currently
12 employed?

13 A I'm employed with the South Carolina Law Enforcement
14 Division, commonly known as SLED.

15 Q And what's your position there?

16 A I'm a forensic DNA analyst.

17 Q How long have you been with SLED?

18 A I've been with SLED since October of 2012, so almost two
19 years.

20 Q Okay. And as a forensic technician -- excuse me --
21 scientist, what are your duties and responsibilities?

22 A We receive evidence from crimes that occur in South
23 Carolina that occur all across the state and I can
24 examine these items for body fluids and then I also
25 perform DNA analysis on these items as well as known

1 standards and do comparisons between the evidence and
2 the standards and I generate a report of my conclusions.

3 Q And tell the Court a little bit about your educational
4 background, please.

5 A I have a Bachelor's of Science in Biology from Hope
6 College, which is in Michigan. I also have a Masters in
7 Forensic Science with a concentration in DNA, and that's
8 from Virginia Commonwealth University in Virginia.

9 Q And tell us about any specific training you may have
10 received at SLED.

11 A I've also had a little over a year of on-the-job
12 training at SLED, with a court-qualified analyst and
13 that's being taught in proper techniques and procedures
14 of the laboratory. I've also completed several exams,
15 including oral exams, written exams, and a competency
16 exam at the completion of my training.

17 Q And have you previously been qualified as an expert in
18 the field of DNA analysis in circuit court in South
19 Carolina?

20 A Yes, I have.

21 Q And how many times?

22 A Twice.

23 MS. PARKER: Your Honor, at this time, the State would
24 offer Ms. Jennifer Bartman as an expert in her field of DNA
25 analysis.

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1 THE COURT: Any query with regard to her qualifications?

2 MR. JONES: No, sir.

3 THE COURT: She is so qualified. And as certified by
4 this Court as an expert in DNA analysis and allowed to render
5 opinions in this area.

6 MS. PARKER: Thank you, Your Honor.

7 Q Ms. Bartman, tell the Court a little bit about DNA.

8 A DNA stands for deoxyribonucleic acid and it is a
9 chemical that is found in our bodies and it makes up who
10 we are. You get half of your DNA from your mom and half
11 of your DNA from your dad and it's unique to an
12 individual, with the exception of identical twins.

13 Q Okay.

14 MS. PARKER: Permission to approach the witness, Your
15 Honor?

16 THE COURT: You may.

17 Q I would like to show you what's been marked State's
18 Exhibit #16. Do you recognize that item?

19 A Yes, I do. I recognize it by the yellow bar code
20 sticker that is affixed at SLED, as well as my initials
21 are on this package.

22 Q Okay. And State's Exhibit 1#8?

23 A Yes, I also recognize this package as item 12 and my
24 initials and date are also on this package.

25 Q And what do your initials on the package mean?

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1 A It means that I opened it and then sealed it back up.

2 Q Okay. And were you the last person to seal that one
3 back up?

4 A Yes. According to the dates on the package, yes, I was.

5 MS. PARKER: Your Honor, at this time, the State would
6 like to offer #16 and #17 -- excuse me -- #16 and #18 into
7 evidence.

8 MR. JONES: If I could look at them. No objection, Your
9 Honor.

10 THE COURT: Numbers 16 and 17 are into evidence without
11 objection from the Defense.

12 COURT REPORTER: 16 AND 18.

13 THE COURT: 16 AND 18.

14 MS. PARKER: I'm sorry. I'd originally said 17.

15 (Whereupon, a victim's pak and buccal swabs are entered
16 into evidence as State's Exhibits #16 and #18, without
17 objection.)

18 Q And I'm also going to show you what's been marked
19 State's Exhibit #19. Do you recognize that document?

20 A Yes, this is the DNA report that I generated.

21 Q Okay. Has the report been edited or changed or altered
22 in any way?

23 A No, it does not appear so.

24 MS. PARKER: Your Honor, at this time the State would
25 like to offer the DNA report, which is Exhibit #19, into

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1 evidence.

2 THE COURT: Any objection?

3 MR. JONES: No, sir.

4 THE COURT: Exhibit #19 is into evidence.

5 (Whereupon, a DNA analysis report is entered into
6 evidence as State's Exhibit #19, without objection.)

7 Q Now, Ms. Bartman, you analyzed the DNA in this case and
8 generated that report. I would like to go down your
9 report and talk about the items you looked at. Let's
10 look at item 4.1, a blood standard from Shannon Thomas.
11 What's the purpose of that?

12 A This is the victim's standard. In order to make
13 comparisons with evidence of DNA, we have to have known
14 standards from known individuals in order to identify
15 that individual from, as being the source of the DNA.

16 Q And with item number 12, was that also a standard, the
17 buccal swabs from Brannon Bryant?

18 A Yes, that's correct.

19 Q And what is a buccal swab?

20 A. A buccal swab is just like a cotton swab that's rubbed
21 on the inside of a person's cheek.

22 Q Okay. And y'all have DNA from that?

23 A Yes, that's correct. And then the swabs are submitted
24 to the lab.

25 Q Now, item 6.7 is the rectal swab that we've previously

1 talked about with the last witness. I know you weren't
2 in here, item 6.7. Tell us about any results, if any,
3 on that.

4 A The DNA profile that I developed from 6.7 was consistent
5 with Shannon Thomas.

6 Q Okay. So that's a rectal swab. Would you expect it to
7 be consistent with Shannon Thomas if it came from her?

8 A Yes, that's correct. This would be what we call an
9 intimate swab. It was taken off her person. So we
10 would expect some of her DNA to be present on the swab.

11 Q Was there any male DNA present on that swab at all?

12 A Not that I detected, no.

13 Q Item 7.1, what was item 7.1?

14 A Item 7.1 was left-hand fingernail clippings.

15 Q Okay. Now, those fingernail clippings, what did you
16 find?

17 A The DNA profile that I developed from the left-hand
18 fingernail clippings was a mixture of at least two
19 individuals and I was able to develop a DNA profile
20 foreign to the victim, Shannon Thomas, and it matched
21 the DNA profile of Brannon Bryant. The probability of
22 randomly selecting an unrelated individual having a DNA
23 profile matching that foreign profile is approximately
24 one in thirteen billion.

25 Q Okay. Explain to the jury a little bit about what -- we

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1 have mixtures and a foreign profile. These fingernail
2 clippings were from Ms. Thomas. So did you expect to
3 find her DNA?

4 A Yes, that's correct. This is another example of an
5 intimate-type sample that I referred to earlier. When
6 we look at DNA profiles, we look at fifteen different
7 locations on the DNA, as well as a gender marker, which
8 will tell us whether it's male or female DNA. And so I
9 looked at the different locations. And we typically
10 expect to see two numbers at each of those different
11 locations. Like I said, you get half of your DNA from
12 your mom and half from your dad. So one of those
13 numbers would be from your mom and one would of those
14 would be from your dad. So when we see more than two of
15 those numbers at the two locations, we think that
16 there's more than one person who could have contributed
17 to that DNA profile that we obtained.

18 Q Okay. So that's how y'all determine that they're
19 mixtures?

20 A That's correct.

21 Q Okay. Now, so then you were able to identify the
22 foreign profile and who did that match?

23 A It matched the DNA profile of Brannon Bryant.

24 Q Now, explain to the jury, because I find it a little
25 confusing myself, in laymen's terms, what the phrase in

1 your report that we commonly see that says, the
2 probability of randomly selecting an unrelated
3 individual having a profile matching this profile is
4 approximately one in thirteen billion. Is there, I
5 guess, a simple way to explain that or maybe an analogy?

6 A So typically, the higher the number is, the more rare
7 the profile is. So when ever I make a match between an
8 evidence item and a known standard, I generate a
9 statistic from that and that's just to give weight to
10 the match. So the higher the number, the more rare the
11 profile will be.

12 Q Okay. So is thirteen billion a high number with the
13 numbers of statistics you work with?

14 A It's a higher number.

15 Q But in your opinion, the item from 7.1, which was the
16 foreign profile you developed from under the fingernails
17 that matched Brannon Bryant, in your opinion, that's a
18 match?

19 A Yes. Within a reasonable degree of scientific
20 certainty, yes.

21 Q Okay. Let's talk about 7.2.

22 A Item 7.2 was the right-hand fingernail clippings. That
23 was also a mixture of at least two individuals and in
24 this case I was able to determine a major contributor.
25 So if one person donates a lot more DNA than another

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1 person in a mixture, it will appear at higher levels and
2 I can determine it to be a major contributor. So in
3 this case, the DNA profile developed from the major
4 contributor is consistent with the DNA profile of
5 Shannon Thomas. Brannon Bryant cannot be excluded as a
6 minor contributor to this mixture. The probably of
7 randomly selecting an unrelated individual could have
8 contributed to the mixture is approximately one in five.

9 Q So what does it mean when he can't be excluded as a
10 contributor? How do you come to that conclusion?

11 A When I look at the profile, I look at the profile as a
12 whole. And like I said, it was a minor contributor. So
13 it was only a partial profile. So he did not appear at
14 every location, but he appeared at enough of the
15 locations that I could not exclude him as a contributor
16 to this item.

17 Q So for the Court to understand what's the difference
18 between what you got under, looking at the left
19 fingernail clippings versus the right, what are the main
20 differences between those two items?

21 A With the item 7.1, which is the left-hand fingernail
22 clippings, I was able to match Brannon Bryant to the
23 foreign DNA profile that I developed. And for item 7.2,
24 I just could not exclude him. I couldn't match him
25 conclusively. But at the locations that were present, I

1 couldn't exclude him as a contributor.

2 Q And on the report, I see you broke it down a level
3 further with 7.2 and you discussed a YSTR profile. What
4 is that?

5 A Yes, that's correct. We also have a additional test,
6 which will just look at the male DNA in a profile. So
7 in this case, since it was a mixture of at least two
8 people, and I knew one of the contributors was the
9 victim, who is female, I ran this additional test, which
10 will just look at the male DNA to see if I could gather
11 more information, since there was a minor contributor to
12 this mixture. And in this case, the YSTR profile
13 developed matched the YSTR profile of Brannon Bryant.
14 Paternal male relatives of Brannon Bryant may not be
15 excluded as a contributor to this profile and
16 essentially what that means is, this type of DNA is
17 passed down in the paternal male. So if you're a man,
18 you would have the same YSTR profile as your father and
19 his father, as well as your son and then your son's son.
20 So it follows that paternal line all the way down. So I
21 can't exclude any of his paternal male relatives either.

22 Q Okay. And would it be safe to say you can't exclude his
23 paternal relatives. You didn't develop a -- there
24 wasn't enough DNA under that fingernail to develop a
25 full profile. Is that right?

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1 A For the normal type of DNA testing that we did.
2 However, for the YSTR testing that we did, I did develop
3 a full profile.

4 Q Okay. And it matched Brannon Bryant?

5 A Yes, that's correct.

6 Q Item 13.1, which is the cutting from the Defendant's
7 tee-shirt. Would you tell the Court about your results
8 on that item.

9 A The DNA profile developed from item 13.1 is also a
10 mixture of at least two individuals. And, again, I was
11 able to determine a major contributor to this mixture.
12 And the DNA profile developed from the major contributor
13 matches the DNA profile of Shannon Thomas. The
14 probability of randomly selecting an unrelated
15 individual having a DNA profile matching that major
16 contributor to the mixture is approximately one in two
17 point two quadrillion. Brannon Bryant cannot be
18 excluded as a minor contributor to this mixture. The
19 probably of selecting an unrelated individual who have
20 contributed to this mixture is approximately one in two.

21 Q Okay. Well, let's talk a little bit about your results
22 as you just read them. The major contributor was
23 Shannon Thomas. Is that right?

24 A That's correct.

25 Q That is the cutting. You received that from serology?

1 A That's correct.

2 Q The cutting from the tee-shirt?

3 A Uh-huh.

4 Q Now, the probably on this was one in two point two
5 quadrillion. Is that good odds?

6 A That is pretty high. Just to put that in perspective,
7 it goes million, billion, trillion, and then
8 quadrillion.

9 Q So would it be safe to say with odds that high, that
10 matched Shannon Thomas?

11 A Yes. Within a reasonable degree of scientific
12 certainty, yes.

13 Q Now, the minor contributor, could you talk a little bit
14 about that?

15 A Yes. Again, I had a partial minor contributor. It was
16 a low level. There was a low amount of DNA that was
17 developed from that minor contributor. So, again, I
18 went ahead and did that further testing and I did YSTR
19 testing on that cutting from the tee-shirt. And the
20 YSTR profile developed from item 13.1 matches the YSTR
21 profile of Brannon Bryant. And, again, paternal male
22 relatives of Brannon Bryant may not be excluded as a
23 contributor to this profile. This profile is found zero
24 times in a population database of twenty-three thousand
25 one hundred sixty-nine male individuals. So a

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1 difference between the stat that you heard before and
2 that stat, since the YSTR profile is passed down through
3 the male line, we can't do the same type of statistics
4 with it. So we utilize something which is called the
5 counting method. There is a database that was generated
6 by several agencies across the United States and then
7 we'd count how many times that profile that we developed
8 is in that database.

9 Q When you have a minor contributor in an item such as a
10 tee-shirt, in your opinion could that be just what we
11 call ownership DNA?

12 A Yes, they could be.

13 Q Okay. So you would expect to see that if that's his
14 tee-shirt, his DNA is on it?

15 A That's possible, yes.

16 Q Okay. All right. Let's see. Item -- I think we've
17 covered all the items in your report. Let's talk a
18 little bit about things that y'all do over at SLED.
19 Does SLED take any measures or have any procedures in
20 place to ensure the accuracy of DNA testing and
21 analysis?

22 A Yes. We do have a protocol that we are required to
23 follow also. When we complete our analysis it goes
24 through peer review, where it goes through two analysts
25 who look at our data before it is given, before a report

1 is published.

2 Q Okay. So does that mean that other analysts looked at
3 what you did and confirmed your results?

4 A Yes, that's correct. They looked at the evidence that I
5 received, the processes that I took, and then look at my
6 results and made sure that they were the correct
7 conclusions.

8 Q Okay. Thank you, Ms. Bartman. And please answer any
9 questions the Defense may have.

10 THE COURT: Cross-examination.

11 MR. JONES: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. JONES:

14 Q Okay. Ms. Bartman, let's start with item 7.1, and then
15 I'll get into 7.2. Those were the fingernail clippings.
16 Is that correct?

17 A Yes. Item 7.1 was the left-hand fingernail clippings.

18 Q Okay. Now, when you test for DNA on a fingernail
19 clipping, that's a clipping just like I cut my
20 fingernails. It's what comes off ---

21 A Typically.

22 Q --- the piece that comes off. Okay. Is that what you
23 have here?

24 A The fingernail clippings were first looked at by our
25 serologist, Courtney Webster and then she submitted them

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1 to me in a tube.

2 Q Does she break them up or cut them up in any way or do
3 they come whole?

4 A I can look to see what she did in this specific case.

5 Q Sure?

6 A Typically, when I receive fingernail clippings, I will
7 swab them with a DNA swab and then cut that swab for
8 DNA. I'm not sure exactly what she did. I just swab
9 the cutting that she made.

10 Q Okay.

11 A So I'm not -- I would assume, if I was doing it, I would
12 make a swab from it. I'm not sure. I know it is also
13 practice to just put the whole clipping into a tube and
14 run it that way.

15 Q Okay. Now, on 7.1, left-hand clipping, Shannon Thomas
16 was on that clipping. Is that correct?

17 A Item 7.1?

18 Q Her DNA?

19 A Yes, that's correct.

20 Q Is her DNA in the clipping or is it something that comes
21 off the clipping when you say you swab the fingernail
22 clipping?

23 A It could be either.

24 Q Do you recall what it is in this one?

25 A It would be difficult to tell exactly where the DNA is

1 coming from.

2 Q Okay. I guess what I'm trying to ask is when you get
3 this clipping, is there something hanging on it? Or is
4 it just -- are there cells we're talking about that you
5 are able to obtain off of whatever material you're
6 examining?

7 A When we typically swab the fingernail clippings, like I
8 spoke of earlier, it's an intimate sample. So we are
9 expecting to see the victim's DNA. So when we swab we
10 are typically looking for foreign DNA to the fingernail
11 clipping.

12 Q Okay. And, again, are we talking microscopic pieces or
13 are we talking a chunk of something?

14 A Yeah. Typically, they would be cells that are under the
15 nails.

16 Q Okay. And how would one get foreign -- someone else's
17 cells on your fingernail?

18 A There are several possible ways. Probably the most
19 common, I would assume would be scratching someone or
20 somehow getting someone's skin cells under our nails.

21 Q Okay. And could it be as simple as that? Could I
22 obtain a person's skin cells by rubbing my fingernails
23 on that person?

24 A It's possible.

25 Q And on the left, the foreign cells that you were able to

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1 identify are one in, let me get this right. It's a one
2 in thirteen billion chance that it's somebody other than
3 Brannon Bryant. Is that correct?

4 A It's the probability of randomly selecting an individual
5 and having it match that profile.

6 Q Okay. So you're pretty sure. And I think you said it
7 was not an extremely high number, but it was a higher
8 number, I think were your terms?

9 A It's a high number. It's not the highest I've seen, but
10 it's not the lowest I've seen either.

11 Q Very good. Okay. But your opinion is there were cells
12 from Mr. Bryant under the or on the or wherever it was,
13 on the fingernail clipping that came from the left hand?

14 A Yes, there was DNA.

15 Q Okay. Very good. And the right-hand, a similar
16 situation that you identified -- well, tell me about the
17 right hand. Tell me about the clippings of the right
18 hand.

19 A For the right hand, this is item 7.2, I developed a
20 mixture. And I was able to, like I said, develop a
21 major contributor, which was consistent with Shannon
22 Thomas and I could not exclude Brannon Bryant as a minor
23 contributor to the mixture.

24 Q And then we go down to 1.5 -- or excuse one in five.

25 A One in five. That's correct. And what that essentially

1 means is, the probability of randomly selecting an
2 unrelated individual in a population who could have
3 contributed to that mixture is one in five.

4 Q All right. I think in all of those statistics that you
5 gave, you talked about male relatives of Mr. Bryant
6 could also not be excluded, but you didn't have a sample
7 of anybody other than him. Is that correct?

8 A That's correct. For the YSTR profile only, the paternal
9 male relatives may not be excluded.

10 Q Okay. All right. Let me move to 13.1 and I do have
11 several questions on that. 13.1, how did it come to
12 you? How did that sample come to you?

13 A It was packaged. The cutting was in a tube that we use
14 in the lab and that was packaged into the evidence pouch
15 that I identified.

16 Q Did you get the whole cutting or a piece of the cutting?

17 A I got a piece of a cutting in a tube. But I also
18 received the entire cutting, but I did not do anything
19 to it.

20 Q Okay. So you tested a piece. Do you recall how big a
21 piece it was?

22 A I don't recall, no.

23 Q Typically, if you have a piece this big that someone
24 else takes a look at and then sends to you, is there any
25 way to tell me how big a piece you got off of, say, a

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1 two-inch circle?

2 A Yes. If they took a cutting from a larger cutting, I
3 can open that package and see what's missing, to see the
4 size of the cutting that was taken.

5 Q All right. Now, you kind of lost me. That 13.1, the
6 DNA profile of Shannon Thomas is one -- somebody else
7 would be one in two point two quadrillion?

8 A That's correct.

9 Q Okay. That's a pretty high number?

10 A That's a pretty high number, yes.

11 Q Okay. But then you've got a minor contributor to that
12 mix and it's only a one in two chance that it's Mr.
13 Bryant?

14 A With that profile that I developed at the -- like I
15 said, the minor contributor was not a complete DNA
16 profile at every one of those locations that we looked
17 at. So with the information that I had of that minor
18 contributor, the probability of selecting an unrelated
19 individual could have contributed at the locations where
20 it was present, is one in two.

21 Q All right. One in -- but it's his shirt. Does that
22 mean there's a fifty percent change there's somebody
23 else in his shirt? Or somebody else's DNA in his shirt?

24 A That could have contributed to that profile, yes. I did
25 take it a step further and did the YSTR testing, which

1 is the male specific testing, and it did match Brannon
2 Bryant.

3 Q All right. So one point two just starts you someplace
4 and then you go somewhere else?

5 A When I developed that mixture, what that said was, the
6 minor contributor wasn't complete. It didn't have all
7 the information that I'm looking for, for a complete DNA
8 profile. So since it was a mixture of Shannon Thomas
9 and someone else, a male component, I would develop male
10 DNA. I did the male specific testing to look just at
11 the male component and to not look at that major female
12 component from Shannon Thomas.

13 Q Okay. And, again, with the 13.1, the piece we're
14 talking about, you can't exclude any male relatives of
15 him either. Is that correct?

16 A With the YSTR profile?

17 Q Correct.

18 A Correct.

19 Q Okay. Is there any way that you have or anyone in your
20 field at SLED, has of dating any of this stuff? When
21 you look at something, is there any way to say when that
22 got there?

23 A No. With DNA we can't tell when it was left there, just
24 if it was present or not.

25 Q So it could have been immediate or it could have been

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1 days, months or years ago. Is that correct?

2 A Depending on conditions, yes.

3 Q Okay. Now, with the exception, I guess, of the
4 fingernails. How about the fingernails? Can DNA stuff
5 stay on your fingernails a long, long time?

6 A It depends. Typically, it won't stay on extremely long
7 due to the washing of the hands and handling other items
8 and that sort of thing. So I wouldn't expect it to last
9 as long under fingernails as in something like it's
10 blood.

11 Q Okay. And, again, as far as the right and the left
12 fingernail clippings, we're talking about cells. We're
13 not talking about pieces of skin or something like that.
14 Is that correct?

15 A I mean, it's skin cells.

16 Q Skin cells, sure.

17 A Skin cells.

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

19 Q One follow-up. When you said that typically DNA cells
20 won't stay under the fingertips for a long time, if I
21 didn't -- if I have somebody's skin cells under my
22 fingernail, and I don't wash my hands, do you have an
23 idea how long those cells might stay there?

24 A It really just depends on the activities that you
25 perform after, after you get DNA under your nails. Like

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1 even like handling, rubbing your fingers on other
2 things. There's a whole bunch of different scenarios
3 that could play out, but I don't have a specific amount
4 of time, no.

5 Q Physical activity could remove those cells at a higher
6 rate than just doing nothing?

7 A It could rub off. Yes.

8 Q Okay. I think that's all I have. Thank you, ma'am.

9 THE COURT: Any redirect?

10 MS. PARKER: Briefly, Your Honor.

11 REDIRECT EXAMINATION

12 BY MS. PARKER:

13 Q Ms. Bartman, if I scratch an individual, as opposed to
14 rub, do I get more or less cells with the scratch as
15 opposed to the rub? Which one is going to give you more
16 cells, skin cells of the other person under your nails?

17 A I would expect more with the scratch versus the rub.

18 Q Okay. And in your cross you talked about you test the
19 samples, talking about locations. Could you explain
20 that a little bit more? Do you mean locations on the
21 actual item or is that a term ---

22 A What I was referring to is locations on the actual DNA.
23 So we do -- which I've kind of been mentioning. We do a
24 type of testing called STR testing, which stands for
25 short tandem repeats. There are locations on your DNA

1 that repeat over and over again. And essentially, what
2 distinguishes one individual from another individual is
3 how many times that section of DNA repeats. So that's
4 what we're looking at when we look at DNA testing.

5 Q So that's the locations you're referring to?

6 A The locations on the DNA, yes.

7 Q Okay. If I wear a tee-shirt and it's my tee-shirt, what
8 are the possibilities that DNA could get on something by
9 wearing it? Like if you were to examine a tee-shirt
10 that belonged to me that I slept in last night or that I
11 wore yesterday, what would -- absent somebody else's
12 blood or any foreign DNA, what would you expect on my
13 tee-shirt?

14 A I would expect the owner's DNA, especially when we do
15 look at shirts and things for ownership, we look
16 especially in the collar, because it rubs against your
17 neck. As well as like a long-sleeved shirt, it'll rub
18 against your wrists, but it's not unexpected to have
19 your own DNA on a shirt that you wear.

20 Q Thank you, Ms. Bartman.

21 MR. JONES: Your Honor? Your Honor, might I have one
22 follow-up?

23 THE COURT: No. The procedure is direct, cross and
24 redirect and you have an obligation to object to anything new
25 she brings up in redirect. So the answer is, no.

1 MR. JONES: All right.

2 THE COURT: Any objection to this witness being excused?

3 MS. PARKER: No, Your Honor.

4 THE COURT: Any from Defense, Mr. Jones? Mr. Jones?

5 MR. JONES: May I ask my co-counsel?

6 THE COURT: Okay. Yes.

7 MR. JONES: Your Honor, might we hold her for a little
8 bit in order to ask a follow-up?

9 THE COURT: You may. If you could have a seat on the
10 front row. (Witness complies) Thank you very much. All
11 right. We're going to take a mid-morning recess. I'm going
12 to ask the bailiff to take you to the jury room. Do not
13 discuss the case in any way, shape or form. Everyone remain
14 seated as the jury exits the courtroom.

15 (Jury out at 10:59 AM)

16 BRIEF BREAK

17 THE COURT: Anything from the State before we bring the
18 jury out?

19 MR. HOLT: No, sir, Your Honor.

20 THE COURT: Anything from Defense?

21 MR. JONES: Yes, sir. Co-counsel and I have talked
22 during the break, Your Honor, and we have no objection to
23 turning Ms. Bartman from SLED loose.

24 THE COURT: Okay. Very good. All right. Where is she?
25 All right. Well, you're free to leave, but you can stay if

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1 you'd like. Would you like to stay?

2 MS. BARTMAN: My ride would leave me.

3 THE COURT: Okay. This might be more interesting than
4 DNA work. I'm sure that's interesting.

5 All right. We're ready for the jury.

6 (Jury in at 11:23 AM)

7 THE COURT: All right. Let's have quiet. Mr. Foreman,
8 ladies and gentlemen of the jury, I kind of want to give you
9 an idea about where we are. We've been working hard. Y'all
10 have been here and been on time, paying very close attention.
11 I anticipate we're going to probably conclude the testimony
12 in this case today some time and I anticipate probably we'll
13 come back in the morning to argue and charge. That's not set
14 in stone, but that's kind of the way I see it developing. So
15 pay very close attention. Mr. Holt, you may call your next
16 witness.

17 MR. HOLT: Thank you, Judge. If it pleases the Court,
18 may I call Gregory Colclough to the stand, please.

19 THE COURT: Yes, sir. If you could come forward and
20 place your left hand on the Bible and raise your right hand
21 as the clerk administer's the oath.

22 (After being duly sworn by the Clerk of Court,
23 **GREGORY COLCLOUGH** testified as follows:)

24 THE COURT: Have a seat in that witness pull up real
25 close to that microphone and speak loudly, clearly, and

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1 slowly, in order that we can hear everything that you've got
2 to say and let's start with that full name for us?

3 MR. COLCLOUGH: Gregory ColClough.

4 THE COURT: Spell that last one?

5 MR. COLCLOUGH: C-O-L-C-L-O-U-G-H.

6 THE COURT: Good. Yes, sir.

7 MR. HOLT: Thank you, Judge.

8 DIRECT EXAMINATION

9 BY MR. HOLT:

10 Q Mr. COLCLOUGH, how old are you?

11 A Fifty years old.

12 Q And where do you live?

13 A 427 Bell Avenue, Hartsville, South Carolina.

14 Q About how long have you lived there?

15 A Since 2010.

16 Q All right. So were you living there on June 8th, 2012?

17 A Yes.

18 Q All right. And who was living there with you at that
19 time?

20 A Dominique and my cousin.

21 Q All right. Now, do you remember having a talk with
22 Dominique about Shannon Thomas' murder?

23 A Yes, that morning.

24 Q All right. Did you tell him she had been murdered?

25 A Yeah. Somebody told me down the street.

CROSS EXAMINATION OF GREGORY COLCLOUGH BY MR. JONES

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1 Q Okay. Can you tell us what you did that morning the
2 first time when you woke up?

3 A I got up and I went to IGA, to the grocery store. When
4 I went to IGA I saw a lot of people outside. Everybody
5 in the neighborhood. Everybody on the street was out.
6 And I went down the street somebody -- I was walking.
7 Somebody said, you know that girl, Shannon, she got
8 killed last night. I said, I don't know that but I'm
9 going to IGA to go shopping. I don't know nothing about
10 that.

11 Q And after you got through shopping, where did you go?

12 A I came back home and Dominique, he just got up. And I
13 said, "Dominique, somebody said this girl named Shannon
14 died." He said, "Oh, that's my ---"

15 MR. JONES: Objection. Hearsay, Your Honor.

16 THE COURT: Sustained. Sustained. Hearsay.

17 Q All right. How did he appear to you, emotional or upset
18 or fine?

19 A He was emotional, because that was his classmate.

20 Q Okay. Now, how about the night before, do you remember
21 about what time he got home?

22 A He got home about 11:30 that night.

23 Q Okay. And was he there the entire night after that?

24 A He was there the entire night, because me and him stayed
25 in the living room and watched TV. But he went to sleep

1 and I was still running the TV all night.

2 Q Well, can you tell the jury a little bit of something
3 about how your living room might be set up different
4 than normal peoples' living rooms?

5 A When my father was living, he was kind of sick, but we
6 had to put two couches in the living room. One on side
7 and one on the other side. I was on the right side and
8 Dominique was on the left side by the door.

9 Q So y'all essentially slept in the same room?

10 A We slept in the same room.

11 Q And he was there all night?

12 A All night.

13 Q All right. Mr. Colclough, thank you, sir. Before I sit
14 down, Dominique, did he ever have braids in his hair?

15 A No. Dominique had a low-cut -- Dominique been in the
16 service and he had his hair cut like service.

17 Q So he wouldn't have had time to grow braids, if he'd
18 been in the service?

19 A No. No, Dominique don't have no braids.

20 Q Thank you very much.

21 THE COURT: Cross-examination?

22 MR. JONES: Thank you, sir.

23 CROSS-EXAMINATION

24 BY MR. JONES:

25 Q Mr. Colclough, how old is your nephew, Dominique?

DIRECT EXAMINATION OF VERONICA BRYANT BY MR. HOLT

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1 A I think twenty-six or twenty-seven, something like that.

2 Q What does he look like?

3 A Light-skinned, tall -- I can't say how tall. I know
4 he's taller than me. I think about 6'1".

5 Q Okay. Is he heavy set or slim?

6 A No, he's slim.

7 Q Okay. Does he generally wear a mustache or a beard?

8 A I think he got a mustache. I don't know. No, he ain't
9 got no mustache.

10 Q Clean shaven?

11 A Clean shave all the way.

12 Q Thank you.

13 A Okay.

14 MR. JONES: That's all I've got.

15 THE COURT: Any redirect?

16 MR. HOLT: No, sir, Your Honor.

17 THE COURT: You may step down. Any objection to this
18 witness being excused?

19 MR. HOLT: I would like him to be.

20 MR. JONES: No objection, Your Honor.

21 THE COURT: You're free to leave. Thank you, sir.

22 MR. COLCLOUGH: Okay.

23 THE COURT: You may call your next witness.

24 MR. HOLT: Can I get Ms. Veronica Bryant from back
25 there, please?

1 THE COURT: Yes, ma'am. Please come around. I'm going
2 to ask you to stand in front of the clerk and place your left
3 hand on the Bible and raise your right hand as the clerk
4 administers the oath.

5 (After being duly sworn by the Clerk of Court,
6 **VERONICA BRYANT** testified as follows:)

7 THE COURT: Come around and have a seat in that witness
8 chair, please, ma'am. Take your time. I want you to pull up
9 real close to that microphone and speak loudly, clearly, and
10 slowly, in order that we can hear everything that you've got
11 to say and let's start with your full name, please, ma'am.

12 MS. BRYANT: Veronica Bryant.

13 THE COURT: Spell that last name?

14 MS. BRYANT: B-R-Y-A-N-T.

15 THE COURT: Bryant. Very good.

16 MR. HOLT: Thank you very much, Judge.

17 DIRECT EXAMINATION

18 BY MR. HOLT:

19 Q Ms. Bryant, how old are you?

20 A Fifty-one.

21 Q Fifty-one? And how do you know the Defendant in this
22 case?

23 A That's my nephew.

24 Q Your nephew?

25 A Yes.

CROSS EXAMINATION OF VERONICA BRYANT BY MR. JONES

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1 Q Paternal or -- was your brother his father?

2 A That's my brother's son.

3 Q Okay. All right. So you've known him his whole life?

4 A Yes.

5 Q All right. Now, on the morning of June 8, 2012, some
6 time early in the morning, okay, did he have occasion to
7 call you on his cell phone?

8 A Yeah. He called me.

9 Q And what did he tell you?

10 A He said that I think I've been involved in a murder.

11 Q Okay. I think I've been involved in a murder?

12 A Yes.

13 Q All right. What else did he say?

14 A That's all. They told him to hang up the phone.

15 Q Okay. Now, about what time was that do you think?

16 A I think it was like four-ish, five-ish in the morning,
17 because I went right back to sleep.

18 Q So it wasn't six or seven or eight?

19 A No.

20 Q So it was still dark outside?

21 A Yeah.

22 Q All right. Very early. Now, do you know about the
23 status of -- would your mother be his grandmother?

24 A Yes.

25 Q Now, is she living or is she deceased?

1 A She had just passed.

2 Q Okay. I'm sorry. How about his maternal grandmother,
3 is she living or is she deceased?

4 A She's also deceased.

5 Q Okay. So both grandmothers are now deceased?

6 A Yes.

7 Q Okay. I'm sorry about bringing you here. Would you
8 please answer any questions Defense counsel might have.

9 THE COURT: Mr. Jones?

10 MR. JONES: May I have one second?

11 THE COURT: You may.

12 CROSS-EXAMINATION

13 BY MR. JONES:

14 Q Ms. Bryant, were the words that you said that Mr. Bryant
15 said, exactly what he said?

16 A Sure did, exact. I think I've been involved in a
17 murder.

18 Q Okay. He didn't say I may have or they think?

19 A He said, I think I've been involved in a murder.

20 Q Okay. And now you say this was between 4:00 and 5:00
21 AM?

22 A A.M.

23 Q All right. Did he say he was in the back of a police
24 car?

25 A He said, I'm in the back of the police car. They making

1 me hang up the phone.

2 Q Okay. And could you tell in his voice if he had been
3 drinking? Did he sound intoxicated to you?

4 A No.

5 Q Okay.

6 MR. JONES: Thank you. That's all I have.

7 THE COURT: Any redirect?

8 MR. HOLT: No, sir, Your Honor.

9 THE COURT: All right. Any objection to this witness
10 being excused?

11 MR. JONES: No, sir, Judge.

12 THE COURT: You're free to leave. Thank you.

13 MS. BRYANT: Thank you.

14 THE COURT: You may call your next witness.

15 MR. HOLT: Judge, at this time, I'd like to inform the
16 Court that we have only one witness left. But there needs to
17 be some meeting of Mr. Jones and myself over his testimony
18 before he's allowed and there also needs to be a motion from
19 the Defense before he's allowed to speak.

20 THE COURT: Okay. Very good. Mr. Foreman, ladies and
21 gentlemen of the jury, I'm going to ask that y'all take a
22 recess for lunch. Be back at 2:00, 2:00 sharp. I take that
23 back, 2:30, 2:30 sharp. Be here at 2:30 sharp. Do not
24 discuss the case amongst anyone, or amongst yourselves and
25 we'll see you back then.

1 (Jury out at 11:35 AM)

2 JACKSON/DENNO HEARING

3 THE COURT: Be glad to hear from you. We're supposed to
4 be starting at 1:30. Be glad to hear anything you've got to
5 say.

6 MR. NEELY: Judge, I think -- I don't know if I'd
7 classify it as one or two different motions.

8 THE COURT: I tell you what. You keep going and I'll
9 keep count of how many you start.

10 MR. NEELY: Both motions are to suppress parts of the
11 video statement given by Brannon Bryant to Investigators
12 Anderson and Cusack on the day of the incident, or the
13 morning after, June 8th.

14 In the morning between the hours of 7:00 and 9:00
15 roughly, there's a couple of statements that the Defense,
16 that we have problems with that we would like suppressed and
17 not shown to the jury. Judge, most of our objections the
18 State has consented to and we've gone ahead and redacted
19 those, but they're in the video right now and I think the
20 best thing to do would be to show them to you and then argue
21 each statement as you see it, so you can rule on it.

22 THE COURT: All right. The first issue that we probably
23 need to address ---

24 MR. NEELY: Is the Jackson v. Denno.

25 THE COURT: --- is a Jackson v. Denno hearing. And I'll

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1 -- before we get into that, I'm going to defer to Mr. Holt
2 with regard to that.

3 MR. HOLT: Judge, I think, essentially, what is
4 happening is a Jackson motion is what he's got. Now, it's my
5 understanding there were about seventeen problems that Mr.
6 Neely had with the video. I took sixteen out. The only
7 problem we have with this seventeenth is the phone call that
8 the Defendant made while in custody.

9 MR. NEELY: It was that one thing they discussed about
10 an hour ago, Judge.

11 MR. HOLT: My boss just went and had that redacted as
12 well, Mr. Neely.

13 MR. NEELY: All right. So it's just the phone call?

14 MR. HOLT: Let's check our times to make sure it's
15 right. Judge, and if you want, I can put Detective Anderson
16 on the stand.

17 THE COURT: I think the first thing we need to do is
18 establish whether or not it was a custodial interrogation,
19 whether or not he received his Miranda warnings, and whether
20 or not it's coerced. Those are the things I've got to
21 determine at the threshold before we even get into any of the
22 rest. So if you could call the Detective, if that's what you
23 elect to do, as far as establishing the nature of the offense
24 -- I mean, the statement.

25 MR. HOLT: He's gone to get him, Your Honor.

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1 THE COURT: And while we're going to get him, could I
2 have the Foreman of the jury out, just the Foreman.

3 THE BAILIFF: Yes, sir.

4 THE COURT: Mr. Holt, you say this is really the only
5 article of evidence, is this?

6 MR. HOLT: Yes, sir, Your Honor. As well as three
7 photographs that were taken simultaneously.

8 THE COURT: Okay. Very good.

9 (Whereupon, the jury foreman enters the courtroom.)

10 THE FOREMAN: Yes, sir.

11 THE COURT: Mr. Foreman, I wanted to let you know we
12 have some legal matters that we're going to have to tend to
13 that we did not anticipate. So it's going to require that
14 y'all wait and be patient with us for just a little bit.
15 We'll be with you shortly. But I wanted to let you know that
16 we've been here working. We're continuing to work and we'll
17 try to get you out here just as soon as we can. If you'll
18 relay that to the jury.

19 THE FOREMAN: I'll go it.

20 THE COURT: Thank you.

21 (Whereupon, the jury foreman returns to jury room.)

22 (After being duly sworn by the Clerk of Court, **MIKE**
23 **ANDERSON** testified as follows:)

24 THE COURT: Yes, sir. If you could have a seat in the
25 witness chair.

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1 MR. ANDERSON: Good afternoon, Your Honor.

2 THE COURT: How you doing?

3 MR. ANDERSON: I'm fine.

4 THE COURT: Have a seat in the witness chair.

5 MR. ANDERSON: Yes, sir.

6 THE COURT: Pull up real close to that microphone and
7 speak loudly, and clearly, and slowly, in order that we can
8 hear everything that you've got to say.

9 MR. ANDERSON: Yes, sir.

10 JACKSON V. DENNO HEARING

11 PROFFERED DIRECT EXAMINATION

12 BY MR. HOLT:

13 Q Investigator Anderson, could you give your place of
14 employment, please?

15 A I'm employed by the State Law Enforcement Division,
16 commonly known as SLED.

17 Q And on June 8th, 2012, where were you employed?

18 A I was a detective sergeant in the detective division at
19 Hartsville Police Department.

20 Q How long have you been in law enforcement?

21 A September, will be forty-one years.

22 Q And how many years with SLED?

23 A SLED, twenty-one. Twenty-three.

24 Q Probably about how many interviews have you conducted?

25 A Numerous.

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1 Q And how many under Miranda?

2 A Numerous.

3 Q And on June 8th, 2012, did you have -- during the course
4 of your investigation into the murder of Shannon Thomas,
5 did you have cause to interview the Defendant in this
6 case, Brannon Bryant?

7 A Yes, sir.

8 Q Okay. And before you interviewed him, did you put him
9 under Miranda?

10 A I did.

11 Q And did he ask for a lawyer?

12 A No.

13 Q And did he willingly sign any waivers of Miranda?

14 A He did sign a waiver to the Miranda rights.

15 Q Okay. And then after that, about how long did the
16 interview last?

17 A Maybe two hours and twenty minutes.

18 Q And did he ever ask to leave or wish to be gone from the
19 situation?

20 A The only time he got up to leave was to go to the
21 bathroom and I escorted him to the bathroom.

22 Q All right.

23 MR. HOLT: Your Honor, at this time the State would like
24 to play about the first five minutes of the video so that it
25 can be on the record and the trial Judge can see just how

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1 Miranda was given.

2 THE COURT: Very good.

3 Q Detective Anderson, while this video is playing through,
4 I think there's a few minutes on each side where
5 nothing's going on. Have you ever seen this video
6 before?

7 A Yes, sir, I have.

8 Q And when's the last time you watched it?

9 A About an hour ago.

10 Q Okay.

11 (Whereupon, a portion of a DVD was played for the
12 Court.)

13 Q Detective Anderson, I'd like to ask you to look at
14 State's Exhibit #26, marked as such for identification
15 purposes, and I'd like to ask you, have you ever seen
16 that before?

17 A Yes, sir.

18 Q And did you help create it?

19 A Yes, sir. It's my signature.

20 Q And since the last time you've seen it, have there been
21 any changes or markings or anything done to it?

22 A No, sir.

23 MR. HOLT: Judge, at this time, I'd like to put State's
24 Exhibit #26 into evidence.

25 THE COURT: Any objection from the Defense?

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1 MR. NEELY: No objection, Your Honor.

2 THE COURT: It's into evidence.

3 (Whereupon, a Miranda Rights form is entered into
4 evidence as State's Exhibit #26, without objection.)

5 MR. HOLT: I guess just for the purposes of this Judge.

6 Q Investigator Anderson, what is #26?

7 A Say again, please?

8 Q What is that sheet of paper?

9 A It's a -- oh, excuse me. I'm sorry. Miranda Warning
10 Rights, Hartsville Police Department.

11 Q And who signed that?

12 A I signed it and Lieutenant Neil Cusack and Mr. Bryant.

13 Q Okay. And was that him signing that on the video we
14 just watched?

15 A Yes, sir.

16 Q And how old was the Defendant? Do you remember? Was he
17 over thirty, under thirty?

18 A He was over thirty.

19 Q Okay. Did he appear to be irregularly intoxicated or
20 under the influence of any narcotics while you were
21 watching him?

22 A No. I double-checked on that. He was not drunk or
23 intoxicated for that interview.

24 Q At any time did he ever ask you if he could go to the
25 bathroom?

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1 A Later on in the interview, yes, sir.

2 Q Okay. And after he asked you to go to the bathroom,
3 about how many minutes before you took him to the
4 bathroom?

5 A When he had to go to the bathroom, I escorted him to the
6 bathroom.

7 Q All right. Investigator Anderson, did he ever ask to
8 leave or want anything to eat and did you deny it to
9 him?

10 A No, he never asked for anything to drink either.

11 Q Okay.

12 MR. HOLT: Judge, at this time, I'd say no further
13 questions.

14 THE COURT: All right. Cross-examination from Defense.

15 MR. NEELY: Yes, sir. Thank you, Judge.

16 PROFFERED CROSS-EXAMINATION

17 BY MR. NEELY:

18 Q Investigator or Detective?

19 A I am now Special Agent, Senior Agent, State Law
20 Enforcement Division, but at that time, it was
21 detective.

22 Q All right. Investigator Anderson, was Brannon Bryant
23 drunk during the interview?

24 A No, it did not appear so.

25 Q All right. You interviewed him for approximately

1 two-and-a-half hours, two hours and fifteen minutes,
2 somewhere around there?

3 A Yes, sir.

4 Q Do you recall sometime during this interview that he
5 told you that he'd been drinking Old Milwaukee's Best
6 throughout the course of the night?

7 A Don't remember the name of the beer that he was
8 drinking, but he had mentioned earlier that he'd been
9 drinking heavily.

10 Q And in connection with this entire investigation, you
11 interviewed some other people?

12 A Yes, I did.

13 Q Did you interview Savoy Mack, Jr., also know as
14 "Bay-Boo"?

15 A Yes, I did.

16 Q Do you recall in that interview with Savoy Mack, Jr., he
17 told you that he left Brannon Bryant's apartment and
18 went to another apartment down the street? Do you
19 recall that?

20 A Yes, sir.

21 Q And did Savoy Mack, Jr., tell you that the person that
22 lived in that next apartment was a bootlegger of sorts,
23 that you could buy loose cigarettes and alcohol and
24 things that you couldn't buy?

25 THE COURT: I don't mean to interrupt you. I'm going to

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1 give you a huge amount of leeway and, of course, a lot of
2 these questions are very relevant with regard to the trial of
3 the case at large, but what we're talking about here is
4 whether or not the statement is admissible.

5 MR. NEELY: I'm trying to establish his intoxication
6 during this interview, Your Honor.

7 THE COURT: Oh, okay. If that's what you're doing.
8 Very good.

9 MR. NEELY: That's what I'm trying to do.

10 THE COURT: All right. Very good.

11 Q Was the owner of that residence or the occupant of that
12 residence a bootlegger, to the best of your
13 recollection?

14 A Not to my knowledge.

15 Q All right. But during his interview, do you recall
16 Brannon Bryant saying that his eyes were red before he
17 started crying because he was drunk or he was
18 intoxicated, earlier?

19 A No, sir.

20 Q You don't recall that?

21 A No, sir.

22 Q All right. We'll see that in a little bit. And after
23 about two hours, towards the end of that interview,
24 about two hours into the interview, do you recall
25 Brannon Bryant stating that he was still feeling the

1 effects of the alcohol?

2 A No.

3 Q Okay. We'll do that later then, too. All right. Thank
4 you, Lieutenant.

5 A You're welcome.

6 THE COURT: Any redirect?

7 MR. HOLT: No, sir, Your Honor. I'm ready to argue the
8 Jackson motion.

9 THE COURT: Okay. I'll be glad to hear from -- well,
10 actually you would go first since you have the burden of
11 proving it's admissible and I'll be glad to hear from you.

12 MR. HOLT: Thank you very much, Judge. In regards to
13 the video, in toto, I think all we're talking about here is,
14 was it voluntary and was the Defendant old enough to know
15 better. He was obviously thirty. He knows better. That's
16 an age thing to consider. The police asked him to sign a
17 waiver where he knowingly, intelligently and deliberately
18 signed his name so that they could ask him questions. They
19 didn't ask him anything before the waiver. They didn't
20 withhold any privileges from him. You know, certainly this
21 is not a trial that the individual has been interrogated
22 before. I don't think anybody's unaware of his record. He
23 knows his rights. He knows what he's been through in life.
24 So, you know, the State would contend that if this a Jackson
25 motion, they're asking was it a knowingly, intelligent

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1 waiver, then I would certainly say it was. And the little
2 bit of the video that we continued to play after he signed,
3 when he knew it was a knowing and intelligent waiver, he
4 doesn't appear to be drunk. He doesn't appear to be loud or
5 boisterous. He's not walking into walls. He's calmly
6 sitting down and speaking with them. And regardless of when
7 he was drinking at some previous time in his life, it won't
8 affect his knowing waiver that day.

9 THE COURT: All right. I assumed that you did not have
10 any witnesses that you wanted to offer with regard to the
11 issue of the admissibility of this statement in the Jackson
12 v. Denno hearing?

13 MR. NEELY: No, sir.

14 THE COURT: Okay. I'll be glad to hear from you as to
15 why I ought to suppress his statement.

16 MR. NEELY: Your Honor, I don't think that we want the
17 entire video suppressed. There was about a minute-long phone
18 call, about forty-five minutes into the video, which we would
19 contend was not a voluntary statement about half-way through
20 the interrogation. That particular statement is what we
21 would like suppressed and I would argue that it's not
22 voluntary at that point.

23 THE COURT: Okay. All right. Well, essentially with
24 regard to what's been played here and the statement at large,
25 with the exception of what you pointed out, you do agree that

1 he was in custody. You agree to that?

2 MR. NEELY: Yes, sir.

3 THE COURT: And you also consent that he was given his
4 Miranda warnings?

5 MR. NEELY: Yes, sir.

6 THE COURT: And that he waived his Miranda warning. Is
7 that correct?

8 MR. NEELY: For the overall purposes of this entire
9 statement, yes, sir.

10 THE COURT: Okay. All right. Well, based on what I've
11 seen and the waiver of the Miranda warnings that have been
12 introduced into evidence, I find that the statement is, in
13 deed, admissible. It was a custodial interrogation. The
14 Miranda warnings were given to him. They're set forth on the
15 waiver form. They were read to him on the video and he,
16 indeed, based on my examination of the video, appears to
17 understand what's going on. There's been no evidence
18 presented by the Defense that he has any lack of education.
19 He's thirty years old. The State has intimated to the fact
20 that he has a significant criminal history, which is not
21 actually in the record now, but I've not heard anything that
22 would seem to indicate that he didn't know what was going on.
23 There's been no evidence with regard to anything that would
24 show that he has a borderline mental deficiency or anything
25 such as that. This interview took place over a two-and-a-

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1 half hour period, which I find to be reasonable. There was
2 some discussion on the video that will speak for itself, that
3 seemed to indicate that he might have had something to drink
4 previously. But that, as I understood the video, did not
5 effect him here. And regardless of what he said, he does
6 appear to be sober while he's on the video and I so find
7 that. And, of course, for appellate review, that, you know,
8 what's been said here today and what's on the video will
9 speak for itself. And based on all of those reasons, I do,
10 indeed, find that he was in custody, he was given his Miranda
11 warnings, he knowingly and intelligently waived his Miranda
12 warnings and there's nothing about the facts of his
13 questioning, interrogation, that would at all seem to
14 indicate that it was not voluntary and I will defer to
15 counsel with regard to a specific portion that you want to
16 look at.

17 MR. HOLT: Your Honor, I think at this time I probably
18 need to question Mike Anderson to preserve the record and
19 then play that specific portion of the video.

20 SUPPRESSION HEARING

21 PROFFERED DIRECT EXAMINATION

22 BY MR. HOLT:

23 Q Detective Anderson, were you constantly in the room
24 while the interrogation took place or were you in and
25 out?

1 A I was in and out.

2 Q And who else was in the room with you?

3 A Lieutenant Neil Cusack.

4 Q Okay. And at any time, were both of y'all out of the
5 room?

6 A Yes, sir.

7 Q And upon your subsequent watching of this video, did you
8 ever see that he made a phone call while you were gone?

9 A Yes, sir.

10 Q Okay.

11 (A portion of DVD is played for the Court.)

12 THE COURT: I assume that's his cell phone, that he has
13 it on speaker.

14 Q Detective Anderson, is that his cell phone?

15 A Yes, sir.

16 (DVD is paused)

17 Q Detective Anderson, at that time had y'all accused him
18 of killing her?

19 A No.

20 Q And at what time, about approximately how much later
21 until you did accuse him and, in fact, tell him that
22 Shannon was dead?

23 A Roughly, over an hour.

24 Q And at the time you told him that, what happened?

25 A He didn't want to believe that she was dead.

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1 Q And how did he act?

2 A He could not believe she was dead. He even made a
3 statement, said, "I can call her right now and she'll
4 answer the phone." He didn't get emotionally upset
5 about it, no tears or anything.

6 Q Is it a fair assessment that he pretended to be upset at
7 that time?

8 A Yes, sir.

9 Q No further questions.

10 MR. NEELY: Your Honor?

11 THE COURT: Sir?

12 MR. NEELY: I have no questions for him, Your Honor.

13 THE COURT: All right. I'll be glad to hear your
14 arguments as to why that ought to be suppressed.

15 MR. NEELY: Thank you, Your Honor. My contention is
16 that that statement, that forty-five seconds, was not a
17 voluntary statement. At that point in time, Detective
18 Anderson and Detective Cusack had both left the room while
19 the camera was still running. The interrogation was
20 continuing, but I would contend that Brannon Bryant at that
21 point was not knowingly giving a statement when he made that
22 phone call. Judge, I passed up some case law to your clerk,
23 State V. Kelly from our Court of Appeals, and in it they
24 quote State v. Lennon where it says if the State bears this
25 burden of proof, that the Defendant voluntarily waived his

1 rights, even where the Defendant has signed a waiver of
2 rights form, the trial Judge's determination of the
3 voluntariness of a statement must be made on the basis of the
4 totality of the circumstances, including the background,
5 experience, and conduct of the accused.

6 THE COURT: Let me ask you this.

7 MR. NEELY: Yes, sir.

8 THE COURT: You know, you seem to indicate that because
9 the police left the room, that it makes it involuntary. In
10 my mind, it would be exactly the opposite. That makes it
11 very voluntary, that it was not a result of an interrogation
12 or pointed question. It was something, it was an utterance
13 that he made and that's always been the law that anything
14 that's said to a police officer or captured by a police
15 officer is not -- it's not subject to Miranda if it's a
16 voluntary statement and it's something that is not the result
17 of an interrogation or a question. That is a general correct
18 statement of the law. Isn't it?

19 MR. NEELY: Yes, sir, it is.

20 THE COURT: As a matter of fact, if I were to walk up to
21 a police officer and say I killed so and so, that's not
22 subject to Miranda because it's not an interrogation.

23 MR. NEELY: Yes, sir. But I would distinguish those
24 facts from these particular facts, because if you walk up to
25 a police officer, you are not in custody, you're not being

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1 interrogated, you're free to make that statement. At this
2 point, Brannon Bryant was already in custody. He was in an
3 interrogation room. He'd been interrogated for forty-five
4 minutes. I believe that Detective Cusack and Detective
5 Anderson walking out of that room wasn't just them leaving
6 the room, it was an interrogation technique where they left
7 the Defendant's cell phone with him. There was a brief point
8 at the beginning when we watched the Miranda rights being
9 waived where there was about a fifteen second portion where
10 Detective Anderson pointed to the camera and said, "You're
11 being recorded and anything you can be used against you in
12 court." At that moment, I would argue one, that Brannon
13 Bryant had been drinking for a number of hours that day,
14 regardless of how he came across. I believe a SLED agent
15 testified earlier that, depending on your experience in
16 drinking, it effects your body in a different way. I don't
17 believe that that changes the fact that Mr. Bryant was
18 intoxicated while he was giving this statement. Also, there
19 was evidence on the video that he had to use the restroom
20 really bad. And at that point he would say anything to wrap
21 up the questioning with Detective Anderson so that he could
22 go be excused and use the restroom. I think in light of the
23 totality of the circumstances, which is the test in State V.
24 Lennon, that that particular statement on that phone call was
25 not a voluntary statement given during an interrogation. He

1 thought -- he was under the impression that he was not giving
2 a voluntary statement to the police officers. He thought
3 that that was the only time that he was waiving his Miranda
4 was when Detective Anderson and Detective Cusack were in the
5 room.

6 THE COURT: You say that it was a police tactic to
7 extract some information out of him?

8 MR. NEELY: Yes, sir.

9 THE COURT: What do you say about the long line of cases
10 that the Supreme Court of the United States has said that
11 trickery on behalf of the police officers is, under certain
12 circumstances, acceptable?

13 MR. NEELY: I would say under certain circumstances.

14 THE COURT: But under these circumstances, not?

15 MR. NEELY: I believe that under Miranda, a person
16 placed into custody that is a suspect is afforded certain
17 extra protections given that he might incriminate himself in
18 violations of the Fifth Amendment.

19 THE COURT: What do you think about someone who, all the
20 line of cases, there's a bunch of them in South Carolina and
21 some recent ones, where they give them their Miranda
22 warnings, they deny everything, and then they go and sit in
23 the jail for a while and they go and talk to their mama and
24 then they go and just go and confess to them without even re-
25 issuing the Miranda warnings and all that kind of stuff.

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1 What you think about that?

2 MR. NEELY: I think that distinguishes from this case
3 because there is an on-going interrogation that lasts
4 throughout the entire two hours ---

5 THE COURT: Which would make it even more acceptable,
6 because there has not been a discontinuation of questioning,
7 wouldn't you think?

8 MR..NEELY: Yes, sir. But I believe that when they left
9 the room, that it was his understanding of his waiver of
10 rights that he was only waiving those rights when the
11 officers were in that room. He would not have given that
12 statement had he known that that statement would be used in
13 court today.

14 THE COURT: Well, let me ask you this. Why do you want
15 to suppress that? It seems to be exculpatory and not
16 inculpatory?

17 MR. NEELY: I believe that the State would like to use
18 it to give his reaction during that phone call. Detective
19 Anderson just testified that about an hour after that they
20 show Brannon -- that they tell Brannon that the victim has
21 passed away and he doesn't want to believe it. And obviously
22 at this time, about an hour before that, he knows that she's
23 dead and that they are accusing him of murder at that point,
24 in exact contradiction of what happened an hour later.

25 THE COURT: Okay. All right. Mr. Holt, what do you

1 have to say about it?

2 MR. HOLT: Judge, you know, I've got a Supreme Court
3 case here, 371 S.C. 595, the State of South Carolina versus
4 Derrick Turner. I believe it's a case we cited earlier in
5 the week where the car issue came in. I don't see any reason
6 why it can't be extended to the police station. In the car
7 issue, earlier in the week, it was allowed in when, number
8 one he had not been given Miranda. And, number two, he was
9 not, maybe not aware that they were filming in the car. But
10 still in this case he doesn't have any right to privacy in a
11 police car and I would say that you can take it to the ---

12 THE COURT: Now, that instance, I believe is a statement
13 made from co-defendant to another co-defendant.

14 MR. HOLT: And that's the Turner case.

15 THE COURT: Right.

16 MR. HOLT: Yes, sir. That's the one I'm talking about
17 right here. But still it's the non-interrogation speaking of
18 the Defendant. That's what we're talking about here. And
19 whether it be to somebody right beside you or somebody that
20 technology allows you across town, to reach out and talk to
21 them about it, it's the same thing.

22 THE COURT: But do you think that the statement that was
23 made on the telephone, the fact it was not a result of
24 interrogation makes it ---

25 MR. HOLT: More voluntary, would be the words I would

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1 use, Your Honor. And certainly, he's under no duress to
2 speak to this person. It is more indicative of the truth
3 because of that. And I believe that at any time you pick up
4 the phone and call somebody or they call you back, you know,
5 you try to make phone calls when you're speaking to somebody,
6 once you've been given Miranda and once you've been informed
7 that there's a camera in the room, and somebody who's thirty
8 years old and been a part of the system his whole life,
9 should know that there's absolutely no right to privacy in
10 the police building while that's going on. And I don't even
11 think -- you know, I don't really think his argument has any
12 merits for the simple reason that it's outside of the
13 interrogation. And, therefore, it doesn't even belong under
14 the Jackson v. Denno hearing.

15 THE COURT: Anything else, Mr. Neely?

16 MR. NEELY: Briefly, Your Honor. I believe the State is
17 confusing the issue there. I'm not arguing a right of
18 privacy issue. It's once the interrogation ---

19 THE COURT: Well, I think it has to be a right of
20 privacy because it wasn't a result of an interrogation.
21 Nobody asked him anything. He called somebody up on the
22 phone.

23 MR. NEELY: Right. But my contention is that it was
24 part of the interrogation. It was as a result of an
25 interrogation tactic by the detectives at that point, to

1 leave the room and leave the phone with him. But had he
2 known that that statement would be made public here in the
3 courtroom or subject to his testimony in the courtroom here
4 today, I don't believe that he would made that phone call
5 freely or voluntarily.

6 THE COURT: Well, I think that everybody agrees that,
7 you know, we -- the video speaks for itself. We know what
8 transpired. We can see on the video the fact that he calls
9 someone, speaks to them during the course of this
10 interrogation when the police officers leave the
11 interrogation room. So you're going to be protected on the
12 record in that regard. I think that it does not render it
13 involuntary. I think it makes it more voluntary and I think
14 it's admissible. He was given his Miranda warnings, he was
15 in custody, that there is no expectation of privacy in an
16 interrogation room, and quite frankly, I don't think there's
17 any expectation of privacy on a cell phone, period. People
18 listen in to them all the time. So as far as any kind of
19 privacy, I don't think that it applies. But, you know, I
20 might be wrong because this issue has never been up to the
21 South Carolina Supreme Court or the United States Supreme
22 Court. But you will be protected on the record and someone
23 smarter than me can look at it. What you think?

24 MR. NEELY: Thank you, Your Honor.

25 THE COURT: All right. Well, I rule that it is indeed

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1 admissible for the reasons I have stated. All right.

2 MR. JONES: Can I ask a question, Your Honor?

3 THE COURT: You may.

4 MR. JONES: Are we protected now or shall we make
5 another objection at the time of his questioning?

6 THE COURT: Well, you know, I think -- if there's one
7 thing that I am smart enough to know is that you have an
8 absolute obligation to object to it and it has to be
9 contemporaneous. The law says that even if I say you don't
10 have to do it, you have to do it. So the answer to your
11 question is, if the spirit moves you to object, you need to
12 object.

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

14 THE COURT: All right. Very good. Anything else?

15 MR. HOLT: I simply just have to walk up there and give
16 the videotape back to the court reporter.

17 THE COURT: All right.

18 MR. HOLT: But other than that, I'm ready for the jury
19 to come.

20 CLERK OF COURT: You want to take up the matter about
21 the missing juror?

22 THE COURT: Yeah, let's bring that -- oh, yeah. Very
23 good. I understand that there is a juror whose father was
24 undergoing dialysis and she was transferred to this term, I
25 understand, from the clerk's office because of the fact that

1 her father was ill, father or grandfather and during the
2 trial, sometime today, there was an incident that happened at
3 the dialysis, which caused -- I think it was an emergency
4 situation and I think they maybe had to call the ambulance
5 and she had to go to tend to that. And let me look and see
6 if I can -- the particular juror's name is ---

7 CLERK OF COURT: Teresa Segars, #18 on the strike
8 sheet. Juror #126.

9 THE COURT: She's juror #126 and her name again?

10 CLERK OF COURT: Is Teresa Segars, Juror 126. She's
11 number #18 on the strike list we used.

12 THE COURT: All right. And my idea is that because of
13 these exigent circumstances that she be allowed -- that she
14 be excused and what does the State have to say about that?

15 MR. HOLT: That's fine with the State, Your Honor. I
16 guess we're going to put both names in a hat and pull them?
17 Or how would you suggest we go?

18 THE COURT: All right. Well, let me ask the Defense.
19 What do you have to say about Teresa Segars' situation?

20 MR. JONES: I agree with Mr. Holt, excuse her.

21 THE COURT: The law is not clear about how to do that.
22 My intention is -- my understanding of the law is that you
23 have to pick randomly between the two. Some say that you
24 pick the very first one. If y'all can agree as to which one
25 y'all want, I'll be happy to go along with that. Otherwise,

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1 I'm going to rule that you pick at random.

2 MR. JONES: I'm very happy with that, Your Honor.

3 MR. HOLT: I'm happy with random.

4 THE COURT: So everybody's happy with random. How about
5 you, Mr. Neely?

6 MR. NEELY: That works for me.

7 THE COURT: All right. Very good. Everybody's in
8 agreement. All right.

9 CLERK OF COURT: Mr. Niu. 106 is his juror number.
10 He's #27 on the strike sheet.

11 THE COURT: He's the gentleman that's hard to pronounce?

12 CLERK OF COURT: Yes, sir.

13 THE COURT: Might I see that? Very good.

14 CLERK OF COURT: Ms. Griggs-Smith is the other.

15 THE COURT: All right. Very good. All right. We're
16 ready for the jury.

17 THE BAILIFF: All right.

18 (Jury in at 3:08 PM)

19 THE COURT: Mr. Foreman, ladies and gentlemen of the
20 jury, I want to apologize for the lateness. We are very
21 cognizant of the fact that y'all have other places to be and
22 that y'all are the only ones in this courtroom that's not
23 being paid to be here, but sometimes there are legal matters
24 that we have to tend to outside of your presence. We've
25 concluded that and ready to proceed forward with the trial.

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1 Ms. Teresa Segars has had a family emergency and she is not
2 here and there is very good reason for that. We've been
3 informed as to the reason and that's why we have alternates.
4 And you are sort of like our insurance policy in this regard.
5 It's not uncommon for us to promote an alternate. So, Mr.
6 Niu, I'm going to ask if you could come and have a seat right
7 here. You have now been activated to a juror and you will
8 participate in the deliberations. You're no longer an
9 alternate. So I'm going to ask that you, once again, pay
10 very close attention as the testimony comes before you. And
11 I'm going to remind the alternate, we've still got some time
12 left, so you need to pay very close attention. These are
13 important matters. They're important to the State of South
14 Carolina and important to the Defendant. Thank you for your
15 time and your attention. Mr. Holt, you're recognized. You
16 may call your next witness.

17 MR. HOLT: Thank you, Your Honor. If it please the
18 Court, the State would like to call Mike Anderson to the
19 stand.

20 THE COURT: Mr. Anderson, if you could please come
21 forward, place your left hand on the bible and raise your
22 right hand as the clerk administers the oath.

23 (After being duly sworn by the Clerk of Court,

24 **MICHAEL L. ANDERSON** testified as follows:)

25 THE COURT: Have a seat in the witness chair, pull up

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1 real close to that microphone. Speak loudly, clearly, and
2 slowly, in order that we can hear everything that you've got
3 to say. And let's start with your full name, please, sir?

4 MR. ANDERSON: Michael L. Anderson.

5 THE COURT: Thank you, Mr. Anderson.

6 DIRECT EXAMINATION

7 BY MR. HOLT:

8 Q Mr. Anderson, where do you currently work?

9 A I'm employed with the State Law Enforcement Division,
10 commonly known as SLED.

11 Q So what would be the position you hold? What should I
12 call you?

13 A I'm a senior special agent.

14 Q Okay. Senior?

15 A Senior.

16 Q And how long have you been with SLED?

17 A This time, twenty months.

18 Q Why do you say this time?

19 A The other time was twenty-two months. I was at SLED and
20 we had to cut back with the government. I was retired
21 in 2010.

22 Q All right. Aside from SLED where else have you worked?

23 A I worked with the Hartsville Police Department three
24 years and eight months as a -- I finished as detective
25 sergeant in the detective division.

1 Q All right. And how long total have you been in law
2 enforcement?

3 A September will be forty-one years.

4 Q Forty-one years?

5 A Yes, sir.

6 Q And while you were at Hartsville, on June 8th, 2012,
7 what was your position then?

8 A Investigations.

9 Q And as part of investigations in that department, what
10 did you do for the HPD?

11 A Handled all criminal investigations that would come
12 through the city of Hartsville.

13 Q All right. How about specifically in the matter at
14 hand, the murder of Shannon Thomas? How were you
15 notified of that?

16 A I received a telephone call at about 5:30 in the morning
17 on June the 8th from Lieutenant Brian Rudick of the
18 Hartsville Police Department.

19 Q Now, who was Rudick compared to yourself?

20 A He was my lieutenant at that time.

21 Q All right. And about what time did you arrive at 305
22 South 8th Street at that time?

23 A 8th Street?

24 Q Yes, sir, 8th street.

25 A Approximately, ten minutes till six.

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1 Q Ten till six? So it took you about twenty minutes to
2 get there?

3 A Yes, sir.

4 Q And once you were on the scene, what did you do?

5 A I started looking for additional evidence. And as I was
6 looking, I noticed a body on the front porch.

7 Q All right. And what did you do after that?

8 A I approached the front porch. The light was on. I
9 observed a black female laying on the porch with blood.
10 She was wearing blue jeans and a tank top, zebra-type
11 top. She had the ---

12 THE WITNESS: May I stand up, Your Honor?

13 THE COURT: You may.

14 A (Witness stands) She had a name across the back in this
15 area, (indicating) "Shannon". On her right shoulder was
16 a tattoo and on her right forearm, I noticed a tattoo.

17 Q And was the porch light on at that time?

18 A Yes, sir.

19 Q After you observed the body, what did you do next?

20 A Looked for additional evidence. The body was
21 transported to the Carolina Pines Hospital morgue.

22 Q And did you have occasion to visit the body after it was
23 transported?

24 A I did.

25 Q And what did you find?

1 A I found a female who had been stabbed and I did a DNA
2 on-the-body swab.

3 Q So did you have occasion to touch the body?

4 A I did.

5 Q And were you wearing gloves?

6 A Yes, I was.

7 Q And did you throw those gloves away before you left?

8 A Yes, I did.

9 Q Investigator Anderson, what did you do with that DNA
10 swab?

11 A I turned it over to the evidence custodian, Laura South.

12 Q All right. And did you have occasion during the course
13 of your investigation to interview the Defendant in this
14 case, Brannon Bryant?

15 A Yes, sir, I did.

16 Q All right. And why do you think you were told to
17 conduct that interview?

18 A I was instructed by Chief Hudson to meet with Lieutenant
19 Neil Cusack of the Hartsville Police Department to do an
20 interview because there was a suspect at the crime
21 scene.

22 Q Well, how about this. In your forty-one years, how many
23 interviews do you think you've done?

24 A A number of them.

25 Q Are there any steps or precautions you take before you

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1 do an interview to ensure that it's voluntary?

2 A I read them their Miranda rights.

3 Q All right. Detective Anderson, I'm going to show you
4 what's been marked, just for identification purposes in
5 the trial, as State's Exhibit #26. And I'd like to ask
6 you if you know what that is? And just a yes or no
7 answer.

8 A Yes, I do.

9 Q And have you ever seen it before?

10 A Yes, I have.

11 Q And did you help create it?

12 A Yes, I did.

13 Q And since you've created it, have there been any
14 material changes, alterations or deletions made to it?

15 A No, sir.

16 Q All right. Detective Anderson, could you please tell
17 the jury what that is.

18 A This is the Hartsville Police Department's, City of
19 Hartsville's Miranda Rights, Waiver of Your Rights,
20 Form.

21 Q All right.

22 MR. HOLT: Your Honor, at this time, for the purposes of
23 the trial, the State would like to move the Miranda Waiver
24 into evidence.

25 THE COURT: Any objection?

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1 MR. JONES: Let me look at it, very briefly. What
2 number?

3 MR. HOLT: Twenty-six, sir.

4 MR. JONES: No objection, Your Honor.

5 THE COURT: State's Exhibit #26 is into evidence as a
6 trial exhibit.

7 (Whereupon, a Miranda Rights form is entered into
8 evidence as State's Exhibit #26, without objection.)

9 Q Now, Detective Anderson, I'd like to show you one more,
10 not the last but certainly the second, and this is
11 marked as State's Exhibit #28. And I'd like to ask if
12 you'd ever seen that before?

13 A Yes, sir.

14 Q And can you tell the jury what that is.

15 A This is a CD recording.

16 Q And on that recording, what is it a recording of?

17 A A reactive statement #5 of Mr. Bryant.

18 Q And who else is in that besides Mr. Bryant?

19 A Lieutenant Cusack.

20 Q Are you in there yourself?

21 A Yes, sir.

22 Q Okay.

23 MR. HOLT: Your Honor, at this time the State would like
24 to introduce State's Exhibit #28 into evidence.

25 THE COURT: Any objection?

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1 MR. JONES: Your Honor, we have no objection, other than
2 the minute forty-five, I believe it is. We'd like to ---

3 THE COURT: It is into evidence without objection as to
4 the entire body of it, with the exception of the objection
5 that's been placed on the record. So it's into evidence in
6 its entirety.

7 (Whereupon, a DVD is entered into evidence as State's
8 Exhibit Number #28, without objection.)

9 MR. HOLT: Thank you very much, Your Honor. And at this
10 time, the State would ask permission to play the interview
11 before I finish questioning Detective Anderson.

12 THE COURT: You may do so.

13 (State's Exhibit #28 is played for the jury.)

14 (Someone speaks and leaves the courtroom)

15 THE COURT: Hold on. Hold on.

16 (Mr. Holt pauses the video)

17 THE COURT: Hold on. All right. Everybody needs to
18 understand that my job in this courtroom is to preside over
19 these proceedings and I also have an obligation to maintain
20 order. We can't have a trial with people having emotional
21 outbursts. It's contempt of court to do that. Is there
22 anybody left in the courtroom that feels as though they can't
23 maintain their emotions? If there is anybody, then now is
24 the time to leave, because I'm issuing an order right now
25 that if there are any other outbursts, emotional or whatever,

1 I'm going to ask these law enforcement officers to take you
2 into custody. We will not have emotional outbursts in this
3 courtroom. Does everybody understand that? All right. It's
4 important for the State of South Carolina to get a fair
5 trial. It's important for the Defendant to get a good trial
6 and that's what I intend on doing. It's important for
7 everybody to have a fair shot. This is Mr. Bryant's day in
8 Court and he's entitled to a fair trial without outbursts and
9 we're going to take about a five minute recess and come back.

10 (Jury out at 3:51 PM)

11 THE COURT: Anything from the State before we proceed?

12 MR. HOLT: No, sir, Your Honor.

13 THE COURT: Anything from the Defense?

14 MR. JONES: No, sir, but I am going to walk over there,
15 just walk a little bit if you don't mind.

16 THE COURT: You help yourself. You're entitled to do
17 that.

18 THE COURT: We're ready for the jury.

19 (Jury in at 4:04 PM)

20 THE COURT: Mr. Foreman, ladies and gentlemen of the
21 jury, pay very close attention as we continue with the
22 presentation. Mr. Holt, you're recognized.

23 MR. HOLT: Thank you very much, Your Honor. At this
24 time, the State would like to continue playing the video
25 recording that the Defendant's in.

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1 THE COURT: Very good.

2 (Video is resumed.)

3 THE COURT: Mr. Holt. Mr. Jones.

4 (Video is paused)

5 (Brief bench conference off the record.)

6 THE COURT: Mr. Foreman, ladies and gentlemen of the
7 jury, y'all have worked very hard today. We've gone a little
8 bit over. I think there's probably about forty-five more
9 minutes left of this video. We'll resume that in the
10 morning. There will be some questions of the officer and I
11 think that will conclude the State's case. That's kind of
12 where we're at right now. So I'm going to ask that y'all go
13 home. Do not discuss the case with anyone else or amongst
14 yourselves. Do not do any independent investigations and
15 don't make reference to this matter on any social media. I'm
16 going to ask that everyone remain seated as the jury exits
17 the courtroom.

18 (Jury out at 5:25 PM)

19 THE COURT: (Addressing Mr. Anderson) Under these
20 circumstances, you're not allowed to talk with anybody about
21 the case, anybody from the Solicitor's Office or the Public
22 Defender's Office.

23 MR. ANDERSON: Yes, sir.

24 THE COURT: And we'll just ask that you be back here on
25 the stand at 9:30 sharp in the morning.

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1 MR. ANDERSON: Yes, sir.

2 THE COURT: Thank you.

3 THE BAILIFF: Judge, what time you going to start so I
4 can tell the jury?

5 THE COURT: 9:30.

6 THE COURT: Is there anything from the State before we
7 recess for the evening?

8 MR. HOLT: Nothing, Judge.

9 THE COURT: Anything from the Defense?

10 MR. JONES: No, Your Honor.

11 THE COURT: All right. We'll stand at ease until then.
12 Might want to be here a little bit early in case there are
13 any issues that develop we'll be here a little bit early, but
14 we're going to start at 9:30, 9:30 sharp.

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16 THE COURT: Might counsel approach the bench for just
17 one moment.

18 (Brief bench conference off the record.)

19 THE COURT: Are you ready to proceed?

20 MR. HOLT: Yes, sir, Your Honor.

21 THE COURT: All right. We're ready for the jury. Now,
22 let's have quiet.

23 (Jury in at 9:30 AM)

24 THE COURT: Mr. Foreman, ladies and gentlemen of the
25 jury, thank you for being here and thank you for being here

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1 on time. I believe over the past year are so, I believe
2 y'all are the most prompt jury I've had. Usually, there's a
3 straggler or two, but y'all have been here on time. We
4 appreciate that. Thank you very much. Mr. Holt, you're
5 recognized.

6 MR. HOLT: Thank you, very much Your Honor, I'd just
7 like to continue playing the video for Detective Anderson.

8 THE COURT: Very good.

9 (Video is resumed and played to the end)

10 THE COURT: Mr. Holt, you're recognized.

11 MR. HOLT: Thank you very much, Judge.

12 DIRECT EXAMINATION CONTINUED

13 BY MR. HOLT:

14 Q Did you really have two people up there when you told
15 the suspect you had two people up there that were going
16 to talk? Did you really have two people up there?

17 A No, I didn't.

18 Q All right. And what was that an example of?

19 A That was trying to bluff, to believe that someone had
20 seen him at the crime scene.

21 Q All right. And were there any other tricks or anything
22 else you did? What about when you yelled at him?

23 A Excuse me?

24 Q When you were yelling on there, are you by nature an
25 evil person that likes to yell?

1 A No, sir.

2 Q All right. All right. And this is going to be a little
3 bit discombobulated, but if I could have you look at
4 page one of your report. And I could ask you, Detective
5 Anderson, did the Defendant tell you in that statement
6 who he was partying with that night and where he was?
7 What was the first couple of things he came up with?

8 A Yes, sir. He did. He was at Hartwood Village in
9 Hartsville, South Carolina.

10 Q And were you able to find anybody -- were you able to
11 conduct any interviews and gather any evidence to show
12 he was?

13 A No, sir.

14 Q All right. And did you have occasion to interview
15 Terrance Cabbagestalk?

16 A Yes, sir.

17 Q All right. And who did he tell you he was with at
18 Hartwood Village that night?

19 A He told me he was there with a Mr. Van Segars and Mack
20 and Terrance Cabbagestalk.

21 Q And were you able to interview all of them?

22 A No, sir. The only one I was able to interview was Mr.
23 Cabbagestalk.

24 Q All right. And did Mr. Cabbagestalk have dreads at that
25 time, dreads in his hair?

DIRECT EXAMINATION OF MIKE ANDERSON BY MR HOLT

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1 A Everyone I interviewed in this, did not have dreads. He
2 did not have dreads.

3 Q Did you have occasion to interview Dominique Colclough?

4 A I did.

5 Q And did he have dreads in his hair?

6 A No, sir.

7 Q All right. Did he tell you that Shannon was partying
8 with him earlier in the day when he talks about who was
9 partying with him earlier out of those four?

10 A Yes, sir.

11 Q All right. Did he mention anything to you about the
12 Comfort Inn? The Defendant, in the video?

13 A No, sir.

14 Q During the interview, you observed a scratch on the
15 Defendant's forearm?

16 A Yes, sir.

17 Q And did you ask him if he had any other scratches?

18 A Yes, sir.

19 Q And what was his response?

20 A No.

21 Q But did you find other scratches on the Defendant?

22 A Yes, I did.

23 Q All right.

24 MR. HOLT: Judge, at this time if I could approach. I'd
25 like to show Mike Anderson what's been marked as #23, #24,

1 and #25. And I'd like to ask him if he could --

2 Q Have you ever seen those before, Detective?

3 A Yes, sir.

4 Q All right. And are those photos a true and accurate
5 representation of what you saw on the day of this
6 interview?

7 A Yes, sir.

8 Q And can you tell the jury what they are photos of?

9 A These photos are the scratches across his chest.
10 Impressions that I -- scratches with fingernails. And
11 this is one on his left wrist.

12 MR. HOLT: Judge, at this time, we'd like to put #23,
13 #24, and #25 into evidence.

14 MR. JONES: Your Honor, we would certainly object to #24
15 as being cumulative. We've got #10 and #12 in already, which
16 appear to be the same mark, but I don't have any objection to
17 #23 and #25.

18 THE COURT: I'll sustain the objection with regard to
19 State's Exhibit #24. It's cumulative.

20 (Whereupon, two photographs are entered into evidence
21 as State's Exhibits #23 and #25, without objection.

22 Q Now, Detective Anderson.

23 A Yes, sir.

24 Q Who did the Defendant tell you was at his house late
25 that night, his apartment rather?

DIRECT EXAMINATION OF MIKE ANDERSON BY MR HOLT

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1 A It was an Amos McRaven, Roscoe, name unknown, Dominique
2 Colclough, and the victim, Shannon Thomas.

3 Q All right. You were able to find Dominique Colclough?

4 A Yes, sir.

5 Q Did you ever find anybody fitting the description of
6 Roscoe?

7 A No, sir.

8 Q How about his brother, Amos McRaven? Did he make
9 himself available to be interviewed?

10 A No, sir.,

11 Q Were you ever able to put anybody actually at that house
12 that night besides the Defendant and Shannon?

13 A Mr. Colclough.

14 Q And what time did he leave?

15 A Approximately, 1630 hours.

16 Q And what time is that on a regular clock for everybody
17 else?

18 A 4:30.

19 Q Okay. All right. Now, during the course of that
20 interview, it appears several times that the Defendant
21 breaks down into massive weeping fits.

22 A Yes, sir.

23 Q Did you ever have to hand him a Kleenex?

24 A No, sir.

25 Q Did you ever see any real tears leave his eyes?

1 A No, sir.

2 Q Were you suspicious of the Defendant before the
3 interview started or was it something that came later?

4 A Later.

5 Q And can you describe to the jury why you became
6 suspicious?

7 A A lot of his statements were inconsistent, they just
8 didn't add up.

9 Q Such as? Do you know off the top of your head?

10 A Like when I showed him the picture of the victim and the
11 porch, "That's my Boo. That's my Boo." That was a
12 crime scene picture right there and he identified her.
13 The first one, he was able -- he described her
14 physically, be he was not able to describe what she was
15 wearing. The second question from Lieutenant Cusack,
16 then he was able to describe the blue jeans and the dark
17 shirt. And the thing about not knowing her name. He
18 had a relationship with her for six months and didn't
19 know her last name. It didn't add up. And there were
20 so many inconsistencies that -- I wrote them down but
21 apparently left them in the hallway. And that was just
22 part of them. And not knowing the tattoos and you've
23 had sexual intercourse with a girl, he says on Friday,
24 Friday afternoon and he doesn't see these tattoos, but I
25 see the tattoos. She had her clothes on.

CROSS EXAMINATION OF MIKE ANDERSON BY MR JONES

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1 Q And how about -- you testified previously that you had
2 occasion to watch this video since it's been created.

3 A Yes, sir, I have.

4 Q All right. Now, can you tell us what conclusions you
5 would draw from watching him make a cellular phone call
6 when y'all had left the room to how he reacted later
7 when you told him that the victim was Shannon?

8 MR. JONES: I'll object to that, Your Honor.

9 THE COURT: I'll sustain that. It calls for -- it's
10 argumentative.

11 MR. HOLT: I beg the Court's indulgence. I have one
12 final question.

13 Q Did you ever have occasion to show what people may think
14 of as a photo lineup to a Ms. Alta Mae Hicks?

15 A Yes, sir, I did.

16 Q And was she able to conclusively ID anybody?

17 A No, sir, she did not.

18 Q Okay. Thank you very much, Detective Anderson.

19 A Yes, sir.

20 THE COURT: Cross-examination.

21 MR. JONES: Yes, sir. Thank you.

22 CROSS-EXAMINATION

23 BY MR. JONES:

24 Q Detective, Agent, Investigator, what would you like?

25 A Investigator will be fine, sir.

1 Q Okay. All right. Investigator Anderson.

2 A Yes, sir.

3 Q Let's see where to start. How about -- well, let's
4 start with Roscoe. To your knowledge, you don't know
5 who Roscoe is?

6 A No, sir. We learned later, I think his last name is
7 Scott. But we tried to locate him and McRaven. We
8 could not locate them.

9 Q Okay. And did you ask during the interview, Mr. Bryant,
10 how to get in touch with McRaven?

11 A No, sir, I learned that through the interview that was
12 with his brother.

13 Q All right. And on the witness list that the State
14 provided, John Roscoe Scott, would you assume that would
15 be his full name?

16 A That is correct, sir.

17 Q Okay.

18 A We learned that in the investigation.

19 Q All right. Now, what time did you arrive at 305 South
20 8th Street on ---

21 A Ten minutes till six.

22 Q Ten till six, okay. And tell me again, or if you did,
23 tell us what did you do immediately upon arrival?

24 A Once I got there I, of course, exited the vehicle. It
25 was crime scene tape, et cetera. I approached the crime

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1 scene itself. I walked up to the front porch and I seen
2 a blood pattern, maybe six or eight feet from the body
3 itself. I approached the body. The porch light was on.
4 I looked down. I could see the victim. She was fully
5 clothed. She had...

6 THE WITNESS: May I stand up, Your Honor?

7 THE COURT: Yes.

8 A Across her back here, (indicating) I could see the word
9 "Shannon". On her left shoulder was a tattoo. On her
10 right forearm in this area was a tattoo. She was
11 dressed in a zebra-skin, I call it zebra-colored tank
12 top, blue jeans, no shoes.

13 Q Very good. All right. Now, was she in this position
14 when you got there? That is State's Exhibit #8.

15 A Yes, sir.

16 Q Okay. Thank you.

17 A You're welcome. All right.

18 Q During the next -- well, let me ask it this way. When
19 did you leave the scene and go to the station to get
20 ready to interview Mr. Bryant?

21 A Prior to that, I had to go to Carolina Pines Hospital
22 morgue. I collected a DNA swab, buccal swab of the
23 victim. From there I left, back, came back to the crime
24 scene. I was instructed by Chief Hudson to go meet with
25 Lieutenant Cusack of the Hartsville Police Department

1 and to interview a suspect in this investigation. At
2 approximately 7:15, I began the interview and read the
3 Miranda rights to him, as you saw.

4 Q Very good. Now, prior to 7:15, did you ever speak with
5 Mr. Bryant?

6 A No, sir.

7 Q Okay. Prior to 7:15, did you get instructions from
8 anybody that Mr. Bryant was the prime suspect in this
9 case?

10 A Only from Chief Hudson, that he was a suspect.

11 Q And do you recall about what time that was?

12 A That would be right after I came back from the Carolina
13 Pines Hospital. Can I?

14 Q Sure.

15 A (Reviews report). At approximately 6:05 I left the
16 crime scene.

17 Q Okay.

18 A Excuse me. It was 6:35 I left the crime scene and I
19 went to the Carolina Pines Hospital to do the buccal
20 swabs on the victim. At approximately 6:45 I left
21 Carolina Hospital morgue, went back to the crime scene.
22 At approximately 6:55, I was instructed by Chief Hudson
23 to go the Sheriff's, the detective division, meet with
24 Lieutenant Cusack to interview a suspect.

25 Q Okay. Would it be a fair statement to say at 6:55 Mr.

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1 Bryant, in your mind, was the prime suspect in this
2 case?

3 A Yes.

4 Q Okay. And by 7:15 and Sergeant Cusack began
5 interviewing Mr. Bryant?

6 A Lieutenant Cusack, yes, sir.

7 Q I'm sorry. Lieutenant Cusack. All right. Your arrival
8 again, five, ten minutes to six?

9 A Yes, sir.

10 Q Within an hour and five minutes, Mr. Bryant is the prime
11 suspect in your mind. Correct?

12 A Yes.

13 Q Okay. Very good. Now, let's talk a little bit about
14 him. You told Solicitor Holt that there was some
15 investigative or interrogation techniques, if you will,
16 used by you and Lieutenant Cusack while you were
17 interviewing Mr. Bryant. Is that a fair statement?

18 A That is correct.

19 Q Okay. We have, at the very end, statements that there
20 are two witnesses out there that are basically saying he
21 did it. Is that correct?

22 A That is correct.

23 Q Those people didn't exist?

24 A That is correct.

25 Q All right. And I don't know the names of them, but

1 would it be fair to say that there was kind of a tag-
2 team situation going on, the two of you would, at
3 various times leave the room, one at a time and
4 sometimes both of you would leave?

5 A Not really a tag-team. But it was just moments that I
6 got up, he got up. I wouldn't call it a tag-team, no,
7 sir.

8 Q That was not an intentional ---

9 A It was not what you're referring to, good guy -- good
10 cop, bad cop.

11 Q And that was my next question.

12 A No, sir.

13 Q Okay. All right. So that technique was not utilized?

14 A No, sir.

15 Q All right. During the approximate -- and I didn't keep
16 track of the time -- two hours twenty-five minutes, two-
17 and-a-half hours?

18 A That would be close enough.

19 Q Did Mr. Bryant ever tell you that he did anything to
20 that young lady?

21 A No, he did not.

22 Q Now, with the various techniques, is it fair to say that
23 during the interview you and Lieutenant Cusack at times
24 would appear to be angry with the Defendant -- excuse me
25 -- with the suspect at that time?

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- 1 A Yes, sir.
- 2 Q Okay. There was some hollering. There was some
- 3 screaming and carrying on. Is that a fair statement?
- 4 A Yes. You hear enough of his story over and over and
- 5 it's enough, you know. Like we said in the interview,
- 6 we've listened to you for one hour. Now, we want you to
- 7 answer our questions.
- 8 Q Did he ever, ever change his story?
- 9 A No, no.
- 10 Q All right. Y'all threw pretty much everything you had
- 11 at him for two-and-a-half hours and he never changed
- 12 that story?
- 13 A That would be correct.
- 14 Q All right. Is it your understanding that's the exact
- 15 same story that he told to the first two responders, who
- 16 I believe were Fortin and Davis?
- 17 A I don't know what he told them, those officers.
- 18 Q You weren't privy to that?
- 19 A No, sir.
- 20 Q Okay. All right. Now, during the course of your -- you
- 21 were not a prime or the chief investigator on this case?
- 22 A No. I would be the assistant, per se.
- 23 Q Okay.
- 24 A Because of my experience with law enforcement over the
- 25 years.

- 1 Q But was your involvement -- did you interview a lot of
2 the witnesses?
- 3 A Yes, sir, I did.
- 4 Q Very good. Now, if I'm not mistaken, did you interview
5 Veronica Bryant?
- 6 A Yes, I did.
- 7 Q Christina Reed?
- 8 A Yes, sir.
- 9 Q Dominique Colclough?
- 10 A Yes, sir.
- 11 Q Marlene Jackson?
- 12 A Yes, sir.
- 13 Q And Alta Mae Hicks?
- 14 A Yes, sir.
- 15 Q And there may have been more, but I didn't write them
16 down. Do you recall anybody else?
- 17 A No. They would be on the report if I had.
- 18 Q Okay. All right. Very good. Let's start with Veronica
19 Bryant. Do you recall her interview?
- 20 A Just a moment, please. Yes, sir.
- 21 Q All right. And are you on her -- are you on the page of
22 your notes where you were talking ---
- 23 A Yes, sir.
- 24 Q --- or where you were putting down what you said to her?
- 25 A Yes, sir.

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1 Q Would you read me her response in your notes to your
2 question about the telephone conversation?

3 MR. HOLT: Judge, I'm going to object at this time to
4 hearsay. She was on the stand earlier. This question would
5 have been appropriate for her.

6 THE COURT: Well, let's hear what the question is, but
7 don't answer.

8 MR. JONES: Your Honor, I was asking him if he would
9 read line -- beginning at line 7 on his interview, his notes
10 of his interview with Ms. Bryant. Her response to the
11 question, which is different than what she gave yesterday.

12 THE COURT: I sustain the objection.

13 MR. JONES: All right.

14 Q All right. Let's move to Ms. -- let's move to Ms. Reed,
15 okay?

16 A Christina?

17 Q Yes. What information did you gather from Ms. Reed?

18 A I got a handwritten statement from Ms. Reed.

19 Q Okay. Have you reviewed it?

20 A Yes, sir, I have.

21 Q All right. And what, if any, information did you gather
22 from Ms. Christina Reed?

23 A She was at a party down on the south side and I think it
24 was Dominique that came to her and handed her a Sunoco
25 knife and then two or three days later she, they came up

1 and turned the knife over to us.

2 Q And did you ask her why she turned the knife over or did
3 you ascertain why she turned the knife over?

4 A The reason being, I think it was -- I don't have it. I
5 had it in my notes. Her sister told her that Shannon
6 was dead.

7 Q Did she also say that Dominique had been there that
8 night?

9 A Yes, sir.

10 Q Okay. And what happened to that knife?

11 A It was put into evidence. I examined it and I didn't
12 see any bloodstains or anything on it so I put it back
13 into the evidence.

14 Q All right. And later after -- was it after that
15 statement from Christina Reed that you interviewed
16 Dominique Colclough?

17 A Yes, sir.

18 Q All right. And you interviewed him?

19 A Yes, sir.

20 Q And did you question him concerning the knife?

21 A Yes, sir.

22 MR. HOLT: Objection, Judge. Just because you word it
23 differently, he's still essentially reading what someone out
24 of court told him at some point.

25 THE COURT: Okay. The ruling is this, you can ask if

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1 it's consistent with what was said in court, but you can't
2 ask him to say what the other individual said.

3 MR. JONES: I apologize, Your Honor. I didn't intend.
4 Because Mr. Colclough was not the Mr. Colclough that
5 testified yesterday. It's a different one.

6 THE COURT: Okay. And your questions is what?

7 MR. JONES: My question is --

8 Q Did during your interview with Mr. Colclough, did he
9 admit or deny having possession of a knife and giving it
10 to Christina Reed?

11 A He did not. He said he did not have the knife.

12 Q He denied that whole statement?

13 A That is correct.

14 Q Okay. Very good. And now, when did you interview Alta
15 Mae Hicks?

16 A June 22nd, at approximately 13:30 hours.

17 Q All right. And hold that thought.

18 A That would be 1:30.

19 Q Hold that thought a minute because I have another
20 question for you about Mr. Colclough. If you'll review
21 your notes on your interview with Mr. COLCLOUGH, and I
22 think earlier you said that Mr. Colclough left the
23 presence of Mr. Bryant and Ms. Thomas at around 4:30 or
24 5:00?

25 A Yes, sir.

1 Q Would you review the notes down a little farther and see
2 if there was another period of time when Mr. Colclough
3 was in their presence?

4 A Yes, sir, he was.

5 Q Okay. When do your notes indicate that he left for the
6 last time?

7 A Well, he had to be at work at Wings and Ale about 4:30,
8 I believe. And he gets off at 22:00 hours, and that
9 would be 10:00.

10 Q All right. If you'll review them closely, I think
11 you're talking about Mr. Mack now.

12 A Colclough.

13 Q You think Mr. Colclough was working at Wings and Ale?

14 A Let me review this. Excuse me.

15 Q Take your time. Take your time.

16 A Yes, sir. You were correct. He left about 6:30 to go
17 home.

18 Q All right. And then later on in your notes, before you
19 left Mr. Colclough's section on our interview, does he
20 tell you that he came back and left later in the
21 evening?

22 A Yes, sir, he did.

23 Q And when's the last time he says he was in their
24 presence?

25 A 23:30 hours.

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- 1 Q And tell me what time that is.
- 2 A 11:30.
- 3 Q And that would be PM?
- 4 A Yes, sir, PM.
- 5 Q Okay. So later on in the evening. Is that correct?
- 6 A That is correct.
- 7 Q Very good. All right. Now, let's move to Ms. Alta Mae
- 8 Hicks. Can you tell me when you interviewed her?
- 9 A Yes, sir. I interviewed her on June 22nd, 2012 at 13:30
- 10 hours, 1:30 PM.
- 11 Q Very good. And during that interview, did you show her
- 12 a photo lineup?
- 13 A Yes, sir, I did.
- 14 Q Was that photo lineup already prepared prior to her
- 15 arrival?
- 16 A Yes, sir.
- 17 Q Okay. And in that photo lineup, were there at least six
- 18 photos of individuals?
- 19 A Yes, sir.
- 20 Q Was Mr. Bryant one of them?
- 21 A Yes, sir.
- 22 Q And I believe he was number three I heard the other day.
- 23 Is that correct?
- 24 A To my knowledge, that would be correct.
- 25 Q All right. Very good. And did you show Ms. Hicks that

1 lineup?

2 A Yes, sir, I did.

3 Q And did she identify anybody that she saw that evening?

4 A No, she did not.

5 Q Very good. Do you recall the description of the person
6 that she gave?

7 A (No verbal response)

8 Q Do you recall what she said she saw?

9 A I think she recalled ---

10 MR. HOLT: Objection, Judge. We're at the same place
11 again, what she stated.

12 THE COURT: I'll sustain the objection.

13 MR. JONES: Yes, sir.

14 Q Okay. All right. Now, after Ms. Hicks failed to
15 identify Mr. Bryant or any of the other individuals in
16 that photo lineup, was there ever another photo lineup
17 prepared?

18 A No, sir, not to my knowledge.

19 Q Okay. Do you know why not?

20 A No, sir.

21 Q Was Ms. Hicks not the closest thing we have to an
22 eyewitness in this situation?

23 A Yes, sir.

24 Q And she couldn't identify Mr. Bryant as the person?

25 A That is correct.

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- 1 Q All right. And we had at least four or five other male
2 individuals who had been in her presence that evening.
3 Is that a fair statement?
- 4 A Are you referring back to the photo lineup?
- 5 Q No, no, no. I'm referring back to the investigation
6 that indicated that several other male individuals were
7 in her presence.
- 8 A No, sir.
- 9 Q No, sir, what?
- 10 A There wasn't nobody else at that -- in her yard.
- 11 Q No, no. I'm sorry. I'm sorry. During the evening
12 prior to her death, was it your understanding that Mr.
13 Bryant was in her presence?
- 14 A Yes, sir.
- 15 Q All right. Were there other males in her presence?
- 16 A Yes, sir.
- 17 Q And who might they be?
- 18 A Amos McRaven, Roscoe and Dominique Colclough.
- 19 Q All right. And I believe we mentioned a Savoy Mack.
20 Did you determine whether or not he was in her presence
21 at some point in time?
- 22 A Savoy Mack? Yes, sir.
- 23 Q All right. So we've got at least four other males?
- 24 A Yes, sir.
- 25 Q At any time did it occur to you or -- just to you, to

1 put either or all of those four people in a photo lineup
2 for her to identify?

3 A No, sir, I did not.

4 Q Okay. To your knowledge that was never done?

5 A And you are correct.

6 Q All right. During the interview with Mr. Bryant that we
7 just finished watching ---

8 A Yes, sir.

9 Q --- where did the term party girl for Ms. Shannon Thomas
10 come from?

11 A Lieutenant Cusack.

12 Q All right. Did y'all discuss that at all, about how you
13 were going to describe her?

14 A No, sir.

15 Q Do you have any idea why he used those terms?

16 A No, sir.

17 Q Used them several times, did he not?

18 A Yes, sir.

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

20 Q During your interview with Mr. Bryant ---

21 A Yes, sir.

22 Q --- I believe you actually took these pictures, State's
23 #23 and #25. Is that correct?

24 A Yes, sir.

25 Q Okay. All right. And if I recall correctly on the

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1 tape, you also -- well, during that period of time he
2 stood up, pulled his shirt up, I think you kind of
3 helped him, and you observed him. Is that a fair
4 statement?

5 A Yes, sir.

6 Q Very good. And what color shoes and socks was he
7 wearing?

8 A White.

9 Q And you had him take those off?

10 A Yes.

11 Q Did you examine those?

12 A Yes.

13 Q All right. And I think you gave them back to him and he
14 put them back on?

15 A Yes, sir.

16 Q All right. Eventually, to your knowledge, were all of
17 those items of clothing that he was wearing that morning
18 taken as potential evidence in this case?

19 A I know the shoes was not. The socks was not and his
20 athletic pants were not. I do not know. Not in my
21 presence.

22 Q Describe the tee-shirt that he was wearing.

23 A It was a red and -- light reddish sports shirt, I
24 believe, sleeve-length.

25 Q Have you got gloves by any chance?

1 A No, but there's some right there.

2 Q Would take those and put me a pair on.

3 A (Witness complies)

4 MR. JONES: Madam Court Reporter, the tee-shirt is
5 number...

6 MADAM COURT REPORTER: #1.

7 MR. JONES: #1?

8 MADAM COURT REPORTER: Right.

9 MR. ANDERSON: Your Honor, may I stand up?

10 THE COURT: You may.

11 Q All right. I'm going to let you, if you will, hold that
12 out for me.

13 A (Witness complies)

14 Q And go ahead and unwrap the tee-shirt for me, if you
15 will, please.

16 A Okay.

17 Q If you'll hold it up, I want to ask you a couple of
18 questions about that shirt.

19 A Would you like me to unfold it or ---

20 Q Please, sir. I'm sorry.

21 A (Witness complies)

22 Q Just like that. That'll be great. All right. How
23 would you describe that shirt?

24 A Reddish with white lettering.

25 Q All right. Is it in any way a sleeveless basketball

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1 jersey?

2 A It's not sleeveless, obviously.

3 Q Very good. All right. And if you'll flip it around.

4 All right. And you see the hole out of the left back?

5 A Yes, sir.

6 Q All right. When you were observing Mr. Bryant during
7 the interview, did you notice anything peculiar about
8 that area that's now been cut out?

9 A No, it was fully intact when I saw it.

10 Q Okay. Did you notice any markings, any blood, any
11 anything on it? Did anything cross your mind that might
12 be on that spot?

13 A Not at that time because I didn't see anything, no, sir.

14 Q Very good. All right. Thank you. That's all I have of
15 that. If you want to put it back.

16 A (Witness complies)

17 Q I just have a couple of more questions. If we can go
18 back, would you tell me what your notes or when your
19 notes indicate that Ms. Reed came into possession of a
20 knife from Mr. Colclough?

21 A June the 9th.

22 Q And this murder took place on?

23 A June the 8th.

24 Q All right. Thank you very much.

25 MR. JONES: I may be finished. One second, please, Your

1 Honor.

2 Q Investigator Anderson, if you looked at that shirt and
3 didn't see anything on it, do you know how someone else
4 would see something on it?

5 A No, sir. Now, I didn't examine the shirt that closely.
6 But, no, sir.

7 Q All right. But in the video you were back there helping
8 him pull the shirt up, were you not?

9 A Yes, sir. I was looking for scratches.

10 Q Okay. All right. And let me -- before we leave that,
11 let me ask on #23 and #25, where exactly was that
12 scratch located on Mr. Bryant?

13 A It was right in this area here.

14 Q On the chest?

15 A Yes, sir.

16 Q To the left?

17 A I'm going left, center to left, yes, sir.

18 Q All right. And you have -- you saw a mark on the left
19 forearm?

20 A Left forearm, yes, sir.

21 Q Any other marks of any kind?

22 A No, sir.

23 Q Okay. And the white shoes and white socks, you didn't
24 see anything that raised your suspicion ---

25 A No, sir.

REDIRECT EXAMINATION OF MIKE ANDERSON BY MR HOLT

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1 Q --- on any of those items?

2 A No, sir.

3 Q Thank you.

4 MR. JONES: That's all I have.

5 THE COURT: Redirect?

6 REDIRECT EXAMINATION

7 BY MR. HOLT:

8 Q Have you ever seen dried blood before?

9 A Excuse me?

10 Q During your forty-one years in law enforcement, have you
11 ever seen dry blood?

12 A Yes.

13 Q And about what color is it?

14 A It's a harsh-ish, reddish color, dark.

15 Q You work at SLED, right?

16 A Yes, sir.

17 Q Are you one of those scientists like those women we saw
18 yesterday?

19 A No, sir.

20 Q Did you look at this shirt with a black light?

21 A No, sir.

22 Q Did you wear gloves while you handled his shirt and took
23 those photographs?

24 A Yes, sir.

25 Q Did you then throw those gloves away?

1 A Yes, sir.

2 Q Mr. Jones asked you if the Defendant's story ever
3 changed?

4 A Yes, sir.

5 Q Who did the Defendant tell you committed this crime?
6 How did he describe that person?

7 A Six foot five, as tall as he was, a white shirt, dark
8 pants and dreads.

9 Q And to the best of your recollection, do you remember
10 what Dominique Colclough looked like?

11 A He was six foot, didn't have dreads. Heavy set. I'd
12 say maybe a hundred and ninety-five pounds, maybe.

13 Q That's good. That's different enough. Now, Mr. Jones
14 asked you if the Defendant's story ever changed. And
15 I'd like for you to define that for me. Do you mean
16 that the person he said did the crime never changed?

17 MR. JONES: Your Honor, I am going to object. I don't
18 think Mr. Bryant ever said anybody did this crime. He said
19 he heard -- he saw somebody chasing somebody.

20 THE COURT: Yeah. I'll ask you to rephrase the
21 questions.

22 Q You said that his story was always the same. Do you
23 mean that all the facts he told you every single time
24 were the same?

25 A Yes, sir.

DIRECT EXAMINATION OF NEIL CUSACK BY MR HOLT

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1 Q About who did it?

2 A (No verbal response).

3 Q Let me ask you this. After watching the video, did you
4 ever ask him a question, he gave you an answer and then
5 later when you asked that same question, he gave you a
6 different answer?

7 A Yes, sir.

8 Q Did that happen?

9 A Yes, sir.

10 Q So what he told you didn't stay the same throughout the
11 course of the video, did it?

12 A That's correct.

13 MR. HOLT: No further questions, Your Honor.

14 THE COURT: All right. You may step down.

15 MR. ANDERSON: Thank you, Your Honor.

16 MR. HOLT: Judge, at this time -- I think earlier I
17 reserved the right to call Neil Cusack back. I think I have
18 about five questions for him. And then after that, the State
19 would be in a position to rest.

20 THE COURT: All right. You may call your next witness.

21 MR. HOLT: Chief Hudson, could I please get Neil Cusack
22 from the back.

23 THE COURT: Yes, sir. You may come forward and place
24 your left hand on the Bible and raise your right hand as the
25 clerk administers the oath.

1 (After being duly sworn by the Clerk of Court, **NEIL**
2 **CUSACK** testified as follows:)

3 THE COURT: Have a seat in the witness chair, pull up
4 real close to that microphone. Speak loudly, clearly, and
5 slowly, in order that we can hear everything that you've got
6 to say.

7 DIRECT EXAMINATION

8 BY MR. HOLT:

9 Q Officer Cusack, the other day before you left the stand,
10 we were getting ready to talk about your witnesses and
11 being a part of the Defendant giving a statement.

12 A Yes, sir.

13 Q Since that time, we've watched the statement and I have
14 some questions for you. During the course of that
15 entire statement, did the Defendant start off being
16 suspicious in your mind?

17 A (No verbal response).

18 Q Can you describe to the jury when you came to suspect
19 him and how?

20 A It was -- it just wasn't one thing. It was everything
21 in general when I started listening to his statement,
22 watching his body mannerisms. It first started off like
23 it was, you know, I'm just in here for fun. And then it
24 started getting kind of off-set a little bit.

25 Q All right. But did you go into there believing that

DIRECT EXAMINATION OF NEIL CUSACK BY MR HOLT

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1 he's got to be the one?

2 A No, sir.

3 Q Did you have an open mind?

4 A Yes, sir.

5 Q All right. And during the course of that interview, did
6 you ever have occasion to hand him a napkin?

7 A No, sir.

8 Q Did you ever see any tears fall out of his eyes?

9 A No, sir.

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

11 Q I'd like to show you #29, #30, #31, and #32. And going
12 back to your testimony before we started talking about
13 that, you were at the crime scene and generally familiar
14 with the area. Are those photographs a true and
15 accurate representation of what you saw when you arrived
16 on the scene that morning?

17 A I never saw #29.

18 Q Okay.

19 A I stayed in the roadway.

20 Q Yes, sir.

21 A I never got up to the crime scene itself.

22 Q All right. So which one is #29? All right.

23 A Or #30. I'm familiar with #31, the residence. And I
24 was never, never got in close to that.

25 Q All right. But can you just take the two that you are

1 familiar with?

2 A This one here. It would be #31.

3 Q So you're familiar with that one?

4 A The house, yes, sir.

5 Q You're not familiar with these?

6 A No, sir, I'm not.

7 Q Okay. All right. Now, can you tell the jury the
8 picture that you are familiar with, what that is a
9 picture of?

10 A That is a picture of the crime scene where the victim
11 was found.

12 Q Okay. And does it truly and accurately represent the
13 length from her house to the road?

14 A You talking about from where the body was found to the
15 road?

16 Q Yes, sir, and the porch?

17 A Yes, sir.

18 Q Okay. And what number is that?

19 A Number 31.

20 MR. HOLT: Your Honor, at this time the State would like
21 to move State's Exhibit #31 into evidence.

22 THE COURT: Any objection?

23 MR. JONES: If I can look and see which one.

24 MR. HOLT: Just that one.

25 MR. JONES: No objection, whatsoever. Thank you.

CROSS EXAMINATION OF NEIL CUSACK BY MR. JONES

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1 THE COURT: State's Exhibit #31 is into evidence without
2 objection.

3 (Whereupon, a photograph is entered into evidence as
4 State's Exhibit #31, without objection).

5 Q And was the Defendant in this case able to identify the
6 body early on in your investigation?

7 A No, sir.

8 Q Toward the end of the investigation, could he?

9 A The only thing he could say was, "That's my Boo".
10 During the investigation he told us he walked up to the
11 body and looked down at it and could not identify it.

12 Q All right. Thank you so much, Mr. Cusack. Please
13 answer any questions the Defense Counsel might have.
14 I'm sorry to call you back.

15 THE COURT: Cross-examination.

16 MR. JONES: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. JONES:

19 Q Mr. Cusack, when do your notes indicate that you arrived
20 on the scene to begin helping with this investigation?

21 A I don't have the time in my file but, Mr. Jones, it was
22 probably around 6:00 or a little bit before.

23 Q Okay. And is it a fair statement to say that by 7:15,
24 y'all were in an interview room with Mr. Bryant?

25 A Not knowing the time, probably, sir.

1 Q All right.

2 A I won't say, yes.

3 Q And prior to going to the interview room, did you stay
4 on the scene from the time you arrived until you left to
5 go to the station to interview Mr. Bryant?

6 A From the time I got to the scene, I walked the scene, I
7 spoke to some people out there, I found an earring, had
8 Detective Mack recover it, checked three residences, and
9 then after that I was asked to go to investigations to
10 help Detective Sergeant Mike Anderson.

11 Q Okay. So let's say from around 6:00 to 7:15 you helped
12 with the investigation?

13 A Yes, sir.

14 Q All right. Now, at 7:15, would it be a fair statement
15 to say that Mr. Bryant was the prime suspect in this
16 case?

17 A No, sir.

18 Q Why not?

19 A I had no clue who he was. I never saw him at the scene
20 or anything. The only thing I know my job was to go
21 down and help Detective Sergeant Mike Anderson interview
22 a subject.

23 Q Now, have you reviewed the video that has been played
24 for the jury?

25 A No, sir. Not since the edit.

CROSS EXAMINATION OF NEIL CUSACK BY MR. JONES

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1 Q Okay. Now, have you had an opportunity to review the
2 video at all during your ---

3 A Yes, sir.

4 Q --- preparation?

5 A Yes, sir.

6 Q Okay. Is it a fair statement to ask you whether or not
7 you were very aggressive with the Defendant, basically
8 saying, "You killed this young lady"?

9 A I won't say aggressive. I would say direct.

10 Q Okay. And during your direct questioning of Mr. Bryant,
11 is it not a fair statement to say that he was a prime
12 suspect?

13 A Not at first. There's always time to listen to a story.

14 Q Okay. All right. Well, let me ask you that. During
15 the interview, was that the first time that you had
16 spoken to Mr. Bryant?

17 A Yes, sir.

18 Q. Was that the first information that you received
19 concerning his knowledge of this situation?

20 A Yes, sir.

21 Q No prep work before you went into that interview room?

22 A No, sir.

23 Q Okay. All right. Mr. Bryant, during that interview, do
24 you recall him saying -- do you recall him talking about
25 drinking?

1 A Yes, sir.

2 Q All right. Is it your opinion that he was still under
3 the influence of alcohol when y'all were talking?

4 A No, sir.

5 Q Okay. Do you not recall him saying how much he had
6 drunk and that he was drunk, but he wasn't that drunk
7 anymore?

8 A He had been talking about drinking, prior, earlier in
9 the evening.

10 Q Okay. All right. So you don't think he was feeling any
11 effects whatsoever from alcohol?

12 A I didn't -- I couldn't tell. I mean, he might have had
13 alcohol in his system. I don't know. But just talking
14 with him, he was pretty coherent.

15 Q Okay. All right. Do you remember what he said he was
16 drinking?

17 A No, sir.

18 Q Do you remember the part of the interview where he was
19 basically saying, y'all don't drink like that so you
20 wouldn't understand?

21 A No, sir.

22 Q Don't remember that part?

23 A No, sir.

24 Q All right. Very good. You had an opportunity to, over
25 the two, two-and-a-half hours worth of interview to

CROSS EXAMINATION OF NEIL CUSACK BY MR JONES

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1 observe his demeanor. Would that be a fair statement?

2 A Yes, sir.

3 Q Okay. Some time during the interview, Investigator
4 Anderson asked him to hold his shirt up and take his
5 shoes and socks off. And I don't recall, were you in
6 there when all of that happened?

7 A Yes, sir.

8 Q All right. The shirt, do you recall the shirt that he
9 was wearing?

10 A Yes, sir.

11 Q Okay. And would you describe that shirt as a sleeveless
12 basketball jersey?

13 A No, sir. It was a red or dark burgundy, I would say
14 more of an athletic shirt. Long. It had a design on it
15 in the front.

16 Q Okay. Very good. Now, State's #31, if I can ask you
17 what does that describe -- I mean, what does that show?

18 A. That shows the house where the body was recovered from.

19 Q Okay. And is that -- that's 305 South 8th Street. Is
20 that correct?

21 A Yes, sir.

22 Q Okay. And it looks like its taken from either the
23 middle of the street or maybe across the street?

24 A It looks like it's taken from an angle off 8th street.

25 Q Okay. And did you get any closer to the house than

1 that?

2 A No, sir. I probably didn't get past where the mailbox
3 was right there. I never went up into the yard.

4 Q And during the interview with Mr. Bryant, describe how
5 you were. Again, I said aggressive and you said direct.

6 A Direct.

7 Q Direct, okay. As you were being direct with Mr. Bryant,
8 did he ever, one time during the two-and-a-half hours,
9 tell you or Investigator Anderson that he did anything,
10 whatsoever, to Ms. Shannon Thomas to harm her?

11 A No, sir, he didn't.

12 Q You tried to get him to say it, did you not?

13 A We tried to get him to tell us what he knew, what he had
14 done.

15 Q Okay. And he described, did he not, his activities to
16 the best of his knowledge the day prior and the evening
17 of ---

18 A He described some of that to me, yes, sir.

19 Q Okay. All right. And he described having sex with the
20 young lady?

21 A Give me just a moment. Let me refer back to my notes
22 just a moment.

23 Q Sure.

24 A Yes, sir. About an hour and seven minutes into the
25 video.

CROSS EXAMINATION OF NEIL CUSACK BY MR. JONES

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1 Q Okay. And let me ask you this. Where -- I believe you
2 were the first one to say or describe Ms. Thomas as a
3 party girl. Do you recall that?

4 A I remember saying that. He was describing in a way --
5 we were asking about her. And he says, you know, she
6 likes to go out and party and she likes to drink and
7 hangout with everybody and from his demeanor, I said,
8 "Oh, she's kind of a party girl." He's like, "Yeah".

9 Q That was not pre-planned between you and Investigator
10 Anderson?

11 A No.

12 Q That just kind of came up during the questioning?

13 A Yes, sir.

14 Q All right.

15 MR. JONES: One second, Your Honor. No further
16 questions. Thank you.

17 THE COURT: Any redirect?

18 MR. HOLT: None, Your Honor.

19 THE COURT: You may step down. Mr. Holt, you may call
20 your next witness.

21 MR. HOLT: Judge, I think at this time the only thing I
22 would like to do would be able to move State's Exhibit #6
23 into evidence.

24 THE COURT: Any objection from the Defense?

25 MR. HOLT: That is the small map that everybody's, these

1 witnesses who've written on, have used, and has been cross-
2 examined about.

3 MR. JONES: No objection.

4 THE COURT: State's Exhibit #6 is into evidence, without
5 objection from the Defense.

6 (Whereupon, a small map is entered into evidence as
7 State's Exhibit #6, without objection.)

8 MR. HOLT: And I think now, Judge, that the State will
9 rest.

10 THE COURT: Mr. Foreman, ladies and gentlemen of the
11 jury, at this juncture, we have to take up matters of law
12 outside of your presence. I'm going to ask that you retire
13 to the jury room. Refresh yourselves. And we'll be back
14 with you momentarily. But once again, do not discuss the
15 case in any way, shape or form. Mr. Foreman, I'm going to
16 ask that you enforce that rule. Thank you very much.

17 (Jury out at 10:55 AM)

18 THE COURT: I'll be happy to entertain motions at this
19 time.

20 DIRECTED VERDICT MOTION

21 MR. JONES: Your Honor, the Defense would make a motion
22 for a directed verdict. I believe the rule is that the State
23 has failed to produce any credible evidence which would tend
24 to lead the jury to the conclusion that the Defendant has
25 committed the crime of murder and possession of a weapon

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1 during a violent crime.

2 THE COURT: I'll be glad to hear from the State in that
3 regard, particularly with regard to the weapon. I don't
4 think we've found a weapon. Nobody's put a weapon in the
5 Defendant's hands. What do you think about that?

6 MR. HOLT: There was certainly none of that, Judge. If
7 I could get to the easiest one first. I believe that the
8 wording of the law is scintilla, not a scintilla of evidence.
9 Certainly, we've passed that. We've got DNA and we've got
10 him there at the crime scene, which I think would be enough
11 to get us there, regardless of the mere presence charge.

12 But in regards to the second, the possession of a weapon
13 during the course of a violent crime, we're talking about a
14 knife here. The victim, the Defendant certainly didn't stab
15 into her heart, like Dr. Ross testified to, with his fingers.
16 A weapon certainly had to be used, Judge. And even if
17 someone were not inclined to follow that logic, I think just
18 that logic gets me across a scintilla of evidence. Dr. Ross
19 testified how she died, testified to the slices on her arms,
20 testified to her -- I believe it was her left ventricle being
21 cut open. So, of course, all of that has to happen with an
22 object to cut with.

23 THE COURT: Well, I understand that there's probably the
24 evidence of the cut. But what evidence do you have that he
25 had it?

1 MR. HOLT: What evidence do we have that he had it? The
2 fact that the blood was on his shirt and that the DNA
3 scratches, you know, show that there was a type tussle
4 involved.

5 THE COURT: I think that does, indeed, at least present
6 a scintilla of evidence. Of course, in order to get a
7 conviction, it has to rise beyond that, but I do believe that
8 it is indeed a scintilla. What's the Defense's position in
9 that regard?

10 MR. JONES: Again, Your Honor, I think the DNA evidence
11 says that there are, there's the presence of the Defendant's
12 DNA on her left fingernails. It doesn't say anything about
13 skin. It doesn't say about where the -- as I recall the
14 witness said nothing about where it came from, other than it
15 came from the Defendant on the left fingernails, I think.

16 THE COURT: I think that's probably a factual question
17 that y'all are probably going to discuss in detail with the
18 jury, but I believe that it at least rises to the level of a
19 scintilla.

20 MR. JONES: Yes, sir.

21 DISCUSSION ON VOLUNTARY MANSLAUGHTER CHARGE

22 THE COURT: I want to ask y'all your thoughts with
23 regard to a charge on voluntary manslaughter.

24 MR. JONES: Your Honor, might I have a minute or two to
25 talk to Mr. Bryant before I answer that?

1 THE COURT: Let's talk about it a little bit before we
2 do that.

3 MR. JONES: Yes, sir.

4 THE COURT: Of course, the Defendant has maintained that
5 he didn't do it, all along. There's been no testimony with
6 regard to heat of passion or just provocation. There's been
7 none of that. And he essentially said, in very graphic
8 language in the statement on a number of occasions, said he
9 didn't do anything with it. So that causes me some
10 hesitation to charge voluntary manslaughter. It's either
11 murder or it's not ---

12 MR. JONES: Yes, sir.

13 THE COURT: --- it seems like to me. And to charge
14 voluntary manslaughter would give a lesser included offense
15 and it would give the jury an alternative, but I'm not real
16 sure that the facts warrant that. And given the facts that
17 has been presented in this trial, are you comfortable
18 requesting a charge on voluntary manslaughter? First of all,
19 I want to ask if you think it's proper under these
20 circumstances and then whether you're requesting it.

21 MR. JONES: Again, Your Honor, Mr. Neely and I have had
22 this conversation, but I'm not sure that Mr. Bryant has been
23 privy to that.

24 THE COURT: All right. Now, I'm going to -- you're
25 going to have an opportunity to talk with him about it. But

1 I'm just talking to you from an academic standpoint and I
2 want to hear what your thoughts on it are.

3 MR. JONES: My thoughts tend to mirror your thoughts,
4 Your Honor. That there is -- I'm not sure there's any
5 evidence where a voluntary manslaughter charge might be
6 appropriate in this situation.

7 THE COURT: What do you think, Mr. Holt?

8 MR. HOLT: (No verbal response)

9 THE COURT: Suppose with me, if you will -- some people
10 just say, well, just charge it all. But in this instance, if
11 it were to go to the jury and they convict him of voluntary
12 manslaughter and there's no evidence of that, then that sort
13 of smacks of reversible error to me.

14 MR. HOLT: It's certainly possible that the early
15 morning phone call to Keshawn Johnson sparked a domestic
16 dispute, and gave rise to the level of sudden heat of
17 passion, jealousy, if one were inclined to believe the
18 Defendant's statement where they were in a relationship and
19 deeply in love. I think the 4:20 phone call could definitely
20 spark heat of passion. That would be the only piece of
21 evidence on that.

22 THE COURT: Well, let me ask you. Are you requesting an
23 voluntary manslaughter charge?

24 MR. HOLT: I am requesting it. And I do believe that
25 that evidence rises to the point to give it to me.

1 THE COURT: All right. I'll be glad to hear from --
2 what kind of just provocation are we -- what evidence do we
3 have for just provocation?

4 MR. HOLT: The scratch on his chest could have very well
5 have been the blow that started the brawl that ended in her
6 death.

7 THE COURT: What do you have to say about that?

8 MR. JONES: I think it's a stretch, Your Honor. I think
9 it's probably a real stretch based on the information that
10 the doctor and the scientist, gave us about her probable
11 condition at the time of death, based on her alcohol and
12 marijuana level.

13 THE COURT: Those are really factual issues.

14 MR. JONES: Yes, sir.

15 THE COURT: That goes to the weight. My question to
16 you, is there enough evidence to charge voluntary
17 manslaughter? Mr. Holt has a very good point, that it very
18 well could have given rise to a lover's spat and there is
19 evidence of some dispute, I mean, some altercation. You can
20 argue that those don't look like fingernail scratches and
21 argue that they aren't very deep and a number of another
22 things could cause those scratches, but it seems to me that
23 he's got a good point in that regard. What do you think?

24 MR. JONES: Again, Your Honor, I think that it is a
25 stretch. I'd like an opportunity to talk to my client, but

1 legally speaking, I think it's a stretch to put that into the
2 voluntary manslaughter framework.

3 THE COURT: I'm going to allow you an opportunity to
4 speak with your client about that and his right to testify
5 and we're going to take about a five-minute recess and we'll
6 be back and discuss both of those issues.

7 MR. HOLT: If it pleases the Court, before we break,
8 Judge, I have two questions, and I apologize for standing up
9 at the last second. Number one, I wonder if instruction to
10 the jury that the video was edited to take out
11 unconstitutional material might be appropriate. Number one,
12 because I believe on cross, Neil said something about it,
13 said it was edited. That concerns me. And after the fourth
14 redaction of the unconstitutional material, namely his
15 record, the video was pretty good, but after the fifth and
16 the final one, Mr. Neely needed three more additional things
17 taken out, there's several points where it hops and skips.
18 So number one, I don't want the jury to think that Neil
19 edited it to make it look better for us.

20 THE COURT: Right.

21 MR. HOLT: And, also, I'd be asking Your Honor what he's
22 inclined to see for the scheduling for the remainder of the
23 day. Undoubtedly, I doubt we're going to see any defense.
24 I'd like to know what you thought about closing and all that
25 other kind of stuff so that we can be prepared when you're

1 ready.

2 THE COURT: Well, I will, indeed, give a charge with
3 regard to the editing. Do you have any particular objection
4 to that?

5 MR. JONES: No, sir. Just language to the -- I have no
6 objection whatsoever to it.

7 THE COURT: If you want specific language, I'll invite
8 y'all to present something. Otherwise, I'll charge it.

9 MR. JONES: All right. No problem with that. It is not
10 anticipated that we are going to present a defense. But,
11 again, with a very short conversation with Mr. Bryant, I'll
12 confirm that.

13 THE COURT: All right. Very good. We'll stand at ease
14 for about five minutes.

15 (Brief break)

16 THE COURT: Mr. Jones, I'll hear you once again with
17 regard to the voluntary manslaughter charge.

18 MR. JONES: Yes, sir. Your Honor, we would oppose a
19 charge on voluntary. Again, getting back to ---

20 THE COURT: You would oppose?

21 MR. JONES: We would oppose.

22 THE COURT: Would oppose. Okay.

23 MR. JONES: Yes, sir. We do not want a voluntary
24 charge. As I said earlier, my thoughts during your initial
25 comments concerning the evidence and muddying the water for

1 possible appeal purposes, if the jury does, in fact,
2 compromise on a voluntary. One other thing that Mr. Neely
3 has pointed out. If it is the State's position that a phone
4 call in the neighborhood of 4:20 AM from an ex-boyfriend
5 sparks a confrontation, the 9-1-1 call was made about thirty-
6 five minutes later, if I'm not mistaken, which we feel would
7 not be within the short period of time that heat of passion
8 would arise from that particular call. And, again, I know
9 it's factual, but particularly given the victim's physical
10 state at the time, as testified to by the doctor and than
11 from opinion evidence from the SLED toxicologist, so for
12 those reasons we would ask not to have a charge of voluntary.

13 THE COURT: All right. And you've discussed in great
14 detail with your client that if there's a conviction, it's
15 either going to be murder or not?

16 MR. JONES: Yes, sir.

17 THE COURT: That this, involuntary manslaughter is a
18 middle ground. Does he understand that?

19 MR. JONES: And, again, if we're talking about
20 involuntary, we would take one in a heartbeat. But I believe
21 you're talking about voluntary?

22 THE COURT: Voluntary.

23 MR. JONES: Yes, sir. Yes, sir, and I've had those
24 conversations. Yes, sir.

25 THE COURT: All right. Under the facts and

1 circumstances, I'm not going to charge voluntary. And I'm
2 going to go over and have a general conference with regard to
3 what I am going to charge: The fact that an indictment is
4 not evidence, the fact that they have to evaluate each charge
5 independently of one another, explain the difference between
6 the duties of the trial judge and the jury, presumption of
7 innocence, reasonable doubt, direct and circumstantial
8 evidence, credibility of witnesses, how to evaluate expert
9 witnesses, and charge the law with regard to the statement of
10 the Defendant. And it talks about the issue of Miranda and
11 the voluntariness of it. We're going to have some discussion
12 with your client as to whether or not he wants to take the
13 witness stand and in the event he does not, I'm prepared to
14 charge the law with regard to failure of the Defendant to
15 testify, the fact that the jury cannot discuss that. We're
16 going to talk about that momentarily. I'm going to charge
17 that the State has the burden of proving identification
18 beyond a reasonable doubt and talk about how they go about
19 evaluating identification testimony. I'm going to charge
20 mere presence. I'm going to charge the substantive law of
21 murder and the law with regard to possession of a weapon
22 during the commission of a violent crime. Any additional
23 requests from the State?

24 MR. HOLT: None, Your Honor.

25 THE COURT: Any from Defense?

1 MR. JONES: And, Your Honor, you may have covered it,
2 but I didn't hear it. I don't have an objection if you want
3 to charge about the editing of the video.

4 THE COURT: I'm going to do that.

5 MR. JONES: Yes, sir.

6 THE COURT: That's really probably more of a explanation
7 with regard to that. It's not necessarily the law.

8 MR. JONES: Yes, sir.

9 THE COURT: But I will indeed do that.

10 FIFTH AMENDMENT RIGHTS

11 All right. Mr. Bryant, I'm going to ask if you could,
12 stand where you are.

13 MR. BRYANT: (Complies)

14 THE COURT: Do you swear to tell the whole truth and
15 nothing but the truth, so help you, God?

16 MR. BRYANT: Yes, I do.

17 THE COURT: All right. At this time I'm going to
18 explain to you certain of your rights. If you do not
19 understand anything I say, please let me know. If you want
20 me to explain anything in more detail, please let me know and
21 I'll be happy to do so. Do you understand that?

22 MR. BRYANT: Yes, sir.

23 THE COURT: All right. We've now reached the stage of
24 the trial where you may present your defense. You have the
25 right to claim the protections given to you by the Fifth

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1 Amendment of the Constitution of the United States of
2 America, which provides in relevant part, no person shall be
3 compelled in any criminal case to be a witness against
4 himself. This means that you cannot be required to testify
5 in this case. You have the right to testify on your own
6 behalf; however, no one can make you testify. This is a
7 personal right and no one can waive this right except you.
8 If you decide to testify, you'll be subject to the same rules
9 that govern other witnesses. You may be examined and cross-
10 examined on any relevant issue in the case. In addition, if
11 you have any convictions involving dishonesty or false
12 statements or crimes punishable by imprisonment of more than
13 one year and this Court determines that the probative value
14 of admitting this evidence outweighs its prejudicial effect
15 to you, the Solicitor will be able to introduce your record
16 to attack your credibility. If you decide to testify, this
17 decision on your part must be freely, voluntarily, and
18 intelligently made with knowledge of the protections given to
19 you by the Fifth Amendment and the consequences of your
20 decision to testify. If you decide not to testify, I will
21 instruct the jurors that they cannot give the fact that you
22 did not testify any consideration whatsoever, that there is
23 to be absolutely no prejudice to you because you did not
24 testify. It is left up to you whether or not to testify.
25 You may talk with your lawyer about it, family members,

1 friends, or anyone else you want to talk to, but the final
2 decision will be left up to you. Do you understand what I've
3 explained to you?

4 MR. BRYANT: Yes, sir, I do.

5 THE COURT: All right. Do you have any questions about
6 what I've explained to you?

7 MR. BRYANT: No, sir.

8 THE COURT: All right. Have you discussed this matter
9 with your lawyer?

10 MR. BRYANT: Yes, I have.

11 THE COURT: Do you wish to talk with your lawyer any
12 further?

13 MR. BRYANT: No, sir. I'm good.

14 THE COURT: All right. Do you wish to testify?

15 MR. BRYANT: No, sir, I don't.

16 THE COURT: Very good. All right. You may be seated.

17 MR. BRYANT: (Complies)

18 THE COURT: All right. I'm going to ask if each of you
19 could come forward and examine the proposed verdict form.

20 (Attorneys approach the bench)

21 THE COURT: Any objection from the State with regard to
22 the verdict form?

23 MR. HOLT: None, Your Honor.

24 THE COURT: Any from the Defense?

25 MR. JONES: No, sir.

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1 THE COURT: All right. Very good. It is 11:30 now. How
2 long do you, and I'm not -- I've never put a restriction on a
3 lawyer with regard to the time that they argue. Of course,
4 in the television generation nobody can pay attention for a
5 very long time without commercial breaks. So with that
6 warning, how long do you anticipate arguing, Mr. Holt?

7 MR. HOLT: In between thirty and forty-five minutes.
8 Certainly not going over forty-five.

9 THE COURT: Okay.

10 MR. JONES: That sounds reasonable, yes, sir.

11 THE COURT: All right. I think what we're going to do
12 probably is to, unless I hear differently from you, we're
13 going to go ahead and break and allow the jury to have lunch
14 and then we can come back with argument and charge. Any
15 objection from the State?

16 MR. HOLT: That was going to be what I was going to ask
17 for.

18 THE COURT: Well, that's good.

19 MR. JONES: I have no objection, Judge.

20 THE COURT: All right. And that will give y'all some
21 time to gather your thoughts and it'll save the county some
22 money as well.

23 (Jury in at 11:33 AM)

24 THE COURT: Yes, sir, Mr. Jones.

25 MR. JONES: Your Honor, for the record, the Defense

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1 rests.

2 THE COURT: All right. Very good. Mr. Foreman, ladies
3 and gentlemen of the jury, you have heard all of the evidence
4 that is going to be presented in this case. As I told you at
5 the beginning of the case, at this juncture you'll hear
6 closing arguments. We're going to allow y'all to go and have
7 lunch, be back at 1:00, 1:00 sharp, and we'll proceed forward
8 with closing arguments, which are very similar in form to
9 opening statements. However, they will aid you immensely in
10 your deliberation process, because at this juncture, we've
11 heard all the evidence. These very fine lawyers are going to
12 be able to point to the evidence that supports their relative
13 position. So go and have a good lunch. Rest. Do not
14 discuss this case amongst yourselves or with anyone else. Do
15 not do any independent investigation and when you come back,
16 I want you to perk up and pay very close attention as the
17 lawyers give you their closing arguments. That will aid you
18 immensely in your deliberation process. I'm going to be ask
19 that you be back at 1:00, 1:00 sharp. Everyone remain seated
20 as the jury exits the courtroom.

21 (Jury out at 11:35 AM)

22 THE COURT: Anything from the State before we recess?

23 MR. HOLT: No, sir.

24 THE COURT: Anything from Defense?

25 MR. JONES: No, sir.

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1 THE COURT: All right. We'll reconvene for closing
2 arguments at 1:00.

3 AFTERNOON - JULY 31, 2014

4 THE COURT: Anything from the State before we proceed?

5 MR. HOLT: Nothing, Your Honor.

6 THE COURT: Anything from the Defense?

7 MR. JONES: No, sir.

8 THE COURT: We're ready for the jury.

9 (Jury in at 1:00 PM)

10 THE COURT: Mr. Foreman, ladies and gentlemen of the
11 jury, thank you for being here and being here on time. One
12 thing that I wanted to talk with you about is, there's been
13 some mention with regard to the video that we spent yesterday
14 evening and this morning looking at, it's been referenced to
15 it being edited. As I explained to you at the beginning of
16 the trial, my job is to make sure that you hear evidence
17 that's permitted for you to hear pursuant to the law. That's
18 my job. And pursuant to my rulings, I ruled that some of
19 those matters were inadmissible. I'm the one who made them
20 edit out inappropriate portions of that video. So I wanted
21 everyone to understand that. That was at my direction that
22 the video was edited. At this juncture, we're going to
23 proceed forward with closing arguments and given the way this
24 trial has proceeded, the State goes first. You will hear
25 from Mr. Holt and then you'll hear from Mr. Jones. What they

1 say is not evidence, but it will certainly aid you immensely
2 in your deliberation process. These lawyers have studied
3 this case for a long period of time. You and I have been
4 living with it since the beginning of the week, but they've
5 spent a good bit of time with it. They've had an opportunity
6 to analyze it. So pay very close attention as they give you
7 their closing arguments. Mr. Holt, you're recognized.

8 MR. HOLT: Thank you very much, Your Honor. If it
9 please the Court?

10 THE COURT: Yes, sir.

11 MR. HOLT: Mr. Jones, Mr. Neely.

12 CLOSING ARGUMENT - MR. HOLT:

13 In the early morning hours of June 8th, 2012, Shannon
14 Patrice Thomas was finishing up a long day of partying.
15 Nobody's going to deny that. Nobody says it isn't so, but
16 she made a decision sometime before 4:00 in the morning that
17 she was going to finish that night with Brannon Bryant at his
18 house, his apartment, and that decision ended up costing her,
19 her life. She never made it home after that.

20 Now, right about here, what most attorneys like to do is
21 they like to put up and show you every single person that
22 testified and then go through and talk about all the evidence
23 that those people brought in. I'm not going to do that for
24 several reasons. And I know it's been a long and trying
25 week. I know that y'all have seen a lot of things in your

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1 day-to-day life you don't see; pictures of dead bodies, rough
2 police interrogation videos, things that make you
3 uncomfortable and I know that everybody's ready to get out of
4 that seat. But what I am going to do is talk about the
5 evidence and then it's my job to talk about the law and how
6 it applies to the evidence and I think once we walk through
7 the law, the evidence, and some of what I'll call the
8 miscellaneous people that came up and testified, like
9 Tuesday. Tuesday was a long and boring day. And maybe
10 you're wondering why you saw people when you saw them and
11 what those people were here to testify about and what I'll
12 tell you is, that aside from the blocks, the big pieces of
13 evidence, we also have people who come in who have to tell us
14 how that evidence was handled so that, legally, we can get
15 into DNA evidence. Legally, you have to know where it came
16 and how it came from. And then several of the other people
17 just knew one or two facts, that you might at that time not
18 have realized related, but over the course of the trial,
19 other evidence has come to light and now you realize why it
20 was related.

21 Now, the evidence I'm going to put up are things that I
22 believe we've shown a hundred percent, things that should not
23 be in doubt in your minds. The Defendant was found over the
24 body. I think Fortin and Davis testified, one of them said
25 he was right there looking down. The other one said he was a

1 few steps back. I don't want you to get confused and think
2 that I mean to tell you exactly where he was. What I mean to
3 say is, that some four to five minutes after 9-1-1 is called,
4 they're there and they see the dead person, and the Defendant
5 is over the body. The keys were found near the scene. And
6 you'll have the map to take back there and look. The young
7 lady, Ms. Williams, couldn't remember where exactly she found
8 them, but she drew on the map and she testified about it and
9 she initialed it. So you know that the keys were found near
10 there and you know that those same keys unlocked his door.
11 We know that from Lieutenant Rudick. The Defendant knows
12 that the shoes were in the area. On Fortin's cross-
13 examination, on redirect, which is when I stand up right
14 after the Defense talks to him, Fortin talks about the
15 Defendant telling him the shoes were in the area. We know
16 that they're these black shoes. We also know that it was
17 very dark. So dark that the Defendant tells you he couldn't
18 see the people running. But for some reason, in a house
19 behind a fence under some trees, mixed in with the leaves, he
20 knows that these shoes are there.

21 The Defendant's DNA was found on the fingernails of the
22 victim. Eight or nine people testified to that. None of
23 them were pleasant, but we know that's in evidence. It's
24 been admitted into evidence. You're going to be able to
25 discuss that when you're back there.

1 The victim's blood was found on the Defendant's shirt.
2 We're not going to get into the specifics of it exactly, but
3 this is what I'm telling you beyond a reasonable doubt, her
4 blood was on his shirt. The victim was alive and on the same
5 phone, her phone that's in evidence, after 4:00 in the
6 morning. Now, why did Keshawn Johnson testify? For one, I
7 believe it was related to why she was murdered and we'll get
8 into that later. But for two, it shows you one of two
9 things: She was alive and at his house after 4:00 in the
10 morning, making that phone call, because he testified it was
11 her voice or after the Defendant killed her, he took that
12 phone to his house. One of those two things and it cannot be
13 anything else.

14 Did the Defendant try to wave the officers down? I
15 asked both officers that question and at the time you might
16 have been thinking, why is that important? But after you
17 viewed the video, after you've been told several times that
18 the Defendant, from the Defendant, "I tried to flag the
19 police down". Did either one of the officers remember that
20 happening? And they saw him right at the time they pulled
21 up.

22 That the Defendant was in possession of his own cell
23 phone at the scene of the crime but never called 9-1-1. We
24 had the man from 9-1-1 come up. We asked him who called. We
25 put it into evidence. Now, right at the time you watch

1 Fortin's video from his police cruiser, I want you to all
2 remember the Defendant was on his phone. He claimed to have
3 seen a struggle. He claimed to have seen a woman running.
4 He claimed to have found out that she was dead on the porch.
5 But in all that long time he had to figure that out, he never
6 once makes a phone call for 9-1-1 to help that lady. That's
7 in evidence.

8 The victim was so drunk as to be close to blacking out
9 for an unknowable reason or to fight off an attack for very
10 long. That was testified to by the toxicologist, three four
11 something. But because I put the people who handled that
12 body up there, and then because I put the toxicologist up
13 there, you can look at that report and you can read it. And
14 because she explained to you, that that's almost on the
15 threshold of blacking out, you can make your own beliefs
16 about how you felt she was at that time with that much
17 alcohol in her system. It's a fact.

18 That the houses were less than a football field from
19 each other. You've got to have the map. The houses were
20 one-tenth of a mile from each other and that's going to
21 become important, both of those two facts I just told you,
22 because we're going to think about how far she could have
23 made it when she was that drunk.

24 Now, ladies and gentlemen, when we talk about this
25 evidence, I don't want anyone here to believe that what I'm

1 trying to do is build a chain. A chain relies on every other
2 link to be able to pull or manage a situation. What I'm
3 building is a wall and every piece of evidence is a block.
4 Some blocks are large, DNA. Some blocks are small, Ms. Alta
5 Mae Hicks' testimony. It wasn't quite right. I'm not
6 denying that. I knew what it was before I put her up, but
7 still she went up. We're not denying. We ain't hiding it.
8 It's a small block, okay? But still I believe that when
9 we're done here my wall will stand up to reasonable doubt and
10 we won't have a problem.

11 Now, is my wall without holes? No. And I'll tell you
12 why. When two people are alone at 4:00 in the morning and
13 one of the don't make it out to tell her side of the story,
14 you're not going to know every single thing that happens.
15 The twelve of y'all are going to use something I call
16 collective common sense. Okay? The twelve of y'all have
17 lived a life. You're over eighteen, some of you a little bit
18 more, but you've lived a life and you know when somebody's
19 lying and you know when a story makes sense and you're going
20 to use that sense to judge these facts. Okay?

21 Now, my problems, and I'll truly admit them; Alta Mae
22 Hicks' testimony. What else would I love to have? I'd love
23 to have a murder weapon, but I ain't got it. I got a dead
24 body and she didn't get dead from standing there, so I know
25 there was a weapon. I know he didn't poke his fingers

1 through her, but I don't have it and I'll be the first to
2 admit it. Would I like a videotape? Yes. But let me
3 explain something to you. At the end of this trial,
4 reasonable doubt does not mean that I have to go above and
5 beyond a hundred percent so that you know something for a
6 surety, for a certainty. You're not going to know it that
7 far and there's nothing that I could show you that would push
8 it over there and yet people have been going to jail in
9 America for a long time now. Okay? We don't have a problem
10 getting past reasonable doubt. And later on when we talk
11 about it, and when the Defense talks about it, I don't want
12 you to think it's some mythical beast that grants everybody
13 freedom, because it is not. It is simply a burden. And when
14 we talk about the evidence that I know that is in a hundred
15 percent, and we talk about the rest of the things I know, I
16 think my wall's going to be fine, because my wall is not just
17 the evidence, the mortar of my wall will be the lies, the
18 half-truths, and the problems that we're going to have with
19 the Defendant's statement and we're going to wade through all
20 of that, briefly.

21 The lies start with the first words out of his mouth.
22 None of it's true. What's the first thing we remember from
23 Fortin's video? Who you trying to call? Put that phone up.
24 I'm trying to get my grandma. Well, we heard from his aunt,
25 his grandmama had been dead and his other grandmama had been

1 dead. Okay? I want you all to remember that when you're
2 thinking about what you're going to believe in this story.
3 Are you going to believe a man who freely lies for no reason,
4 right the time the police walks up? And I want you to never
5 forget this, the people that wrote our Constitution did not
6 put reasonable doubt in there so that you could throw away
7 all of your common sense. Such a system of law would be
8 unbearable and unlivable. What does your commonsense tell
9 you? Do you believe the man that lies right the time he says
10 something to you? You going to buy a car from him? You
11 going to rent a house from him? It's a reasonable person,
12 the mythical reasonable person, that the government creates
13 to explain their laws to you. Is he going to follow that man
14 around? I was calling my grandmama. Hey, I waved y'all
15 down. That's why I waved y'all down. Nobody remembered that
16 but him, okay?

17 This is a big one and I want everybody to think about
18 the little things. You only saw it once. Some chick's dead
19 on someone else's porch. Okay? If he don't know the victim,
20 how does he know that ain't that woman's porch? I want
21 everybody to think about that one really well. I'm going to
22 get some cigarettes. That's the phone call that he didn't
23 think anybody was listening to in the police car, okay?

24 Did you ever hear him bring up cigarettes to the police?
25 In two hours and fifteen minutes he could have told them, I'm

1 going to get cigarettes. He never brought it up.

2 And these times are going to be a little bit different
3 because of the editing the Judge told you about, but I want
4 you to look for them. At 11:56 in the video, I was at
5 Hartwood Village Apartments with some people, Terrance
6 Cabbagestalk, was among them. Well, you might have been
7 thinking why did I put Terrance Cabbagestalk up there,
8 because what he had to say didn't sound any sense. But now
9 in the light of his statement, Terrance Cabbagestalk
10 testified that he was not at Hartwood Village, but saw the
11 Defendant earlier in the day at a pool party in the
12 afternoon.

13 Four forty-five and at least one other time, I don't
14 really know what she was wearing. And then finally at thirty
15 fifty-eight, I think, I think she was wearing blue jeans, I
16 think, and a gray top. Well, he stood over her for a time
17 before the police got there and he was with her all night. I
18 guarantee you he knows what she was wearing.

19 At twenty minutes, she left earlier but I don't have any
20 idea where she went. I just assumed she went home. Then,
21 almost an hour later, the last person that told me she was
22 leaving. She said, Hey B.. I'm leaving. Going home. I
23 replied, don't be bringing people to my house and I think her
24 ride was there. There's a drastic difference in all of that.
25 That's like waving the cops down again. I'll never get over

1 that one.

2 Forty-seven minutes in, Mike Anderson goes, do you have
3 any more scratches? All right. And I want you to think
4 about how he responds. He says, no, sir, I don't. Then he
5 looks at it for a while and then he goes, oh, yeah, that was
6 a foul. I got so mad about that, I wanted to fight. Well,
7 if you got so mad about it you wanted to fight about it, why
8 are you acting like you don't have it? And if you got it
9 earlier the day before, you know, between when he said he was
10 making love with her in these apartments, it's got to be at
11 least twelve hours ago you were playing basketball.. Why is
12 it still so fresh? And when you get it, and you get this up
13 closeup view of it, you're going to be able to see the other
14 small one right under it, all right? You're going to be able
15 to see the mark right here with a piece of skin that your
16 common sense will tell you over twelve hours of wearing a
17 shirt and running around, it would have worn off. You're
18 going to see and be able to look at it up close and know that
19 that scratch is a lot fresher than at least twelve hours ago.
20 And you're going to wonder to yourself, why does he not want
21 the police to know he's got another scratch? She left about
22 1:00 or 2:00. The phone puts her there. Either her phone is
23 there or you admit you killed her and brought her phone back.
24 It's one of the two.

25 Aside from the lies, you have some problems where they

1 might not be actual lies, but they don't make any sense. Why
2 does the story have to change so many times? And don't let
3 Mr. Jones come up here and tell you his story doesn't change.
4 And I believe, and Mr. Jones is right, that from the
5 beginning, he says a man with braids was chasing a woman, and
6 when the Defendant got up there, he found the woman dead.
7 Now, that's the story he tried to tell the entirety of this
8 deal and I'll never say its not so, but what I don't believe
9 stayed the same, is the reasons he was going outside, and
10 they are on video. He's in a cop car telling them, number
11 two, I was going to get cigarettes. You never hear that in
12 the video. In the beginning, he tells Fortin, I was walking
13 home from a party. Then the third one is, he's following
14 this CDV. And if that's not a convoluted story. I'll never
15 understand exactly what he's saying. Did he hear a scream
16 and went to go see it? Did he see people run by him and he
17 went to check it out? I'll never understand what he's trying
18 to say there, because I believe it's not the truth and he
19 can't commit to a story. And then at eighteen minutes or
20 something, he says, Dominique Colclough, I was aggravated
21 with him, and that's while I was outside. So if you had to
22 pick and choose among four-and-a-half different versions of
23 the story to decide who you're going to believe, then I think
24 your problem starts right there.

25 The Defendant could not ID the people he saw running,

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1 nor could he ID the victim, even though he was with her no
2 more than forty minutes ago for no more than a few hours.
3 Couldn't ID them, but when later shown a picture of her body,
4 freely starts crying and says, that's my Boo. Couldn't
5 remember her earlier. Okay? Couldn't look -- while he's in
6 front of the body looking down, like everybody who showed up
7 to the scene testified, he didn't know who she was because it
8 was so dark outside. But at the same time, he could pick
9 these sandals out of a neighbor's yard with leaves around it
10 in the black of night. You know, there's a porch light here.
11 There's no light up under the tree. He can pick these out,
12 all right?

13 Yet, when Ms. Alta Mae Hicks, bless her heart, she's
14 sixty-three years old -- You had to see she wears glasses.
15 Okay? -- is looking out, thirty yards into the night, with
16 the porch light in her face and she's not a hundred percent
17 sure, she can't tell you the man she saw, but she knows he's
18 tall, he's light-skinned, he had on a red shirt. The total
19 difference is in her testimony and the man that was found at
20 the scene some two minutes later, is the jersey and the
21 sleeves and a little bit of facial hair, okay? That's a
22 hole. That's a problem. I freely admit it. But what I'm
23 going to say to you is this, if Rick Jones gets up here and
24 he says, you can't blame my guy for not seeing stuff in the
25 dead of night, then don't you let him get up here and say,

1 everything Ms. Alta Mae Hicks says is word-for-word, a
2 hundred percent true and we should have been looking for a
3 man in a jersey. Don't let him say that, because you can't
4 have your cake and eat it, too.

5 The Defendant's adamant: I didn't get close enough,
6 didn't touch the body. Okay? Well, she's got his DNA under
7 her left hand fingernails, a hundred percent certain, his
8 DNA. Okay? And under this hand, she's got the paternal DNA
9 from his whole line of people, from father to son to
10 grandson. Okay? I'm telling you that ain't a coincidence,
11 that the paternal line matches this line, which is a hundred
12 percent his. I'm saying it's the depth of the scratches.
13 And there may be people smart enough to read that DNA report
14 to y'all and explain it to you better. I ain't a scientist.
15 Okay? That's a fact.

16 Now, this is the second time I'm going to walk up toward
17 y'all because I want everybody to know it. I'm going to read
18 it off the screen right here. At forty-five minutes, round
19 about, in a very detached, calloused, and calculated tone, he
20 gets on the phone with somebody, I don't know who, and he
21 says, hey, they trying to say I killed Shannon. Hangs up the
22 phone, the police come in the door. Not fourteen, fifteen
23 minutes later, and for the next thirty minutes, he acts
24 surprised that they bring up Shannon being the murder victim.
25 Okay? And he goes on to cry and cry and cry. And when you

1 watch the video with that junk sound from this far away, it's
2 one thing. But when you are Neil Cusack and Mike Anderson
3 and you ask them, how did it make you feel? Suspicious. Did
4 you see any tears? No. Did you ever give him a Kleenex?
5 No.

6 So, fifteen minutes before he breaks down crying because
7 they tell him that that woman's his Boo, he's on the phone,
8 coldly explaining to somebody, hey, they think I killed
9 Shannon and they never once said anything about him killing
10 Shannon before that. That's when I'm looking at the
11 evidence, in the light of everything else, is when it crosses
12 the threshold in my mind, and I don't feel bad anymore. I
13 feel sure. But you'll see it.

14 And then the partner to that, and when you only watch
15 the video briefly, and I understand how boring that was,
16 okay? It's tough. But I only showed it to y'all the first
17 time to get it into evidence and then it's yours in
18 deliberations and you can do what you want to with it. Okay?
19 But at fifty-one minutes, before he breaks down, okay, and
20 this is very, very suspect. Before he knows Shannon's dead,
21 because in about fifteen minutes after this, he's going to
22 start crying once he sees that picture. I can't believe it's
23 her. They said, can you tell us about Shannon. And he says,
24 Shannon was one of the coolest people I ever met. Shannon
25 was, Shannon was. He says it about two or three times. Now,

1 think to yourself, through the eyes of a reasonable person,
2 an ordinary person in life, and explain to yourself how I
3 describe somebody to somebody else, okay? Patti Parker is a
4 hard worker. Patti Parker does all of my legal research.
5 That's how I describe Patti who's sitting at the table with
6 me if somebody asks me. But if just killed her and threw her
7 body somewhere, I might slip up and say "was". Don't act
8 like you're surprised she's dead, Brannon.

9 We'll look at that time line, and we'll talk about it
10 briefly, because I want to show you what the evidence says.
11 Okay? You've got a call to Keshawn Johnson sometime after
12 4:00. It's her voice on the phone. The phone is found at
13 the Defendant's apartment. The stabbing has to be extremely
14 close to 4:40, okay? And she bleeds out in minutes. Like I
15 said earlier, we're never going to prove a concise time line.
16 You're never going to know it, because there weren't but two
17 people there, and one of them didn't walk home. All right?

18 Now, Ms. Hicks calls 9-1-1 at 4:48. That's what the
19 computers at the centers say. That's what David Sessoms
20 testified to. A little blur of inconsequential evidence you
21 might have thought. Then at 4:51, if you'll remember, they
22 dispatch the police. Then it takes the police three to four
23 minutes to get there. So what are you talking about, 4:50,
24 early 4:50s, the police get there and who do they find at the
25 scene? Brannon Bryant. Okay? The stabbing had to take place

1 a little bit before 4:48, because think about it. A sixty-
2 three year old, Ms. Alta Mae Hicks has to hear the noise.
3 She has to get out of bed, look through the peephole and not
4 see anybody, hear her grand baby tell her there's somebody on
5 the porch, go to that window and look, then go back to
6 another room and get the phone and call. So about the time
7 you think it takes her to do that, minus the minutes, the
8 minutes that Janice Ross said she would have had to live
9 after that stab wound, that's the time of the murder, okay?
10 So we've got about ten minutes there to play with, between
11 him stabbing her and him being back in time for the police to
12 find him, okay? I want everybody to think about that. And
13 we'll talk about why it's important later.

14 Also at this time, never forget, he ain't got his keys
15 on him. Now, what really happened that night? It's not
16 important for my case, if you don't agree with what I'm about
17 to say, it's not important for my case. But I feel that you
18 need to have some understanding. And I told you in no
19 uncertain terms when we started this trial, you're never
20 going to understand the why. People that wake up everyday
21 and go to work, that live a normal life, you don't understand
22 why a man would stab a woman in the chest. And no matter
23 what's been testified here today or the last days, we're
24 never going to understand. Okay?

25 But Shannon was drunk. She was real drunk. It was

1 four-something in the morning. She wants to go home or
2 either spend the night there. Now, at this time, we know
3 that Brandon's got his shirt off. Because if she scratches
4 him through a shirt, you can't even get any DNA and it's not
5 going to penetrate like the pictures are going to show. He
6 wants something from her while he's got his shirt off. She
7 scratches him. There's some kind of scuffle. She's got her
8 phone in her left hand like women carry their phone, fights
9 out with her left. Okay. There's a scuffle. He hits her in
10 the head, because I don't want anybody to forget that while
11 there's a stab wound to the chest, there's also the beating
12 about the head. She screams and carries on, I'm leaving,
13 going to get the police, go get my brothers, go get my
14 family, we coming for you. He gets mad and madder and
15 madder. Ain't nobody going to talk to him like that in his
16 house. Locks his door, puts the knife and the keys and the
17 lighter in his pockets. She can't get that far. There's
18 nothing she can do to get that far. That's why the scene of
19 the crime is so close to his house. Stumbling through that
20 yard with the fence, dropping her shoes, somewhere along the
21 way he pulls that knife out and when he does, his keys fall
22 out of his pockets. He stabs her. She runs to the door.
23 Doesn't know what to do. He's leaving, he's running, get
24 back to my house. I take my knife. And I hold it like
25 people hold their knives when they're walking away and they

1 don't want nobody to see what they got in their hands. Blood
2 gets on the back of his shirt. Runs up the road a piece,
3 throws the knife forty or fifty yards, chunks it, okay? Then
4 he gets to his house but what's the problem? Has anybody
5 realized why we find him at the scene of the crime when we
6 get there when the stabbing's about ten minutes old, why he's
7 not gone? Because what's he doing when Fortin and Davis walk
8 up? Why is he looking at the ground? He's gotten to his
9 home already and can't get in. So he's walking around,
10 looking for his keys and he tracks it all the way up to where
11 the body is and that's when the police get there. Now what
12 I'm telling you is, you don't have to believe that. I just
13 want you to have an understanding that something domestic
14 happened here and we've got no -- Do we know this was a
15 sexual relationship? Whose word you got to go on that?
16 There ain't no semen found on the body. We looked for that.
17 You've got the word of a man who says he was calling his
18 grandmama when they are both dead. You've got the word of
19 that man saying that there was a consensual sexual
20 relationship. So keep that in your mind as you deliberate.

21 Now, I've got to talk to y'all about the law. And
22 there's no getting around that. You know, the law is not
23 exactly what everybody understands. Murder is defined as the
24 willful, felonious, killing of a human by another human with
25 malice aforethought, that malice being either express malice

1 or implied malice. You've got two things. Did you have a
2 killing of a human and did you have malice. And malice is
3 simply the word that the law uses to describe that the person
4 didn't deserve it. Malice is not your general definition of
5 malice, followed by hate. Okay? Nobody think that. I've
6 got a really long thing here. You know, it's not the general
7 definition of malice. The malice here is simply the act of
8 stabbing with a knife. A general reckless disregard for the
9 lives and safety of others or the wrongful intent to injure
10 another. He didn't have to mean to kill her, okay? It could
11 have been a fight. But if he meant to bring that knife down,
12 which he would have had to do if he took it out of his pocket
13 and unfolded it, whatever, if he meant to bring that knife
14 down, it's murder. And that's what malice is for. I don't
15 have to show that he intended to kill her when he stabbed her
16 or that he meant for her to die. This could have all been a
17 domestic argument that got out of control. But that doesn't
18 mean it's not murder. Because we've got a dead human and
19 we've got malice. Malice could also be interpreted from the
20 beating about her face. He meant to do her harm. And when
21 you mean to do somebody harm, if they die, it's malice
22 whether you meant it or not. Expressed or implied. And all
23 I'm saying here is it could be implied. Do the circumstances
24 demonstrate a wanton and reckless disregard for a human life.
25 If you're chasing down a drunk girl who's too drunk to walk

1 good and you're beating her about the head, and you're
2 pulling out a knife on her, that's a malignant reckless act.
3 Because anything that happens could kill her. If you're six
4 five and she's five something and you're that tall over her,
5 it's murder. That's just what malice means.

6 And now we're going to talk about the meat with
7 potatoes. We're going to talk about the reason we're here.
8 And I don't -- the Judge is going to charge you on the law.
9 Let everybody be straight about that. You know, take what I
10 say with a grain of salt, but listen to what the Judge says.
11 I haven't tried a case in front of him in a long, long time.
12 But the last Judge that was here gave me this definition so
13 that I could write it down for this. A reasonable doubt is
14 not an imaginary or a fanciful doubt or a weak doubt. It is
15 a substantial doubt. It is a doubt with which the words
16 imply a doubt for which you can give or assign a reason based
17 on the testimony and evidence you saw. A reasonable doubt is
18 not any sort of doubt. It's not just coulda, woulda, maybe.
19 It's a reasonable, articulable word you can give to another
20 person, that a mythical reasonable man would agree with. You
21 and I know from everyday life experiences that you may have a
22 doubt about any matter that arises. No matter how trivial or
23 serious it may be, it's not any sort of doubt. When you get
24 back there you have a really, really good doubt.

25 Now, I'm putting in some, what I would call car dealer

1 script and this is what you're going to have to believe for
2 the Defendant. This is what they're going to want you to
3 believe: The Defendant just happened to walk up to a
4 recently committed murder. How many times has that happened
5 to y'all? The murdered just happened to be a woman that
6 recently left his home where they were alone and he was the
7 last person to see her. That even though she was his Boo and
8 he had seen her less than thirty minutes ago, he could not ID
9 her when she literally, quite literally, had a sign on her
10 back with her name on it in the porch light and she had just
11 left his house, he could not ID her. That even though he
12 claims to have a sexual relationship with her, he is unsure
13 about her tattoos, and even though he claims he never touched
14 the body, he had her blood on his shirt, that he never washes
15 his clothes or his hands, because how reasonable is it to
16 carry around the DNA of everyone we have ever been in contact
17 with? That she has his DNA in her fingernails and also that
18 his recent scratches are purely coincidental.

19 You've got to believe all these seven: that the victim
20 left his house close to 1:00 or 2:00 when, in fact, the phone
21 puts here there at 4:00. That even though he is clearly
22 lying numerous times while on tape when he says he doesn't do
23 it, he's telling the truth. That he lost his apartment keys
24 for an unrelated reason. That he had a phone but never
25 called for help. That he was way too drunk to get his story

1 together. This is this what -- I guarantee the Defense is
2 going to say something about this. He's drunk. He can't get
3 his story together, okay? That's what was going on. But
4 he's not drunk -- I lost my train of thought. They're going
5 to say he's so drunk, he couldn't get his story together, but
6 they're going to walk a fine line because they're also going
7 to say, well, he wasn't drunk enough to hurt somebody. He
8 wasn't drunk enough to hurt a woman, but he was drunk enough
9 to mix everything up. So pay attention to that when the time
10 comes. It was too dark for him to clearly see the people,
11 but not dark enough for him to see the shoes. That even
12 though he claims screams could be heard a block and a half
13 away, they weren't reported by anybody in the tight, small,
14 little neighborhood. That reasonable doubt can be defeated
15 by simply spinning outlandish, self-serving, and confusing
16 lies. It's seventeen things, I think, that you need to find
17 for the Defendant.

18 And what I'll submit to you, ladies and gentlemen, is
19 that reasonable doubt is not created by any and all possible
20 scenarios somebody can make up. Okay? Instead, it's
21 something that will cause a reasonable man to act, something
22 that he can look back on and give or assign facts, and that's
23 what reasonable doubt is. Okay? We're never going to know
24 the why of this case. But the who and the how is Brannon
25 Bryant with a knife. Okay? Ain't no doubt there.

1 All right. And we'll talk about -- they're going to get
2 to close last. I think I've had your attention about as long
3 as I'm going to keep it, but what I want you to do when I sit
4 down, and what I'm scared of more than anything else is that
5 Mr. Jones, I've watched him. He's a much better attorney
6 than me. He's going to show me how to do this job. All
7 right? He's going to get up here and he's going to sound
8 eloquent and put together a wonderful closing, but he can
9 only argue the facts he's got. And what I want y'all to be
10 doing is paying attention for certain traps, I think, you
11 know, you could walk into when he starts talking. Don't let
12 them have it both ways. Don't let them make reasonable doubt
13 seem unreasonable. And when I say don't let them have it
14 both ways, don't let it be that it was so dark he couldn't
15 see, but Alta Mae Hicks could see. Don't let him be so drunk
16 that he couldn't get his story together, but not drunk enough
17 to hurt a woman. They're going to try and trap you. You're
18 going to hear my story, its warts and all and I'm not going
19 to hold anything back. But don't let them trap you in trying
20 to have it both ways.

21 Don't let them make it seem like HPD was out to get him
22 from the beginning. And I think you heard everybody testify
23 to it and I hope I asked the appropriate questions. The guys
24 on the scene put him in the car because he was there when
25 they show up and that's about it. You know why he gets the

1 handcuffs on him when the investigators show up, they see his
2 scratch. But even more so than that, Neil Cusack will tell
3 you he didn't think anything bad about him until he started
4 coming up with all the lies in his statement. So it's not
5 HPD's fault that the man there who had scratches and lied, is
6 suspicious. They ain't trying to pigeonhole nobody. They
7 don't care who they get for a crime. It's not their fault
8 that he looked guilty from the start. It could just be that
9 he's guilty. And any story between two and four, where you
10 only got two witnesses, you're not going to ever know
11 everything that happened. That don't mean we don't know who
12 killed Shannon.

13 And the last thing I want you to think about, those
14 seventeen things I talked to you about that you're going to
15 have to believe to side with that other table, would a
16 reasonable person take the job where the guy says, hey, you
17 make a lot of money at this job, but these seventeen things
18 have to go exactly right for you to get it. Is that a
19 decision that a reasonable person would make? And I'm going
20 to tell you, it's not.

21 And you can look at every piece of evidence and you
22 don't first judge that evidence by reasonable doubt. You
23 judge that evidence by your common sense and then when you
24 take all the evidence you're going to listen to and you
25 believe is true, then you make your decision based on

1 reasonable doubt. But don't try to pick through evidence
2 using your reasonable doubt.

3 And before I leave, I don't want anybody to forget how
4 calmly he speaks about, they think I tried to kill Shannon or
5 they're trying to say I killed Shannon and then what a polar
6 opposite reaction you get when two people are in the room
7 with him and they tell him Shannon's dead. But I want to ask
8 you, do you think that type of behavior is genuine or do you
9 think he might be protesting just a little too much?

10 Ms. Alta Mae Hicks, I loved her. You know, she's just
11 like my grandma. She wants to tell you where she lives by
12 some other older lady's home that you never heard of. I want
13 you to remember to take -- and I'd never say a bad word about
14 her, but I think she's just a little bit wrong on the jersey.
15 Okay? And I also want you to remember that she sees that man
16 after she calls 9-1-1. Okay? So the young lady's already
17 dead and on the porch at that time. So don't let Mr. Jones
18 confuse you that there's this other man hanging around there.
19 All right?

20 Thank the good Lord it's over and I want to tell you
21 just how much I appreciate you listening. It's one of the
22 longest closings I've ever, ever given. But I feel like the
23 amount of facts, the amount of testimony and the amount of
24 importance that this case brings to the table, deserved it.
25 Please, when you're listening to the Defense, just remember

1 that from the start, Brannon Bryant has been about a man in
2 braids committing this murder. And regardless of how any of
3 that was worded, I don't remember the exact words, this was
4 his story. And when he gets away from that, when Rick stands
5 up here, when he starts getting away from that, I want that
6 to be an alarm bell in your heads, that I need to start
7 paying attention. And I want to thank you for paying
8 attention. And I'll be right over here and I'll help you get
9 this evidence ready and I think you need to look over
10 everything and I think you need to look back over the video.
11 And I want to thank you one more time.

12 THE COURT: Thank you, Mr. Holt. Mr. Jones, you're
13 recognized.

14 MR. JONES: Thank you, Your Honor. Mr. Holt.

15 MR. HOLT: Mr. Jones.

16 CLOSING ARGUMENT - BY MR. JONES

17 That was a good story. That was a very good story. And
18 later on, I'm going to tell you I didn't know it was near
19 seventeen points like that, but it's interesting because only
20 one of those points can be reasonable doubt, okay?

21 I told you the other day when I started, every time I
22 get a chance to talk to you, I think every time the Judge
23 gets a chance to talk to you, he's going to tell you, he's
24 going to say three major things. I hope y'all remembered it,
25 because they are the bedrock of the criminal jurisprudence in

1 the United States of America, and, of course, in South
2 Carolina, and, of course, in Darlington County.

3 Number one, that young man right there in the white and
4 black shirt, Brannon Bryant, is presumed to be innocent when
5 he walks into this courtroom. All throughout the trial, even
6 this minute, the law presumes him to be innocent and you have
7 to do the same. How do you get rid of that presumption?
8 Numbers two and three.

9 Number two, is the State -- and I had a Judge tell me
10 and I never thought about it, the reason the State is here
11 close to you and we sit over there is because we've got
12 nothing to prove. Nothing. The State carries the burden of
13 proof. They are the ones that have to carry the ball and
14 score, if you will. And the way that they score is number
15 three.

16 And that is proving to you, all of you together, beyond
17 a reasonable doubt, that the Defendant is guilty of a crime.
18 All right. And if you'll notice, Mr. Holt spent a lot of
19 time, he doesn't normally do that, but he spent a lot of time
20 on reasonable doubt because, I'm going to submit to you and
21 I'll tell you a little bit later, that when the Judge defines
22 reasonable doubt to you, when the case law was developed
23 about reasonable doubt in South Carolina, this is exactly the
24 kind of case that they were talking about. Exactly. And I
25 think you know why. All right. Here we go.

STATE OF SOUTH CAROLINA VERSUS BRANNON J BRYANT

1 June the 6th, late evening until June the 8th early
2 morning, 2012. I think what's into evidence is that Mr.
3 Brannon Bryant and Ms. Shannon Thomas and a number of other
4 people in and around the Bell Avenue, Sumter Avenue, 8th
5 Street, a neighborhood over in Hartsville, which I think --
6 if I did not ask every one of them, I apologize I should have
7 -- but every officer who was asked will tell you is a
8 terrible neighborhood. It is a neighborhood that you don't
9 want to be in after dark in Hartsville, period. Everybody
10 knows that. But that's where we were, all right? Got a lot
11 of drinking going on, people wandering around to various
12 places, in and out, early, late. Some time early morning,
13 4:50-ish, Ms. Alta Mae Hicks who is asleep at her daughter's
14 house, 305 South 8th Street. It's not her house. It's her
15 daughter's house, she's taking care of her children. There's
16 banging at the door. I guess the children called. She walks
17 to the door, doesn't see anything. One of the children says,
18 grandma, there's a lady on the front porch. You can't see
19 her through that little peephole. And I think there's a
20 picture here. So she describes two windows, two double
21 windows on either side of the door. So she walks to the
22 window and sure enough, she sees the lady on the front porch.
23 She goes and finds her telephone and she calls 9-1-1. You
24 heard the call. It basically says there's a lady on my front
25 porch. She didn't know anything about that lady, didn't open

1 the door, didn't do anything. Just says, there's a lady on
2 my front porch. They said fine. After a few minutes when
3 they finally determined where she lived, they said, fine.
4 We'll send somebody. Two or three minutes later somebody's
5 there. And she does something else. She walks to either --
6 I don't remember -- to the same window or another window and
7 looks out and she sees somebody. Right? We'll come back to
8 that.

9 Two or three minutes later, here come the police,
10 zooming up, no blue lights, no nothing. We've got two
11 officers who are, I think, just coming on duty or just going
12 off duty and they come wheeling up because they think there's
13 a drunk lady on the front porch, a drunk person on the front
14 porch and they don't know the seriousness of this situation.
15 They pull up on 8th Street. One of them sees a black male
16 here, looking down at a lady on the porch. The other one
17 says, no, I seen him here, kind of looking at me and looking
18 at the lady on the porch. In any event, they get out, and
19 it's Mr. Bryant. One of them describes, I don't remember
20 which one, one of them says -- I think I asked, was he
21 animated. One officer said, no, he was just very excited.
22 The other officer says, oh, no, no, he was hysterical.
23 There's a lady. There's blood. He was right. There's a lady
24 and there was blood everywhere. All right. He starts trying
25 to tell him. They're trying to get him out of the way, I

1 assume. I think I remember that he kept either walking up or
2 he was around. There's a lady. They get him in the car, all
3 right? They put him in, I don't remember whose car it was,
4 but they put him in a police car. Okay?

5 All right, then we start an investigation. We've got two
6 arriving officers and we have some more officers. We've got
7 some tape going up, and we have some more officers. We have
8 some investigators coming. We know the difference between a
9 responding officer, which Fortin and Davis were, got it? And
10 then we've got the head of patrol, who comes and starts, all
11 right, let's mark it off, nobody get around here. Then the
12 investigators start coming. All right. We've got -- and,
13 again, I'm terrible with ranks. So whatever it was, please
14 excuse me. I think we've got Lieutenant Rudick, who finally
15 comes who is the chief investigating officer. We end up with
16 Lieutenant Cusack, who's in investigations and Agent
17 Anderson, who's currently now at SLED but who, at that time,
18 was with Hartsville PD, and they begin their investigation.

19 They've got Brandon in the car, out of the way.
20 All right? He needs to be out of the way because they need
21 to do their thing. They need to figure out what happened.
22 And interestingly enough, and I think it was Sergeant
23 Anderson that said or Agent Anderson that said, he got there
24 about 5:50, if I remember right, 6:50, whatever it was. One
25 hour and five minutes after he gets there, Brannon Bryant is

1 the prime suspect. No problem with that, because he is
2 either here or he's here (indicating) when the officers pull
3 up. He tries to tell them a story. Mr. Holt's absolutely
4 right. I'm going to tell you, I think he's drunk. He tells
5 them he's been drinking Milwaukee's Best.

6 You've got to listen closely to that tape, and it is a
7 disturbing tape, but you've got to listen closely to hear the
8 little things. But the little things are what make a
9 difference. He's drunk. She's terribly drunk before she
10 died, terribly, terribly drunk before she dies. And he says,
11 okay, let me tell you what I know. The officers at the scene
12 say, fine, we'll get a little information. They go back to
13 the car. they come back. They go back to the car, he tells
14 them two or three things. He's on the phone.

15 Finally, the Chief of Police pulls up. The Chief says,
16 I see some scratches on his arms. Take him down there and
17 interrogate him, to Anderson and Cusack. And I apologize, I
18 don't remember what time that was. I do remember Agent
19 Anderson saying that by -- I think it was five minutes to
20 seven, he's either at the police station ready for the
21 interview, or thereabouts. The interview begins at seven.
22 All right.

23 I don't know what to say about the interview. You saw
24 it. I'll agree with Mr. Holt. It's painful to watch. There
25 are various interrogation techniques that are used and,

1 absolutely, Brannon Bryant doesn't say the same thing every
2 time he's asked the same question, except when it comes to
3 what I saw and what I did not do. It never changes. From
4 the minute the police pulled up until the end of that two-
5 and-half-hour video. Period.

6 He never says I saw somebody, I don't know what time it
7 was, my telephone, either I had it or I didn't have it, if I
8 don't look at it, if I don't get a message I don't know what
9 time it is because I don't have a watch and I'm drinking, and
10 y'all don't drink like that, but we were drinking, and yeah,
11 I heard something and there was a guy in braids and they was
12 chasing a girl, but I didn't see either one of them and I'm
13 going back to my house and I got curious and I came back out
14 and I looked and I walked up and there's a dead girl and
15 y'all pulled up and I flagged you down. In his mind, he had
16 flagged them down. The officers said he was standing between
17 the body and the road when they pulled up with no lights on.
18 He doesn't know if they've come -- he doesn't have any idea.
19 He sees a policeman, he stopped them.

20 I'm going to submit to you, that just like Mr. Holt told
21 you a story, I think -- I'm not going to tell you a story.
22 I'm going to tell you what I've heard. But you have to -- I
23 told you the other day, you are the triers of the fact.
24 You've got to figure out what happened. I don't do that. I
25 can tell you what I think happened. Mr. Holt's already told

1 you what he thinks happened. The Judge is not going to tell
2 you what he thinks happened, because he doesn't have anything
3 to do with the facts. That's yours. You have to figure out
4 what happened and it's got to be a unanimous decision.

5 But let's go back -- Mr. Holt kept calling Brannon's
6 statements lies. He lied. He lied. You know why he says
7 that? Because that's exactly what the Hartsville Police
8 Department thought that morning and I'm sure they still think
9 that today. I don't believe a word he said. I questioned
10 him for two-and-a-half hours in there, Agent Anderson and
11 Lieutenant Cusack. I don't believe anything he said. They
12 told him that. They get in his face. They scream at him.
13 They cuss at him. We don't believe you. Fair enough.
14 Because he's their prime suspect.

15 What they do and what I think they did is about an hour-
16 and-a-half after this thing happened and after the police
17 arrive on the scene, in their minds, we've got our guy and
18 it's him, period. So from that point on, there is no more
19 investigation. There is a concerted effort to, lets prove
20 that our hypothesis that we made about an hour-and-a-half
21 after we got there, is correct and he did it. That's
22 wonderful if the evidence fits. Okay?

23 Remember, I told you the other day about the little
24 game? I'm going to boil that down, too, for you. A square
25 peg does not fit in a round hole. So, let's get us some

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Darlington County

Michael G. Nettles, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

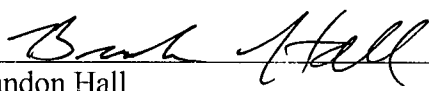
BRANNON JAISEL BRYANT,

APPELLANT

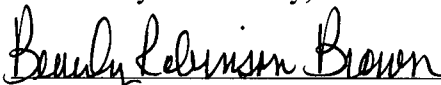
APPELLATE CASE NO. 2014-001693

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 and Brannon Jaisel Bryant, at the Lee Correctional Institution, 990 Wisacky Highway, Bishopville, SC 29010, this 2nd day of February 2015.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 2nd day of February, 2015.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: December 9, 2024.