

21965

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

JUL 06 2015

SC Court of Appeals

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2014-002366

Briett Johnson, Employee, ...Appellant,

v.

Pike Electric, Inc., Employer, and Liberty Mutual
Insurance Company, Carrier, ... Respondents.

RECORD ON APPEAL

VOLUME I OF II

Helen F. Hiser, Esq.
McANGUS GOUDELOCK. &
COURIE, L.L.C.
P.O. Box 6500070
Mount Pleasant, South Carolina 29465
(843) 576-2930

J. Brandon Hylton, Esq.
McANGUS GOUDELOCK. &
COURIE, L.L.C
PO Box 7489
Florence, SC 29502
(843) 519-1802

Attorneys for Respondent

Brooks R. Fudenberg, SC Bar # 72019
LAW OFFICE OF BROOKS R.
FUDENBERG, LLC
1004 Anna Knapp Blvd., Suite 3
Mt Pleasant, SC 29464
(843) 416-2558

Gregory B. Askins
ASKINS, CHANDLER & ASKINS,
LLP
P.O. Box 10
Hemingway, SC 29554
(843) 558-2588

Attorneys for Appellant

INDEX

Order of WCC Panel.....	3
Order of Single Commissioner	12
Transcript of Hearing Before the WCC Panel	33
Transcript of Hearing Before the Single Commissioner.....	52
Pretrial Matters.....	55
Opening statements.....	63
Testimony of Mr. Thomas E. Redmond	
Direct Examination	83
Plaintiff's Motion to include EMS report in record.....	87
Testimony of Mr. Redmond	
Cross-Examination	101
Redirect Examination	109
Testimony of Mr. John Caughman Pinckney	
Direct Examination.....	113
Cross-examination.....	123
Redirect Examination	127
Recross-Examination.....	128
Testimony of Ms. Margaret Hamilton	
Direct Examination	129
Cross-Examination	156
Redirect Examination	159
Testimony of Ms. Shanice Hamilton	
Direct Examination.....	163
Cross-Examination	175
Redirect Examination	176

Testimony of Ms. Sara Ann Johnson	
Direct Examination.....	179
Cross-Examination	184
MAIT Report	191
MAIT Report photograph DSCNO106.JPG	227
Compact Disk (CD) of photographs by MAIT Team.....	Provided separately
Coroner Scene Report	228
EMS Report	230
Death Certificate	231
Funeral Bulletin	232
Toxicology Report	236
Report of Dr. James C. Ballenger, dated August 24, 2012.....	238
Transcript of Deposition of Don Reynolds, taken August 28, 2012.....	241
Transcript of Deposition of Robert M. Sears, taken August 28, 2012.....	283
Mr. Sears' c.v.....	339
Transcript of Deposition of Ellen C. Riemer, M.D., taken November 5, 2012	348
Dr. Riemer's c.v.....	390
Form 30.....	397
Briefs filed with the appellate panel of the WCC	
Brief of the Appellant	398
Brief of the Respondent	439
Reply Brief of the Appellant.....	456

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1205798

BRIETT JOHNSON,

Employee,

Claimant,

vs.

PIKE ELECTRIC, INC.,

Employer,

AND

LIBERTY MUTUAL INSURANCE
COMPANY

Carrier,

Defendants.

**DECISION AND ORDER OF THE
APPELLATE PANEL**

Appellate Panel Review Hearing held in Columbia, South Carolina on August 11, 2014,
per notices timely and properly served upon all parties of interest.

Appellate Panel Decision and Order filed September 26, 2014.

APPEARANCES:

Claimant/Appellant represented by
Gregory B. Askins, Esquire, of Hemingway, South Carolina
and Brooks R. Fudenberg, of Mount Pleasant, SC

Defendants/Respondents represented by
J. Brandon Hylton, Esquire of Florence, South Carolina.

STATEMENT OF THE CASE

The parties were heard by Commissioner Avery B. Wilkerson, Jr. on November 4, 2013 in Florence, South Carolina. On February 28, 2014, he issued the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT OF THE SINGLE COMMISSIONER

Based upon the evidence submitted at the hearing, it was found as a fact that:

1. The parties were provided directives for a proposed Order on December 11, 2013.
2. The Decedent, Briett Johnson, suffered a fatal automobile accident on May 17, 2012.
3. The blood alcohol level drawn approximately three hours after death was a .208.
4. On May 17, 2012, the Decedent was an employee of Pike Electric.
5. On May 17, 2012, the Decedent was returning from a worksite in Winnsboro, South Carolina to his home in Johnsonville, South Carolina in a work truck owned by Pike Electric.
6. The Decedent had a .208 blood alcohol level at the time of the accident.
7. Other than the blood sample, there was no evidence of alcohol use found at the accident scene and no detectable odor of alcohol in the truck or on the Decedent's body; however, none of the witnesses had training on the detection of alcohol and Mr. Redmond had no training on looking for evidence of alcohol at an accident scene.
8. The lack of alcohol containers at the scene is inconsequential, as the Decedent may have consumed alcohol before entering his car, or as Mr. Redmond testified, alcohol containers are not always found at accident scenes involving alcohol as individuals can throw out the alcohol container so as to not keep evidence in a car.
9. Deputy Coroner Reynolds followed the correct protocol in drawing blood from the Decedent's heart on the date of accident.
10. The blood sample was taken by Deputy Coroner Reynolds as it is standard protocol to draw blood at any wreck scene and based on Mr. Reynolds's discussion with the highway patrol; moreover, Mr. Redmond testified that blood samples are taken at accident scenes and submitted to SLED to determine if alcohol was present even if alcohol containers are not found at an accident scene.
11. Deputy Coroner Reynolds followed the correct protocol submitting the vial sample of blood to the South Carolina Law Enforcement Division.

12. There is no evidence that the blood sample was contaminated or tampered with.
13. The Decedent was traveling at an estimated speed of 95 miles per hour at the time of the accident.
14. Traveling at 95 miles hour was not the Decedent's normal nature, based on the testimony of Shanice Hamilton and Margaret Hamilton.
15. The opinion of Dr. James Ballenger, Mr. Robert Sears, and Dr. Elaine Riemer is that a blood alcohol level of .208 causes impairments to judgment and motor control.
16. Based on the report of Dr. Ballenger and the testimony of Mr. Robert Sears that the Decedent's blood alcohol level of .208 was the cause of the Decedent's accident.
17. I give greater weight to the Assistant Coroner report, the SLED toxicology report, the testimony of Don Reynolds, the testimony of Robert Sears than the testimony of Dr. Elaine Riemer, as to the validity of the blood sample and to Mr. Robert Sears regarding the cause of this accident.
18. I give equal weight to the report of Dr. Elaine Riemer and the report of Dr. James Ballenger. They are opposite in nature to the final findings as to causation of the accident.
19. The testimony of John Pinckney and Tom Redman conflicts with each other as to where each was standing when transferring the Decedent's body.
20. Mr. Tom Redman, was a friend of the Decedent's family who became emotional at the hearing as to the death of the Decedent.
21. Based on the testimony of Shanice Hamilton and Margaret Hamilton, and the phone records in the APA submissions, the Decedent made telephone calls to both Margaret and Shanice on the date of the accident and the last indication the Decedent made to either witness was that he was not going to the athletic banquet; moreover, the Decedent was unaware Shanice Hamilton was receiving an award at the banquet.
22. Testimony that the Decedent often surprised his family by saying he would be delayed but would show up on time, or that he would not attend a certain function and would show up to surprise his family is not a consideration in deciding this case, as it would be speculation to find that the Decedent may have been coming home to attend the athletic banquet, especially when the last conversation he had with Margaret Hamilton and Shanice Hamilton was that he was not going to come to the banquet and did not know that Shanice Hamilton was receiving an award that night. Therefore, even though the accident happened at 6:05 p.m. just outside of Johnsonville, S.C. which is where the Decedent lived and where the athletic banquet of Shanice Hamilton began at 6:00 p.m. that same day, there was no evidence presented that the Decedent was going to surprise his family at the athletic banquet.

23. Liberty Mutual paid \$2,500 of funeral benefits and Pike Electric paid the remainder of the funeral bills; however, payment of the funeral bill is not an admission of liability.
24. If the case were compensable, which it is not, I would find that the Defendants completed a good faith investigation into possible defendants. I would also find that Shanice Hamilton would have been the sole taker of benefits.
25. Sarah Ann Johnson was still married to the Decedent at the time of the accident, but they have not lived together for over 19 years.
26. I do not find the testimony of Sarah Ann Johnson that she was abandoned and she never filed anything for desertion to be credible and that she had the greatest gain in this case.
27. Margaret Ann Hamilton is the biological mother of Shanice Hamilton and the girlfriend of the Decedent, and was never married to the Decedent.
28. Based on the greater weight and preponderance of the reliable and substantial evidence in the record, I find that the proximate cause of the accident was the Decedent's intoxication, as he had a blood alcohol level of .208, which impaired his judgment and reasoning to believing that traveling at 95 miles an hour was reasonable.

CONCLUSIONS OF LAW OF THE SINGLE COMMISSIONER

1. Section 42-17-40 of the South Carolina Code of Laws (1976, as amended) is applicable in governing the conduct of hearings and renderings of awards.
2. Section 42-9-60 of the South Carolina Code of Laws (1976, as amended) is applicable in determining that an employee whose injury or death is occasioned by intoxication is not entitled to benefits under the *South Carolina Workers' Compensation Act*.
3. *Airco, Inc. v. Hollington*, 269 S.C. 152, 236 S.E.2d 804 (1977) is applicable in determining when an employer and carrier have performed a good faith investigation as to potential dependents of a deceased claimant.

ORDER OF SINGLE COMMISSIONER

Based on the above Findings of Fact and Conclusions of Law, the undersigned Commissioner orders as follows:

1. IT IS ORDERED that Shanice Hamilton is the sole dependent of the Decedent;

2. IT IS FURTHER ORDERED that Employer/Carrier has made a reasonable, due and diligent investigation to determine those persons who may be entitled to benefits under the South Carolina Workers' Compensation Act and is hereby discharged from payment to any other individuals who may claim to be dependents of the Decedent.
3. IT IS FURTHER ORDERED that the Decedent was intoxicated at the time of the accident.
4. IT IS FURTHER ORDERED that the Decedent's intoxication was the cause of the Decedent's accident.
5. IT IS FURTHER ORDERED that any dependents, including Shanice Hamilton, are not entitled to any benefits under the South Carolina Workers' Compensation Act.

During the statutory period, counsel for the Claimant filed an application for review of the case setting forth Claimant's grounds for review, a copy of which was furnished to all parties, prior to oral argument presented before the Appellate Panel on August 11, 2014. All proffered testimony has been taken. Such, together with all documentary evidence, has been delivered by oral argument to the individual members of the Full Commission and has since been under study and consideration. By appeal, Claimant respectfully submits the following:

1. **Whether the Single Commissioner erred as a matter of fact or of law in concluding that the Defendants have met their or its burden of establishing the defense of intoxication?**

In an appellate review, the Panel shall, pursuant to S.C. Code Ann. § 42-17-50 (2007), review the Award, weigh the evidence as presented at the initial hearing, and if good grounds be shown therefore, make its own findings of fact and reach its own conclusions of law consistent with or inconsistent with those of the Hearing Commissioner. After carefully reviewing the instant case, the Panel, by a majority vote, has determined all of the Commissioner's Findings of Fact and Conclusions of Law are correct as stated. Accordingly, we make the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

Based upon the evidence submitted at the hearing, we find as a fact that:

1. The parties were provided directives for a proposed Order on December 11, 2013.
2. The Decedent, Briett Johnson, suffered a fatal automobile accident on May 17, 2012.
3. The blood alcohol level drawn approximately three hours after death was a .208.

4. On May 17, 2012, the Decedent was an employee of Pike Electric.
5. On May 17, 2012, the Decedent was returning from a worksite in Winnsboro, South Carolina to his home in Johnsonville, South Carolina in a work truck owned by Pike Electric.
6. The Decedent had a .208 blood alcohol level at the time of the accident.
7. Other than the blood sample, there was no evidence of alcohol use found at the accident scene and no detectable odor of alcohol in the truck or on the Decedent's body; however, none of the witnesses had training on the detection of alcohol and Mr. Redmond had no training on looking for evidence of alcohol at an accident scene.
8. The lack of alcohol containers at the scene is inconsequential, as the Decedent may have consumed alcohol before entering his car, or as Mr. Redmond testified, alcohol containers are not always found at accident scenes involving alcohol as individuals can throw out the alcohol container so as to not keep evidence in a car.
9. Deputy Coroner Reynolds followed the correct protocol in drawing blood from the Decedent's heart on the date of accident.
10. The blood sample was taken by Deputy Coroner Reynolds as it is standard protocol to draw blood at any wreck scene and based on Mr. Reynolds's discussion with the highway patrol; moreover, Mr. Redmond testified that blood samples are taken at accident scenes and submitted to SLED to determine if alcohol was present even if alcohol containers are not found at an accident scene.
11. Deputy Coroner Reynolds followed the correct protocol submitting the vial sample of blood to the South Carolina Law Enforcement Division.
12. There is no evidence that the blood sample was contaminated or tampered with.
13. The Decedent was traveling at an estimated speed of 95 miles per hour at the time of the accident.
14. Traveling at 95 miles hour was not the Decedent's normal nature, based on the testimony of Shanice Hamilton and Margaret Hamilton.
15. The opinion of Dr. James Ballenger, Mr. Robert Sears, and Dr. Elaine Riemer is that a blood alcohol level of .208 causes impairments to judgment and motor control.
16. Based on the report of Dr. Ballenger and the testimony of Mr. Robert Sears that the Decedent's blood alcohol level of .208 was the cause of the Decedent's accident.

17. We give greater weight to the Assistant Coroner report, the SLED toxicology report, the testimony of Don Reynolds, the testimony of Robert Sears than the testimony of Dr. Elaine Riemer, as to the validity of the blood sample and to Mr. Robert Sears regarding the cause of this accident.
18. We give equal weight to the report of Dr. Elaine Riemer and the report of Dr. James Ballenger. They are opposite in nature to the final findings as to causation of the accident.
19. The testimony of John Pinckney and Tom Redman conflicts with each other as to where each was standing when transferring the Decedent's body.
20. Mr. Tom Redman, was a friend of the Decedent's family who became emotional at the hearing as to the death of the Decedent.
21. Based on the testimony of Shanice Hamilton and Margaret Hamilton, and the phone records in the APA submissions, the Decedent made telephone calls to both Margaret and Shanice on the date of the accident and the last indication the Decedent made to either witness was that he was not going to the athletic banquet; moreover, the Decedent was unaware Shanice Hamilton was receiving an award at the banquet.
22. Testimony that the Decedent often surprised his family by saying he would be delayed but would show up on time, or that he would not attend a certain function and would show up to surprise his family is not a consideration in deciding this case, as it would be speculation to find that the Decedent may have been coming home to attend the athletic banquet, especially when the last conversation he had with Margaret Hamilton and Shanice Hamilton was that he was not going to come to the banquet and did not know that Shanice Hamilton was receiving an award that night. Therefore, even though the accident happened at 6:05 p.m. just outside of Johnsonville, S.C. which is where the Decedent lived and where the athletic banquet of Shanice Hamilton began at 6:00 p.m. that same day, there was no evidence presented that the Decedent was going to surprise his family at the athletic banquet.
23. Liberty Mutual paid \$2,500 of funeral benefits and Pike Electric paid the remainder of the funeral bills; however, payment of the funeral bill is not an admission of liability.
24. If the case were compensable, which it is not, we would find that the Defendants completed a good faith investigation into possible defendants. We would also find that Shanice Hamilton would have been the sole taker of benefits.
25. Sarah Ann Johnson was still married to the Decedent at the time of the accident, but they have not lived together for over 19 years.
26. We do not find the testimony of Sarah Ann Johnson that she was abandoned and she never filed anything for desertion to be credible and that she had the greatest gain in this case.

27. Margaret Ann Hamilton is the biological mother of Shanice Hamilton and the girlfriend of the Decedent, and was never married to the Decedent.
28. Based on the greater weight and preponderance of the reliable and substantial evidence in the record, we find that the proximate cause of the accident was the Decedent's intoxication, as he had a blood alcohol level of .208, which impaired his judgment and reasoning to believing that traveling at 95 miles an hour was reasonable.

CONCLUSIONS OF LAW

1. Section 42-17-40 of the South Carolina Code of Laws (1976, as amended) is applicable in governing the conduct of hearings and renderings of awards.
2. Section 42-9-60 of the South Carolina Code of Laws (1976, as amended) is applicable in determining that an employee whose injury or death is occasioned by intoxication is not entitled to benefits under the *South Carolina Workers' Compensation Act*.
3. *Airco, Inc. v. Hollington*, 269 S.C. 152, 236 S.E.2d 804 (1977) is applicable in determining when an employer and carrier have performed a good faith investigation as to potential dependents of a deceased claimant.

ORDER

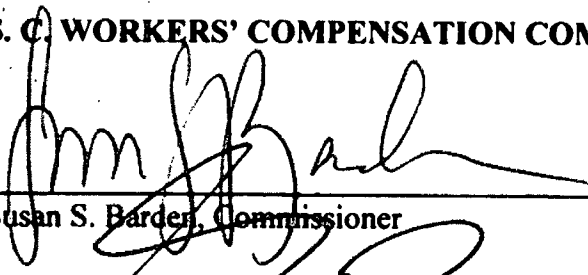
Based on the above Findings of Fact and Conclusions of Law, the undersigned Commissioners order as follows:

1. **IT IS ORDERED** that Shanice Hamilton is the sole dependent of the Decedent;
2. **IT IS FURTHER ORDERED** that Employer/Carrier has made a reasonable, due and diligent investigation to determine those persons who may be entitled to benefits under the *South Carolina Workers' Compensation Act* and is hereby discharged from payment to any other individuals who may claim to be dependents of the Decedent.
3. **IT IS FURTHER ORDERED** that the Decedent was intoxicated at the time of the accident.
4. **IT IS FURTHER ORDERED** that the Decedent's intoxication was the cause of the Decedent's accident.

5. **IT IS FURTHER ORDERED** that any dependents, including Shanice Hamilton, are not entitled to any benefits under the South Carolina Workers' Compensation Act.

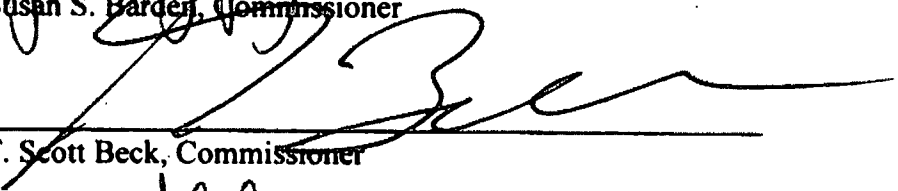
IT IS SO ORDERED.

S. C. WORKERS' COMPENSATION COMMISSION

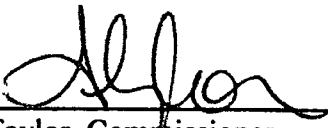


Susan S. Barden, Commissioner

We concur:



T. Scott Beck, Commissioner



Aisha Taylor, Commissioner

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

By Kim Falls on September 26, 2014

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO: 1205798

Briett (Deceased) Johnson,

Employee,

Claimant,

vs.

Pike Electric, Inc.,

Employer,

AND

Liberty Mutual Insurance Company,

Carrier,

Defendants.

DECISION AND ORDER

Hearing:

Held in Florence, South Carolina, on November 4, 2013.

Appearances:

Shanice Hamilton and Margaret Ann Hamilton was represented by Gregory B. Askins, Esquire of Askins, Chandler & Askins, LLP of Hemingway, South Carolina.

Sarah Ann Johnson was represented by H. Steven DeBerry, IV, Esquire of the DeBerry Law Firm and by Brown W. Johnson, Esquire of Clarke, Johnson, Peterson & McLean, P.A. of Florence, South Carolina.

Defendants were represented by J. Brandon Hylton, Esquire of Turner, Padgett, Graham & Laney, P.A. of Florence, South Carolina.

Purpose of Hearing:

The purpose of this hearing is to determine the issues set forth in the Hearing Notice, issues pled on the Forms 50 and 53, and any other issues which may timely come before the Commission.

Decision and Order

Avery B. Wilkerson, Jr., Commissioner

Filed:

February 28, 2014

STIPULATIONS

Counsel for all parties stipulated at the hearing to the following issues:

1. The purpose of this hearing is to determine the issues set forth in the Hearing Notice, issues pled on the Forms 50 and 53, and any other issues which may timely come before the Commission.
2. Notice of the Hearing was timely and properly served upon all parties of interest.
3. The parties agreed to the maximum compensation rate of \$725.47.
4. Venue set in Florence County is proper.
5. The Claimants seek benefits under the *South Carolina Workers' Compensation Act* based on an alleged accidental injury occurring on May 17, 2012, while the Decedent was an employee of the Defendant-Employer and, therefore, the South Carolina Workers' Compensation Commission has jurisdiction of the case.

APA EVIDENTIARY SUBMISSIONS

APA#	NAME OF PROVIDER /OTHER	DATE(S) OF RECORD(S)	PAGE NUMBERS
1.	Certificate of Death of Briett Johnson	05/2/12	1
2.	Deposition of Dr. Ellen Riemer	11/05/12	42+
3.	Curriculum Vitae of Dr. Ellen Riemer		7
4.	Funeral bill of Briett Johnson	05/29/12	2
5.	Copy of check from Liberty Mutual to funeral home	05/31/12	1
6.	Copy of check from Pike Electric, LLC to funeral home	06/05/12	1
7.	Copy of birth certificate of Shanice Trinell Hamilton	10/31/11	1
8.	MAIT Report – SC Highway Patrol – Selected photographs 8-1 through 8-5		35 pages, CD 5
9.	Copies of phone bills – Margaret Hamilton	06/25/13	4
10.	Copy of deed from Sara Johnson to Briett Johnson	06/15/01	2
11.	Funeral bulletin/obituary of Briett Johnson		2
12.	Certified cop of Petition for Letters – Estate of Briett Johnson	06/13/12	6

13.	Dr. James C. Ballenger	08/24/12	70 - 72
14.	Coroner's Report	Undated	73 - 74
15.	Curriculum Vitae of Robert Michael Sears	Undated	75 - 83
16.	Quality Control of Toxicology Tests	05/23/12	84 - 92
17.	SLED Forensic Services Laboratory Report	07/16/12	93 - 94
18.	Johnsonville Rescue – EMS	05/17/12	95
19.	SLED Facsimile to Florence County Coroner	08/23/12	96 - 97
20.	South Carolina Department of Public Safety M.A.I.T. Report	Undated	98 - 133
21.	SLED Arrest Record	01/26/76 – 07/05/80	134 – 135
22.	10 Year Driver Record	Undated	136 - 137
23.	Dependency Investigation of Tuten	06/19/12	138 - 159
24.	Letter from Johnsonville High School		160

STATEMENT OF THE CASE

Shanice Hamilton, Margaret Hamilton and Sarah Ann Johnson all allege that the Decedent, Briett Johnson, worked for Pike Electric on May 17, 2012. They assert that on the date in question, the Decedent was returning from a jobsite in Winnsboro, South Carolina to his home in Johnsonville, South Carolina. They assert that a fatal automobile accident arose out and in the course of Decedent's employment with the Employer.

Margaret Hamilton and Shanice Hamilton both assert that Shanice Hamilton was a minor at the time of the accident and assert that she is the sole beneficiary under the *South Carolina Worker's Compensation Act*.

Sarah Ann Johnson asserts that she is a surviving spouse of the Decedent and is entitled to one-half of the benefits under the *South Carolina Workers' Compensation Act*.

Defendants assert that the Decedent was intoxicated when the fatal accident occurred and that the intoxication was the cause of the accident.

All three Claimants assert that the Defendants cannot meet their burden of proof for intoxication on the date of the accident. Further, the Claimants all allege that the blood sample should be ruled as inadmissible or, even if admitted, that it was tainted and not reliable as it was not properly drawn.

EVIDENCE OF THE CASE

All the medical evidence submitted was taken into consideration when deciding this matter. The summary of the medical evidence I find most relevant to the issue at hand is found below.

First, the **Certificate of Death** of Briett Johnson shows that the informant's name was Margaret Hamilton. It states the Decedent died on May 17, 2012 due to severe head trauma due to an automobile accident. It stated that the accident occurred when the Decedent attempted to pass and lost control.

Funeral bill for Briett Johnson shows that the funeral was performed by Nesmith-Pinckney Funeral Home. The funeral was billed to Ms. Margaret Hamilton.

Liberty Mutual paid \$2,500 to Nesmith-Pinckney Funeral Home for funeral expenses of Briett Johnson.

Pike Electric paid \$8,420.30 to Nesmith-Pinckney for the funeral of Briett Johnson.

The **Birth Certificate of Shanice Hamilton** was reviewed. Ms. Hamilton was born on [REDACTED] 1993. Her mother's maiden name is Margaret Ann Hamilton. The father's name is Briett Johnson.

Photos of the M.A.I.T. Report were submitted by Shanice Hamilton. The first photo shows an upside down truck. The second photo is of the Decedent in the cab. The third photo is a picture of the Decedent's legs in the cab. The next photo is of the road on which the Decedent wrecked. The next picture is of the curb from the opposite direction of the accident.

The **phone bills of Margaret Hamilton** were reviewed. There are six different phone calls to telephone number [REDACTED] on May 17, 2012 at 6:55 a.m., 9:35 a.m., 2:24 p.m., 2:47 p.m., 8:18 p.m. and 8:27 p.m.

A **deed from Sarah Johnson to Barrett Johnson** was reviewed. Property at 23 Azalea Street, Johnsonville, South Carolina, Tax Map No. 432-05-095 was transferred from Sarah A. Johnson to Briett Johnson on June 15, 2001 for \$5.00, love and affection.

The **funeral bulletin for Briett Johnson** was reviewed. The funeral was held on Thursday, May 24, 2012 at Nazareth A.M.E. Church, Johnsonville, South Carolina. The obituary was included in the funeral bulletin and states that he left behind a very special companion, Margaret Hamilton; one daughter, Shanice Hamilton; a stepson, Shawn Hamilton; four brothers, Lester Johnson, Jimmy Johnson, Curtis Johnson and Eddie Johnson; and two sisters, Patricia Johnson and Brenda Johnson. It also notes the Decedent had three stepchildren from a previous marriage.

The **psychiatric and psychopharmacological reports** on Briett Johnson provided by **Dr. James C. Ballenger** both note that the Decedent died in a vehicle accident on May 17, 2012. The first police report states that the Decedent passed in a no-passing zone in a curve and drove off the right side of the road, overturned and hit a utility pole. He notes that the estimated speed before the accident was 95 miles an hour. Dr. Ballenger notes that the blood drawn approximately three hours later showed a blood alcohol level of .208. He notes that Mr. Johnson had three previous speeding tickets, which only one was greater than 10 miles an hour, but less than 25 miles an hour. Dr. Ballenger notes that the Decedent had been known to be a careful driver, however on the date of accident he was driving uncharacteristically reckless. He notes that the Decedent's blood alcohol could have continued to metabolize some after death, although

it is impossible to estimate how metabolizing would have occurred. Dr. Ballenger stated that bacteria growth in the amount of time from death to being drawn would not likely have contributed significantly to the blood alcohol level. Therefore, Dr. Ballenger concluded that the blood alcohol level of .208 when drawn two hours after the accident would be less than the blood alcohol level at the time of the accident. He noted that for most conservative analysis, using the blood alcohol level of .208, the Decedent was beyond "sloppy drunk" which occurs at .160 to - 0.190-V. He noted that at the alcohol level of .200, most individuals are dazed or confused and would need help to stand or even walk. He noted that blood alcohol levels below .208, individuals fail to recognize their impairment, their muscular coordination is poor and judgment is reduced. He notes that levels of .130 to 0.150 there is major loss of balance and gross motor impairment, there is blurred vision and severe impairment of judgment. He notes that .150 there is "substantial impairment in vehicle control while driving." He notes that the rationale for placing the legal DUI limit at .08%/V is because coordination has already become poor, and balance, speech, vision, reaction time and hearing abilities are all reduced. He notes that at these levels it is harder for individuals to detect danger, and judgment, self-control, reasoning and memory are all impaired. Dr. Ballenger concluded that, based on the above analysis, it was his medical opinion to a reasonable degree of medical certainty that the proximate cause of Briett Johnson's vehicular accident was that he was severely impaired from consumption of alcohol. He notes that at the time of the accident, it was the Decedent's high blood alcohol content led to his poor judgment and loss of ability to drive safely.

Dr. Ballenger is a Board-certified psychiatrist, as well as a Board-certified forensic psychiatrist. Dr. Ballenger was a Professor and Chairman of the Department of Psychiatry and Behavioral Sciences at MUSC for 17 years. He is the founding Director of the Institute of Psychiatry, as well as the founding Executive Director for the Center of Drug and Alcohol programs at MUSC. Dr. Ballenger has testified as an expert in multiple cases involving blood alcohol level determinations and their role in accidents, as well as other issues in psychopharmacology. Dr. Ballenger's report is dated August 24, 2012.

Next, the **coroner's report** was reviewed. The coroner's report noted that Briett Johnson died on May 17, 2012 at 18:55. He was pronounced dead on that same day at 19:30. It notes that blood was drawn by Don Reynolds and was labeled, packed and sealed. Mr. Reynolds notes in the report that the Decedent was going east and was attempting to pass a car when he came back to his lane and apparently loss control and went off the right side of the road and embankment. He notes that the Decedent had a seat belt on and was dead upon arrival at the scene. Mr. Reynolds notes that the Decedent died of severe head trauma. He notes that the Decedent's body was taken to Johnsonville Rescue Squad building where he drew a vial of blood for toxicology to be sent to SLED.

Next, the **CV of Robert Michael Sears** was reviewed. Mr. Sears is a toxicologist with the South Carolina Law Enforcement Division, Forensic Services Section, in Columbia, South Carolina. He is also a Forensic Science Education Programs Accreditation Commission Onsite Evaluator, which he has held since 2008. He is a National Laboratory Certification Program Inspector, which he has held since November of 2009. Finally, he is a part of the Scientific Working Group - Toxicology/Certification Committee, which he has been since February of 2010. Mr. Sears' education consists of the South Carolina Criminal Justice Academy; basic police officer training, breathalyzer operator certification, data master operation certification and

DMT operator certification. The University of South Carolina, College of Pharmacy: MS and medicinal chemistry (1990-1997). Francis Marion College: Bachelor of Science in chemistry (1981-1985). Mr. Sears also has numerous advanced training dealing with toxicology. Mr. Sears has 24 years of experience in courtroom testimony as an expert witness in municipal, magistrate, and state (South Carolina and Georgia) courts (criminal and civil case work).

Next, the **quality control of toxicology tests** were reviewed, which, based on the testimony of Mr. Sears, shows that the test ranges were valid.

Next is the **Forensic Services laboratory report** of the South Carolina Law Enforcement Division. The report shows that the Decedent's blood sample showed a .208 blood alcohol content as a result of ethanol.

The report of the **Johnsonville Rescue – EMS** was reviewed. The report was completed on May 17, 2012 showing a name of Barrett Johnson. It notes that the Decedent was involved in a single car motor vehicle accident when the Decedent was pinned inside of his truck while wearing a seat belt. It notes that the Decedent had rolled over a number of times and took out light poles. It notes that the Decedent was found dead on arrival inside of the truck and had crush injuries to the right side of his neck.

SLED facsimile to Don Reynolds is dated August 23, 2012. It notes that a copy of the blood vial submitted on L12-06036 and that a hard copy will be put in the mail. Contained was a picture of the label on the vial of blood submitted by Deputy Commissioner Reynolds.

Next, a copy of the **South Carolina Department of Public Safety, M.A.I.T. report** was reviewed. In the M.A.I.T. report contains a copy of the Traffic Collision Report form which shows that the Decedent had an estimated calculated speed of 95 miles an hour. It notes that the Decedent was traveling eastward on a curve in the road and that the Decedent left the road while in curve, striking a utility pole and ending up on another vehicle. Calculations and pictures were used by the M.A.I.T. report in establishing the proximate speed of 95 miles an hour.

Next, a **10-year driving record of the Decedent** was reviewed. The Decedent had a violation of speeding of 10 miles an hour or less on May 8, 2012, another violation of speeding of more than 10 miles per hour, but less than 25 miles per hour on September 2, 2009, and a third violation of speeding of 10 miles an hour or less on December 10, 2002.

Next, the **dependency investigation of Tuten Insurance Services** was reviewed. The report was dated June 19, 2012. A recorded statement of Margaret Ann Hamilton was taken. Ms. Hamilton noted that the Decedent moved into her home after he separated from his wife, Sarah Ann Johnson. She notes that Briett Johnson had no natural born children with Sarah Ann Johnson, but that she brought three children from a previous relationship into the marriage. She noted that the Decedent never adopted any of Sarah Ann Johnson's children. Ms. Hamilton noted that she and the Decedent had one natural born child together, Shanice Terrell Hamilton, who was born on [REDACTED] 1993. She noted that she had one son from a prior relationship, Shawn J. Hamilton, who is not the son of the Decedent. Ms. Hamilton stated that she knew of no one who was financially dependent upon the Decedent at the time of his death, other than herself and her biological daughter, Shanice.

The **recorded statement of Shanice Hamilton** was reviewed. She noted that she resided with her mother and the Decedent, who was her father. Shanice stated that the people living at the home at the time of the Decedent's death was her mother, Margaret Hamilton, and her father, Briett Johnson, the Decedent. She knew that her father had previously been married to Sarah Johnson. She stated that her father never divorced Sarah Johnson and that the Decedent and Sarah Johnson did not have any natural born children from their marriage. She knew of no other natural born children of the Decedent, Briett Johnson.

Next, the **recorded statement of Sarah Ann Johnson** was reviewed. She noted that she and the Decedent were married on December 23, 1981. She noted that she and the Decedent never divorced and never had a legal separation. She noted that the Decedent left her house over 19 years ago. She stated the Decedent always told her that he would never divorce her. She noted that she and the Decedent had no natural born children during their marriage, that he treated her children from a prior marriage as his own. She further noted she helped the youngest daughter when she attended Francis Marion College. Sarah Ann Johnson stated that she knew of only one natural born child of the Decedent and that was Shanice Hamilton. Sarah Ann Johnson also stated that the only person she knew that was dependent upon the Decedent was his daughter Shanice, although she stated that the Decedent would visit her home from time to time and give her money to help her out -- stating she received \$100 every now and then. She noted that the Decedent did not pay any of the regular bills for her or her children.

The conclusion of the report was that the Decedent Briett Johnson provided for his girlfriend, Margaret Ann Hamilton and his daughter, Shanice Hamilton. The consensus from every one interviewed was that there was no one financially dependent on the Decedent other than Margaret Ann Hamilton and Shanice Hamilton.

DEPOSITION TESTIMONY

The **deposition transcript of Don Reynolds** was reviewed. Mr. Reynolds is the Deputy Florence County Coroner. He has held that position for 18-1/2 years. Mr. Reynolds testified that he received a call on May 17, 2012 at approximately 6:55 p.m. and arrived on the scene at approximately 7:30 p.m. He testified that at the time of arrival at the truck he saw that the Decedent had severe head trauma and was pinned inside the vehicle. Mr. Reynolds testified that from the time he arrived on the scene to the time he drew blood was approximately one hour, which places drawing of the blood at approximately 8:30 p.m.

Mr. Reynolds testified that he drew blood by inserting a needle around the sternum area between the rib cage and into the heart. Mr. Reynolds testified that there was nothing unusual or out of the ordinary with regard to taking blood from this individual and sending it in to the South Carolina Law Enforcement Division ("SLED"). He testified that he did not deviate from his standard protocol in any way in dealing with the blood test. Mr. Reynolds testified that after drawing the blood it was placed into a vial that was marked and sealed and mailed to SLED the next day.

Mr. Reynolds testified that he was trained to draw blood from a doctor in Charleston. Mr. Reynolds testified that he did not sterilize the Decedent's body before drawing blood. He further testified that he did not use any kind of swab or alcohol cleansing fluid to clean the

Decedent before drawing blood. Further, Mr. Reynolds testified that he did know anybody else that night to use any kind of swab or alcohol on the Decedent prior to drawing blood.

Mr. Reynolds testified that after drawing blood, a seal was put over the vial of blood and placed in a box and transported to his secretary who fills out the form. She puts the vial back into the box and mails it to SLED. Mr. Reynolds testified that he has never taken more than one blood vial at a time. He testified that the secretary puts the vial back in the box and takes it down to the mailroom and that it is mailed out from there to the coroner's office. He noted there are only two investigators that work part-time in the coroner's office that perform these duties, along with the coroner. Mr. Reynolds testified that he did not have more than one sample in office at the time this sample was mailed to SLED.

Mr. Reynolds did not personally inspect the Decedent's body to determine cause of death, but consulted with EMS personnel on the scene. No other specimens were collected by Mr. Reynolds or by anyone else, to his knowledge, from the Decedent's body.

Next, the **deposition of Robert Sears** was reviewed. Mr. Sears testified that he works for South Carolina Law Enforcement Division as a Toxicology Technical Leader, which means that he is the technical leader for the toxicology department at SLED. Mr. Sears testified that a toxicologist is someone that analyzes blood, urine and other biological samples of bodily fluids for the presence of drugs, alcohol and poisons, and then interprets those findings in the courts of law or in hearings as to the impact of the alcohol, poison or drug level may have on the individual in question. Mr. Sears first testified regarding his qualifications. He has a Bachelor Degree in chemistry from Francis Marion and a Master Degree in medicinal chemistry through the School of Pharmacy at the University of South Carolina. He also testified that he has attended numerous trainings on not only how to operate testing equipment, but also in how to interpret the findings and what these findings actually mean to the average individual. Mr. Sears also noted that he trained at the Borkenstein School taking courses that directly relate to alcohol analysis, interpretation, and then legal issues related to gathering the evidence and interpreting such evidence in courts of law. Finally, he testified that he has numerous in-house and outside training, as well as formal education, in pharmacology. Mr. Sears then testified regarding the effects of the blood alcohol levels on an individual.

Mr. Sears testified that he has been with SLED for over 24 years and has held the position of toxicologist the entire time.

Mr. Sears testified that the toxicology department received the blood sample labeled Briett Johnson, and it was submitted to the laboratory on May 21, 2012. He noted it arrived in the toxicology department on May 22. Mr. Sears testified that the analysis on the sample began to run on May 23, 2012. Mr. Sears testified that upon arrival, pictures were taken of the external packages, as well as the tube or vial. Mr. Sears testified that the vial containing the Decedent's blood sample was received through the mail and was accepted by Doris Yarborough, who is the sealing official at SLED, and that the box was opened and the vial was placed into a bag. Mr. Sears testified in reviewing the evidence in the case and how the blood vial arrived to his office, there was nothing unusual regarding the submission. Mr. Sears testified there was nothing unusual about receiving blood samples by the mail. He testified that many of the coroners in the State submit blood samples through the mail. He further testified there was no risk of

contamination through that process. He testified that the blood itself is in a sealed tube and there was no indication that anybody was able to tamper with the specimen in question. He states that once they receive the vial, they test to make sure that the vial is truly sealed. Further, Mr. Sears testified that he did not witness or see any tampering regarding the seal on the vial in question.

With regard to the tests, Mr. Sears reported that multiple tests were performed. The tests have to be within a range to be valid and that the test in question was in range to be valid. He notes that in this particular case the test showed .221 blood alcohol content and a .2088 blood alcohol content. Mr. Sears testified that they take the lower of the two readings as the reported blood alcohol content.

Mr. Sears testified that a heart stick is an accepted method for the Deputy Coroner to draw blood and that, as long as an external exam of the body and it was felt that there no internal trauma, it would be a very acceptable way to perform the test. Mr. Sears further testified that there was no issue or cause for concern regarding the blood sample being taken approximately two and a half hours from the time of death. Mr. Sears explained that in order for ethanol to be metabolized it requires energy and that once the circulatory system in the body shuts down there is no more energy in the liver to provide for the metabolism. He noted that the sample taken is a snapshot that would reflect what happened at the time of death. With regard of the time between death and the drawing of the blood, Mr. Sears testified that the body would have moved very rapidly from the accident scene, after extraction from the vehicle, to the place where the blood was drawn. He notes that the body was not left outside in high temperatures.

Mr. Sears testified that at low levels of ethanol, people become more euphoric and inhibitions are suppressed. He testified that once a .15DAC level is reached, individuals may experience short term memory loss and begin to show outward symptoms of impairment that the average trained observer would notice – such as individuals leaning against the wall for support instead of standing in an open room. At a .20DAC level, the symptoms are exaggerated even more. He testified that they would be marked decrements in an individual's ability to safely operate a vehicle. Mr. Sears also testified that a .20DAC level would impair judgment, self-control and reasoning. He also testified a .208 blood alcohol level may affect a person's visual abilities. Mr. Sears testified that a .208 alcohol limit would be almost three times the legal limit in South Carolina. Mr. Sears also testified that ethanol makes individuals feel more sure of their abilities and an individual will overestimate their ability to drive a motor vehicle and in his opinion is what likely contributed to the likelihood that the Claimant felt that driving 95 miles an hour was a reasonable speed.

Mr. Sears testified that he has testified at over 100 trials in the States of South Carolina and Georgia, DUI trials, death investigation trials, criminal sexual conduct trials and assault and battery trials. He has also provided testimony related to alcohol and drug impairment.

Mr. Sears gave his opinion that at a .208 alcohol level, the Claimant's ability to safely operate a vehicle was appreciably and materially impaired by the presence of alcohol in this case and most likely contributed to the accident. Mr. Sears' opinion was to a reasonable degree of certainty in his field of expertise.

Mr. Sears testified that, based on the information provided to him, he did not see anything that would raise a flag as to the blood sample being drawn improperly or improperly submitted to SLED.

Mr. Sears testified that he was unaware of any other contributing factors to the accident, such as mechanical failure and noted that the Claimant's blood alcohol level could have impaired the Claimant to prevent him from even recovering from a mechanical failure, if such failure existed. He said that even if there was some mechanical failure, Mr. Sears testified that the blood alcohol level of .208 would still be the cause, at least partially, of the accident. He noted that the blood alcohol level of a .208 is significant.

With regard to validity of the test, Mr. Sears testified there are multiple tests run on the blood and that the test must be within an 8% differential. Mr. Sears testified that the first test came back with a blood alcohol level of .22 and the second test came back with a .208. He noted that the difference between the .22 test and the .208 test would equal 5.6% difference and was therefore ruled valid as it was within the variance.

Mr. Sears testified that the seal on the blood vial was a one-time one-stick seal and that an individual would have to tear up that seal in order to get it off of the vial. He further testified that you would not be able to reseal the vial at that point.

Mr. Sears testified that there was one sample that was not done correctly, as it was out of range. He noted that the improperly run sample was not printed out.

With regard to the sampling, the vial contained sodium fluoride and potassium oxalate, which prevent any microbial growth, and also prevents clotting.

Mr. Sears testified that it was his expert opinion that the .208 was a valid reading.

Mr. Sears testified that there was no evidence of any additional fluid other than blood being contained in the vial.

Mr. Sears testified that, if the blood sample was contaminated, the blood alcohol level would likely be greater than a .5 as the concentration in a mixed drink is 3%.

Mr. Sears testified as further evidence of the validity of the sample, there were no other compounds found other than ethanol and blood in the sample. Mr. Sears testified that the chromatograms were very clean in the test. He testified that he did not see any peaks that would indicate that there was a huge amount of external compounds in the sample. Mr. Sears testified that if there were other compounds besides blood, the drug screen would also give him an odd reading. Mr. Sears testified that everything was negative on the drug screen and therefore using all the information available to him, it is his opinion that the sample was valid.

The deposition of Dr. Ellen C. Riemer was reviewed. Dr. Riemer obtained a Bachelor of Arts from Bryn Mawr College in Pennsylvania. She attended law school at the University of Wisconsin in Madison and received her Juris Doctorate degree in 1988. She practiced law for five years before starting medical school in 1993 at Tel Aviv University, Sackler School of Medicine. Dr. Riemer testified that she graduated from medical school in four years and then

returned to New York, where she did her residency in pathology at Columbia University, College of Physicians and Surgeons. She completed her pathology residency training at Columbia Presbyterian Medical Center in New York and completed a fellowship in forensic pathology at the Office of the Chief Medical Examiner of the State of Maryland, in Baltimore. Dr. Riemer went on to obtain a second fellowship in cardiovascular and pulmonary pathology at John Hopkins University School of Medicine in 2003. She testified that she is Board-certified in anatomic and forensic pathology by the American Board of Pathology. Dr. Riemer testified that she took the position at Wake Forest University after completing her fellowship at John Hopkins. She was on the faculty at Wake Forest in pathology for almost six years and also served as a forensic pathologist and medical examiner. Dr. Riemer testified she was then recruited by MUSC for a similar position as a forensic pathologist. She has now been at MUSC for approximately four years. At MUSC, Dr. Riemer is an attending physician in anatomic pathology and is the Director of Pulmonary Pathology and is a forensic pathologist. Dr. Riemer has been qualified as an expert witness in criminal trials and has testified approximately 25 times in South Carolina courts.

Dr. Riemer had reviewed the depositions of both Mr. Reynolds and Mr. Sears and she had reviewed the entire M.A.I.T. report, including the CD containing all pictures in the report, prior to giving her testimony.

Dr. Riemer testified that it was her opinion that the blood sample was not valid. She testified that Mr. Reynolds keeping the sample in his vehicle overnight and mailing the sample to SLED on the 18th and the sample not arriving to SLED until May 21, 2012 caused for concern, as after death there can be significant amounts of bacteria proliferation which is associated with postmortem ethanol production. She further testified that there is likelihood that the postmortem ethanol production is increased when there is extensive internal trauma, which she states was likely in this particular case. She further testified that when a specimen is stored at a higher temperature, it will increase the rate of postmortem bacteria production and ethanol production.

Dr. Riemer also testified that there was no way for Mr. Reynolds to be sure that he was drawing blood from the heart. She noted that heart blood could have easily been mixed with blood leaking and spilling from tears in internal organs. She further testified that any ethanol swabs used on the Decedent prior to a vein puncture could also cause ethanol to be present in the sample.

Dr. Riemer testified that if the Decedent had not consumed any alcohol within a 20 hour period prior to the time of the accident, there would still be a possibility for an ethanol reading of a .208 to occur due to bacterial contamination from internal injuries, especially injuries to the liver and spleen.

Dr. Riemer testified that if she was drawing the blood, it would be drawn from various specific locations and that vicarious fluid would also be taken and tested at the same time to compare the results.

Dr. Riemer testified that even without a rupture of the stomach, there could possibly be a mixing of alcohol in the stomach which would raise cardiac blood levels, which in her opinion is why a cardiac blood sample is not a good source to measure blood alcohol content.

Dr. Riemer testified that it was her professional opinion, within a reasonable degree of medical certainty, that the .208 blood alcohol level was not a reliable indicator of ethanol consumption in this case.

Dr. Riemer testified that artificial postmortem production of ethanol may differ from patient to patient depending on the degree of internal trauma and environment factors. She noted there would be a lot of postmortem production in the stomach and less in peripheral blood.

Dr. Riemer testified that based on her experiences there can be lacerations and internal trauma without outward appearances of such after an accident such as the one the Decedent was involved in. She testified that it was common to find internal injuries that may not be apparent from the outside. She testified that autopsies are requested because there are times the body looks like there are a few scrapes on the outside and an accurate cause of death cannot be determined.

Dr. Riemer testified that cardiac blood taken from an individual that had consumed alcohol soon before the sample was taken would not be reliable, because it could be co-mixed with gastric fluid and could become contaminated by flow from the portal vein and that it was known that cardiac blood can falsely be elevated from recent consumption, even when it is not in the blood.

Dr. Riemer also testified that if the Claimant had consumed an alcoholic beverage while in the middle of the accident, he would have aspirated his gastric fluid and such fluid would end up in the trachea during a venereal puncture of the chest and that it was very likely some of the fluid in the trachea could have been aspirated, along with high blood, which also could account for ethanol being present in the heart.

Dr. Riemer testified that an autopsy was not done in this case. She testified that an autopsy was the only way to know within a reasonable degree of medical certainty whether the Decedent suffered internal injuries. In response to the question of whether or not the toxicology result was reliable, she testified that to a reasonable degree of medical certainty it is not a reliable indicator of ethanol consumption.

Dr. Riemer also testified that the Claimants and their attorneys had not sent her a sample of the blood that was taken and that she had not personally analyzed the vial to determine if there were any other compounds in the sample other than blood and ethanol. Dr. Riemer testified that her opinion is based solely on other individuals' reports.

Dr. Riemer testified that a .208 blood alcohol level would make a person less capable of operating a motor vehicle with good judgment and reaction time. Dr. Riemer also testified that a .208 blood alcohol level would affect judgment, inhibitions and cause an individual to take additional risks. She further testified that a .208 blood alcohol level would cause loss of muscle control and, depending on the tolerance, could cause an individual to pass out.

Dr. Riemer testified that in the accidents she has investigated in the past she never finds that alcohol is a contributing factor. At the same time, she testified again that she almost never states that alcohol is even a contributing factor. Dr. Riemer explained her statement stating that there are other factors that could account for the accident, such as changing a radio station and

said that one could never know for sure whether alcohol played a role or not in the accident. However, she did agree that a .208 blood alcohol level would affect a person's ability to drive.

Dr. Riemer agreed there was no indication there were any other materials or elements found in the blood. Dr. Riemer further testified that metabolism stops after the Decedent's heart stopped beating and that the .208 level could not decrease from metabolism at that time.

HEARING TESTIMONY

Thomas E. Redman testified that he is a paramedic with the Johnsonville Rescue Squad. He testified that he has been with EMS 52 years and was one of the first EMTs in the State of South Carolina. Mr. Redman testified that he has been a practicing paramedic for approximately 24 years. In addition to working as a paramedic, Mr. Redman is an accountant and tax practitioner and also has a bail bonds business.

Mr. Redman testified that on May 17, 2013, he responded to an EMS call at approximately 6:12 p.m. He was on the scene at approximately 6:25 p.m. He noted that when he arrived at the scene they were not able to remove the Decedent from the vehicle until power was turned off, as the Decedent had clipped a live pole and power lines were down. Once the power was shut off, he checked on the Decedent, could not find a pulse and did not see the Decedent breathing.

Mr. Redman reviewed the photos from the M.A.I.T. report and confirmed the authenticity of those photos.

Mr. Redman also testified that he knew the Decedent personally as Johnsonville is a small town. Mr. Redman further testified that he has served as Mayor for approximately six years.

Mr. Redman testified that he has been to approximately 1,500 to 2,000 wrecks over the years. He reported that approximately 50% of those wreck cases involve alcohol. He testified that during those wrecks involving alcohol he could ascertain the use of alcohol by the smell of alcohol odor in the car and on the person. He testified that also normally there are beer bottles and liquor bottles in the car or thrown around the scene. Mr. Redman testified that during his examination of the body, he did not see any evidence of alcohol consumption. He did not ascertain any evidence of alcohol in the truck.

Mr. Redman testified that the Decedent's body was sitting in the vehicle for approximately an hour and a half. He noted that the Decedent was restrained by a seatbelt. Upon removing the Decedent's body from the truck, his body was placed on a spine board and then loaded into an ambulance and was taken to the EMS station where he met Assistant Coroner Don Reynolds. Mr. Redman testified that he assisted in lifting the Decedent. He testified that the Decedent had some face trauma, abrasions and cuts, and that the Decedent's neck was real swollen. He testified that the Decedent probably had massive internal injuries.

At the Rescue Squad station, Mr. Redman testified that he elevated the head and cleaned up the face for the family to view the body. He testified he used sterile water to clean the body and that there was no alcohol used to his knowledge.

Mr. Redman testified about cleaning the face and did not detect any odor of alcohol. Mr. Redman also pointed out that he also made that notation in his official EMS report.

Mr. Redman testified that Margaret Hamilton and Shanice Hamilton came to view the body. Mr. Redman testified that both Margaret and Shanice Hamilton viewed the Decedent's body at the rescue squad building and both leaned over and kissed the Decedent on his cheek. Mr. Redman testified that he personally knew Margaret Hamilton as Margaret Hamilton's mother used to be a member of the Rescue Squad and they worked together. It was noted that Mr. Redman became emotional at the hearing when talking about the death of the Decedent.

Mr. Redman testified that Nesmith Pinckney Funeral Home was called to retrieve the Decedent's body. Mr. Redman testified that he assisted Nesmith Pinckney Funeral Home in transferring the Decedent from the backboard to the gurney. Mr. Redman testified that he had the Decedent's head when moving the Decedent from the backboard to the gurney.

Mr. Redman also testified there had been numerous accidents at the site where this accident occurred. He noted that in the 42 years that he has been in Johnsonville, there have been at least five or six accidents at that area. Mr. Redman testified that it was not unusual for an accident to occur in that area, as he stated that accidents happen anywhere.

Mr. Redman testified that he was not trained to look for evidence of alcohol. Mr. Redman testified that he had no formal training on what alcohols produce smells, what alcohols do not produce smells, and victims. Mr. Redman also testified that in accidents involving alcohol he does not always find alcohol containers in the vehicles, as it is known that people throw alcoholic containers out of the vehicles so there is no evidence in their car if they are stopped by the police.

Mr. Redman also agreed that driving 95 miles an hour before the accident occurred would not be good judgment. Mr. Redman further testified the Decedent was not known to be one who would speed.

Mr. Redman also testified that he would have to view an autopsy to definitively determine whether the Decedent had internal injuries. Mr. Redman also testified that he observed Mr. Reynolds and to the best of his knowledge all protocols were correctly followed. Mr. Redman also testified that blood is collected at scenes of accidents to determine the blood alcohol level even if alcohol containers or other substances are not found at the location.

Next, **John Pinckney** testified that he is the Funeral Director and co-owner and operator of Nesmith Pinckney Funeral Home.

Mr. Pinckney testified that he received a call on May 17, 2013 to pick up the Decedent's body from the Johnsonville Rescue Squad. Mr. Pinckney testified that he personally responded to the call. He took one other employee with him.

Mr. Pinckney testified that he knew the Decedent personally.

Mr. Pinckney testified that he assisted in transferring the body. Mr. Pinckney testified that he was at the head and transferred the Decedent's body over to the gurney. Mr. Pinckney

testified that when transferring the body, there was no indication that alcohol had been used by the Decedent. Mr. Pinckney testified that the Mr. Redman was at the foot of the Decedent when transferring the body.

Mr. Pinckney testified that Margaret Hamilton and Shanice Hamilton signed authorization for the Decedent's body. Mr. Pinckney also testified he contacted Sara Johnson. Mr. Pinckney testified that Ms. Johnson called to determine whether she was responsible for any of the funeral expenses. He testified that the following Monday, Ms. Johnson came to his office and indicated that she was not going to take responsibility for the body and did not sign any papers to that effect.

Mr. Pinckney testified that he did not know the relationship the Decedent had with Margaret Hamilton. He indicated it was his belief that the two were married.

However, Mr. Pinckney did not dispute the fact that the Decedent and Sara Ann Johnson were still married.

On cross-examination, Mr. Pinckney admitted that he was not trained in the detection of alcohol. He also agreed that he did not know that some alcohols smelled and some did not. He was not an expert on alcohol. Again, Mr. Pinckney testified that when moving the Decedent's body, he was at the head and that one person was in the middle and one person was at the foot when sliding the body over.

Next, **Margaret Hamilton** testified. Ms. Hamilton testified that she is a security officer at Carolinas Hospital System. She testified that she has two children, Shanice Hamilton and Shawn Hamilton. Margaret Hamilton testified that she knew the Decedent. She testified that he had nicknames of Barry and Shorty. She has also heard the Decedent referred to as Barrett.

Ms. Hamilton testified that she lived with the Decedent since 1993 and that she and the Decedent were living together when Shanice was born. Margaret Hamilton testified that the Decedent was the biological father of Shanice Hamilton.

Margaret Hamilton testified that the Decedent worked as a foreman or supervisor at Pike Electric. Ms. Hamilton testified that at the time of death, Shanice was approximately 18 years old and was in school at that time.

Margaret Hamilton testified that the night of the Decedent's death there was an athletic banquet at Shanice's high school and that she (Margaret Hamilton) is a volunteer assistant coach. She noted that night Shanice Hamilton received a scholarship. Margaret Hamilton testified that the Decedent was working that day, but he did not know Shanice was receiving an award that night. She testified that she did not tell him as she did not want him to spoil the surprise for Shanice, as Shanice did not know she was getting an award that night.

Margaret Hamilton testified that she talked with the Decedent that day. She testified that she and the Decedent spoke on the morning of the accident just to say good morning to each other. Margaret Hamilton testified that she discussed the athletic banquet with the Decedent, but he told her that he was not going to come to that event.

Margaret Hamilton testified that while she was at the banquet, she received a phone call. She did not answer it and instead it went to her voice mail. She noted that when she got home she returned the call and was told that she needed to come to the Johnsonville Rescue Squad. She testified that she first met with Mr. Redman upon arriving at the scene and was informed that the Decedent passed away. She testified that she was allowed to view the body and was very emotional at that point. She testified that when viewing the Decedent's body she did not detect any type of odor of alcohol on the body.

Margaret Hamilton testified that the Decedent did drink alcohol, specifically "brown liquor" and beer. However, she testified that she had never known the Decedent to drink while driving and that in her 19 years with him he had never consumed alcohol while in the car with her.

Margaret Hamilton testified that the Decedent was a very good driver and loved having a commercial driver license and that he loved his company truck. She further testified that the Decedent always looked out for himself and others and that he would preach to her about the company truck.

Margaret Hamilton testified that only Shanice and she were dependent upon the Decedent for support. She testified that they were together for 19 years and that she was the only one that handled the family finances.

Margaret Hamilton testified that she became impregnated when the Decedent left from Sara Ann Johnson and they moved in together. Margaret Hamilton also testified that the only money the Decedent would control was his per diem money for travel meals and motels.

On cross-examination, Margaret Hamilton again testified that the Decedent was very protective of his company truck. She testified that it would be out of character for the Decedent to travel 95 miles an hour. She further testified that the times she has been around the Decedent, it was not his normal judgment to drive a vehicle 95 miles an hour. She further confirmed that the last time she spoke with the Decedent, he informed her that he was not going to come to the athletic banquet.

On redirect examination, Margaret Hamilton testified that in the past the Decedent had told her he was going to be late from work, but would then surprise them by coming home early.

Next, **Shanice Hamilton** testified. Shanice Hamilton testified that the Decedent was her father. She testified that she had one brother, Shawn Hamilton, but she did not know Shawn's father. Shanice Hamilton testified that her mother is Margaret Hamilton and that she has lived with Margaret Hamilton her entire life. She also testified that the Decedent also lived with them. Shanice Hamilton was not aware of any other biological children of the Decedent. At the time of the Decedent's death, Shawn Hamilton was deployed and had been deployed several times prior to that date.

Shanice Hamilton testified that she was 18 when her father died. She testified that she was in the 12th grade of high school at Johnsonville High.

Shanice Hamilton testified that on the date of the alleged accident, she was attending the athletic banquet. She knew that she was receiving an award, but did not know exactly what type of award she was going to be receiving. Shanice Hamilton testified that to her knowledge the Decedent did not know that she was getting an award at the banquet.

Shanice Hamilton testified that she spoke with her father two times on the date of the accident. Shanice Hamilton testified that she would have been surprised if her father would have appeared at the banquet that night. She further testified that the last time she spoke with the Decedent he indicated that he was not going to be able to attend the banquet.

After the athletic banquet, Shanice testified that she went to the Rescue Squad. She testified that at the Rescue Squad she hugged her father and kissed him on the cheek and forehead. She testified that she did not ascertain any odor of alcohol. She testified that at the funeral home she signed as next of kin.

Shanice Hamilton testified that she was dependent upon her father and was totally dependent upon him while she was in high school and at the time he died.

Shanice Hamilton testified that Sara Ann Johnson was the Personal Representative of the Decedent's estate.

Shanice Hamilton testified that she knew her father to drink alcohol. She testified that he would drink brown liquor and beer. Shanice Hamilton testified that she did know her father to drink while driving or to drive after consuming alcohol. She testified that the Decedent was a very careful, protective and defensive driver. Shanice Hamilton testified that her father driving 95 miles per hour would not be in his normal character.

Next, **Sara Ann Johnson** testified. Ms. Johnson testified that she is married to the Decedent. She testified they were married in 1981. Ms. Johnson testified that she and the Decedent did not have any children together. She testified that the Decedent deserted her for Margaret Hamilton at about the time Shanice Hamilton was born.

Ms. Johnson testified that she was still married to the Decedent at the time of his death.

Ms. Johnson testified that the Decedent would come by every two weeks and check on her and her children. She testified that the Decedent would provide her with financial assistance in the amount of approximately \$300 every two weeks.

As the Personal Representative of the estate, she testified that there was a house contained in the estate. She testified that Joanne Eddy was living in the house as a renter. She testified that she did not receive rent from that house while the Decedent was still alive. She testified that as Personal Representative she started to receive rent. She testified that she put the rent money in a separate account. She testified that there was a loan on the house and that she could not afford to take care of the house. Therefore, the property went back to the bank. She testified that she and Shanice Hamilton inherited a part of that house after it was foreclosed upon and sold.

Ms. Johnson testified that the Decedent bought out her interest in the house they owned together and paid her for it by assuming the loan. She testified that was the only asset the two of them ever owned together.

Ms. Johnson testified that the rental house was foreclosed upon because no one was making payments on the house. She testified that she was the individual who had the money to make the payments on that house and it was lost after she stopped making payments. She testified there was no equity gained out of the house other than the rent. Ms. Hamilton testified that she had told the investigator that the Decedent would give her \$100, but now that she is testifying that it was actually \$300 the Decedent would give her every two weeks.

FINDINGS OF FACT

Based upon the evidence submitted at the hearing, it was found as a fact that:

1. The parties were provided directives for a proposed Order on December 11, 2013.
2. The Decedent, Briett Johnson, suffered a fatal automobile accident on May 17, 2012.
3. The blood alcohol level drawn approximately three hours after death was a .208.
4. On May 17, 2012, the Decedent was an employee of Pike Electric.
5. On May 17, 2012, the Decedent was returning from a worksite in Winnsboro, South Carolina to his home in Johnsonville, South Carolina in a work truck owned by Pike Electric.
6. The Decedent had a .208 blood alcohol level at the time of the accident.
7. Other than the blood sample, there was no evidence of alcohol use found at the accident scene and no detectable odor of alcohol in the truck or on the Decedent's body; however, none of the witnesses had training on the detection of alcohol and Mr. Redmond had no training on looking for evidence of alcohol at an accident scene.
8. The lack of alcohol containers at the scene is inconsequential, as the Decedent may have consumed alcohol before entering his car, or as Mr. Redmond testified, alcohol containers are not always found at accident scenes involving alcohol as individuals can throw out the alcohol container so as to not keep evidence in a car.
9. Deputy Coroner Reynolds followed the correct protocol in drawing blood from the Decedent's heart on the date of accident.
10. The Blood sample was taken by Deputy Coroner Reynolds as it is standard protocol to draw blood at any wreck scene and based on Mr. Reynolds's discussion with the highway patrol; moreover, Mr. Redmond testified that blood samples are taken at accident scenes and submitted to SLED to determine if alcohol was present even if alcohol containers are not found at an accident scene.

11. Deputy Coroner Reynolds followed the correct protocol submitting the vial sample of blood to the South Carolina Law Enforcement Division.
12. There is no evidence that the blood sample was contaminated or tampered with.
13. The Decedent was traveling at an estimated speed of 95 miles per hour at the time of the accident.
14. Traveling at 95 miles hour was not the Decedent's normal nature, based on the testimony of Shanice Hamilton and Margaret Hamilton.
15. The opinions of Dr. James Ballenger, Mr. Robert Sears and Dr. Elaine Riemer is that a blood alcohol level of .208 causes impairments to judgment and motor control.
16. Based on the report of Dr. Ballenger and the testimony of Mr. Robert Sears that the Decedent's blood alcohol level of .208 was the cause of the Decedent's accident.
17. I give greater weight to the Assistant Coroner report, the SLED toxicology report, the testimony of Don Reynolds, the testimony of Robert Sears than the testimony of Dr. Elaine Riemer, as to the validity of the blood sample and to Mr. Robert Sears regarding the cause of this accident.
18. I give equal weight to the report of Dr. Elaine Riemer and the report of Dr. James Ballenger. They are opposite in nature to the final findings as to causation of the accident.
19. The testimony of John Pinckney and Tom Redman conflicts with each other as to where each was standing when transferring the Decedent's body.
20. Mr. Tom Redman, was a friend of the Decedent's family who became emotional at the hearing as to the death of the Decedent.
21. Based on the testimony of Shanice Hamilton and Margaret Hamilton, and the phone records in the APA submissions, the Decedent made telephone calls to both Margaret and Shanice on the date of the accident and the last indication the Decedent made to either witness was that he was not going to the athletic banquet; moreover, the Decedent was unaware Shanice Hamilton was receiving an award at the banquet.
22. Testimony that the Decedent often surprised his family by saying he would be delayed but would show up on time, or that he would not attend a certain function and would show up to surprise his family is not a consideration in deciding this case, as it would be speculation to find that the Decedent may have been coming home to attend the athletic banquet, especially when the last conversation he had with Margaret Hamilton and Shanice Hamilton was that he was not going to come to the banquet and did not know that Shanice Hamilton was receiving an award that night. Therefore, even though the accident happened at 6:05 p.m. just outside of Johnsonville, S.C. which is where the Decedent lived and where the athletic banquet of Shanice Hamilton began at 6:00 p.m.

that same day, there was no evidence presented that the Decedent was going to surprise his family at the athletic banquet.

23. Liberty Mutual paid \$2,500 of funeral benefits and Pike Electric paid the remainder of the funeral bills; however, payment of the funeral bill is not an admission of liability.
24. If the case were compensable, which it is not, I would find that the Defendants completed a good faith investigation into possible defendants. I would also find that Shanice Hamilton would have been the sole taker of benefits.
25. Sarah Ann Johnson was still married to the Decedent at the time of the accident, but they have not lived together for over 19 years.
26. I do not find the testimony of Sarah Ann Johnson that she was abandoned and she never filed anything for desertion to be credible and that she had the greatest gain in this case.
27. Margaret Ann Hamilton is the biological mother of Shanice Hamilton and the girlfriend of the Decedent, and was never married to the Decedent.
28. Based on the greater weight and preponderance of the liable and substantial evidence in the record, I find that the proximate cause of the accident was the Decedent's intoxication, as he had a blood alcohol level of .208, which impaired his judgment and reasoning to believing that traveling at 95 miles an hour was reasonable.

CONCLUSIONS OF LAW

1. Section 42-17-40 of the South Carolina Code of Laws (1976, as amended) is applicable in governing the conduct of hearings and renderings of awards.
2. Section 42-9-60 of the South Carolina Code of Laws (1976, as amended) is applicable in determining that an employee whose injury or death is occasioned by intoxication is not entitled to benefits under the *South Carolina Workers' Compensation Act*.
3. *Airco, Inc. v. Hollington*, 269 S.C. 152, 236 S.E.2d 804 (1977) is applicable in determining when an employer and carrier have performed a good faith investigation as to potential dependents of a deceased claimant.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the undersigned Commissioner orders as follows:

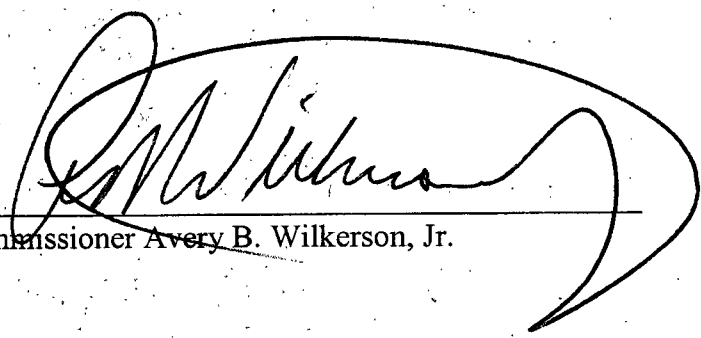
1. **IT IS ORDERED** that Shanice Hamilton is the sole dependent of the Decedent;
2. **IT IS FURTHER ORDERED** that Employer/Carrier has made a reasonable, due and diligent investigation to determine those persons who may be entitled to benefits under the *South Carolina Workers' Compensation Act* and is hereby

discharged from payment to any other individuals who may claim to be dependents of the Decedent.

3. **IT IS FURTHER ORDERED** that the Decedent was intoxicated at the time of the accident.
4. **IT IS FURTHER ORDERED** that the Decedent's intoxication was the cause of the Decedent's accident.
5. **IT IS FURTHER ORDERED** that any dependents, including Shanice Hamilton, are not entitled to any benefits under the South Carolina Workers' Compensation Act.

IT IS SO ORDERED.

SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION



Commissioner Avery B. Wilkerson, Jr.

CERTIFICATE OF SERVICE

This is to certify the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).
February 28, 2014

By: Elaine Boyd, Administrative Assistant to Commissioner Wilkerson

STATE OF SOUTH CAROLINA
BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC No. 1205798

Briett Johnson,
Claimant,
v.
Pike Electric, Inc.,
Employer,
and
Liberty Mutual Ins. Co.,
Carrier/Defendants.

COPY

FULL COMMISSION PANEL HEARING

Monday, August 11, 2014
3:05 p.m. - 3:26 p.m.

The full commission panel hearing was held before the South Carolina Workers' Compensation Commission, 1333 Main Street, 5th Floor, Columbia, South Carolina, on the 11th day of August, 2014 before Jill H. Vickers, Certified Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition.



CREEL COURT REPORTING, INC.
1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / (800) 822-0896

APPEARANCES

COMMISSION PANEL:
Scott Beck, Chair
Susan Barden
Aisha Taylor

Brooks R. Fudenberg, Esquire
 Law Offices of Brooks R. Fudenberg, LLC
 1004 Anna Knapp Blvd, Suite 3
 Mt. Pleasant, South Carolina 29464
 Attorney for the Claimant

J. Brandon Hylton, Esquire
 McAngus, Goudelock & Courie, LLC
 501 South Irby Street, 2nd Floor
 Florence, South Carolina 29501
 Attorney for the Defendants

Gregory B. Askins, Esquire
 Askins, Chandler & Askins, LLP
 307 East Broad Street
 Hemingway, South Carolina 29554
 Attorney for the claimant's daughter, Shanice Hamilton

Also Present:
 Shanice Hamilton, claimant's daughter
 Margaret Hamilton, claimant's daughter

INDEX

	<u>PAGE</u>
Certificate	19



1 **MR. FUDENBERG:** Your Honors, we're here, as you
2 know, for a de novo review of this case of the
3 question, did the defendants carry their burden
4 of proof regarding the intoxication of the
5 decedent, Shanice's father. He was in a
6 horrific accident on his way back from an out
7 of town job where he had worked for four days
8 as foreman. He lost control on a curve and
9 went up and down an embankment, hit a utility
10 pole, flipped over, landed on another vehicle,
11 and he died instantly strapped inside. He was
12 suspended upside down in the vehicle for an
13 hour-and-a-half before he was finally cut
14 loose. Many people came in close contact with
15 him, and none smelled even a whips of alcohol.
16 You've got Shanice and Margaret, who each
17 kissed him. Shanice laid her head on his
18 chest. Mr. Redmond and EMS, who climbed into
19 the cab, put his hand on the carotid artery,
20 Mr. Pinkney, the Funeral Director, Mr.
21 Reynolds, the Deputy Coroner, who drew the
22 blood, and the MAIT Team who went through his
23 pockets, none of them smelled anything on him
24 or in the cab. Now, the defendants introduced
25 the blood test drawn by a heart stick which



1 purports to show he had a blood alcohol of
2 .208. If that test was right, he would have
3 wreaked of alcohol. Now, we introduced a
4 report, a deposition testimony of an expert,
5 Dr. Riemer, a professor at MUSC who studies
6 these things professionally. She testified to
7 a reasonable degree of medical certainty that
8 the test is not reliable in these
9 circumstances. So, you have an expert saying
10 the test is not reliable. You have all these
11 witnesses whose testimony conflicts with the
12 test. What do they have? They have Mr. Sears,
13 the SLED Toxicologist who testified that the
14 test is valid provided there is first an
15 examination done to rule out internal trauma,
16 but there was no examination done to rule out
17 internal trauma. So, his testimony helps us.
18 Now, I imagine Mr. Hylton is going to quote
19 bits and pieces of Mr. Sears' testimony, where
20 he says, "Well, this possibility probably
21 didn't happen because of this or that. If it
22 had happened, this might have happened or that
23 might have happened, but when they asked him,
24 "So, is it your expert opinion that there was
25 no contamination", he said, "I'm not going to



1 hazard he guess either way. Without
2 visualizing the body, I can't do that." So,
3 they're asking you to take his testimony and to
4 draw an expert conclusion from it that he
5 refused to make, and to use that to override
6 his testimony that you need an examination for
7 internal injuries and to put that up against
8 Dr. Riemer and all these witnesses. They
9 simply did not carry their burden of proof.
10 Your body is not designed the take force like
11 that's. It's just common sense. You're going
12 to have internal trauma. You can also take it
13 from the witnesses who saw the body. Mr.
14 Redmond, who's BLS certified, trained to
15 recognize and treat trauma, he said, "You could
16 tell there's trauma". Mr. Pinkney, the Funeral
17 Director, he sees dead bodies all the time. He
18 said, "You can see there's trauma". In fact,
19 defense counsel argued, without an autopsy, you
20 can't know for certain. We agree, you can't
21 know whether their test is valid, so they have
22 not carried their burden of proof. So, the
23 burden of proof -- some more points, to get to
24 a .208, he would have needed about 16 drinks in
25 a 2 hour period. Now, it takes an hour for the



1 alcohol to get fully absorbed, so he would had
2 to have had 16 drinks while driving and another
3 one, if you had another hour of driving, but
4 yet, he was that staggerly drunk point .208
5 driving down the road in the rain, because it
6 was raining up until -- it stopped before the
7 accident, but no call-ins about erratic driving
8 or speeding. It was a 6-speed manual
9 transmission. So, he's driving down the road
10 staggerly drunk, drinking like crazy and didn't
11 spill a drop in the cab or on his clothes?
12 That makes no sense. There was no receipts for
13 alcohol from a convenience store or from a
14 liquor store, no bottle caps. Their theory
15 also doesn't make sense, because to do what
16 they said he was doing, he would have to be a
17 full bore alcoholic. Nobody else can drive
18 like that at point .208, and nobody else could
19 be drinking 16 drinks on their way home, except
20 a full bore alcoholic, and that sort of
21 alcoholism does not just suddenly spring up one
22 morning. It would be developing over years,
23 but there's no evidence that, at work, he was
24 ever drunk, ever reprimanded, no evidence he
25 ever had a DUI conviction or had been stopped

**CREEL COURT REPORTING, INC.**

1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / (800) 822-0896

1 for DUI, and no evidence that he ever got a
2 drunken disorderly charge. So, you have to
3 take it that this guy who is not an alcoholic
4 suddenly became a full bore alcoholic. You'd
5 have to take all these witnesses as lying,
6 extremely forgetful, something like that, all
7 to go with the test where the most
8 knowledgeable expert says it's not valid under
9 these conditions, and their own expert says
10 that it's not valid without an examination for
11 internal injuries. If there are no questions,
12 Your Honors, I don't need to take up all of
13 your time.

14 **COMMISSIONER BECK:** Thank you very much. Mr.
15 Hylton.

16 **MR. HYLTON:** Thank you, Commissioners. May it
17 please the Commission. The claimant's sole
18 case is their allegation that the hard stick
19 was invalid. They rely on speculation that the
20 decedent may have suffered internal injuries,
21 which contaminated the blood sample. First,
22 they misquote Mr. Sears. It wasn't that there
23 was no internal trauma. It's that, in fact,
24 there was no significant internal trauma. So,
25 that is a distinction that needs to be made.



1 But there's no proof the decedent had internal
2 injuries, or even if there were internal
3 injuries, there was enough to contaminate the
4 blood sample. Why the claimant relies on
5 speculation, the defendants and the single
6 commissioner relied on the facts. Let's look
7 at the facts of the case. On the date of the
8 accident, the decedent was working in
9 Winnsboro, South Carolina. He left his job to
10 return to Johnsonville, which is about a little
11 over 2 hours away. The decedent was driving an
12 F-250 pickup. That's a big pickup truck, if
13 you don't know pickup trucks, and was going 95
14 miles an hour when the accident occurred. We
15 know that his girlfriend and his daughter both
16 testified that he was a careful driver,
17 protective driver, and he was careful with his
18 company truck, and it would be out of character
19 for him to drive 95 miles an hour. So, let's
20 review the fact of the case. The claimant was
21 driving from Winnsboro to Johnsonville. He's
22 known as a careful driver, but on the day in
23 question, he's driving his truck that he loves
24 so much and was careful and protective of, 95
25 miles an hour around the curve. Florence



1 Deputy Coroner, Don Reynolds, investigated the
2 death. He's been the Deputy Coroner for
3 Florence County for over 18 years and has
4 investigated 4,000 deaths, 1,000 of them being
5 from wrecks. They assert that -- Mr. Reynolds
6 did not inspect the decedent's body. This is
7 false. Mr. Reynolds arrived on the scene at
8 7:30. He inspected the decedent while he was
9 still in the vehicle, deposition of Don
10 Reynolds, Page 9, Line 11 through 14. Mr.
11 Reynolds was able to determine the decedent
12 died as a result of a broken neck, deposition
13 of Don Reynolds, Page 18, Line 16 through 20.
14 After decedent was removed from the vehicle, he
15 was transported by EMS to a building where Mr.
16 Reynolds drew the blood for the sample. Mr.
17 Reynolds testified he followed standard
18 protocol, and there was nothing unusual or out
19 of the ordinary with regard to drawing the
20 blood from the decedent, deposition of Don
21 Reynolds, Page 13. The claimant's assertion
22 that the blood sample was contaminated by
23 internal injuries is not supported by the blood
24 test consulted by SLED that showed the sample
25 was valid. The two claimant's attorneys in



1 this case questioned Mr. Sears, the SLED
2 Toxicologist extensively regarding the internal
3 injuries and whether they could have
4 contaminated the test. Each time Mr. Sears
5 explained why they were valid, and yes, I am
6 going to point out several of the testimony of
7 Mr. Sears. Mr. Sears testified -- it says,
8 "Based on the information you've given, I don't
9 see anything that would raise a flag as to
10 something being drawn improperly or submitted
11 improperly to SLED, Page 26, Lines 1 through 7.
12 When asked if the decedent's chest ruptured and
13 other fluids were drawn into the sample, Mr.
14 Sears testified, "It could be if he, Don
15 Reynolds, was not paying attention and he drew
16 the mixture of body fluids. It should be
17 generally pretty obvious to somebody who does
18 this regularly", Page 35, Lines 23, and Page
19 36, Line 1. Again, Mr. Reynolds has
20 investigated deaths for over 18 years and
21 testified he followed all the protocols.
22 Moreover, if the stomach had ruptured and the
23 test would have shown additional components",
24 Mr. Sears explained that "that there's other
25 components in alcohol that we consume that add

**CREEL COURT REPORTING, INC.**

1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / (800) 822-0896

1 flavor to the alcohol". He explained, "If the
2 stomach ruptured, there would have been peaks
3 on the chromatogram". He testified, "In this
4 particular case, the chromatograms are very
5 clean, the ethanol is very sharp, I don't see
6 anything again", Page 50, Lines 14 through 16.
7 He went on to testify, I don't see any peaks
8 that would indicate to me that there was a huge
9 amount of any external compounds there", Page
10 51, Line 6 through 7. More facts, the peaks
11 are clean, and ethanol is sharp, no evidence of
12 external compounds. Finally, Mr. Sears
13 testified that the effects of the
14 contamination, only drug screens -- if there
15 would have been a little bit of contamination
16 from the body, what effect would it would have
17 had on the drug screen they ran. He testified,
18 "You know, the other thing is that we did a
19 drug screen, and often times, is there are
20 other things besides blood that the drug screen
21 will give us odd readings. In this the case,
22 everything was negative on the drug screen, so
23 again, using what information I have, it
24 appears the sample was valid," Page 52, Lines
25 8 through 14. Obviously, the claimant had



1 internal injuries that were not significant
2 enough to invalidate the sample. We know there
3 was alcohol in the claimant's system. Again,
4 how else would ethanol appear in the blood
5 test? The claimant only asserts that the
6 internal injuries caused the reading to be
7 higher. Let's remember, this blood sample was
8 not tested just one time, not twice, but three
9 times. None of the three tests showed the
10 sample contained anything other than the
11 claimant's blood and ethanol. The claimant saw
12 the expert who testified the sample is not
13 valid, who's Dr. Ellen Riemer. Dr. Riemer
14 never viewed the blood sample. She never
15 tested the blood sample. She never viewed the
16 body of the decedent. The claimant's attorney
17 never requested a copy from SLED to be tested
18 in other labs. Therefore, Dr. Riemer is only
19 going off of speculation as to what may have
20 happened. The only objective evidence in the
21 case, the actual test run by SLED shows that
22 the sample was valid. With regard to
23 Dr. Riemer being an unbiased expert, let's
24 remember her testimony in the deposition where
25 she was asked a question, "All right. In these



1 types of accidents in the past you've
2 investigated, have those alcohol levels been
3 reasonable to your medical expertise as to
4 cause these types of accidents?" Her answer,
5 "Well, I don't ever state that alcohol was a
6 contributing factor". I was shocked, so I
7 asked, "So, you never state that alcohol is a
8 contributing factor? Her answer, "Almost
9 never". Deposition of Dr. Riemer, Page 31,
10 Lines 12 through 20, she never, almost never
11 testifies that alcohol is a contributing factor
12 in these accidents. Obviously, Dr. Riemer was
13 an expert sought out by claimant to obtain a
14 favorable opinion, a hired gun. Unlike Mr.
15 Sears, an employee of SLED, Mr. Reynolds, a
16 long time employee of Florence County, both who
17 are unpaid experts in this case. The claimant
18 also tries to rely on the fact that alcoholic
19 containers were found at the accident. Even
20 the claimant's witness, Mr. Redmond, admitted
21 that people drinking and driving often throw
22 their containers out of the window so as to not
23 keep evidence in the car should they be pulled
24 over. Moreover, the lack of smell of alcohol
25 was not determinative. The claimant could have



1 used breath mints or anything else to cover up
2 the scent. Some people actually do.
3 Obviously, the MAIT Team and Deputy Coroner did
4 not believe the lack of containers and smell of
5 alcohol was determinative, as they drew a
6 sample and sent it to SLED, and that is the
7 protocol to follow. Therefore, for reasons
8 discussed here today, the defendants
9 respectfully request that the full commission
10 rely on the facts of the case. The claimant is
11 returning from a 2 hour trip. He's known as a
12 careful driver to his family. He wrecks going
13 95 miles an hour. A blood test is drawn.
14 Chromatograms showed ethanol in the blood.
15 There's no other substance. We know there's
16 ethanol in the body. The question is how much.
17 The sample is run three times. It's determined
18 to be a valid sample by the SLED Toxicologist.
19 So, using science and not speculation, we ask
20 that this case be affirmed as found by the
21 single commissioner. Thank you.

22 **COMMISSIONER BECK:** Thank you, sir. Mr. Fudenberg,
23 you have three minutes in reply, sir.

24 **MR. FUDENBERG:** Your Honors, it's much easier to
25 take a few sentences out of context than it is



1 to explain the context. I won't have the time
2 to go through all of what he said. Most of
3 what he said is refuted in our brief at Pages
4 10 to 14, we go through virtually each of these
5 claims. A couple of things that maybe aren't
6 there in that part of the brief, he says, "It's
7 speculation there was internal trauma". It's
8 their job to rule out the possibility. They
9 can speculate that there wasn't, but it's their
10 job, because their expert said that you have to
11 have -- be sure there's no internal trauma.
12 It's their job to rule it out, and they didn't.
13 Second, he talks about ---

14 **COMMISSIONER BARDEN:** Isn't there a statement from
15 the coroner saying that it was the neck?

16 **MR. FUDENBERG:** Well, he says he took it from the
17 Highway Patrol, and that the cause of death,
18 according to them, was the neck, but he could
19 have gotten internal injuries, as well, even
20 while his neck is being broken. No reason
21 there has to be ---

22 **COMMISSIONER BARDEN:** Did you present any proof that
23 there were any internal injuries or ...

24 **MR. FUDENBERG:** We presented testimony of two people
25 who saw him and said -- two knowledgeable



1 people that says there has to be -- and
2 Dr. Riemer who does autopsies all the time and
3 said it's very likely, but no, there is no
4 proof ---

5 **COMMISSIONER BARDEN:** But there is no objective
6 proof, no autopsy done?

7 **MR. FUDENBERG:** No autopsy, right. In fact, as
8 defense counsel says, and we agree, you can't
9 be sure without an autopsy, and therefore, they
10 didn't carry their burden of alleging the test
11 they relied on. He talks about being two hours
12 to Johnsonville, but there's his testimony that
13 he went to drop somebody off in another town on
14 the way. SLED test showed the sample was
15 valid. Now, Mr. Sears was very happy to talk
16 about the procedures in his office, and on
17 Pages 43 and 44, he's very clear that the
18 sample is valid, meaning the sample of blood
19 they took from the tube was a proper sample of
20 that tube. He's not saying that the blood they
21 got accurately reflects the peripheral blood of
22 the decedent. He talks about that sometimes
23 you get a bad sample because you've aliquotted
24 too much or maybe the machines aren't working
25 right. That's all he meant. He didn't mean



CREEL COURT REPORTING, INC.

1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / (800) 822-0896

1 that the blood was actually okay. So, it
2 should be obvious if you have gastric fluid, it
3 depends on how much you have, and it's all
4 going to be read in a tube, unless it's a whole
5 bunch of gastric fluid. Dr. Riemer pointed
6 that out. He says "We know there's alcohol in
7 the sample". Dr. Riemer said that that could
8 have been all done post-mortem from that
9 bacteria, that when you turn over like that,
10 your internal organs get shaken up, and they
11 hang upside down, and actually are put into the
12 area where the heart normally is, and the heart
13 was in that area, but by that point, the liver
14 could have been there, the spleen could have
15 been there. The liver or spleen could have
16 ruptured and let blood out and all gather in
17 that chest cavity. Those two organs are very
18 high -- their blood is very high in sugar. So,
19 you have all that sugar there. As for
20 Dr. Riemer not saying alcohol is ever a
21 contributing factor, that's not her job. She
22 wasn't hired to say whether it was a factor or
23 not. She was hired to say whether the test is
24 valid. She has no expertise in accidents. All
25 she can talk about, is this test scientifically



valid and reliable.

COMMISSIONER BECK: Thank you, sir. That concludes
this proceeding.

(Whereupon, the hearing concluded at 3:26 o'clock
p.m.)

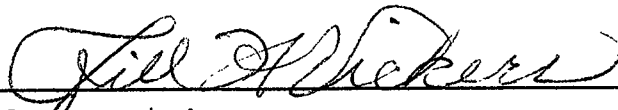


CERTIFICATE

This is to certify that the within hearing consisting of Eighteen (18) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenotype with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on December 3, 2014.



Jill H. Vickers
Certified Court Reporter

Notary Public for South Carolina
My Commission Expires: July 5, 2016



CREEL COURT REPORTING, INC.
1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / (800) 822-0896

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE #1205798

BRIETT JOHNSON	)	
	)	
CLAIMANT,	)	SC WORKERS' COMPENSATION COMMISSION
	)	
VS.	)	HEARING OF
	)	
PIKE ELECTRIC, INC.	)	BRIETT JOHNSON
	)	
EMPLOYER,	)	VS
AND	)	
	)	PIKE ELECTRIC, INCORPORATED
LIBERTY MUTUAL	)	
	)	
<u>CARRIER.</u>	)	

This is the Transcript of the South Carolina Workers' Compensation Hearing of Briett Johnson versus Pike Electric, Incorporated, taken before Gloria Davis, a Court Reporter and Notary Public in and for the State of South Carolina, commencing at the hour of 12:30 P.M., Monday, November 4, 2013, at Southeastern Institute of Manufacturing and Technology, 1951 Pisgah Road, Florence, South Carolina.

COPY**REPORTED****BY****GLORIA DAVIS**

PALMETTO COURT REPORTING
 321 Mac Circle Lexington, SC 29073
 (803) 358-0515

www.PalmettoCourtReporting.com

ROA-52

APPEARANCES

FOR THE DECEDENT/DEPENDENT:

Gregory B. Askins, Esquire
Chandler & Askins
307 East Broad Street
Hemingway, SC 29554

Brown W. Johnson, Esquire
H. Steven DeBerry, Esquire
Clarke, Johnson, Peterson & McLean, PA
620 West Evans Street
P.O. Box 1865
Florence, SC 29501

FOR THE EMPLOYER/CARRIER:

J. Brandon Hyllton, Esquire
Turner Padgett Graham & Laney, PA
319 South Irby Street
P.O. Box 5478
Florence, SC 29502

ALSO PRESENT:

Mr. Tim Harshbarger

*Reporter's Note: -- Indicates incomplete thought or sentence, trailing off or interruption by speakers.

**This is an Official Transcript governed by 25A S.C. Code ANN. Regs 67-615 D (Supp. 2000). The unauthorized copying of this document is deemed to be conversion of an asset belonging to the Court Reporter.

I N D E X

WITNESSES

All Witnesses:	Page
Mr. Redmond for Claimant	
Direct Examination by Mr. Askins	32:14
Cross-Examination by Mr. Johnson	50:16
Cross-Examination by Mr. Hylton	54:3
Redirect Examination by Mr. Askins	58:11
Mr. Pinckney for Claimant	
Direct Examination by Mr. Askins	62:3
Cross-Examination by Mr. Johnson	72:13
Cross-Examination by Mr. Hylton	74:2
Redirect Examination by Mr. Askins	76:15
Recross-Examination by Mr. Hylton	77:2
Ms. Margaret Hamilton for Claimant	
Direct Examination by Mr. Askins	79:14
Cross-Examination by Mr. Johnson	105:18
Cross-Examination by Mr. Hylton	106:22
Redirect Examination by Mr. Askins	108:12
Ms. Shanice Hamilton for Claimant	
Direct Examination by Mr. Askins	112:10
Cross-Examination by Mr. Johnson	124:5
Cross-Examination by Mr. Hylton	124:14
Redirect Examination by Mr. Askins	125:14
Ms. Sara Ann Johnson for Claimant	
Direct Examination by Mr. DeBerry	128:1
Cross-Examination by Mr. Askins	133:18

EXHIBITS

C-1 (CLAIMANT'S EXHIBIT NUMBER ONE WAS MARKED FOR IDENTIFICATION)	
Received	38:1
Certificate	139

STIPULATIONS

Commissioner Wilkerson: Today's date is the 4th day of November, 2013. We're here in reference to Workers' Comp file number 1205798. The Claimant in today's case is -- is it Brett; is that how it's pronounced or Briett?

Mr. Askins: Briett.

Commissioner Wilkerson: Briett Johnson, unfortunately Mr. Johnson, in reference to today's case, is deceased and the attorney for Mr. Johnson is Gregory B. Askins and I think Mr. Askins also is the attorney for Margaret Ann Hamilton as well as Shanice Trinell Hamilton --

Mr. Askins: That's correct. Your Honor --

Commissioner Wilkerson: -- is that correct?

Mr. Askins: -- yes, sir. Shanice Trinell Hamilton is the daughter of the Decedent and the -- Margaret Hamilton is Shanice's mother and was a live-in girlfriend but she is not claiming a dependency status.

Commissioner Wilkerson: Okay. We'll get all that on the record. So, thank you; I appreciate that. Okay. And we also have in reference -- let me do the employer next. The employer is Pike Electric, Incorporated, the carrier is Liberty

1 Insurance Company; Brandon Hylton represents both.
2 We also have representing a Sara Ann Johnson is
3 attorney Steven DeBerry here as well as Brown
4 Johnson is -- is along with Steven DeBerry in
5 reference to the dependent Sara Ann Johnson. The
6 issues that we have -- oh, excuse me -- the date
7 of accident is 5/17/2012. I didn't see anywhere
8 where there was a dispute -- I guess the maximum
9 comp rate, if compensable, does apply for the year
10 2012, which is seven twenty-five, forty-seven
11 (\$725.47); I didn't -- I didn't see where that was
12 disputed anywhere last night reviewing the
13 information. And we're here to determine the
14 issues that are set forth on the Form 52 and 53.
15 This is a denied death case and it is my
16 understanding that the parties have tried to
17 mediate this prior to coming before the
18 Commission; that's more for the record itself
19 where once the appeal process starts then everyone
20 will know that the mediation was a failed
21 mediation in reference to the case. Are there any
22 objections to the APA's, jurisdiction, venue or
23 any other items from Mr. Askins?

24 Mr. Askins: No, sir.

25 Commissioner Wilkerson: Anything from the

1 employer?

2 Mr. Hylton: We do object to the deposition
3 of Dr. Riemer; we believe that the -- the
4 deposition is based purely on speculation and has
5 no basis. You may decide it's a -- a weight of
6 the issue after you --

7 Commissioner Wilkerson: Yes.

8 Mr. Hylton: -- review it; I don't mind you
9 reviewing it --

10 Commissioner Wilkerson: It will.

11 Mr. Hylton: -- but --

12 Commissioner Wilkerson: I will, yes.

13 Mr. Hylton: -- again, I think she's -- she
14 didn't review the -- there was no autopsy, so she
15 didn't review the blood sample and so basically
16 her testimony is based on assumptions rather than
17 fact and, again, as we'll state on the record too,
18 that she's a witness that will state that she
19 never states that alcohol was a contributing
20 factor in a -- in an accident; that's page 31 of
21 her deposition and page 16 -- line 16 through 19.
22 So, we believe there is no basis for the opinion
23 therefore we ask that the deposition be excluded
24 but, again, understand your right to review it --

25 Commissioner Wilkerson: Sure.

1 Mr. Hylton: -- and make your decision.

2 Mr. Askins: Your Honor, we would -- we would
3 certainly offer her --

4 Commissioner Wilkerson: Riber -- Riemer, I'm
5 sorry, I put Riber. I've been in another
6 district; I'm sorry.

7 Mr. Askins: -- Riemer.

8 Commissioner Wilkerson: Riemer, okay, I'm
9 sorry.

10 Mr. Askins: Yes, Your Honor --

11 Commissioner Wilkerson: Please.

12 Mr. Askins: -- we certainly think her -- her
13 testimony is quite relevant and it's not
14 speculative, to that extent she had the benefit of
15 having the -- reading the deposition of Mr. Miers,
16 the Toxicologist; also of the Assistant Coroner,
17 Mr. Reynolds. She also viewed and studied the
18 MAIT report, she had the death certificate and
19 when she took all that into consideration she was
20 able, as an expert, to certainly testify according
21 to an opinion in that way and she related it --
22 related that opinion within a reasonable degree of
23 medical certainty. Her credentials as an expert
24 are -- are unequivocal and her curriculum vitae is
25 part of the APA and also testified to in her

1 deposition. We think her -- her deposition is --
2 is very relevant and we also think her deposition
3 is corroborated by that of Mr. Sears and we'll
4 point that out as the case goes on.

5 Commissioner Wilkerson: And who is Mr.
6 Sears?

7 Mr. Askins: Mr. Sears is the Toxicologist.

8 Mr. Hylton: The SLED --

9 Commissioner Wilkerson: Okay. That's fine.

10 Mr. Hylton: -- the SLED Toxicologist.

11 Mr. Askins: Robert Sears.

12 Mr. Hylton: -- the SLED Toxicologist.

13 Commissioner Wilkerson: That's fine. That
14 just tells me a little more -- okay -- just for my
15 notes here. We'll -- we'll get that once we get
16 there, okay? Any rebuttal in reference to that?

17 Mr. Hylton: Not right now --

18 Commissioner Wilkerson: Okay.

19 Mr. Hylton: -- no, sir.

20 Commissioner Wilkerson: And I'm guessing you
21 all would --

22 Mr. Johnson: Yes, we --

23 Commissioner Wilkerson: -- concur with --

24 Mr. Johnson: -- we agree with Claimant, Your
25 Honor.

1 Commissioner Wilkerson: -- I understand.
2 What I will do is I will allow it in as I expect
3 you thought I would. It would go to the weight of
4 the evidence, don't know until we finish up today
5 and as I get into my reading into the weeks to
6 come. So, I'm going to allow it in and then we'll
7 determine what weight it's given once the order
8 instructions are done, okay? All right. Any
9 other objections to the APA's from anybody's
10 perspective --

11 Mr. Askins: Your Honor --

12 Commissioner Wilkerson: -- jurisdiction or
13 venue?

14 Mr. Askins: -- there -- there is a -- I
15 think there is an APA submission by the carrier as
16 to the SLED report showing some activities of the
17 Decedent back in 1976, which we think are
18 irrelevant; we'd object to that coming in.

19 Commissioner Wilkerson: 1976, so those
20 probably need to come out.

21 Mr. Hylton: Yes, we can -- we'll -- we'll
22 take those out; we have not objection to those.

23 Commissioner Wilkerson: Yes.

24 Mr. Hylton: I think mine are the --

25 Commissioner Wilkerson: Are they --

1 Mr. Hylton: -- numbered ones.

2 Commissioner Wilkerson: -- are they? Okay,
3 I'm sorry. All right.

4 Mr. Askins: And I might also point out, I --
5 I've listed the deposition of Dr. Riemer, the
6 original, as an exhibit but we thought we were
7 going to have her testify but she has gone into a
8 severe medical problem --

9 Commissioner Wilkerson: Okay.

10 Mr. Askins: -- and is unable to appear.

11 Commissioner Wilkerson: Okay. That's fine.

12 Mr. Hylton: And I have no objection to the
13 copy coming in.

14 Commissioner Wilkerson: Yes, I wouldn't
15 think so.

16 Mr. Askins: That's the original deposition.

17 Commissioner Wilkerson: This is the
18 original.

19 Mr. Hylton: Oh, the original --

20 Commissioner Wilkerson: This is the
21 original.

22 Mr. Askins: Yes, that's the original.

23 Mr. Hylton: That's fine.

24 Commissioner Wilkerson: He just thought they
25 were going to have her --

1 Mr. Hylton: Okay.

2 Commissioner Wilkerson: -- testify is what I
3 understood.

4 Mr. Hylton: Okay.

5 Commissioner Wilkerson: Okay. So, that --
6 tell me what pages those are.

7 Mr. Hylton: That was pages 134 and 135.

8 Commissioner Wilkerson: Okay. So, 134 and
9 135 have been removed from the Defendant's --

10 Mr. Hylton: That was yours.

11 Commissioner Wilkerson: -- APA's; so, thank
12 you. Okay. I've got so much paperwork up here.
13 Okay. So, we've got -- we've taken care of the
14 objections. So, now the Commission's file becomes
15 part of the record with the exception of
16 self-serving declarations and unstipulated medical
17 reports. So, what I'll do at this time is I'll
18 have Mr. Askins put his client's position on the
19 record then, likewise, I'll have Mr. Hylton put
20 his client's position on the record and then we
21 will have Mr. DeBerry and/or Brown Johnson put
22 their position on the record and I -- my -- my
23 thought pattern is you all's -- you can let me
24 know as you proceed but you're here for the
25 dependency and your position will probably mirror

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

--

Mr. Johnson: That's correct, Your Honor.

Commissioner Wilkerson: -- Mr. Askins' would be my guess but I don't know.

Mr. Johnson: Yes, sir.

Commissioner Wilkerson: But I'll let you all put that on the record.

Mr. Johnson: Yes, sir.

Commissioner Wilkerson: Thank you. Mr. Askins, your client's position on the record?

Mr. Askins: Your Honor, my client's position is that she is obviously a dependent of the Decedent, which I guess that issue we'll get into later. She has -- I think the -- the evidence of all the submissions so far will be unstipulated that she is a -- an illegitimate child of the Decedent but she's certainly a dependent having been eighteen (18) years old and in high school at the time the accident occurred. The -- the issues other than the dependency issue would be is it a compensable case. The case would be compensable but for the defense of intoxication, which was raised by the defendant. In that matter we feel like that there is insufficient evidence in the record; there will be insufficient testimony to

1 prove intoxication and/or that the intoxication
2 was the proximate cause of the accident. We feel
3 that the -- the main -- the main thrust of the
4 whole case was, was he intoxicated or not. It all
5 hinges, in my opinion, Your Honor, on the
6 toxicology report of the actual ethanol reading
7 that was -- that was supposedly found as a result
8 of a specimen taken by an Assistant Coroner. We
9 think that the taking of the specimen was done
10 improperly; we think that the -- the specimen
11 itself was improper. Dr. Riemer's testimony will
12 back that up and also I think Doctor -- Mr. Miers,
13 the Toxicologist, the Chemist --

14 Mr. Hylton: Sears.

15 Mr. Askins: -- Mr. Spears, I'm sorry.

16 Mr. Hylton: Sears, S-E-A-R-S.

17 Mr. Askins: Okay. Sears.

18 Mr. Hylton: Sears.

19 Mr. Askins: I'm sorry.

20 Mr. Hylton: That's okay.

21 Mr. Askins: I apologize for that. I didn't
22 mean to mislead anybody.

23 Mr. Hylton: No, I -- I didn't mean to
24 interrupt you --

25 Commissioner Wilkerson: No. No.

1 Mr. Hylton: -- I just wanted it for the
2 record.

3 Mr. Askins: Well, thank you -- thank you for
4 correcting me. No, I think -- I think his
5 testimony is going to actually corroborate that of
6 Dr. Riemer to show that the test itself is
7 invalid. This -- this whole case mirrors the
8 case, the Chandler case, which we can certainly
9 provide a copy of to the -- to the court, that --
10 that dealt with the intoxication defense. So, our
11 position is that -- that Mr. -- there isn't --
12 there is going to be insufficient evidence that he
13 was intoxicated, the test is invalid and -- and
14 not dependable, not reliable and, therefore, there
15 is no defense in this compensable case.

16 Commissioner Wilkerson: Anything else?

17 Mr. Askins: I believe that's it.

18 Commissioner Wilkerson: From the Defense's
19 perspective, the position?

20 Mr. Hylton: Okay. Mr. Johnson, the
21 Decedent, was working in Winnsboro on the date of
22 accident. He left work at that time to travel
23 back to his home in Johnsonville; he was in a
24 company truck so we -- there is no dispute there.
25 He crashed on highway 341 near Johnsonville; the

1 crash occurred around 6:00 -- between 6:00 and
2 6:30 or somewhere around in there. We'll show
3 that the Decedent was traveling at ninety-five
4 (95) miles per hour at the time of the accident
5 around a curve on a rainy day; that's APA page
6 101. Don Reynolds, who is the Deputy Coroner,
7 received the call around 6:55 P.M.; that's his
8 deposition, page 7, lines 18 through 19. Mr.
9 Reynolds arrived on the scene at around 7:30;
10 that's page 9, lines 1 through 2. He took a blood
11 sample around 8:30 P.M.; that's his deposition on
12 page 9, lines 15 through 20. He will state that
13 he did not swab the victim with alcohol at the
14 time; that's page 21, lines 5 through 7. He
15 collected the blood vial and placed it in a tamper
16 -- or placed a tamper-proof seal on the tube and
17 it was mailed then to the SLED Toxicologist who
18 received it on May 22nd, 2013. Mr. Sears is the
19 SLED Toxicologist in this case; his Curriculum
20 Vitae is also provided to view at APA page 15. He
21 said there was no issue with receiving the vial by
22 mail; that's page 10, lines 18 through 20. There
23 was no risk of contamination; page 11, lines 2
24 through 4. He noted that gathering blood two and
25 a half (2 ½) hours after the death was not a

1 concern; page 16, lines 2 through 20. There was
2 no evidence that the blood was improperly drawn;
3 page 26, lines 5 through 7. He notes that the
4 tube contains preservatives that -- that prevent
5 microbial growth; page 42, lines 17 through 19.
6 Again, in the testing, he said there was no
7 evidence of additional fluid other than the blood
8 and the ethanol in the vial; that's page 45, lines
9 8 through 13. He noted if there was contamination
10 as to the stomach contents or -- or some other
11 part where as you were actually drawing alcohol
12 that -- that was consumed the blood alcohol level
13 would likely be greater than point five (.5),
14 which in this case it was a point two oh eight
15 (.208) and that's page 47, lines 9 through 10. He
16 also noted that if the vial was improperly drawn
17 and contaminated it would likely find compounds
18 other than ethanol in the test; that's page 50,
19 lines 3 through 7. He notes this test was, "Very
20 clean"; page 50, lines 14 through 15. He says
21 there were no peaks or odd readings in the test;
22 page 51, lines 5 through 7. And he concluded that
23 this was a valid blood sample; page 52, lines 14
24 and again on -- on 14, line 11. As to causation,
25 we have Dr. Ballenger's report, who is an expert,

1 and his opinion is at page -- pages 70 and 72, APA
2 page 13. We also -- in that opinion he states
3 that what the -- the effects of a alcohol reading
4 at point two oh eight (.208) are, which are:
5 Decreased reasoning, decreased judgment, decreased
6 motor function and thus, in his opinion he was --
7 the alcohol was the cause of this accident.
8 Again, he was a Professor and Chairman of the
9 Department of Psychiatry and Behavioral Science at
10 MUSC for seventeen (17) years and was the Founding
11 Director of the Institute of Psychiatry as well as
12 the Founding Executive Director for the Center of
13 Drug and Alcohol programs at MUSC; so, we believe
14 his testimony speaks for itself. Tom Sears or
15 Robert Sears, as he's known, is the SLED
16 Toxicologist; he also is an expert and can -- has
17 testified in court on numerous occasions regarding
18 causation. He noted that a two point oh (2.0)
19 alcohol level has symptoms of -- of euphoric
20 symptoms; page 19, line 7, it suppresses
21 inhibition; page 19, lines 8 through 9, has a
22 slowed reaction time; page 19, line 11, and
23 results in slurred speech. He noted those
24 symptoms all occur at point one five (.15). At
25 point two oh eight (.208) he said those symptoms

1 would all be magnified. He said that at point two
2 oh eight (.208) you would also have loss of the
3 ability to control vehicles, impairs judgment and
4 that's -- and self control and reasoning and on
5 page 23, lines 9 through 20, he opined that
6 alcohol was indeed the cause of the accident.
7 Now, in the accident they're trying to allege with
8 Dr. Riemer that the blood sample was invalid, that
9 there was trauma to the body at first; this is
10 speculation. There was no autopsy done. Dr.
11 Riemer never viewed the body. She said she was
12 speculating regarding internal trauma; page 25,
13 lines 11 through 20 of her deposition. She did
14 not know the source of the blood whether it was
15 from the heart or any other organ; that's page 25,
16 lines 21 through 26 and line 2, again, she'd say
17 -- said she'd have to have an autopsy to be able
18 to make that determination. In fact, she did not
19 even analyze the blood sample herself, never saw
20 the blood sample to see if there was anything else
21 and never tested it herself; that's page 26, lines
22 23 through 25. Again, as I stated, she has never
23 -- she has testified in court but she never states
24 that alcohol is a cause or even a contributing
25 factor in automobile accidents; page 31, lines 16

1 through 19. Again, there was no indication of any
2 -- or she had agreed with Dr. Sears that there was
3 no indication of any other material other than
4 blood in that vial based on the test; that's page
5 36, lines 6 through 9. And, again, I think the
6 Defense would like to point out as well that Dr.
7 Riemer was paid for her testimony or to -- to
8 analyze everything. She says her department was
9 -- was paid not -- but she does receive -- down
10 the line does receive some of that -- she gets a
11 percentage of that; page 33, lines 5 through 10.
12 Again, the Defense witnesses that we deposed, Dr.
13 Sears or Mr. Sears and Mr. Reynolds, neither one
14 of those are -- are paid witnesses; we will
15 stipulate that Dr. Ballenger was a paid expert on
16 that for the behavior but they were backed up by
17 the non-paid witnesses as well. And as far as
18 trauma in the accident, there is no mention about
19 -- on the accident reports. He had his seatbelt
20 on; that was page -- APA page 74. It was noted
21 that he died of severe head trauma; APA page 75,
22 and had a crush injury to his neck and that's page
23 85, and there is no mention of trauma -- internal
24 trauma; again, there -- there is no way to know
25 that without an autopsy being done, which was not

1 done in this case. Finally, we will show that
2 this was out of character for the Claimant who
3 will testify that -- or we will show in the APA's
4 that he had only three (3) speeding tickets in the
5 last ten (10) years; that's APA page 136, two (2)
6 were less than ten (10) miles per hour and one (1)
7 was more than ten (10) but less than twenty-five
8 (25). Also, testimony will show that he was a
9 very careful driver, not only looked out for
10 himself but looked out for others as well. So,
11 again, going ninety-five (95) passing a car on a
12 double-yellow line would, again, be the poor
13 judgment and reasoning and ultimate loss of motor
14 skills of the alcohol -- from the effects of the
15 alcohol that caused this accident in this case.
16 And that is the Defendant's position.

17 Mr. Johnson: May it please the court, Your
18 Honor. Steven DeBerry and I represent Sara Ann
19 Johnson, who is the surviving spouse and widow of
20 the deceased, Briett Johnson. As -- in regards to
21 liability we agree with Mr. Askins; there is
22 insufficient evidence to prove that intoxication
23 was the proximate cause of this accident. Also,
24 as surviving spouse and widow of Briett Johnson,
25 Ms. Johnson is statutorily deemed to be wholly

1 dependant upon the deceased employee for purposes
2 of recovering workers' Compensation death benefit
3 pursuant to section 42-9-110.

4 Commissioner Wilkerson: And -- and I haven't
5 read the report but I'm guessing if compensable
6 she would receive fifty (50) and fifty (50)?

7 Mr. Johnson: Yes, sir.

8 Commissioner Wilkerson: Is that -- I mean,
9 is that your understanding?

10 Mr. Johnson: Yes, sir.

11 Commissioner Wilkerson: Is that -- is that
12 -- okay. That's fine.

13 Mr. Askins: That's not my position.

14 Commissioner Wilkerson: No, no, no. No, no,
15 I understand that but I just wanted to make sure
16 --

17 Mr. Johnson: Yes, sir.

18 Commissioner Wilkerson: -- I understood that
19 clearly that if she was -- is there information or
20 evidence in here -- were they divorced?

21 Mr. Johnson: No, sir; they were not.

22 Commissioner Wilkerson: Not divorced, still
23 legally married?

24 Mr. Johnson: Yes, sir.

25 Commissioner Wilkerson: Okay. And there is

1 documentation in here? I don't try to read that
2 now but --

3 Mr. Johnson: Yes -- yes, sir. We're going
4 to present testimony that -- to that effect. The
5 marriage certificate is part of the evidence.

6 Commissioner Wilkerson: That's fine.
7 Whether you've submitted it or not I'm just trying
8 to make --

9 Mr. Johnson: Yes, sir.

10 Commissioner Wilkerson: -- because I can't
11 read all that today --

12 Mr. Johnson: Yes, sir.

13 Commissioner Wilkerson: -- from that
14 perspective, okay?

15 Mr. Askins: Your Honor, I -- if I might, I
16 -- I don't know how much you want to get into the
17 -- the rebuttal issue of his --

18 Commissioner Wilkerson: Is your position of
19 his --

20 Mr. Askins: -- it's my position --

21 Commissioner Wilkerson: -- yes.

22 Mr. Askins: -- okay.

23 Commissioner Wilkerson: I think that -- yes,
24 we'll go ahead and put that on the record.

25 Mr. Askins: Right. Okay. Well, I think Dr.

1 Riemer's -- we're -- we're certainly introducing
2 her entire deposition and I think she speaks to
3 her opinion as to the body's capability of
4 producing alcohol and therefore having a false
5 positive reading as a result of a specimen not
6 resulting in alcohol intake and she says the body
7 can have post-mortem ethanol production caused by
8 bacteria proliferation, on page 14 of her
9 deposition, and are likely to increase with
10 intense -- with extensive internal trauma, again
11 page 14, and the higher temperature increases the
12 rate of post-mortem bacteria and ethanol
13 production. On page 17 and 18 she further talks
14 about the possibilities or the probabilities of
15 internal trauma from an accident such as this;
16 again, she had the benefit and looked at the
17 entire MAIT CD, which is a part of our APD -- APA
18 submissions; I've got the report. I've got four
19 (4) pictures and there are numerous pictures that
20 I want to make part of the record that are on the
21 CD itself and it is in -- it is in --

22 Commissioner Wilkerson: Well, if they're in
23 here then we don't -- you don't need to tell me --

24 Mr. Askins: -- right.

25 Commissioner Wilkerson: -- if they're in

1 here.

2 Mr. Askins: Okay.

3 Commissioner Wilkerson: If the photographs
4 are in here.

5 Mr. Askins: They're in there and --

6 Commissioner Wilkerson: Right.

7 Mr. Askins: -- and I think -- I think those
8 photographs are going to dispute that he was
9 passing on a double-yellow line. She says there
10 is no way you can find and determine the alcohol
11 was cause -- part of the death. And what she was
12 basically saying her whole premise is because if
13 there is the likelihood of internal injuries. And
14 Mr. Hylton did question her thoroughly concerning
15 her non-examination of the body or no autopsy but
16 she also testified that she had all of this other
17 information and she uses something that a lot of
18 people don't in -- in many cases like this, is
19 common sense and -- and inferences. And in that
20 regard on Mr. Sears, the Toxicologist and expect
21 for the -- for the Defense, testified in his
22 deposition, and I believe it's on page 15, he
23 corroborates the testimony of -- of Dr. Spears --
24 Dr. Riemer. And -- and page 15 he says, "I guess,
25 you know, provided that they did an external exam

1 on the body and felt like there was no significant
2 internal trauma that would be a very acceptable
3 way to do that." He was trying to legitimize the
4 heart stick. Don Reynolds, the Assistant Coroner,
5 page 18, basically says in his deposition, he took
6 the cause of death from the EMS and the Highway
7 Patrolman there; he did not examine the body.
8 It's also significant on page 26 that he had no
9 ocular -- he did not do an ocular fluid test,
10 which -- which was present in the Chandler case,
11 by the way. The other thing that Mr. Hylton
12 pointed out and I think the deposition of Dr.
13 Riemer will clarify this, is she basically said
14 she is not an expert for hire. She took the case
15 to give an opinion and her opinion happened to be
16 that the case -- that the test was invalid and
17 that the -- the department itself is paid, unlike
18 the paid deposition or the paid testimony of the
19 -- of the Psychologist for -- for the Defense.

20 Commissioner Wilkerson: Let me ask a
21 question and maybe -- you don't take opposition of
22 what the other dependant's attorney indicated as
23 far as the fifty/fifty (50/50)? I -- I'm -- maybe
24 I misunderstood; I thought you said you had an
25 exception?

1 Mr. Askins: Yes, I -- I do -- I do -- I do
2 not -- I don't -- I don't feel that she is a
3 surviving spouse under the statute, Your Honor.

4 Commissioner Wilkerson: Tell me why.

5 Mr. Askins: The surviving spouse says that a
6 person has to be dependent upon the Decedent and
7 live with him within three (3) years; they haven't
8 lived together for nineteen (19) years.

9 Commissioner Wilkerson: Okay. I needed to
10 get that on the record --

11 Mr. Askins: Okay.

12 Commissioner Wilkerson: -- from you all's
13 perspective.

14 Mr. Askins: They haven't lived together for
15 nineteen (19) years and as a matter of fact for
16 nineteen (19) years the -- the mother of Shanice
17 Hamilton, who is Margaret Hamilton, lived with the
18 Decedent, Briett Johnson, also known as Barry
19 Johnson; they lived exclusively together in the
20 home. On the -- in the APA submissions that we
21 made on the -- when you get down to number seven
22 (7), the birth certificate of Shanice Trinell
23 Hamilton obviously says that he is the father.
24 There -- there are various phone bills that --
25 that go into it. The funeral bulletin, APA 11, of

1 -- shows that she is the only child of Briett
2 Johnson; Margaret Hamilton was his faithful
3 companion for nineteen (19) years. In the
4 certified copies of petition for letters, which
5 were filed by Ms. Sara Johnson as the Personal
6 Representative, APA 12 for the -- for the
7 Plaintiff, Shanice Hamilton, it clearly states
8 that she claims an interest as a surviving spouse,
9 which under probate law she would be entitled to
10 but that also she clearly states that Shanice is
11 the child of his; now albeit illegitimate child
12 the statute says the illegitimate child has that
13 status --

14 Commissioner Wilkerson: Yes. Absolutely.

15 Mr. Askins: -- so, that's no problem.

16 Commissioner Wilkerson: Yes.

17 Mr. Askins: So, I think unequivocally, Sara
18 Johnson admits that Shanice Johnson is the child
19 of Briett Johnson; there is no question about
20 that, then the question gets down to it, Mr. Brown
21 Johnson indicated that the statute says that there
22 is presumption that the surviving spouse and the
23 surviving children, including illegitimate
24 children, to be beneficiaries or deemed dependants
25 but the question is does she meet the -- the

1 statutory definition of surviving spouse and our
2 position is she does not and our testimony will
3 show that she does not.

4 Commissioner Wilkerson: And it's because she
5 didn't live --

6 Mr. Askins: She didn't live with him --

7 Commissioner Wilkerson: -- with him within
8 three (3) years?

9 Mr. Askins: -- all that time; that's right.

10 Commissioner Wilkerson: What's your position
11 on the three (3) years?

12 Mr. Johnson: Well, Your Honor, if I may
13 respond? I -- I don't disagree with the facts
14 about the -- the -- child being Mr. Johnson's --

15 Commissioner Wilkerson: Sure. That's --
16 that's a given.

17 Mr. Johnson: -- and the separation.

18 Commissioner Wilkerson: Yes.

19 Mr. Johnson: But under 42-9-10 it says a
20 surviving spouse and that's what she was, she was
21 a surviving spouse, is statutorily deemed to be
22 wholly dependent upon the deceased; it's a matter
23 of law. We don't have to show any financial
24 dependency and we will show why they were
25 separated.

1 Commissioner Wilkerson: Okay. That's fine.
2 That'll be -- it could be extenuating -- Mr.
3 Hylton, do you -- do you have a position in
4 reference to that?

5 Mr. Hylton: Well --

6 Commissioner Wilkerson: And I haven't read
7 any of the reports but --

8 Mr. Hylton: -- no, our -- our position
9 simply is -- really is -- is not compensable; if
10 it is compensable I think, you know, as I've
11 talked to both parties I've said 42-1-172 I think
12 is -- is a statute that needs to be looked at
13 regarding defining what a surviving spouse is but,
14 again, I really have no opinion on the matter.

15 Commissioner Wilkerson: I understand.

16 Mr. Askins: Your Honor, I'd also submit that
17 the Defendant's APA number 23, the dependency
18 investigation of Mr. Tuten, also is -- is very
19 relative in the dependency portion of this.

20 Commissioner Wilkerson: Oh, no doubt, yes.
21 Yes, I have to find a good faith investigation
22 before anything happens here.

23 Mr. Askins: All right.

24 Commissioner Wilkerson: Anything else in
25 reference to --

1 Mr. Johnson: Yes, I just wanted to ask Mr.
2 Hylton what's that statute you were citing?

3 Mr. Hylton: 42-1-172.

4 Commissioner Wilkerson: 42-1-172.

5 Mr. Johnson: Okay. Thank you.

6 Commissioner Wilkerson: The forgotten
7 statute, as I tell everybody. If you can figure
8 it out, it's the most confusingly written statute
9 I've ever seen.

10 Mr. Hylton: And I just --

11 Commissioner Wilkerson: That part of it is.

12 Mr. Hylton: -- I just want to point out that
13 Mr. Sears also points out about the -- the blood
14 test being invalid, that the microbes -- two and a
15 half (2 ½) hours, he said if it was two (2) weeks
16 sitting in the sun then you might have the
17 microbes producing it but in this case two and a
18 half (2 ½) hours on a rainy day that there --
19 there was no evidence of that.

20 Commissioner Wilkerson: One thing we've
21 neglected to get --

22 Mr. Hylton: Yes.

23 Commissioner Wilkerson: -- is to get the
24 correct spelling of the Employer Representative;
25 so, please, sir?

1 Mr. Harshbarger: Yes, sir. Tim Harshbarger,
2 H-A-R-S-H-B as in boy -A-R-G-E-R.

3 Commissioner Wilkerson: Have you got it?
4 That's -- as long as she's got it I don't care.

5 Court Reporter: Yes, sir.

6 Commissioner Wilkerson: Are we ready to take
7 some testimony; is that fair? And I think you
8 wanted to call --

9 Mr. Askins: Mr. Redmond out of order, if I
10 could.

11 Commissioner Wilkerson: -- Mr. Redmond. No,
12 no, that's fine. I think -- I don't anybody has
13 got a problem with that; so, we'll call Mr.
14 Redmond.

15 Mr. Askins: Okay.

16 Commissioner Wilkerson: If you'll get him to
17 come in we'll get Mr. Redmond first.

18 (Off The Record)

19 Commissioner Wilkerson: Mr. Redmond, if we
20 could go ahead and get you to get seated.

21 Mr. Redmond: All right.

22 Commissioner Wilkerson: I'm going to get you
23 to raise your right hand; I'm going to have the
24 Court Reporter swear you in and we're going to
25 take some testimony from you. Thank you.

1 Whereupon;

2 Thomas E. Redmond, being duly sworn and cautioned to
3 speak the truth, the whole truth and nothing but the truth,
4 testified as follows:

5 Court Reporter: Please state your full name
6 for the record.

7 Witness: Thomas E. Redmond.

8 Court Reporter: Thank you, sir.

9 Commissioner Wilkerson: Thank you, Mr.
10 Redmond. Mr. Askins?

11 Mr. Askins: Thank you, may it please the
12 court.

13 DIRECT EXAMINATION

14 By Mr. Askins:

15 Q. What is your full name please, sir?

16 A. Thomas E. Redmond.

17 Q. Mr. Redmond, where do you live or reside?

18 A. Johnsonville, South Carolina.

19 Q. Is that in Florence County?

20 A. Yes, sir.

21 Q. Okay. And what is your occupation?

22 A. I'm a Paramedic, semi-volunteer with Johnsonville
23 Rescue Squad; I've been an EMS fifty-two (52) years.
24 Before I ever became an EMS I was one of the first
25 EMT's in the state of South Carolina. I went from EMT

1 to Intermediate and then I went on to Paramedic. I've
2 been a practicing Paramedic for probably twenty-four
3 (24) years.

4 Q. Okay.

5 A. I'm ALS, BTLIS and PALS certified. I was a Certified
6 Instructor for Red Cross and American Heart in First
7 Aid CPR and I've been to numerous seminars and
8 workshops over the years.

9 Q. Mr. Redmond, what is your private vocation?

10 A. I'm an Accountant and Tax Practitioner and I have a
11 bail bond business.

12 Q. Okay. And that's also in Johnsonville?

13 A. Yes, sir.

14 Q. All right. Were you -- what -- on -- on 5/17/13, did
15 you respond to an EMS call?

16 A. Yes, sir. At approximately 18:12, which would be 6:12,
17 when the call was received and we were in route at
18 6:17; we was on the scene at 6:25. It was toned out as
19 a rollover and he clipped a live pole and lines was
20 down so we couldn't get to him until they got the power
21 off. And when we got to him I was able to crawl
22 through the back window and ascertained there was no
23 life. The first thing you check is the carotid pulse,
24 that's our protocol, and there was not -- you could not
25 feel a carotid pulse and I could tell he wasn't moving

1 or breathing and hadn't moved or breathed in a few
2 minutes.

3 Q. Okay. Mr. Redmond, we've submitted under some exhibits
4 for the court to examine some pictures that were taken
5 by the MAIT Team; are you familiar with the MAIT Team,
6 the Highway Patrol?

7 A. Yes, sir.

8 Q. Okay. I'm going to show you one of those pictures that
9 has the Johnsonville Rescue Squad in the back and I
10 believe it has you by the back tire; is that correct?

11 A. That's correct.

12 Commissioner Wilkerson: If you would, just
13 identify where that is; I mean, I can find it --

14 Mr. Askins: It's --

15 Commissioner Wilkerson: -- but just for the
16 record.

17 Mr. Askins: -- it's Exhibit 8-1.

18 Commissioner Wilkerson: Okay. Yes, just for
19 the record.

20 Mr. Askins: Okay. Exhibit 8-1. I'm sorry.

21 Commissioner Wilkerson: That's fine.

22 Q. All right. Is -- is that the position the truck was
23 found in when the EMS reached the -- the accident site?

24 A. Yes, sir; upside down.

25 Q. And just to clarify this, who -- who was the Decedent?

1 A. Barrett Johnson.

2 Q. Okay. And did you know Barrett Johnson or Briett
3 Johnson?

4 A. Yes, sir.

5 Q. Okay. So, you know about everybody in Johnsonville; do
6 you not?

7 A. Most of them; I served as Mayor for six (6) years.

8 Q. Okay. And so, you determined that because there were
9 light lines down you couldn't get to the body as --
10 until all that was turned off and secured; is that
11 correct?

12 A. That's correct.

13 Q. All right.

14 A. Because we would have had some dead -- dead Paramedics.

15 Q. If you would tell the court -- well, that's exactly
16 right. Could you tell the court who else responded to
17 that, if anybody?

18 A. Johnsonville Fire Department and on my crew it was
19 myself --

20 Mr. Hylton: I want to raise a -- I don't
21 know what he is --

22 Commissioner Wilkerson: I don't either.

23 Mr. Hylton: -- reading from here; I would
24 like to --

25 Mr. Askins: I think he must be --

1 Q. -- are you -- what are you reading from?

2 A. -- that's the official EMS report.

3 Mr. Hylton: -- do we have that in the
4 record?

5 Commissioner Wilkerson: Is that in --

6 Mr. Askins: It's not in the record, no.

7 Mr. Hylton: No.

8 Commissioner Wilkerson: -- then he can't use
9 it.

10 Mr. Hylton: Right.

11 Mr. Askins: Okay.

12 Q. If you could just testify --

13 Commissioner Wilkerson: We can put it in the
14 record --

15 Mr. Askins: -- well, I move to put in on the
16 record then.

17 Commissioner Wilkerson: -- if there's no
18 objection.

19 Mr. Hylton: Okay.

20 Commissioner Wilkerson: Let -- let them look
21 at it.

22 Mr. Askins: Okay.

23 Q. Did you fill out the record, Mr. Redmond?

24 A. Yes, sir.

25 Q. Okay. Did you also highlight the record?

1 A. Yes, sir.

2 Q. Okay.

3 A. That's a copy of the original record there
4 (indicating).

5 Commissioner Wilkerson: You want to go off
6 the record? Just hold on a minute while everybody
7 views it. Yes, just hold on.

8 (Off The Record)

9 Mr. Hylton: I don't have a problem with him
10 putting it in the record.

11 Commissioner Wilkerson: Okay.

12 Mr. Askins: Thank you, Your Honor.

13 Commissioner Wilkerson: Just make it C-1; is
14 that fair?

15 Mr. Hylton: That's fine.

16 Commissioner Wilkerson: Okay. Just pass it
17 down to the Court Reporter and let her mark it as
18 C-1 and --

19 Mr. Hylton: Do you all want to look at that?

20 Mr. DeBerry: That's fine.

21 Commissioner Wilkerson: -- that way he can
22 refer to it and I'll just mark it in my records as
23 C-1.

24 (CLAIMANT'S EXHIBIT NUMBER ONE WAS MARKED FOR
25 IDENTIFICATION)

1 Q. Now, Mr. Redmond, the Exhibit C-1, is that your
2 official report or a copy of the same?

3 A. Yes, sir.

4 Q. And did you personally fill out that report?

5 A. Yes, sir.

6 Q. All right. And that is the official EMS report for
7 Johnsonville Rescue Squad?

8 A. That is correct, sir.

9 Q. All right. Now, I'm going to ask you to look at
10 Plaintiff's -- and I'm going to ask Shanice, if you
11 would look the other way, please -- 8-2, Exhibit 8-2 of
12 the APA; can you identify that picture?

13 A. Yes, sir.

14 Q. And who is that a picture of?

15 A. Mr. Barrett Johnson.

16 Q. Does that indicate the position he was in at the time
17 of the accident?

18 A. Yes, sir.

19 Q. Okay. Also, I show you submission 8-3; does that also
20 depict the correct position of Mr. Johnson at the time
21 of the accident?

22 A. Yes, sir.

23 Q. All right. Let me continue on while we're here to
24 Exhibit 8-4. Are you familiar with the accident site
25 and the -- and the road leading up to the accident

1 site?

2 A. Yes, sir.

3 Q. And does this 8-4 depict coming from Lake City toward
4 Johnsonville on the highway?

5 A. Yes, sir.

6 Q. And -- and it would be just before the accident site;
7 is that correct?

8 A. Right.

9 Q. Do you see any no passing lines in the right side of
10 the road? Is there a solid yellow line on the right
11 for somebody going toward Johnsonville?

12 A. Yes. Yes, sir.

13 Q. Do you see a solid line on the right side of the road
14 or the left side of the road?

15 A. On -- coming toward Johnsonville it would be on the
16 right side --

17 Q. Okay.

18 A. -- if we're coming this way (indicating).

19 Q. All right. Well, you're going this way (indicating).

20 A. Oh, we're going this way (indicating).

21 Q. Right.

22 A. No, none on the right side.

23 Q. So, there's no -- there's no solid yellow lines at all?

24 A. No, sir.

25 Q. Yellow lines, I'm sorry. Now, 8-3 shows the -- the

1 MAIT vehicle and it shows at the little sign there at
2 the part where the road went off -- the tire went off
3 the road; do you see yellow lines starting there?

4 A. Yes, sir.

5 Q. And in the distance you see the EMS vehicles and the
6 wreck site --

7 A. Right.

8 Q. -- is that correct? All right. Now, about how many
9 wreck cases have you been to, Mr. Redmond?

10 A. In my career probably fifteen hundred (1,500) to two
11 thousand (2,000).

12 Q. Okay. Have you ever been to any that involved someone
13 who had been using alcohol?

14 A. Yes, sir; probably fifty percent (50%).

15 Q. Okay. It -- it -- during those times could you ever
16 ascertain the use of alcohol by odor or any other
17 method?

18 A. Yes, sir. I've been able to smell the alcohol odor in
19 the car and on the person. Also, normally you've got
20 beer bottles or liquor bottles or whatever --

21 Q. Okay.

22 A. -- and they're normally thrown out at the scene in a
23 rollover like this.

24 Q. Okay. Now, you testified there were numerous volunteer
25 Firemen?

1 A. Yes, sir.

2 Q. And your -- and your report shows all the people that
3 responded from EMS. Do you know how many people
4 compose a MAIT's Team, the Highway Patrol?

5 A. I was out there when the MAIT Team was out there and I
6 seen probably two (2) to three (3).

7 Q. Okay. Do they all -- do -- did you, EMS, assist in the
8 examining of the accident scene?

9 A. No, sir.

10 Q. Okay.

11 A. I was not interviewed either.

12 Q. During your examination of the body and waiting on the
13 body did you have -- did you see any evidence of
14 alcohol consumption?

15 A. No, sir.

16 Q. Did -- did -- and you testified earlier that you went
17 up in the cab, as I recall; is that correct?

18 A. Yes, sir.

19 Q. And checked his carotid artery --

20 A. Yes, sir.

21 Q. -- and to see if there were any signs of life?

22 A. That's correct.

23 Q. All right. Did you ascertain any odor of alcohol at
24 that point?

25 A. None, whatsoever.

1 Q. All right. Now, and it's a usual sight someone having
2 an alcohol reading of zero point two zero eight (0.208)
3 would be ascertainable; would it not?

4 Mr. Hylton: Objection, there's no basis for
5 that opinion.

6 Commissioner Wilkerson: Yes, he wouldn't --
7 yes.

8 Mr. Askins: Okay.

9 Q. Now, Mr. Redmond, how long was this body suspended in
10 this vehicle?

11 A. Let me see that report a minute.

12 Q. I'm sorry.

13 A. We were on the scene at 18:25 and we left the scene
14 with the body at 20:41; so, that would be better than
15 an hour and a half.

16 Q. That the body was suspended?

17 A. Yes, sir.

18 Q. Okay. Now, was that body restrained by a seatbelt?

19 A. Yes, sir.

20 Q. And -- and in extracting that body can you tell me how
21 EMS did that?

22 A. We had to --

23 Q. Or first of all let me ask, did EMS extract the body?

24 A. -- along with the Fire Department --

25 Q. Okay.

1 A. -- we supervised it.

2 Q. Okay.

3 A. We had -- in the picture there you can see some of the
4 Firemen. We had to cut the seat -- seatbelt and it
5 dropped him down some and his foot -- I believe it was
6 his foot -- was pinned in under the -- under the dash.
7 And we had to cut the door off to get in and lift the
8 dash up off of him a little bit and then we were able
9 to remove his foot that was pinned in.

10 Q. All right. Tell me what -- how you removed the body
11 itself; what did you actually do?

12 A. We take a long spine board or backboard. Used to years
13 ago we could use a plyboard but OSHA and everybody else
14 involved now it's got to be plastic, a hard plastic.
15 We slid the backboard in there after we got him
16 extricated; we put him on the backboard, put the sheets
17 over him and put him on the stretch -- on the stretcher
18 or gurney, whichever you want to call it. Then we
19 loaded him in the ambulance and met the Florence County
20 Assistant Coroner, Don Reynolds, at our station.

21 Q. Okay. Did you -- did you assist personally in actually
22 lifting the -- the backboard onto the gurney?

23 A. Yes, sir.

24 Q. All right.

25 A. Barrett was a big boy and it took a few of us to bring

1 him out.

2 Q. Okay. Could you describe any injuries that were
3 ascertainable by you doing that?

4 A. He had some face trauma, abrasions and cuts, and his
5 neck was real swollen; I don't know whether that was
6 from the seatbelt or what. He had -- probably had
7 internal -- a massive internal injury --

8 Mr. Hylton: Objection to --

9 Commissioner Wilkerson: Yes, because he
10 doesn't know that.

11 Mr. Hylton: -- speculation.

12 Mr. Askins: Okay.

13 Q. All right.

14 A. -- and in my -- in my experience in fifty-two (52)
15 years I -- I can say he had internal injuries --

16 Mr. Hylton: Same objection.

17 A. -- but I'm not a doctor.

18 Commissioner Wilkerson: well, he -- he can
19 give us what his opinion is --

20 Mr. Hylton: That's right.

21 Commissioner Wilkerson: -- based on
22 fifty-two (52) years of experience.

23 Mr. Askins: Yes. Okay.

24 Q. All right.

25 Commissioner Wilkerson: I'll allow that,

1 yes.

2 Q. Now, you went to -- did you actually drive this body to
3 the rescue squad?

4 A. Yes, sir. I think my wife and I did.

5 Q. Okay.

6 A. She --

7 Q. Now, when you got --

8 A. -- she's my driver.

9 Q. -- okay. When you got to the Rescue Squad tell me what
10 you did.

11 A. Well, I'm from the old school and I elevated the head
12 and cleaned the face up because I felt like family
13 would be wanting to view the body and with the
14 Coroner's permission they did view the body. And I
15 cleaned as much dirt and blood off of his face as I
16 could and made him as presentable as I could. And like
17 I say, I elevated his head so the blood would run back
18 down and it's an old funeral home procedure that the
19 blood draining -- needs to drain down out of the face
20 so that -- to try to get some of the swelling out.

21 Q. All right. Did you -- what -- could you tell me how
22 you cleaned the body up?

23 A. I used sterile water and four-by-four (4x4) gauze pads.

24 Q. Okay. Was any alcohol used to your knowledge?

25 A. Not to my knowledge.

1 Q. All right. Did any -- did the Assistant Coroner, Mr.
2 Reynolds, did he do any kind of examination of the
3 body?

4 A. He just glanced at him and I want to say he took
5 several pictures in the back of the unit and that's all
6 I knew --

7 Q. Okay.

8 A. -- know he did.

9 Q. And that's the first time he saw the body to your
10 knowledge?

11 A. He give us permission at the scene to go ahead and
12 extricate.

13 Q. Okay. Did he examine him at the scene to your
14 knowledge?

15 A. I don't think so --

16 Q. Okay.

17 A. -- because we got him out and got him into the unit
18 because there was a huge crowd --

19 Q. All right.

20 A. -- at that time.

21 Q. Now, when you said you were cleaning his face with
22 two-by-two (2x2) and sterile water did you get up close
23 to that body at that point?

24 A. Yes, sir.

25 Q. Did you detect any odor of alcohol at that point?

1 A. None whatsoever.

2 Q. All right.

3 A. And my report designates that also.

4 Q. Okay. Could you point out in your report where it does
5 say that?

6 A. Over on -- under encounter, injury trauma,
7 drugs/alcohol, no. And --

8 Q. That's on page 2?

9 A. -- yes, sir.

10 Q. Okay. And mid-way down the page it says that?

11 A. Yes, sir.

12 Q. All right. Now --

13 A. And --

14 Q. -- where --

15 A. -- and if we smelled any alcohol we note it because for
16 the simply reason if they've been drinking and driving
17 they need to be off the road; they don't need to be
18 dead but they need to be off the road.

19 Q. -- okay. Did you -- you said that you were trying to
20 clean up the body in case the family wanted to view it;
21 did they family actually show up to the Rescue Squad?

22 A. Yes, sir.

23 Q. And who showed up; if you know?

24 A. Margaret and Tanisha.

25 Q. Shanice?

1 A. Shanice.

2 Q. Okay. And that's Margaret Hamilton and Shanice
3 Hamilton?

4 A. Yes, sir.

5 Q. Okay. Now, how -- do you know Margaret Hamilton and
6 Shanice Hamilton outside of the -- this accident case?

7 A. Yes, sir. I know them in town.

8 Q. Okay.

9 A. Her mother -- Margaret's mother used to be a member of
10 the Rescue Squad.

11 Q. Okay. Now, as -- as far as that's concerned, did --
12 did they both show up at the Rescue Squad?

13 A. Yes, sir. Both of them showed up and viewed the body
14 and --

15 Q. I know it's tough in these situations; if you need to
16 take a minute certainly do but -- did they actually --
17 tell me how they -- tell me how they handled that, what
18 they did.

19 A. -- they were crying and leaned over and kissed him.

20 Q. Did each of them kiss him?

21 A. Yes, sir.

22 Q. And when they kissed him, where did they kiss him?

23 A. Oh the cheek.

24 Q. Okay. So, they both got up close and personal with the
25 body themselves?

1 A. Yes, sir. Shanice just laid her head on him and --

2 Q. Okay.

3 A. -- and -- and was crying.

4 Q. Okay. At that point in time did -- what did -- what is
5 your protocol; what does EMS do with the body?

6 A. We called Nesmith-Pinckney Funeral Home and -- and they
7 came to the EMS station and got him.

8 Q. Okay. And that was requested by whom?

9 A. By the family.

10 Q. And you say by the family, who -- who requested
11 Nesmith-Pinckney?

12 A. Margaret.

13 Q. Okay.

14 A. Margaret Hamilton.

15 Q. Were you there when -- at the Rescue Squad when
16 Nesmith-Pinckney came to retrieve the body?

17 A. Yes, sir.

18 Q. And did you assist them in any way to --

19 A. Yes, sir. We helped them load him.

20 Q. -- all right. And what did they do; did they -- did
21 they use your gurney or did they have their own gurney
22 or how does that work?

23 A. They had their own gurney and we just transferred him
24 from the backboard over to the gurney.

25 Q. Okay. Did you have a chance to -- to touch the body at

1 that point to move him; what part of the body did you
2 touch?

3 A. I moved the head part --

4 Q. Okay.

5 A. -- and we slide him over.

6 Q. All right. And -- and that way he got off of your
7 backboard, your gurney, and then the funeral home took
8 --

9 A. Yes, sir.

10 Q. -- control of the body? Okay. Thank you. Answer any
11 questions Mr. Hylton may have.

12 Mr. Hylton: I'm going to let them go first.

13 Commissioner Wilkerson: Let them go and then
14 you.

15 CROSS-EXAMINATION

16 By Mr. Johnson:

17 Q. Mr. Redmond, now, you -- you've been doing this for a
18 long time, Paramedic and investigating accidents; have
19 you not?

20 A. Yes, sir.

21 Q. I think you said you -- you testified that you've
22 investigated as many as fifteen hundred (1,500)?

23 A. I've been on probably fifteen hundred (1,500) calls or
24 wrecks.

25 Q. And -- and many of those accidents you find evidence of

1 alcohol?

2 A. Yes, sir.

3 Mr. Hylton: Objection, that's --

4 Commissioner Wilkerson: You can't lead him.

5 Mr. Hylton: -- leading.

6 Commissioner Wilkerson: Just ask him the
7 question. You can't lead him.

8 Mr. Johnson: Okay.

9 Commissioner Wilkerson: He's probably found
10 cigarettes and other stuff but --

11 Mr. Johnson: All --

12 Commissioner Wilkerson: -- ask him what he
13 found.

14 Mr. Johnson: -- all right.

15 Q. Are you trained to look for evidence of alcohol?

16 A. Actually trained for it; no, sir. I mean, you look for
17 it for the simple reason that we want to know if
18 alcohol was involved in the accident. If a person was
19 under the influence of alcohol when you're treating a
20 patient it hides a lot of things. So, my main concern
21 to start with is the patient and his treatment and then
22 the other falls in place.

23 Q. All right, sir. And in this case could you tell us
24 whether or not you looked for alcohol?

25 A. Yes, sir.

1 Q. Okay.

2 A. Because I was crawling in the back window of that truck
3 and there was a lot of trash in there and -- and boots
4 and -- but I did not smell any alcohol. Normally if
5 somebody is drinking in -- in a vehicle like that and
6 alcohol is in there its going to spill all -- all over
7 the vehicle, whether it be a cup or a beer can, and --
8 and you're going to smell it and I have got it on me
9 before.

10 Q. Okay. And you found -- in this case what did you find?

11 A. I found none.

12 Q. Okay. What about did you also look for containers:
13 Beer bottles, beer cans, liquor bottles; that sort of
14 thing?

15 A. Yes, sir. I even walked around the scene looking for
16 that kind of stuff and I walked down the road where he
17 ran off the road originally. And we've had numerous
18 wrecks right there at Furman Tanner's house is where it
19 happened at; if he'd went another twenty (20), thirty
20 (30), feet he'd have been into Mr. Tanner's house.

21 Q. Okay. Can you tell us what you -- what, if anything,
22 you found?

23 A. I seen nothing but -- it seemed like I seen a tire and
24 different stuff out of the back of the pickup and some
25 people throw Coke cans in the back of the pickup and

1 trash and -- and I didn't see anything out of the
2 ordinary.

3 Q. You mentioned that this was on the curve?

4 A. It was coming out of the curve.

5 Q. It was -- and it was -- and -- and what area; you said
6 Mr. Tanner's house?

7 A. Yes, sir. Between Prospect and -- I was trying to
8 think the name of the church up there.

9 Q. What was it you -- you said -- did -- did you state the
10 -- what about previous accidents there?

11 A. We've had numerous accidents there.

12 Q. Well, based on your experience is this a -- an accident
13 prone area?

14 A. In the forty-two (42) years I've been in Johnsonville I
15 can probably say that there have been at least five (5)
16 or six (6) accidents -- accidents there.

17 Q. Is that -- would you tell us whether or not that's
18 unusual for a particular area?

19 A. Not really because on the Vox Highway, and it's a
20 straight highway, I worked two (2) wrecks there this
21 weekend; one of them was a Williamsburg County Deputy
22 Sheriff. So, accidents happen anywhere.

23 Q. All right. Thank you, sir.

24 A. Thank you, sir.

25 Mr. Johnson: That's all I have.

1 Mr. Hylton: All right.

2 CROSS-EXAMINATION

3 By Mr. Hylton:

4 Q. All right. You said you've had no training on
5 detecting alcohol, correct?

6 A. Just experience.

7 Q. Okay. But no formal training on what alcohols produce
8 smells, what alcohols don't produce smells in victims
9 and anything of that -- had any training to that
10 regard, have you?

11 A. No, sir.

12 Q. Finding alcohol, the containers, in a car where
13 somebody has had alcohol that's not always the case
14 either; you don't always find the containers where
15 someone has been drinking do --

16 A. No, sir.

17 Q. -- do you?

18 A. No, sir.

19 Q. All right. In fact, people can throw out their
20 containers so they don't keep evidence in their car
21 that they're drinking, don't they?

22 A. That's correct.

23 Q. Okay. And, again, where this accident occurred going
24 ninety-five (95) miles an hour would not be good
25 judgment in that -- on that curve, would it?

1 A. No, sir.

2 Q. All right.

3 A. No, sir.

4 Q. And, in fact, Mr. Johnson wasn't known to be a speeder
5 was he, to your --

6 A. Not to my knowledge.

7 Q. -- okay. And, of course, you knew the family well,
8 correct?

9 A. Yes, sir.

10 Q. And, in fact, you worked with Ms. Margaret Hamilton?

11 A. Mother.

12 Commissioner Wilkerson: Mother.

13 Q. Ms. Margaret -- Ms. Margaret Hamilton's mother or Ms.

14 --

15 A. Mother.

16 Commissioner Wilkerson: Mother, yes.

17 Q. -- okay. So, you worked -- you knew the family then?

18 A. I -- I knew -- knew Margaret and her mother and Mr.
19 Johnson also.

20 Q. Okay.

21 A. In a small town everybody knows everybody.

22 Mr. Hylton: I'm from Kingstree; I'm well
23 aware, so.

24 Q. So, you knew Briett Johnson personally as well?

25 A. Yes, sir.

1 Q. Okay. And, again, you don't know how long the Deputy
2 Coroner spent with the body at all, do you?

3 A. Probably ten (10) minutes, max.

4 Q. Okay. Were you with it back at the EMS Squad --

5 A. Yes.

6 Q. -- as well?

7 A. Yes.

8 Q. Okay. So, he had viewed the body though out on the --
9 the gurney as well?

10 A. On the gurney; yes, sir, and the unit.

11 Q. Okay. And, again, at that time articles of clothing
12 and personal belongings were removed as well; is that
13 correct?

14 A. Yes, sir.

15 Q. Okay. Now, you mentioned about internal injuries.
16 Have you had any training, formal training, about
17 recognizing internal injuries?

18 A. I spent probably eighteen (18) months in Paramedic
19 school.

20 Q. Okay. And what did they teach you to look for
21 regarding internal injuries?

22 A. The entire body.

23 Q. Okay. But you didn't review an autopsy at all in this
24 case, did you?

25 A. No, sir.

1 Q. Okay. And, again, you wouldn't disagree with Dr.
2 Riemer that you would have to view a -- an autopsy in
3 order to definitively determine internal injuries,
4 would you?

5 A. I'd have to view that autopsy. I have viewed autopsies
6 before.

7 Q. Right.

8 A. Yeah, but --

9 Q. But that's the only way to determine internal
10 lacerations and injuries, correct?

11 A. -- correct. That's the only way a doctor can determine
12 it by exposing the body parts and x-rays and MRI's and
13 so forth.

14 Q. Okay. And Don Reynolds has also investigated numerous
15 accidents across Florence County, correct; have you
16 worked with him on numerous occasions?

17 A. I've worked with Don on numerous occasions.

18 Q. Okay. And, again, he's testified that he followed all
19 protocols, correct?

20 A. Yes, sir.

21 Q. And you observed him follow all the correct protocols,
22 correct?

23 A. To the best of my knowledge.

24 Q. All right. And, again, the reason why they collect
25 blood and send it off to SLED is to determine if there

1 was alcohol or other substances; isn't that correct?

2 A. That's correct.

3 Q. Even if they don't find alcoholic containers, correct?

4 A. That's correct.

5 Q. Okay.

6 Mr. Hylton: That's all the questions I have.

7 Mr. Askins: Could I have just a couple more
8 follow up?

9 Commissioner Wilkerson: Please, yes, sir.

10 REDIRECT EXAMINATION

11 By Mr. Askins:

12 Q. You -- you did indicate -- and I just wanted to make
13 this clear for the record -- Johnsonville is a small
14 town and you do know everybody?

15 A. Yes, sir.

16 Q. You were the Mayor for how many years?

17 A. Six (6) years.

18 Q. Okay. Now, you also indicated that Margaret Hamilton's
19 mother was a member of your Rescue Squad at one time?

20 A. Yes, sir.

21 Q. And you know the -- you knew Margaret and you called
22 him Barrett Johnson but that's Briett Johnson, the
23 Decedent; is that correct?

24 A. Yes, sir.

25 Q. Did -- did your knowledge with them personally and your

1 friendship with their mother or EMS connection with her
2 have any bearing on your testimony here today?

3 A. None whatsoever.

4 Q. Okay. And you -- when Mr. Hylton was asking you about
5 the internal injuries that you testified to earlier you
6 said you had your training as a Paramedic; is that
7 correct?

8 A. That's correct.

9 Q. And you also have all this experience over all these
10 years?

11 A. Yes, sir.

12 Q. And common sense?

13 A. And common sense.

14 Q. Okay. Thank you.

15 Mr. Askins: No further questions.

16 Mr. Redmond: Thank you.

17 Mr. Johnson: Nothing further.

18 Mr. Hylton: Nothing.

19 Mr. Redmond: You need this, don't you?

20 Commissioner Wilkerson: Yes, sir; if you
21 would leave that.

22 Mr. Redmond: All right. Thank you,
23 gentlemen.

24 Mr. Askins: Thank you. May he be excused?

25 Commissioner Wilkerson: Mayor -- can he be

1 excused?

2 Mr. Hylton: He can be excused.

3 Mr. Askins: He's on his way to Florida.

4 Commissioner Wilkerson: Good for you. I was
5 the Mayor of Cayce for eighteen (18) years; so, I
6 feel your pain.

7 Mr. Redmond: You served your sentence too
8 then, didn't you?

9 Commissioner Wilkerson: I did. You
10 understand clearly. Be careful driving. He can
11 be excused; is that what I heard from everybody?

12 Mr. Johnson: Yes, sir.

13 Mr. Hylton: Yes, he can be excused.

14 Commissioner Wilkerson: Sir, you may leave.
15 Thank you for coming.

16 Mr. Redmond: Thank you, sir. Thank you.

17 Commissioner Wilkerson: Yes, sir; thank you.

18 Mr. Askins: May I call another one out --
19 out of order just to -- to -- he's got a funeral
20 he's do this afternoon; so, Mr. Pinckney, if
21 that's okay.

22 Mr. Hylton: That's fine.

23 Commissioner Wilkerson: John Pinckney, is
24 that fine?

25 Mr. Hylton: That's fine.

1 Mr. Askins: Is that okay with you guys?

2 Commissioner Wilkerson: I don't know that
3 there will be an objection but if there is let me
4 know.

5 Mr. Hylton: No.

6 (Off The Record)

7 Mr. Askins: Sit right there; please, sir.

8 Commissioner Wilkerson: Sir, I'll get you to
9 raise your right hand. I'm going to have the
10 Court Reporter down there swear you in and we're
11 going to take some testimony from you, okay?

12 Mr. Pinckney: Okay.

13 Commissioner Wilkerson: Okay. Thank you.

14 Whereupon;

15 John Caughman Pinckney, being duly sworn and cautioned
16 to speak the truth, the whole truth and nothing but the
17 truth, testified as follows:

18 Court Reporter: You've got to speak up,
19 please.

20 Witness: Yes.

21 Court Reporter: Okay. Please state your
22 full name for the record.

23 Witness: John Caughman Pinckney.

24 Court Reporter: Thank you, sir.

25 Commissioner Wilkerson: Thank you, Mr.

1 Pinckney.

2 DIRECT EXAMINATION

3 By Mr. Askins:

4 Q. Mr. Pinckney, what is your occupation?

5 A. I'm a Funeral Director, Co-owner and Operator of
6 Nesmith-Pinckney Funeral Home.

7 Q. Okay. And where -- where do you live?

8 A. I live in Hemingway.

9 Q. Okay. Did you receive a call to pick up a body on
10 5/17/2013, from Johnsonville Rescue Squad?

11 A. Yes, sir.

12 Q. And did -- did your funeral home respond to that call?

13 A. Yes, sir; we did.

14 Q. Did you personally respond to that call?

15 A. Yes, sir; I did.

16 Q. And did you take any other members of your -- or any
17 employees or any other people with you?

18 A. Took one (1) employee with me.

19 Q. All right. And what were you driving to that Rescue
20 Squad?

21 A. Driving the hearse.

22 Q. All right. Did you know what you were responding to at
23 the time?

24 A. We were responding to a -- a death call, which is a
25 accident victim.

1 Q. Okay. Did you know who it was?

2 A. At the time, no.

3 Q. Okay. So, when you got there to the -- to the Rescue
4 Squad did you actually at that -- when did you find out
5 who the Decedent was?

6 A. When we got there and found out the name because most
7 of the time they don't give us the name unless, you
8 know, when we get there they give us the name and --

9 Q. Okay.

10 A. -- then we know.

11 Q. Do you remember who you talked to at the Rescue Squad
12 to get this information?

13 A. I -- well, I talked to the -- the Coroner called us
14 first and then after we went there then I spoke with
15 him again and then I spoke to the EMS personnel who
16 gave us the name and also the BRT, which is what we
17 call our Burial Transit Permit --

18 Q. Okay.

19 A. -- and that's when we found out the name.

20 Q. When you said the Coroner, was that Mr. Don Reynolds --

21 A. Yes, sir.

22 Q. -- the Assistant Coroner?

23 A. The Assistant Coroner; yes, sir.

24 Q. Okay. Have you worked with him before?

25 A. Yes, I have.

1 Q. All right. And did you actually know the Decedent
2 prior to the time you picked his body up that day?

3 A. Yes, I knew him.

4 Q. Okay.

5 A. Yes, sir.

6 Q. Now, did you -- did you talk to Margaret Hamilton at
7 the Rescue Squad?

8 A. After we had secured the body onto our gurney then I
9 spoke with her and the daughter.

10 Q. Okay. And the -- the daughter is Shanice Hamilton --

11 A. Shanice Hamilton.

12 Q. -- seated here?

13 A. Yes, sir.

14 Q. Okay. Did you -- could you tell me did you use -- did
15 you leave the body on the gurney from the Rescue Squad
16 or do you transfer it to your gurney?

17 A. We transferred it to our gurney.

18 Q. Okay. Did you assist in doing that?

19 A. Yes, I did.

20 Q. And what part of the body could you -- do you remember
21 if you -- you help pick up?

22 A. Well, we -- the head part because what we normally do
23 is put the gurneys side-by-side and we transfer the
24 corpse from one to the other and we just basically with
25 the under board we could pull it over and it makes it a

1 lot easier and I was just -- I was on the head part of
2 it when we -- when we slide it over.

3 Q. Okay. What was the general condition of the body when
4 you picked it up?

5 A. Well, no facial damage but you could tell basically by
6 limberness in the neck and also the -- the movement
7 that there were internal injuries.

8 Mr. Hylton: Objection, I don't think there's
9 basis for internal injuries.

10 Commissioner Wilkerson: Yes, there is no
11 basis for internal injuries.

12 Q. How long have you been a funeral -- are you a Funeral
13 Director, licensed?

14 A. Funeral Director, licensed.

15 Q. Are you an Embalmer?

16 A. No, I'm not.

17 Q. Okay. When you transferred this body did -- you were
18 up toward the head portion; is that correct?

19 A. That's correct.

20 Q. I'm talking about transferring him from gurney to
21 gurney?

22 A. That's correct.

23 Q. All right. Did you ascertain any -- any indication
24 that alcohol had been used by this Decedent?

25 A. None.

1 Q. Okay. No odor of alcohol --

2 A. None.

3 Q. -- about his person or his clothes or anything?

4 A. None.

5 Q. All right. When you took him -- when you removed the
6 body and took him in your hearse what -- what did you
7 do with the body at that point?

8 A. Took him to the funeral home, uh-huh. And we took him
9 from our gurney into what we call our barber team,
10 which we try to get the body there and then we -- we
11 normally set the head basically so that, you know, that
12 when a body gets set the head is always set and tilted
13 a certain way; so, we did that and then I called my
14 Embalmer.

15 Q. Okay.

16 A. And then they determined the time they come in to
17 embalm the body.

18 Q. All right. Did you -- did you remove this -- the
19 clothes from the body?

20 A. No, I did not remove the clothes from Mr. Johnson.

21 Q. Okay. Who does that?

22 A. My Embalmer does that.

23 Q. All right. Did you assist in moving the body from your
24 gurney to the embalming table?

25 A. The table, yes.

1 Q. All right. In moving the body around from that
2 standpoint did you ascertain any odor of alcohol?

3 A. No, sir.

4 Q. All right. Now, you had an Embalmer come in; you
5 didn't actually do the embalming on --

6 A. No, sir.

7 Q. -- okay.

8 A. No, sir; I did not.

9 Q. Were there any incisions or cuts made on the body to
10 your knowledge --

11 A. Other than --

12 Q. -- other than the normal embalming?

13 A. -- our normal procedure; no, sir.

14 Q. Okay. No autopsy or any kind of exam by anyone?

15 A. No, sir.

16 Q. All right.

17 A. No, sir.

18 Q. All right, now, your company was chosen to handle the
19 -- the remains of Mr. Johnson; who chose your company?

20 A. Well, I got the authorization from Margaret and Shanice
21 --

22 Q. Okay.

23 A. -- that they were going to authorize -- that they were
24 the ones I spoke to at the -- at the rescue station.

25 Q. Okay. Did you have a contract signed by anybody?

1 A. We have an authorization form always signed by the next
2 of kin.

3 Q. Okay. And who signed that for you?

4 A. Margaret and Shanice.

5 Q. All right. Did you have any contact with a Sara
6 Johnson?

7 A. Yes, I did.

8 Q. Can you tell this court about what contact you had with
9 her?

10 A. She called my office concerning the -- the legality of
11 Mr. Johnson and whether she, you know, if she wanted to
12 be a part of his -- his -- at his funeral expenses or
13 funeral, you know, arrangements and I spoke with her; I
14 think it was on a Saturday, if I'm not mistaken. And
15 -- and I asked her did she -- whether she wanted to be
16 -- I said, you know, if you want to you're welcome to
17 take responsibility of him because you are -- at that
18 time I didn't know he was married at that time --

19 Q. Yes.

20 A. -- when I found out I said you are because you're his
21 wife. So, she came to my office on Monday. She said
22 she wanted to find out some information as to what was
23 happening on his job and I said, well, as soon as you
24 find out you let me know. So, she came by my office on
25 Monday and I sat down with her and her daughter and she

1. told me she didn't -- she didn't know whether anything
2. was in her name so she did not take responsibility; she
3. did not sign any papers to take responsibility for
4. that.

5. Q. Okay. Did you do any investigation to see who may have
6. been a beneficiary of any -- any type of insurance
7. whatsoever for this guy?

8. A. I did call the company and they told me that --

9. Q. Okay. When you say the company, you're talking about
10. his employer?

11. A. -- an employer, right.

12. Q. I'm sorry. Go ahead.

13. A. And he told me that Margaret Hamilton was the
14. beneficiary and that's who we -- that's why -- but
15. knowing -- because Shanice was above age and next of
16. kin actually --

17. Q. Okay.

18. A. -- I let her sign my authorization form along with
19. Margaret.

20. Q. All right. Now, do you know the relationship Margaret
21. had with the Decedent?

22. A. You know, actually, I did not; I thought they were
23. married to be honest with you.

24. Q. All right.

25. A. I did.

1 Q. Now, did you actually -- what was the -- what was the
2 amount of the funeral bill?

3 A. It was a little over ten thousand (\$10,000.00) from my
4 recollection. I think I have a copy of it here but a
5 little -- a little over ten thousand (\$10,000.00).

6 Q. Okay. And I'm going to show you APA number 5 and this
7 is a check written on Liberty Mutual to --

8 A. Right. Uh-huh.

9 Q. -- for twenty-five hundred dollars (\$25,000.00); is
10 that correct?

11 A. Right. That's correct.

12 Q. Did you receive that check?

13 A. I received that check.

14 Q. All right. And then, Plaintiff Shanice Hamilton's APA
15 number 6, there is a check made payable to
16 Nesmith-Pinckney Funeral Home from Pike Electric for
17 eight thousand, four hundred and twenty dollars and
18 thirty cents (\$8,420.30)?

19 A. That's right. That's correct.

20 Mr. Hylton: And, Commissioner, I would
21 object to this other than showing that it was, in
22 fact, paid because using it as evidence to try and
23 say that the Defendants were admitting
24 responsibility by paying these then we would
25 object to that basis.

1 Commissioner Wilkerson: I mean, I think its
2 evidence that Liberty Mutual paid --

3 Mr. Askins: And Pike.

4 Commissioner Wilkerson: -- the twenty-five
5 hundred (\$25,000.00) and Pike paid the remaining
6 amount.

7 Mr. Askins: That's right.

8 Mr. Hylton: But that's as far --

9 Commissioner Wilkerson: And that doesn't
10 admit liability --

11 Mr. Hylton: -- right.

12 Commissioner Wilkerson: -- they just paid
13 it, yes.

14 Mr. Askins: They paid the funeral.

15 Commissioner Wilkerson: That's right, yes.
16 They paid the funeral bill.

17 Mr. Askins: Okay.

18 Commissioner Wilkerson: Yes.

19 Mr. Askins: All right.

20 Q. Now, I want to also show you APA number 11 -- let me
21 take these things apart, I'm sorry -- and ask if you
22 would identify that document.

23 A. Oh, this is a copy of the funeral program that we --
24 that we held for Barrett.

25 Q. The funeral program?

1 A. Yes, sir.

2 Q. And it all -- also has the obituary on it?

3 A. Obituary.

4 Q. And who prepared that?

5 A. I did.

6 Q. And with whom -- who whose assistance did you prepare
7 it?

8 A. Margaret and Shanice.

9 Q. Okay. Answer any questions that Mr. Johnson or Mr.
10 DeBerry might have for you.

11 Commissioner Wilkerson: Yes. Mr. Johnson?

12 CROSS-EXAMINATION

13 By Mr. Johnson:

14 Q. I was a little confused when you were talking earlier.
15 Did you have any contact with Sara Ann Johnson; did you
16 have any conversation with her?

17 A. Yes, sir. I had two (2) conversations with her.

18 Q. Well, are you -- were you aware that they were married?

19 A. At the time I wasn't; she called me and that's when I
20 was aware of the fact that she was married when she
21 called me. And then I offered -- at that time I said,
22 well, you know, you have the legal responsibility for
23 that if you want to. She said she had to find out
24 from, you know, what was -- whether she would be able
25 to. And so, that -- and then -- and that's when I met

1 with her the second time in my office, personally. And
2 then, that's when she said that she didn't, you know,
3 she wouldn't -- didn't want responsibility for all
4 that.

5 Q. Okay. You don't question the fact that they were
6 married?

7 A. No, sir. Oh, no, sir. I took her word when she told
8 me she -- that they were married I took her word; I
9 didn't -- I didn't have no proof. Yeah, I took her
10 word.

11 Q. And -- and you were fairly -- do -- do I understand
12 your testimony -- can you tell us if you were close to
13 the body when you were moving it?

14 A. Yes, sir. Gurney-to-gurney.

15 Q. I understand.

16 A. And just like close to the -- close where you've got to
17 slide it from one gurney to the other and the same when
18 we was getting it from the gurney to the table, from
19 one gurney to the other; they're side-by-side so it's
20 just a matter of just sliding him over.

21 Q. Okay. And in regards to alcohol did you --

22 A. No, I didn't detect any alcohol, sir.

23 Q. -- thank you, sir.

24 Mr. Johnson: That's all I have.

25 Mr. Hylton: All right.

CROSS-EXAMINATION

By Mr. Hylton:

Q. Sir, are you trained at all in detection of alcohol?

A. My -- my -- I can smell.

Q. Yes, I know but have you had any training?

A. No, I don't have any training but I have -- I have -- I have a sense of smell.

Q. Right. And are you aware there are some alcohols that don't smell and some that do?

A. I -- I -- you know, I -- I guess so; I don't know.

Q. All right.

A. I'm not -- I'm not an expert on alcohol and what, you know.

Q. Great. That's -- that's exactly what I was trying to get at, so. Again, you're just basing it on your --

A. My sense of smell.

Q. -- sense of smell? Okay. And, again, that's your sole basis of --

A. That's it.

Q. -- of saying that --

A. That's my sole --

Q. -- that he didn't have alcohol?

A. -- my sole basis.

Q. And, again, in this case you said you were lifting the head?

1 A. Well, when we said lifted, we mostly slide it because
2 Barrett is a pretty heavy gentleman --

3 Q. Yes.

4 A. -- and -- and to lift him you'd have to -- you -- it
5 would take more but if you get on a gurney-to-gurney
6 and pull him; so, you can pull that right over to you
7 and that's what we do normally instead of lifting, you
8 see, we just move him over.

9 Q. Were you the only one at the head or was there another
10 individual helping you move him?

11 A. We had one at the head, one in the middle and one at
12 the foot --

13 Q. Okay.

14 A. -- and just slide him over.

15 Q. So, you were the only one at the head?

16 A. Yeah. Yeah, basically.

17 Q. Okay.

18 A. But the other guy is right -- right next to me because
19 that's where most of the weight part is at the upper
20 part, the head and the -- and the upper torso.

21 Commissioner Wilkerson: Let me make sure.

22 You were at the head of your gurney; is that fair?

23 A. Right. Uh-huh.

24 Commissioner Wilkerson: Okay. Was anybody
25 at the head of another gurney?

1 A. Huh-uh. We -- see the gurneys would be side-by-side;
2 everybody would be on one side.

3 Commissioner Wilkerson: Okay. I'm fine with
4 that.

5 A. Yeah, everybody would just slide him straight over on
6 one side.

7 Commissioner Wilkerson: Okay.

8 A. Uh-huh. And then, you know, that -- that would be the
9 hold the gurney -- hold the gurney in one spot and
10 everybody slide from one gurney to the other.

11 Commissioner Wilkerson: Okay.

12 Mr. Hylton: That's all the questions I have.

13 Mr. Askins: Just a couple of follow up.

14 REDIRECT EXAMINATION

15 By Mr. Askins:

16 Q. Mr. Pinckney, when you were talking did you see Tom
17 Redmond; do you know Tom Redmond?

18 A. Yes, I know him.

19 Q. Did he assist in transferring that body to your gurney?

20 A. He did, uh-huh.

21 Q. Okay.

22 A. Yes. Yes.

23 Q. Thank you.

24 Mr. Askins: I have no further questions.

25 Commissioner Wilkerson: Anything else?

RECROSS-EXAMINATION

By Mr. Hylton:

Q. All right. Mr. Redmond wasn't at -- wasn't assisting you, where was he at the gurney?

A. He was on the foot.

Q. He was on the foot?

A. Yeah.

Q. Okay.

Mr. Hylton: That's all I have.

Mr. Askins: We would ask that he be excused,
Your Honor.

Commissioner Wilkerson: Okay if he --

Mr. Johnson: No -- no objection.

Commissioner Wilkerson: -- sir, you may be
excused. Thank you, sir; I appreciate you being
here.

Mr. Pinckney: Thank you.

Mr. Askins: Thank you, John.

Mr. Pinckney: Yes, sir.

Mr. Askins: I'll call Margaret Hamilton.

(Off The Record)

Commissioner Wilkerson: Ma'am, I'm going to
get you to raise your right hand; I'm going to
have the Court Reporter swear you in and we're
going to take some testimony from you, okay?

1 Ms. Hamilton: Yes, sir.

2 Commissioner Wilkerson: Yes, ma'am.

3 whereupon;

4 Margaret Ann Hamilton, being duly sworn and cautioned
5 to speak the truth, the whole truth and nothing but the
6 truth, testified as follows:

7 Court Reporter: Please state your full name
8 for the record.

9 Witness: Margaret Ann Hamilton.

10 Court Reporter: Thank you, ma'am.

11 Commissioner Wilkerson: Thank you, Ms.
12 Hamilton.

13 DIRECT EXAMINATION

14 By Mr. Askins:

15 Q. How old are you, Margaret?

16 A. Fifty-seven (57).

17 Q. Okay.

18 Mr. Askins: If it's okay with the court I'm
19 going to refer to her as Margaret to keep it from
20 Shanice Hamilton and so forth.

21 Commissioner Wilkerson: I'm absolutely fine
22 with that.

23 Mr. Askins: Thank you. Is it okay with you?

24 Mr. Hylton: That is okay.

25 Mr. Askins: All right.

1 Q. Margaret, where do you live?

2 A. Johnsonville.

3 Q. And what do you do for a living?

4 A. I'm a Security Officer at Carolinas Hospital System.

5 Q. How long have you been there?

6 A. Today, nine (9) years.

7 Q. Okay. Do you have any children?

8 A. Two (2).

9 Q. And who are there?

10 A. Shanice Hamilton and Shawn Hamilton.

11 Q. Now, who is the oldest?

12 A. Shawn Hamilton.

13 Q. And where is Shawn today?

14 A. He's in the Johnsonville area, like Gresham.

15 Q. Okay. And where is Shanice today?

16 A. She's in Florence with me right here in this area.

17 Q. All right. She's sitting beside me. I'm talking about
18 what does she -- where is she living right now?

19 A. Oh, she's in Charleston.

20 Q. Okay. I'm sorry; that was a stupid question, wasn't
21 it?

22 A. I'm sorry too.

23 Q. Okay. All right. Did you know Briett Johnson,
24 B-R-I-E-T-T Johnson?

25 A. Yes.

1 Q. And how do you pronounce that?

2 A. It's Britt.

3 Q. Britt Johnson, I'm sorry.

4 A. Uh-huh.

5 Q. And did he have any other names that he went by,
6 nicknames?

7 A. Barry and Shorty.

8 Q. Barry and Shorty?

9 A. (Nodded head in an up and down motion).

10 Q. Okay. Now, what did you usually call him?

11 A. Shorty.

12 Q. All right. The people around town would refer to him
13 as Barry?

14 A. Yes.

15 Q. Have you ever had him referred to as Barrett?

16 A. Sometimes, yes.

17 Q. Okay. All right. Where were you living on May 17th,
18 2013?

19 A. At 277 Sawmill Road, Johnsonville, South Carolina.

20 Q. The same address you're at now?

21 A. Yes.

22 Q. And how long have you lived there prior to that time?

23 A. Over years, it's pretty much --

24 Q. Ten (10) years, twenty (20) years; how long?

25 A. -- probably about twenty (20) years, probably.

- 1 Q. All right. And who did you live with there?
- 2 A. Barrett Johnson and Shanice.
- 3 Q. All right. How long did you actually live with Barrett
- 4 Johnson?
- 5 A. Since '93, I want to say, for sure.
- 6 Q. All right. Were you living with Barrett Johnson when
- 7 Shanice was born?
- 8 A. Yes.
- 9 Q. Is he the biological father of Shanice?
- 10 A. Yes.
- 11 Q. We have a submission here of the birth certificate of
- 12 Shanice Trinell Hamilton and Barry Briett Johnson is
- 13 named on the birth certificate; is that correct?
- 14 A. Yes.
- 15 Q. All right. And he lived there with you?
- 16 A. Yes, sir.
- 17 Q. Did Mr. Johnson work the entire time he was with you?
- 18 A. Yes.
- 19 Q. And did you work that entire time?
- 20 A. Yes.
- 21 Q. All right. And where was he working?
- 22 A. His last job was with Pike.
- 23 Q. Okay. And what did he do?
- 24 A. He was something like a Forman or a supervisor or
- 25 something.

1 Q. Okay. For Pike Electric?

2 A. Uh-huh.

3 Q. All right. Now, tell me who was living in your
4 household at the time Mr. Johnson passed away?

5 A. Shanice Hamilton and me --

6 Q. Okay. So --

7 A. -- Margaret.

8 Q. -- so, there were three (3) of you?

9 A. Yes.

10 Q. And what was Shanice doing at that time; was -- was she
11 in school at that time?

12 A. Yes.

13 Q. And how old was she?

14 A. She was like eighteen (18) I --

15 Q. All right.

16 A. -- yes, eighteen (18).

17 Q. Do you -- do you remember her date of birth?

18 A. [REDACTED] 93.

19 Q. Okay.

20 Commissioner Wilkerson: Great birthday,

21 [REDACTED] mine too.

22 Mr. Askins: Well, you just got a year older.

23 Commissioner Wilkerson: Yes, and grayer; I
24 did, yes.

25 Q. Now, Margaret --

1 Mr. Askins: -- you must have had a
2 connection.

3 Commissioner Wilkerson: I don't have a clue.

4 Court Reporter: If you don't move around in
5 a while they'll turn off (the lights).

6 Mr. Askins: All right.

7 Q. Now, Margaret, what was the -- you said that you and --
8 and Shanice and Barry were living in the house; is that
9 correct?

10 A. Yes.

11 Q. Who was the main bread winner of that household?

12 A. Barrett was.

13 Q. Okay. And how -- you had -- you and Barrett had been
14 living together in that house for how long?

15 A. Well, that eighteen (18) years or a little over.

16 Q. Okay. The entire time that Shanice was here?

17 A. Yes.

18 Q. Now, let me get back to Shanice; she was in what kind
19 of school at that point?

20 A. She was at Johnsonville High School and come up for
21 athletic banquet and graduation.

22 Q. Okay. What grade was she in?

23 A. Twelfth (12th).

24 Q. She was a senior?

25 A. Yes, sir.

1 Q. what kind of grades did she make?

2 A. She was an honor student.

3 Q. Okay. Was she a member of the Honor Club or Beta Club?

4 A. Beta, yes.

5 Q. Did she receive any kind of academic scholarships?

6 A. Yes.

7 Q. All right. Now, on the night of the death of Barrett
8 Johnson, the afternoon of 5/17/2013, was there any
9 special thing going on at school?

10 A. Yes, we were having the athletic banquet and I'm a
11 volunteer Assistant Coach there and that's where we
12 were at when it happened.

13 Q. Okay. Did -- did Shanice receive any kind of award
14 that night or trophy or anything?

15 A. Yes.

16 Q. What did she receive?

17 A. She receive a -- a scholarship amount of money to go to
18 school.

19 Q. Okay. Was that based on her athletic ability or
20 academic performance as an athlete or what?

21 A. It was -- I assume they would judge it as a academic.

22 Q. Okay.

23 A. I don't know how to do that.

24 Q. All right. So, she was pretty much a straight A
25 student?

- 1 A. Yes, sir.
- 2 Q. All right. Now, did Barry Johnson, was he working that
- 3 day?
- 4 A. Yes.
- 5 Q. Did you talk to him that day?
- 6 A. Yes.
- 7 Q. And when you say you talked to him, how did you talk to
- 8 him?
- 9 A. I -- on the phone.
- 10 Q. Okay. Let me show you a couple of phone bills here and
- 11 see if we can clarify a few things. What was -- what
- 12 is your cell phone number?
- 13 A. [REDACTED]
- 14 Q. Okay. And what is Barry's -- what was Barry's number
- 15 at the time?
- 16 A. [REDACTED]
- 17 Q. All right. Now, was Shanice, did she also have a
- 18 phone?
- 19 A. Yes.
- 20 Q. And what was her number?
- 21 A. [REDACTED]
- 22 Q. All right. And all that is under your name?
- 23 A. Yes.
- 24 Q. All right. Now, I'm going to show you part of the
- 25 Exhibit Nine (9) and it -- and it has the report for

1 your telephone number and it has some listings on page
2 2 of 2; could you tell me what the listings where it
3 was -- there was a call to Barry's number?

4 A. Yes.

5 Q. Are they circled?

6 A. Yes.

7 Q. And what times were they made?

8 A. One was at 6:55 AM, 9:35 AM, 2:24 PM and 2:47 PM.

9 Q. Okay. Did you make those calls?

10 A. Yes.

11 Q. Would they be calls going out from you to him or from
12 him to you?

13 A. It would be vice-versa because I know he would call me
14 and I would call him --

15 Q. All right.

16 A. -- plenty of times.

17 Q. Now -- now, so you got one call at 9:00 -- excuse me at
18 6:00 --

19 Mr. Hylton: Excuse me, what APA are we
20 looking at? I'm sorry.

21 Commissioner Wilkerson: Nine (9).

22 Mr. Askins: Number nine (9).

23 Mr. Hylton: Number Nine (9)? I'm sorry.

24 Mr. Askins: Its two (2) pages.

25 Mr. Hylton: Okay. I've got it now. Okay.

1 Mr. Askins: All right.

2 Q. At 6:55 on 5/17 there is a phone call either to or from
3 [REDACTED] would -- did you normally call each
4 other in the mornings?

5 A. Yes.

6 Q. Okay. And that was just to say good morning or --

7 A. Yes.

8 Q. -- whatever? Now, where was he that morning?

9 A. At work.

10 Q. And where was at work at? Let me back up a minute.
11 Did he -- did he commute to work?

12 A. No, he stayed over.

13 Q. All right. Now, where was he working at the time that
14 he -- at the time he died?

15 A. Oh, man, where was he at?

16 Commissioner Wilkerson: I don't know that
17 any of that is disputed, is it?

18 Mr. Askins: Well, he was in Columbia; is
19 that correct?

20 Mr. Hylton: No, Winnsboro.

21 Mr. Askins: Winnsboro.

22 Commissioner Wilkerson: Oh --

23 A. Winnsboro, yes that's it, Winnsboro.

24 Commissioner Wilkerson: -- yes. And I don't
25 know that that's disputed.

1 Mr. Askins: All right.

2 Commissioner Wilkerson: None of that is
3 disputed, so.

4 Mr. Askins: All right.

5 Q. So, my basic question is when did he go to -- when did
6 he go to his job?

7 A. He would leave on Sunday evening --

8 Q. Okay. And when would he normally --

9 A. -- after church.

10 Q. -- after church?

11 A. Yes.

12 Q. And when would he normally come home?

13 A. On Thursday evening.

14 Q. Okay. And so, that was the case on 5/17, which was a
15 Thursday, he was coming home?

16 A. Yes, sir.

17 Q. All right. It also says you called him at 9:35 for two
18 (2) minutes and then 2:24 PM for three (3) minutes and
19 2:47 PM for two (2) minutes; is that correct?

20 A. Yes.

21 Q. Now, at your deposition the other day when Mr. Hylton
22 came to our office and Mr. DeBerry was there you didn't
23 recall these last two (2) phones calls, did you?

24 A. No.

25 Q. Okay. But -- but, in fact, they're on your record and

1 you -- you did make them?

2 A. Uh-huh.

3 Q. All right. You just forgot about them?

4 A. Yes, and sometimes he just didn't pick up too and I
5 just didn't say that I talked to him.

6 Q. Okay. So, it's a three (3) minute call and a two (2)
7 minute call and the last time you spoke to him could
8 have -- would possibly have been 2:47 PM on the day he
9 died --

10 A. Yes.

11 Q. -- is that correct?

12 A. Yes.

13 Q. All right. Now, how did Barry get paid?

14 A. From Pike Electric?

15 Q. Right.

16 A. It went direct deposit to my account.

17 Q. Okay. So, he got paid -- his -- his payroll was
18 directly deposited into an account?

19 A. Yes, sir.

20 Q. Whose account was it?

21 A. Margaret Hamilton's.

22 Q. And what kind of account was it?

23 A. It's a checking and debt card account.

24 Q. All right. Did Mr. Johnson, Barrett Johnson, could he
25 write checks on that account?

1 A. No.

2 Q. Did he ever write checks on that account?

3 A. No.

4 Q. Who handled the money in your relationship?

5 A. I handled the money and paid most of the bills out of
6 his deposit and mine.

7 Q. Okay. And that was for the whole nineteen (19) or so
8 years you were together?

9 A. Yes.

10 Q. All right. Did he get some per diem money from the
11 company?

12 A. He would, yes.

13 Q. Okay. Did you handle that money too?

14 A. No.

15 Q. Okay. Did -- at one time he owned a house together
16 with Sara Johnson; is that correct?

17 A. Yes.

18 Q. Was that their former marital residence or do you know?

19 A. That was his father and mother's house.

20 Q. That was Barry's mother and father's house?

21 A. Yes.

22 Q. All right. At one time it was in both of their names;
23 is that correct?

24 A. Yes.

25 Q. And at some point in time Mrs. Sara Johnson deeded her

1 interest to Barry Johnson; is that right?

2 A. Yes.

3 Q. And was there a mortgage in effect at the time Barry
4 died?

5 A. Yes.

6 Q. And, in fact, he had borrowed that money or assumed
7 that mortgage and paid -- was paying the debt that he
8 and Sara Johnson had accumulated way back when they
9 were first married?

10 A. Yes.

11 Q. All right. Did he ever resume a relationship with Sara
12 Johnson from the time he moved in with you before --

13 A. No, sir.

14 Q. -- at the time Shanice was born?

15 A. No, sir.

16 Q. All right. Did he ever give her any money to your
17 knowledge?

18 A. When he got her name off that paperwork years ago back

19 --

20 Q. Okay.

21 A. -- that's the only time he gave her some money.

22 Q. Okay. So, he settled with her at that point?

23 A. Yes.

24 Q. All right.

25 Mr. Askins: And just to point that out, Your

1 Honor, its -- its Shanice's APA Number Ten (10),
2 it's a deed from Sara A. Johnson to Barrett
3 Johnson and it was recorded in Book A, 637 at 917
4 by Clerk of Court for Florence County on June 26,
5 2001; the stated consideration is five dollars
6 (\$5.00).

7 Q. What was happening with that house at the time Mr.
8 Johnson died?

9 A. The one at Hickory Hill?

10 Q. Well, what were you doing -- did you all rent the
11 house?

12 A. Yes.

13 Q. All right. And who did you rent it to?

14 A. Joann Eddy.

15 Q. Did you handle that?

16 A. Yes.

17 Q. Did she -- did Ms. Eddy pay the rent to you?

18 A. Yes, sir and I gave her a receipt.

19 Q. Did you handle the insurance on the house?

20 A. Yes.

21 Q. Did you handle the payments to the -- to the mortgage
22 company?

23 A. Yes.

24 Q. Did Barry do any of that?

25 A. No.

1 Q. All right. Did Sara Johnson do any of that at that
2 time?

3 A. No.

4 Q. Now, when he died did you continue taking over that
5 house or handling that house?

6 A. I had got one (1) month rent free after that, and then
7 after that Sara took over.

8 Q. Okay. And did she pay the payments or do you know?

9 A. Not -- I don't know.

10 Q. Okay. You do realize it later foreclosed on; is that
11 correct?

12 A. Yes.

13 Q. All right. Now, other than that money he could have
14 paid her when he purchased the house from her did he
15 give her any other money to your knowledge?

16 A. No, sir.

17 Q. Did he have any other children to your knowledge, other
18 than Shanice?

19 A. None other than Shanice that I know of.

20 Q. Okay. Now, do you know what time Barry got off on that
21 Thursday; do you have any idea?

22 A. Not exactly but it usually be around about 2:00 or
23 three o'clock in the evening.

24 Q. All right. But the phone call says you had a phone
25 conversation at 2:48 but you --

1 A. Uh-huh.

2 Q. -- do you -- but you didn't remember that; is that
3 correct?

4 A. Right.

5 Q. All right. Do you know what he did when he left his
6 job that day?

7 A. Well, he had a rider that he would have to drop off.

8 Q. And who was that?

9 A. The rider?

10 Q. Yes, ma'am.

11 A. Lenell.

12 Q. Okay. Is that Lenell Raysor?

13 A. Yes.

14 Q. Is that his last name?

15 A. Yes.

16 Q. Okay. And where does Lenell Raysor live?

17 A. I'm thinking Denmark.

18 Q. Okay. Did you -- do you know whether or not he dropped
19 Lenell Raysor off somewhere in the Winnsboro or
20 Columbia area or did he take him to Denmark?

21 A. From the time for him to get where he was at I'm
22 thinking he probably took him on to Denmark because he
23 would have probably been on home earlier if he didn't
24 and just dropped him off where he usually take him to,
25 Winnsboro.

1 Q. Okay. And it's -- it's -- do you know how far it is
2 from Columbia to winnsboro or how long it takes to get
3 there?

4 A. No, I don't.

5 Q. Do you know how long it takes to get from winnsboro or
6 from Denmark to Johnsonville to your house?

7 A. I don't.

8 Q. Okay. Now, did Barry -- I think I asked you this
9 earlier and I apologize for being repetitious but did
10 Barry know that there was an athletic banquet that
11 night?

12 A. He knew it was one but he said --

13 Mr. Hylton: Objection, calls for --

14 Commissioner Wilkerson: She doesn't know how
15 he would know.

16 Mr. Hylton: -- speculation as to what he
17 knew.

18 Mr. Askins: Okay.

19 Q. Did you tell him?

20 Commissioner Wilkerson: She can say what she
21 told him.

22 Mr. Hylton: Yes.

23 Q. Did you tell him there was an athletic banquet that
24 night?

25 A. -- he knew about it before; we always have it way ahead

1 of time and everybody knows when the athletic banquet
2 is.

3 Q. Okay. Did you and him discuss it?

4 A. Yes.

5 Q. Did you -- did he indicate whether or not he would be
6 able to make that event?

7 A. He told me that he wasn't coming.

8 Q. Okay. Did you -- did you and Shanice go ahead to the
9 banquet?

10 A. Yes.

11 Q. Did you tell Barry that -- did you know that she was
12 going to get an award?

13 A. I did, yes.

14 Q. Did he know that she was going to get an award?

15 A. No, because he would have told her.

16 Q. He would have told her?

17 A. Yes.

18 Q. Okay. He couldn't keep a secret?

19 A. He couldn't.

20 Q. All right. What was the relationship Barry and Shanice
21 had?

22 A. They were very close.

23 Q. Did they talk a lot on the phone?

24 A. Yes.

25 Q. Did they spend a lot of time together when he was home?

1 A. Uh-huh.

2 Q. All right. Where -- did you actually go to the
3 athletic banquet that night, you and Shanice?

4 A. Yes, sir.

5 Q. And where were you when you found out that -- that
6 Barry had been in an accident?

7 A. I had done got back home but I had received the phone
8 call but I didn't answer it.

9 Q. You received a phone call --

10 A. Yes.

11 Q. -- when?

12 A. At the banquet.

13 Q. Okay. Was your phone on silent or something?

14 A. Yes.

15 Q. All right. And then, what did you do; did you call
16 that number back?

17 A. After I got home.

18 Q. All right. And what -- what -- what were you told?

19 A. I was told that Barry had had a bad accident and you
20 needed to come quick. I listened to the voice mail
21 first and then that's when I called.

22 Q. All right. And who -- you don't remember who you
23 called?

24 A. It was a neighbor.

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

1 A. Well, I put on some clothes and me and -- they said we
2 needed to come quick up to the Rescue Squad in
3 Johnsonville and that's when we put on some clothes and
4 went on up there and that's what we found.

5 Q. Okay. And who did you talk to there when you first got
6 there; do you remember?

7 A. Tom -- Mr. Tom Redmond and --

8 Q. Okay.

9 A. -- the rest of the crew that was helping.

10 Q. Okay.

11 A. And he was like sitting in the ambulance with him when
12 I got there.

13 Q. Okay. Did he tell you he'd passed away?

14 A. Yes.

15 Q. Is that the first you knew that he'd passed away?

16 A. Yes.

17 Q. All right. Was Shanice with you?

18 A. Yes.

19 Q. What was -- did -- did you ask if you could see his
20 body?

21 A. Yes.

22 Q. And did he actually allow you to do that?

23 A. Yes.

24 Q. Did you -- what did you do at that point?

25 A. Well, I was very emotional and -- I'm sorry.

1 Q. Just take your time, that's fine.

2 A. And then after I went in there and seen him for the
3 last time I came on home and -- and that was that. And
4 I just came on home and I got, you know, just sitting
5 there for a minute.

6 Q. Okay. So, that's the last time you saw Shorty's body
7 other than -- after -- before it went to the funeral
8 home?

9 A. Yes.

10 Q. All right. Did you detect any type of alcohol odor on
11 him?

12 A. No, sir; I didn't smell anything on him.

13 Q. All right. Did Barry drink alcohol?

14 A. Yes.

15 Q. And what kind of alcohol did he drink?

16 A. He drunk brown and then beer.

17 Q. Are you talking about brown, are you talking like a
18 whiskey?

19 A. Brown liquor, whiskey.

20 Q. All right. Did you ever know him to drink while he was
21 driving?

22 A. No, sir.

23 Q. In the nineteen (19) years you were with him or more?

24 A. Never.

25 Q. Did you ever know him to drink alcohol and then drive a

1 vehicle?

2 A. No.

3 Q. All right. Did you drink with him?

4 A. Yes.

5 Q. So, you would get a stationary position and consume
6 your alcohol?

7 A. Yes, at home.

8 Q. Okay. All right. What kind of driver was he normally?

9 A. He was a very good driver because he loved his CDL and
10 -- and he loved the company truck and he always looked
11 out for himself and the other drivers and he preaches
12 that to me about the company truck.

13 Q. Okay. You said he had a CDL license also?

14 A. Yes.

15 Q. Okay. Tell me what -- you nicknamed him Shorty; is
16 that correct?

17 A. Uh-huh.

18 Q. What -- what was his physical size?

19 A. He was around probably like about maybe two forty (240)
20 or somewhere in that area; about two hundred and forty
21 (240) pounds.

22 Q. Okay. How tall was he?

23 A. About five, five (5'5") maybe.

24 Q. He --

25 A. I'm not accurate.

1 Q. -- he was short?

2 A. He was short, yes.

3 Q. All right. Now, going back in your relationship, when
4 did you first meet him?

5 A. In the really beginning?

6 Q. Yes.

7 A. In the sixth (6th) grade.

8 Q. All right. And did you all know each other in -- in
9 school?

10 A. All the way through high school.

11 Q. Did you go to actual Johnsonville?

12 A. Yes, sir.

13 Q. All right. And did you -- were you just friends or --

14 A. We were friends and then turned into the
15 girlfriend/boyfriend thing.

16 Q. -- okay. And during your last two (2) years in school
17 were you all actually dating each other?

18 A. Yes.

19 Q. And what happened after that?

20 A. Well, I got a four (4) year scholarship for basketball
21 and I went off to school and he -- we kind of like
22 separated a little bit like that but we kept in contact
23 on and off.

24 Q. Okay. What year did you graduate?

25 A. 1975.

1 Q. And he also?

2 A. Yes.

3 Q. Okay. So, and then you -- you say you -- you got back
4 together with Barry in the early '90's?

5 A. Yes.

6 Q. And that's when Shanice was conceived?

7 A. Yes.

8 Q. All right. Now, you -- who called -- who chose
9 Nesmith-Pinckney Funeral Home to handle the remains?

10 A. I did.

11 Q. And is that a family tradition for you?

12 A. Yes.

13 Q. All right. And did Shanice also take part in planning
14 that funeral?

15 A. Yes.

16 Q. Who paid for the funeral?

17 A. Pike did.

18 Q. Okay. Did you have to do anything out of pocket?

19 A. No, sir.

20 Q. Did you have any -- any indication at that time there
21 was any kind of insinuation or anything that alcohol
22 may have been involved in this matter?

23 A. No, sir.

24 Mr. Hylton: I'm going to object, this is a

25 --

1 Commissioner Wilkerson: Whoa, whoa. Wait a
2 minute, whoa. Tell me -- tell me the reason for
3 the objection.

4 Mr. Hylton: -- first with the payment it
5 appears that they are trying to use that as to say
6 that we are accepting responsibility with that; if
7 it's just payment that's fine but, again, and with
8 using that, I guess, the checks and all that, none
9 of that is admissible as to forming -- taking
10 responsibility for the accident.

11 Commissioner Wilkerson: No, I understand.

12 Mr. Hylton: So --

13 Commissioner Wilkerson: And I think he said
14 earlier it's just that who paid it because --

15 Mr. Hylton: -- right.

16 Commissioner Wilkerson: -- first of all,
17 Pike can't take responsibility for anything
18 underneath the language of the insurance policy --

19 Mr. Hylton: Correct.

20 Commissioner Wilkerson: -- at all.

21 Mr. Hylton: Correct.

22 Q. Now, Ms. Hamilton, as a result of Barry's death did you
23 receive any benefits?

24 A. Just from the accident, the policy that Pike carried.

25 Q. Okay. That was a life insurance policy?

- 1 A. Yes.
- 2 Q. You were the beneficiary?
- 3 A. Yes.
- 4 Q. Okay. Any other benefits other than them paying the
5 funeral?
- 6 A. Huh-uh.
- 7 Q. All right. Were any other life insurance benefits
8 payable to anybody else to your knowledge?
- 9 A. Not that I know of.
- 10 Q. Okay. Were you covered on Mr. Johnson's health
11 insurance?
- 12 A. No, sir.
- 13 Q. Was Shanice?
- 14 A. Yes.
- 15 Q. And what kind -- was that health insurance?
- 16 A. Yes, sir.
- 17 Q. Was it dental also?
- 18 A. No, I had dental on her.
- 19 Q. Okay. So, he carried her -- he carried her as a
20 dependent; is that correct?
- 21 A. Uh-huh.
- 22 Q. All right. To your knowledge, Ms. -- Ms. Hamilton, was
23 anybody else other than Shanice and you dependent upon
24 Mr. Barrett Johnson for his income?
- 25 A. Just Shanice and I.

1 Q. Okay. And that was for the nineteen (19) years that
2 you were together?

3 A. Yes, sir.

4 Q. All right. And you were the only one that handled the
5 money for the family?

6 A. Yes.

7 Q. Now, Shanice is in school -- when she went off to
8 college with some scholarships was Barry also helping
9 her in school?

10 A. Yes, sir.

11 Q. Okay. Could she go to school without his help, without
12 student loans and so forth?

13 A. No.

14 Q. Okay. Thank you. Answer any questions that Mr.
15 Johnson may have.

16 Commissioner Wilkerson: Mr. Johnson?

17 CROSS-EXAMINATION

18 By Mr. Johnson:

19 Q. Ms. Hamilton --

20 A. Yes, sir.

21 Q. -- your husband -- is it safe to say that your husband
22 left his wife because of his relationship with you; you
23 were expecting?

24 A. Yes, sir.

25 Q. Okay. And that's why he left, did he not?

1 A. I really can't say because I don't know what went on in
2 their household.

3 Q. Okay. Okay. But he left and moved in with you --

4 A. Yes, sir.

5 Q. -- and you all were together till the end?

6 A. (Nodded head in an up and down motion).

7 Q. I -- I think you also testified that he was paid per
8 diem, that is by his employer, that is travel money and
9 meal money and motel money?

10 A. Yes, sir.

11 Q. And -- and he alone handled those funds?

12 A. Yes.

13 Q. Okay. Did -- did he also get money from the account
14 that went into your -- from the paycheck that went into
15 your bank account?

16 A. Only like when we were together and buying stuff
17 together.

18 Q. Okay. Thank you.

19 Mr. Johnson: That's all I have.

20 A. Yes, sir.

21 CROSS-EXAMINATION

22 By Mr. Hylton:

23 Q. Ms. Hamilton, first is it okay if I call you Margaret?

24 A. Yes, sir.

25 Q. Margaret, first let me offer my condolences to -- to

1 you and --

2 A. Thank you.

3 Q. -- Shanice. I know we've spoke several times in
4 depositions and such but I just wanted again to offer
5 those to you. Again, you spoke with Mr. Johnson about
6 his driving ability and you said he was a -- a very
7 careful driver, correct?

8 A. Yes. Yes, sir.

9 Q. Okay. And, again, you said that he was very protective
10 of that company truck as well?

11 A. Yes, sir.

12 Q. Okay. So, this would be out of character for him on
13 this day of travel ninety-five (95) miles an hour,
14 would it not?

15 A. Very much.

16 Q. Okay. And from the times you've been around him that
17 doesn't appear to be his normal judgment of driving a
18 vehicle, does it?

19 A. No, sir.

20 Q. Okay.

21 A. And I really think that he was trying to come --

22 Mr. Hylton: And I have to object to what she

23 --

24 A. -- oh.

25 Commissioner Wilkerson: Yes, she can't tell

1 me what --

2 Mr. Hylton: -- what you were thinking.

3 A. Okay.

4 Commissioner Wilkerson: -- yes, you can't --
5 yes, ma'am, you can't testify to that.

6 Q. And, again, the last time you did speak to him though
7 was he told you he was not coming to the -- the
8 athletic banquet, correct?

9 A. Yes, sir.

10 Mr. Hylton: That's all the questions I have.

11 REDIRECT EXAMINATION

12 By Mr. Askins:

13 Q. Ms. Hamilton, Margaret, did Barry Johnson ever tell you
14 he was going to be late from work and not be late from
15 work -- coming home from work; did he ever surprise
16 you?

17 A. Yes.

18 Q. And how would he do that?

19 A. He would just say, like, okay, I won't be to the house
20 until a certain, certain, time and then I'd look around
21 then he was there. And then, I'd ask him to come to
22 the games and stuff like that, oh, I won't get home in
23 time. I'd get to the game and then when I looked
24 around in the stands he was sitting up in there.

25 Mr. Hylton: I'm going to object to this line

1 of questioning; I think it's speculating as
2 they're trying to say that he was trying to make
3 it home for the -- the event and I think that's
4 speculation.

5 Commissioner Wilkerson: Well, I think it's
6 speculation but she can testify to him --

7 Mr. Hylton: Okay.

8 Commissioner Wilkerson: -- not coming home
9 when he always said he did and show up early and
10 this, that and the other --

11 Mr. Hylton: That's fine.

12 Commissioner Wilkerson: -- in general.

13 Mr. Askins: All right.

14 Q. What time was the athletic banquet that night,
15 Margaret?

16 A. Six o'clock.

17 Q. Six o'clock?

18 A. Yes, sir.

19 Q. And it was at the high school?

20 A. Yes.

21 Q. And how far was the accident scene from the actual --

22 A. Maybe --

23 Q. -- high school?

24 A. -- not quite fifteen (15) more minutes.

25 Q. Okay. So, he was close?

1 A. Yes.

2 Q. All right. Thank you. Answer any questions Mr.
3 Johnson may have.

4 Commissioner Wilkerson: Mr. Johnson?

5 Mr. Johnson: (Shook head in a side to side
6 motion).

7 Commissioner Wilkerson: Mr. Hylton?

8 Mr. Hylton: (Shook head in a side to side
9 motion).

10 Commissioner Wilkerson: No questions. Okay.
11 Thank you.

12 Mr. Askins: Okay. You can -- you can be
13 excused.

14 Commissioner Wilkerson: You can be excused,
15 ma'am; if you'd like.

16 Ms. Margaret Hamilton: Thank you.

17 Mr. Askins: And we'd call Ms. Shanice
18 Hamilton. Do you need a break or anything?

19 Ms. Shanice Hamilton: No, sir; I'm fine.

20 Mr. Askins: You're okay?

21 Ms. Shanice Hamilton: Yes, sir.

22 Commissioner Wilkerson: I'll get you to
23 raise your right hand --

24 Ms. Shanice Hamilton: Just sit here?

25 Commissioner Wilkerson: -- and slide up a

1 little bit --

2 Court Reporter: Just slide up, please.

3 Commissioner Wilkerson: -- and we'll take
4 some testimony. That's right, you can just slide
5 up; yes, ma'am. And we'll get the Court Reporter
6 to swear you in and take some testimony. Thank
7 you, ma'am.

8 Whereupon;

9 Shanice Trinell Hamilton, being duly sworn and
10 cautioned to speak the truth, the whole truth and nothing
11 but the truth, testified as follows:

12 Court Reporter: Please state your full name
13 for the record.

14 Witness: Shanice Trinell Hamilton.

15 Commissioner Wilkerson: Thank you, Ms.
16 Hamilton.

17 Court Reporter: Can I get her to spell her
18 first and middle name for me?

19 Witness: Yes, ma'am. S-H-A-N-I-C-E, Trinell
20 is, T-R-I-N-E-L-L.

21 Court Reporter: Thank you, ma'am.

22 Witness: You're welcome.

23 Commissioner Wilkerson: I'm sorry. I always
24 forget you don't have that stuff; I've got it but
25 you don't. Okay.

1 Court Reporter: We don't have that stuff.

2 Mr. Askins: Excuse me, one second, could I
3 just ask you, Shanice, just roll that down where I
4 won't be yelling in your ear.

5 Witness: Yes, sir.

6 Mr. Askins: Okay.

7 Witness: Yes, sir.

8 Mr. Askins: I'm sorry.

9 DIRECT EXAMINATION

10 By Mr. Askins:

11 Q. I'm going to call you Shanice and hope that I won't
12 call you Shanell like Mr. Hylton does; it's kind of
13 imbedded in my brain now.

14 Mr. Hylton: Cherese is what I've been
15 calling her; I'm sorry.

16 Q. You didn't know you had a -- what is your date of
17 birth?

18 A. [REDACTED] 1993.

19 Q. Okay. And how are you related to Briett Johnson?

20 A. He is my father. He was my father.

21 Q. Okay. What did you call him?

22 A. Daddy.

23 Q. All right. Do you have any other brothers and sisters?

24 A. Yes, one (1) brother.

25 Q. And who is that?

- 1 A. Shawn Hamilton.
- 2 Q. Do you know who his father is?
- 3 A. No, sir.
- 4 Q. But you all have the same mother?
- 5 A. Yes, sir.
- 6 Q. And your mother is whom?
- 7 A. Margaret Ann Hamilton.
- 8 Q. Okay. Have you lived with Margaret your entire life?
- 9 A. Yes, sir; I have.
- 10 Q. From the time of -- where were you living on May 17th,
- 11 2013?
- 12 A. 277 Sawmill Road, Johnsonville, South Carolina.
- 13 Q. Okay. Is that with Margaret?
- 14 A. Correct.
- 15 Q. Who else lived there, if anyone?
- 16 A. My father, Barrett Johnson.
- 17 Q. Okay. How long had he lived there?
- 18 A. As long as I can remember like --
- 19 Q. Okay. So, from the time you were born --
- 20 A. -- uh-huh.
- 21 Q. -- your Daddy was living with you?
- 22 A. Uh-huh.
- 23 Q. All right. Did you know he and your mother weren't
- 24 married?
- 25 A. Yes, sir.

1 Q. Okay. Did they -- do you -- did he never -- do you
2 know of any other biological children that he had?

3 A. No, sir.

4 Q. All right. Did anyone else live there at the house
5 with you guys?

6 A. My brother until he, like, was involved with the Army
7 being deployed and stuff --

8 Q. Okay.

9 A. -- but none other than us three (3).

10 Q. Okay. And when was he deployed?

11 A. He's been on several tours so I can't give you the
12 exact dates.

13 Q. All right. Was he deployed at the time your father
14 died?

15 A. Yes.

16 Q. And where was he then?

17 A. I want to say either Kuwait or Afghanistan.

18 Q. Okay. So, you all had to get him home for the funeral?

19 A. Yeah, through the Red Cross.

20 Q. All right. Was -- was your father close to your --
21 your stepbrother also --

22 A. Yes, sir.

23 Q. -- or your half brother?

24 A. Yes, sir.

25 Q. All right. How old were you when your father died?

1 A. I was eighteen (18).

2 Q. And you -- what were you doing life like; were you in
3 school?

4 A. Yes, sir.

5 Q. What grade?

6 A. Twelfth (12th).

7 Q. All right. And that was where?

8 A. Johnsonville High School.

9 Q. And did you -- what kind of grades did you make there?

10 A. Mostly A's but I would have a B+ every now and then.

11 Q. That's terrible. Did you --

12 A. I'm sorry.

13 Commissioner Wilkerson: I got a B+ every now
14 and then too.

15 Q. -- were you in the Beta Club or Honor Club?

16 A. Yes. I was in Beta Club and I graduated with honors.

17 Commissioner Wilkerson: Congratulations.

18 Q. Okay. Now, tell me about your athletic banquet.

19 A. It was --

20 Q. Why were you at the athletic banquet?

21 A. -- because I knew I was receiving something but I
22 didn't know exactly what; they would just give out a
23 notice telling each person that they would be receiving
24 something --

25 Q. Okay.

1 A. -- and what I received was the Student Athlete Award
2 for maintaining a three point seven-ish (3.7) GPA as
3 well as participating in sports.

4 Q. Okay. So, you got an academic award?

5 A. Yes, sir.

6 Q. All right. Did anybody know you were going to get an
7 award other than you?

8 A. I didn't know at first but my mom knew --

9 Q. Okay.

10 A. -- because she was the Assistant Coach.

11 Q. Okay. But you just got a little ticket that said
12 you've got to be there?

13 A. Yes, sir.

14 Q. All right. Did you -- did your dad know about getting
15 an award to your knowledge?

16 A. Not to my knowledge because he would have told me.

17 Q. All right. Did you tell him there was a banquet that
18 night or did he know there was a banquet?

19 A. He knew it was a banquet; yes, sir.

20 Mr. Hylton: Objection, again, to what he
21 knew --

22 Mr. Askins: Okay.

23 Commissioner Wilkerson: Yes, I understand.

24 Mr. Hylton: -- I think its speculation.

25 Q. Did he tell you he knew?

1 A. Yeah.

2 Q. Okay.

3 Mr. Hylton: Objection, again, still hearsay.

4 Commissioner Wilkerson: Yes, it's still
5 hearsay.

6 Mr. Askins: All right.

7 Q. I'm going to show you APA Number Nine (9) on a number
8 that has at the top left, [REDACTED] whose number
9 is that?

10 A. That is my number.

11 Q. And there's two (2) highlighted numbers on there; whose
12 numbers are that -- are those?

13 A. My father's.

14 Q. What number is that?

15 A. [REDACTED]

16 Q. And what is the date of that phone call?

17 A. Thursday, May 17th.

18 Q. And what time are the phone calls?

19 A. The first one was at 12:03 PM and the second one was at
20 2:58 PM.

21 Q. All right. Did you talk to your father both of those
22 times?

23 A. Yes, sir.

24 Q. Do you -- do -- was he working at that time?

25 A. To my knowledge I think he was because I asked him was

1 he off -- it was a very brief conversation -- he said,
2 no and he would see me about 6:00/6:30.

3 Mr. Hylton: Objection, again --

4 Mr. Askins: Okay.

5 Mr. Hylton: -- to the hearsay.

6 Mr. Askins: All right.

7 Commissioner Wilkerson: I understand.

8 Mr. Askins: But that's the --

9 Commissioner Wilkerson: And it's --

10 Mr. Askins: -- I'm sorry.

11 Commissioner Wilkerson: -- and it's not --
12 yes, and I don't know what the relevance of that
13 conversation is.

14 Mr. Askins: Okay. I just --

15 Commissioner Wilkerson: Because, I mean --

16 Mr. Askins: -- that's the last time she
17 talked to him. I'm sorry.

18 Mr. Hylton: Yes.

19 Commissioner Wilkerson: -- but it's not
20 relevant to the case.

21 Mr. Askins: Well, the -- I was trying to get
22 to whether or not he was still at work or not,
23 Your Honor, at that point but that's okay.

24 Commissioner Wilkerson: I don't think that's
25 --

1 Mr. Hylton: And, again --

2 Commissioner Wilkerson: -- I don't think
3 that's a --

4 Mr. Askins: Okay.

5 Commissioner Wilkerson: -- I mean, they
6 don't deny he was at work --

7 Mr. Hylton: -- yes. And that would --

8 Mr. Askins: Okay.

9 Commissioner Wilkerson: -- and that he was
10 in the company truck; so, I don't think that's an
11 issue.

12 Mr. Askins: Okay. No problem.

13 Commissioner Wilkerson: Yes.

14 Q. Now, you were here and present for your mother's
15 testimony; is that correct?

16 A. Correct.

17 Q. And so, you were actually at the athletic banquet --

18 A. Correct.

19 Q. -- you did go to the athletic banquet?

20 A. Correct.

21 Q. All right. And did -- and tell me was her testimony --
22 well, tell me how you found out about your father's
23 accident.

24 A. By the time we got home she told me she had a voice --
25 well, a few missed calls and a voice mail and when she

1 got in the house she checked the voice mail and someone
2 told her that -- it was a neighbor -- told us that he
3 was in a very bad accident that we needed to get to the
4 Rescue Squad and from then on that's what we proceeded
5 with.

6 Q. Okay. Now, did you actually graduate from Johnsonville
7 High School?

8 A. Yes, sir.

9 Q. All right. When you went to the -- did you -- you went
10 to the Rescue Squad?

11 A. Yes, sir.

12 Q. Now, your mother testified and got very emotional about
13 hugging your father; did you do anything like that?

14 A. Yes, sir; I did.

15 Q. What did you do?

16 A. I hugged him and I kissed him on his cheek and
17 forehead.

18 Q. Okay. Did you -- did you ascertain any odor of alcohol
19 about him?

20 A. No, sir; I didn't.

21 Q. Okay. Now, on the -- as far as the funeral is
22 concerned with Nesmith-Pinckney did you also
23 participate in -- in planning that funeral?

24 A. Yes, sir; I did.

25 Q. And did you sign as the next of kin for Mr. -- for the

1 funeral home?

2 A. Yes, sir; I did.

3 Q. All right. You were listed in the obituary as his only
4 biological child and as far as you know that is a fact?

5 A. Correct.

6 Q. Okay. Did you go on to college?

7 A. Yes, sir.

8 Q. And where?

9 A. College of Charleston.

10 Q. And what kind of grades do you have there?

11 A. Three point eight (3.8) GPA.

12 Q. Okay. And what is your chosen field?

13 A. Right now Athletic Training.

14 Q. Athletic Training?

15 A. Yes, sir.

16 Q. Okay. Now, are you dependent upon -- would you have
17 been dependent upon your father for going to school?

18 A. Yes, sir; I would have.

19 Q. Were you totally dependent upon him at the time you
20 were in high school, at the time he died?

21 A. Yes, sir; I was.

22 Q. All right. So, he -- him -- he and your mother; is
23 that correct?

24 A. Correct.

25 Q. All right. Now, did you handle his estate?

1 A. From what was handled when I got the check --

2 Q. That's correct.

3 A. -- for his --

4 Q. Who was the Personal Representative; do you know?

5 A. -- Sara Ann Johnson.

6 Q. All right. And you were listed as the only child?

7 A. Yes, sir.

8 Q. All right. And as a result of that case there was a
9 house in his estate; did you get any part of that
10 house?

11 A. Yes, sir.

12 Q. You did?

13 A. I got the check.

14 Q. Oh, you got a check?

15 A. Yes, sir.

16 Q. Okay. You didn't get a deed though, did you?

17 A. No, sir.

18 Q. All right.

19 A. No, not at all.

20 Q. All right. Now, during the time that you went -- were
21 you and your father close?

22 A. Very.

23 Q. Did you ever know him to drink alcohol?

24 A. Yes.

25 Q. What kind of alcohol would he drink?

1 A. Brown whiskey, liquor.

2 Q. Okay. Did he ever drink any beer?

3 A. Yes, sir.

4 Q. All right. Did you ever know him to drink while
5 driving a vehicle?

6 A. No, sir; not at all.

7 Q. Did you ever note -- know him to drink after -- or
8 drive after having consumed alcohol?

9 A. No, sir.

10 Q. All right. What kind of driver would you say he would
11 have been?

12 A. A very careful, protective and defensive driver.

13 Q. Okay. Did -- you indicated your father said he would
14 not be at the banquet?

15 A. Correct.

16 Q. All right. Did you expect him to be there anyway?

17 A. Fifty-fifty (50/50).

18 Mr. Hylton: Objection, I think relevance of
19 what she expected.

20 Commissioner Wilkerson: I mean, she can say
21 what she expected; it doesn't -- yes. It doesn't
22 matter to the case.

23 Q. Would he have -- would he have surprised you if he had
24 appeared?

25 A. Yes.

1 Q. Okay. All right. Thank you. Answer any questions Mr.
2 Johnson would have.

3 Commissioner Wilkerson: Mr. Johnson?

4 CROSS-EXAMINATION

5 By Mr. Johnson:

6 Q. I think you mentioned she was the -- Sara Ann Johnson
7 was the Personal Representative for the estate?

8 A. Yes, sir.

9 Q. Thank you very much.

10 A. You're welcome.

11 Q. And congratulations on your grades.

12 A. Thank you.

13 CROSS-EXAMINATION

14 By Mr. Hylton:

15 Q. Shanice, I guess --

16 Commissioner Wilkerson: Go ahead.

17 Q. -- again, I -- as you heard with your mother, I offer
18 our condolences to you --

19 A. Yes, sir.

20 Q. -- on your father.

21 A. Thank you.

22 Q. I know we've spoke on several occasions but, again,
23 just to state, you said he was a very careful driver?

24 A. Yes, sir.

25 Q. A very defensive driver?

1 A. Yes, sir.

2 Q. So, going ninety-five (95) miles an hour on that night
3 would not be in his normal character?

4 A. No, sir; it wouldn't.

5 Q. Okay. And, again, the last time you spoke with him he
6 said he was not going to be able to make it to the --

7 A. Correct.

8 Q. -- banquet?

9 A. Correct.

10 Mr. Hylton: That's all the questions I have.

11 Mr. Askins: One (1) -- one (1) quick
12 question there.

13 REDIRECT EXAMINATION

14 By Mr. Askins:

15 Q. Shanice, had he ever indicated to you that he would not
16 be at a certain place and then showed up at that place?

17 A. Yes, sir.

18 Mr. Hylton: Same objection as to --

19 Commissioner Wilkerson: I understand.

20 Mr. Hylton: -- speculations and relevancy.

21 Commissioner Wilkerson: I understand.

22 Q. Had he?

23 A. Yes, sir.

24 Commissioner Wilkerson: Anything else, any
25 other questions? She -- you obviously can stay

1 for the next witness --

2 Ms. Shanice Hamilton: Okay.

3 Commissioner Wilkerson: -- if you would
4 like. Congratulations on that GPA.

5 Mr. Hylton: Absolutely.

6 Ms. Shanice Hamilton: Thank you, sir.

7 Commissioner Wilkerson: That's amazing.

8 Ms. Shanice Hamilton: Thank you.

9 Commissioner Wilkerson: I'm impressed.

10 Mr. Hylton: Really.

11 Mr. Askins: She was -- she was one of the
12 reasons Johnsonville School District Five has got
13 such a great academic record.

14 Commissioner Wilkerson: Let's go off the
15 record so it'll give you a break.

16 (Off The Record)

17 Commissioner Wilkerson: So, we need to at
18 this point in time -- I think the only other
19 witness I've got is Sara Ann Johnson; is that
20 correct? We'll go ahead and call Ms. Johnson.

21 (Off The Record)

22 Commissioner Wilkerson: Hey, Ms. Johnson,
23 how are you doing?

24 Ms. Johnson: I'm good and you?

25 Commissioner Wilkerson: Good. If you would

1 -- obviously you're already seated. If you'd
2 raise your right hand I'm going to have the Court
3 Reporter swear you in and we're going to take some
4 testimony from you.

5 Ms. Johnson: Okay.

6 Whereupon;

7 Sara Ann Johnson, being duly sworn and cautioned to
8 speak the truth, the whole truth and nothing but the truth,
9 testified as follows:

10 Court Reporter: You've got to speak way up
11 for me. Speak up for me.

12 Witness: Yes.

13 Court Reporter: Please state your full name
14 for the record.

15 Witness: My name is Sara Ann Johnson.

16 Court Reporter: Thank you, ma'am.

17 Commissioner Wilkerson: Thank you, ma'am.

18 Mr. Johnson?

19 Mr. Johnson: Mr. DeBerry.

20 Commissioner Wilkerson: Oh, you're going to
21 let Mr. DeBerry do this; that's fine. Mr.
22 DeBerry, I apologize.

23 Mr. DeBerry: All right. Thank you, very
24 much.

25 DIRECT EXAMINATION

1 By Mr. DeBerry:

2 Q. And you are Sara Ann Johnson?

3 A. Yes.

4 Q. Okay. And can you -- can you tell us when -- or who --
5 who are you married to?

6 A. Well, Barry Johnson --

7 Q. Okay.

8 A. -- some people call him Briett Johnson or Barry
9 Johnson.

10 Q. And his death is the reason we're here today; is that
11 what you understand?

12 A. Yes.

13 Q. Okay. And do you remember when you were married to Mr.
14 Johnson?

15 A. On December the 29th, '81.

16 Q. 1981?

17 A. Yes.

18 Q. Okay. And did you and Mr. Johnson have any children
19 together?

20 A. No.

21 Q. Okay. And did you live together at the beginning of
22 your marriage?

23 A. Yes.

24 Q. And can you tell us why you all came to be living apart
25 and when?

1 A. Well, he deserted me for another woman.

2 Q. Okay. And about what time or how long ago was that?

3 A. Oh, it's been a long time.

4 Q. Okay.

5 A. I don't know exactly.

6 Q. Do you remember back in time, was it about the time
7 that Shanice Hamilton was born?

8 A. Yes.

9 Q. Okay. And who did you know that -- who -- who was the
10 woman that he took up with?

11 A. Margaret.

12 Q. Margaret?

13 A. (Nodded head in an up and down motion).

14 Q. Okay. Is that Margaret Hamilton?

15 A. Yes.

16 Q. Okay. And at the time you all were still married?

17 A. Yes.

18 Q. And were you still married at the time Mr. Johnson
19 passed away?

20 A. Yes.

21 Q. Okay. Did Mr. Johnson remain in contact with you after
22 he -- he went to be with Ms. Hamilton?

23 A. Yes, he did.

24 Q. And can you explain that contact that you had with him?

25 A. He'd usually come by to check me on me and the children

1 maybe every two (2) weeks or something like that, you
2 know, but if he don't come maybe once in a while he
3 might call.

4 Q. Okay. And did he ever provide you with any financial
5 assistance during that time?

6 A. Yes.

7 Q. And how -- and can you explain what that was in the
8 form of and how -- and how much or how often that came
9 around?

10 A. Every time -- every two (2) weeks or whenever he'd come
11 by he would always give some money, you know; all
12 together for -- for that month it would probably be
13 about three hundred dollars (\$300.00).

14 Q. Okay. And was that constant throughout the time you
15 all remained separated?

16 A. Yes.

17 Q. All right. Did you -- did you ask him to leave or tell
18 him to leave or how -- how did that departure come
19 about?

20 A. No, I didn't ask him.

21 Q. Okay.

22 A. And I didn't tell him to leave.

23 Q. All right. When he passed away did you become the
24 Personal Representative of -- of his estate?

25 A. Yes, I did.

1 Q. And was there a house in that estate?

2 A. Yes.

3 Q. And can you tell us who -- who was living in that
4 house?

5 A. Joann Eddy.

6 Q. Okay. And were -- what was her tenure there or what --
7 why was she there?

8 A. Barry let her move in that house.

9 Q. Was it a rental situation?

10 A. It was a rental situation, yes.

11 Q. Okay. And did you receive that rent while Mr. Johnson
12 was still alive?

13 A. Not while he was living.

14 Q. Okay. But as Personal Representative did you start or
15 begin to receive that rent?

16 A. Yes.

17 Q. Okay. And what did you do with that money?

18 A. I put it in the bank.

19 Q. Was it -- did you have a separate account for personal
20 --

21 A. Yes, I was separate --

22 Q. -- to be the Personal Representative?

23 A. -- yes.

24 Q. Okay. And was it your understanding -- whose -- what
25 was your understanding about who the ownership of that

1 house was after his death?

2 A. Well, there was a loan out on it, he had a loan on it
3 and we just couldn't afford to take care of it so we --

4 Q. Okay. When you say we, who -- who owned -- what was
5 your understanding of who owned that house when Mr.
6 Johnson passed away?

7 A. -- after he passed away?

8 Q. Yes.

9 A. When I was representative of it but it went back to the
10 bank.

11 Q. Okay. But did you -- did you know that you inherited
12 some portion of it?

13 A. Yes.

14 Q. And -- and who else?

15 A. His daughter.

16 Q. And that's Shanice?

17 A. Yes.

18 Q. Okay. So, it was your understanding that you all each
19 owned a part of that house?

20 A. Yes.

21 Q. Okay. And did you -- did the two (2) of you -- what
22 did the two (2) of you agree to do with that property?

23 A. Let it go ahead and foreclose on it.

24 Q. Okay. And that seemed to be the best financial
25 interest for the two (2) of you all?

1 A. Yes.

2 Q. And that was agreed upon?

3 A. Yes.

4 Q. Okay. And did that take place?

5 A. Yes.

6 Q. Okay. So, it's your -- it's your position that Mr.
7 Johnson deserted you back when -- when he and Ms.
8 Hamilton became pregnant?

9 A. Yes.

10 Q. Okay. Hold on just a second.

11 Mr. DeBerry: That's all I have.

12 Commissioner Wilkerson: Do you want to go
13 here?

14 Mr. Askins: I agree.

15 Commissioner Wilkerson: Yes.

16 Mr. Askins: Thank you.

17 CROSS-EXAMINATION

18 By Mr. Askins:

19 Q. Ms. Johnson, you and Barry Johnson lived separate and
20 apart prior -- from the time Shanice was born in -- on
21 [REDACTED] of 1993, until he died; isn't that correct?

22 A. Yes.

23 Q. All right. And actually prior to that because Margaret
24 was pregnant when he moved in with her wasn't he --
25 wasn't she?

- 1 A. Yes.
- 2 Q. All right. There's no -- no question ever that Barry
3 was the father of Shanice; is that right?
- 4 A. Oh, I don't know.
- 5 Q. Okay. When you filled out the -- you filled out your
6 petition for your Personal Representative Certificate
7 and you --
- 8 A. Yes.
- 9 Q. -- you said that she was the only --
- 10 A. The only child.
- 11 Q. -- biological child?
- 12 A. Yes, the only one.
- 13 Q. All right. Now, isn't it also true that in 2001, Barry
14 bought out your interest in the house you owned
15 together?
- 16 A. Yes.
- 17 Q. All right. He paid you money for it?
- 18 A. Yes.
- 19 Q. And he assumed the loan?
- 20 A. Yes.
- 21 Q. All right. And so, that's the only assets the two (2)
22 of you ever had together, isn't it?
- 23 A. Yes.
- 24 Q. That -- that -- that was it wasn't it?
- 25 A. Yes.

1 Q. All right. Now, when you said he paid you money on a
2 weekly or monthly basis did he give you cash or did he
3 give you a check?

4 A. Cash.

5 Q. All right. And you realize you're under oath today
6 now, Ms. Johnson?

7 A. Yes.

8 Q. All right. Now, the house was actually foreclosed upon
9 because nobody was making the payments; isn't that
10 right?

11 A. That's right. That's correct.

12 Q. And you were the one that had the money to make the
13 payments; is that right?

14 A. Yes.

15 Q. So, the house was lost?

16 A. Yes.

17 Q. And no equity was gained out of the house; no money
18 from the house other than the rent?

19 A. Other than the rent.

20 Q. Okay. Do you remember being interviewed by a man, Ms.
21 Johnson, by the name of Ronald Brown?

22 A. Yes.

23 Q. All right. Do you remember what you told Mr. Brown?

24 A. We talked about a lot of different things.

25 Q. Okay. When Mr. Brown -- Mr. Brown asked you if anybody

1 was financially dependant upon Briett Johnson at the
2 time of his death and you said there was nobody that
3 you knew of other than his daughter Shanice; is that
4 what you said?

5 A. Yes.

6 Q. All right. So, at the time he died you and Barry had
7 been separated over nineteen (19) years, you had
8 settled up the only property you had in 2001, with that
9 deed --

10 A. Uh-huh.

11 Q. -- is that correct?

12 A. Yes.

13 Q. You had no children together?

14 A. No.

15 Q. And you told this man that you were not financially
16 dependant upon him and you didn't know anybody else
17 that was financially dependant upon Barry except for
18 his daughter, Shanice; is that correct?

19 A. Yes, except for the -- the money that he was giving me.

20 Q. Okay. But you didn't say anything about any money he
21 was giving you, did you?

22 A. No.

23 Q. You said he would give every now and then, then you
24 changed it and it was a hundred dollars (\$100.00) and
25 now you're saying it was three hundred dollars

1 (\$300.00); is that right?

2 A. Yes.

3 Q. And then, when asked if Briett used any of the -- paid
4 any of the regular bills or regular bills for her
5 children Sara stated, no, he did not pay any of the
6 bills; is that correct?

7 A. Well, he --

8 Q. Isn't that what you told him?

9 A. -- yes. In the first beginning he wasn't --

10 Q. Okay.

11 A. -- giving me no money.

12 Q. Okay. Well, that's what you told this man; is that
13 correct?

14 A. Yes.

15 Q. All right. Thank you.

16 Mr. Askins: No further questions.

17 Commissioner Wilkerson: You?

18 Mr. Hylton: I have no questions.

19 Commissioner Wilkerson: No questions. Okay.

20 Back your way.

21 Mr. DeBerry: All right. I don't have
22 anything further. Thank you.

23 Commissioner Wilkerson: Okay. This
24 concludes the hearing. I thank everybody for
25 being here. Let me meet with the attorneys for a

2:22 PM)

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)

CERTIFICATE

Be it known that I took the foregoing South Carolina Workers' Compensation Commission Hearing of Briett Johnson, vs. Pike Electric, Incorporated;

That I was then and there a Notary Public in and for the State of South Carolina-At-Large;

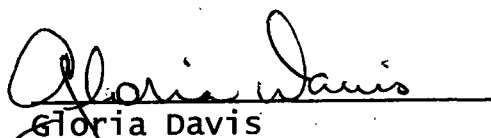
That by virtue thereof I was duly authorized to administer an oath;

That the witness was first duly sworn to testify the truth, the whole truth, and nothing but the truth, concerning the matter in controversy aforesaid;

The foregoing transcript of 138 typewritten pages represents a true, accurate and complete transcription of the testimony so given at the time and place aforesaid to the best of my skill and ability;

That I am not related to nor an employee of any of the parties hereto, nor a relative or employee of any attorney or counsel employed by the parties hereto, nor interested in the outcome of this action;

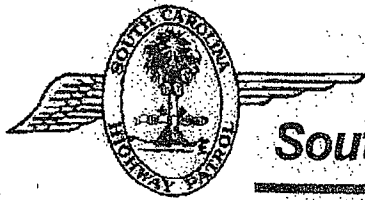
Witness my hand and seal this 10th Day of November, 2011.



Gloria Davis
Notary Public for South Carolina
My Commission Expires 12/21/21

*This Transcript may contain quoted material, such material is reproduced as read or quoted by the speaker.

**This is an Official Transcript governed by 25A S.C. Code Ann. Regs. 67-615 D (Supp. 2000). The unauthorized copying of this document is deemed to be conversion of an asset belonging to the Court Reporter.



South Carolina Department of Public Safety

South Carolina Highway Patrol

DA-073-12

Florence

County

Pee Dee

M.A.I.T.

Team Members

Sgt. M.A. Dangerfield
Cpl. T.W. Dewitt
Cpl. J.R. Shull, Jr.
L/Cpl. K.L. Craig
L/Cpl. J.A. Alban
L/Cpl. J.T. Leach
L/Cpl. T.J. Luther
L/Cpl. M.A. Ligocki
S/Tpr. W.C. Epps

FOIA Officer

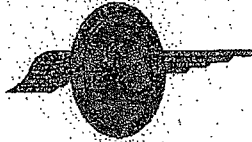
Leigh P. Watkins
SCDPS Office of General Counsel
Post Office Box 1993
Blythewood, SC 29016
PHONE: (803) 896-7759
FAX: (803) 896-7967
LeighWatkins@scdps.net

**Forward all Subpoenas for MAIT to
the FOIA Officer**

SOUTH CAROLINA HIGHWAY PATROL

MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

Leroy Smith
Director



M.R. Oliver
Colonel

INVESTIGATIVE REPORT

The South Carolina Highway Patrol Multi-Disciplinary Accident Investigation Team reserves the right to amend, correct, or detract any or all inferences, conclusions, or opinions presented in this report. This report is the intellectual property of the South Carolina Department of Public Safety and shall not be duplicated or copied for distribution, unless written permission is granted by the Office of General Counsel.

MAIT CASE NO:	DA-073-12	CAD/CASE NO:	12FL068463
REQUESTING AGENCY:	SCHP		
TROOP:	5		
COUNTY:	FLORENCE	COLLISION LOCATION:	SC 341
INVESTIGATING OFFICER:	L/CPL. W.C. FLOWERS		
DATE:	05/17/2012		
MAIT REGION:	PEE DEE	TEAM LEADER:	SGT. M.A. DANGERFIELD

1. CONCLUSION.

MAIT has completed its investigation of the above collision and concurs with the findings of the primary investigating officer.

2. MAPPING / CAD.

MAIT completed a forensic mapping of the collision scene.

3. AUDIO / INTERVIEWS.

MAIT conducted audio recordings during the course of this investigation.

4. PHOTOGRAPHS.

MAIT took digital photographs during the course of this investigation.

5. VIDEO.

MAIT took digital video footage during the course of this investigation.



SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
Post Office Box 1993
Blythewood, SC 29016



MA Pange

Team Leader / Region Commander

ACTAR Number: 1661



SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
Post Office Box 1993
Blythewood, SC 29016

[illegible]

FINDING #1

DA-073-12

Unit	Date of Birth	Sex	Race	INN	Seat	R/SD	A.B.D.	Eject	LA	Tran	Name	Street Address	Zip Code
01	10-16-1955	M	B	4	01	13	4	3	1	1	JOHNSON BRIETT	277 SAW MILL RD	JOHNSONVILLE SC 29555
02					99						LEGALLY		

Race		A - Asian/Pacific Islander		W - Caucasian		a) Injury Status		2-Non-Incapacitating		Seating Loc.		20-Pedestrian		60-Sleeper of Cab		Restraint/Safety Device	
B - African American		H - Hispanic		O - Other		0-Not Injured		3-Incapacitating		01 02 03		30-Trailing Unit		70-Riding on Unit Exterior		00-None Used	
1-Alaskan Native or American Indian		U - Unk.				1-Possible Injury		4-Fatal		04 05 06		40-Bus or Van (4th row or Higher)		80-Lap		11-Shoulder belt	
										07 08 09		50-Other Enclosed Area (nontrailing)		99-Unk./NA		12-Lap Belt Only	
												51-Other Unenclosed Area (nontrailing)				13-Shoulder & Lap Belt	
																99-Unk.	
																31-Helmet	
																51-Reflective Clothing	
																41-Protective Pads	
																61-Lighting	

Air Bag Deployment / Switch		Ejection		b) 2 or 3 Wheel Motorized Vehicle		Head Injury		1-Yes		2-No		Location After Impact		3-Freed (non-mech.)		a) Transported to Medical Facility		Pedestrian, Motor/Pedalcycle Only	
1-Deployed Front 4-Not Deployed		1-Not Ejected																	
2-Deployed Side 7-Not Applicable		2-Part. Ejected																	
3-Deployed Both 9-Deployment Unk.		3-Tot. Ejected																	
1-Switch in On Position 3-No Switch		7-Not App.																	
2-Switch in Off Position 9-Unknown		9-Unk.																	

Non-Collision		Collision: Not Fixed		Collision: Fixed Object		47-Embankment		56-Mail Box		68-Other	
01-Cargo/Equip Loss or Shift		20-Animal (Deer Only)		40-Bridge Overhead Structure		48-Equipment		56-Median Barrier		69-Unk.	
02-Cross Median/Center		21-Animal (All Other)		41-Bridge Parapet End		49-Fence		57-Overhead Sign Support			
03-Downhill Runaway		22-Motor Veh. (in Transport)		42-Bridge Pier or Abutment		50-Guardrail End		58-Other (Post, Pole, Support, Etc.)			
04-Equipment Failure		23-Motor Veh. (Stopped)		43-Bridge Rail		51-Guardrail Face		59-Other (Wall, Building, Tunnel, Etc.)			
05-Fire/Explosion		24-Motor Veh. (Other Roadway)		44-Culvert		52-Highway Traffic Sign Post		60-Tree			
06-Immersion		25-Motor Veh. (Parked)		45-Curb		53-Impact Attenuator/Crash Cushion		61-Utility Pole			
07-Jackknife		26-Pedalcycle		46-Ditch		54-Light/Luminare Support		62-Work Zone Maint. Equipment			

Manner of Collision (Struck Veh.)		30-Rear-to-Rear		50-Sideswipe Same Dir.		1st / Most Deformed Area		1st Deformed		192 213 3		Most Deformed		192 213 3	
00-Not Coll. w/ Motor Veh.		41-Angle		60-Sideswipe Opposite Dir.		2 3 4 5 6 7		33 34 35		53 54 55		56 57 58		74 75 76	
242 10-Rear End		42-Angle		70-Backed Into		8 9 10 11 12		41 40 39		61 60 59		58 57 56		80 81 82	
3 20-Head On		43-Angle		99-Unknown		13 14 15 16 17		43 42 41		63 62 61		60 59 58		80 81 82	

Vehicle Type		15-Full Size Van		27-Pedalcycle		61-School Bus		Alcohol / Drug Test Given		3-Given - Pending		Special Use Only	
12 01-Automobile		16-Mini Van		38-Animal Drawn Veh.		62-Passenger Bus		1-Given - Known Results		4-None			
201 12-Pickup Truck		17-Sport Utility		39-Animal (Hidden)		98-Other		2-Given - Unusable		5-Refused			
3 13-Truck Tractor		25-Motorcycle		41-Pedestrian		99-Unk. (Hit and Run Only)		1-Test Type		3-Urine		1-Under-Compartment Intrusion	
14-Other Truck		26-Other Motorbike		51-Train				2-Breath (Alc Only)		4-Serum		2-Under-No Intrusion	
								2-Blood		8-Other		4-Over-MV in Transport	
												5-Over-Other Vehicle	
												6-None	
												9-Unk.	

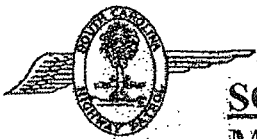
Vehicle Use Code		04-Ambulance		08-Farm Use		12-Fire Fighting		Drug Results		3-Marijuana		0-None/Minor		Extent of Deformity	
103 01-Personal		05-Military		09-Wrecker or Tow		13-Logging		1-Amphetamines		4-Opalates		2-Functional Damage		4-Severe/Totaled	
201 02-Driver Training		06-Transport Passengers		10-Police		18-Other		2-Cocaine		5-PCP		3-Disabling Damage		5-Not Applicable	
3 03-Construction/Maint.		07-Transport Property		11-Government		41-Pedestrian		1-Test Results		1-Two-way, Not Divided		3-Two-way, Divided, Barrier		Trafficway	
										2-Two-way, Divided, Unprotected Median		4-One-Way		8-Other	

Vehicle Attachment		4-Utility Trailer		8-Towed Motor Vehicle		C-Other Tanker		Roadway		Non-Motorist		Environmental		Obstruction	
1 1-None		5-Farm Trailer		9-Petroleum Tanker		D-Flat Bed		30-Debris		48-Other		60-Animal in Road		63-Weather Cond.	
21 2-Mobile Home		6-Trailer w/Boat		A-Lowboy Trailer		E-Twin Trailers		31-Non-highway Work		49-Unk.		61-Glare		68-Other	
3 3-Semi-Trailer		7-Camper Trailer		B-Autocarrier Trailer		F-Other		32-Obstruction in Roadway				70-Brakes		76-Windows/Shield	
								33-Road Surface Condition (i.e., Wet)				71-Steering		77-Restraint System	
								34-Rut, Holes, Bumps				72-Power Plant		78-Truck Coupling	
								35-Shoulders (None, Low, Soft, High)				73-Tires/Wheel		79-Cargo	
								36-Traffic Control Device (i.e., Missing)				74-Lights		80-Fuel System	
								37-Work Zone (Const./Maint./Utility)				75-Signals		88-Other	
								38-Worn, Travel-Polished Surface						89-Unk.	

Action Prior to Impact		(Vehicle)		(Non-motorist)		Weather Condition		3-Cloudy		6-Fog, Smog, Smoke		02-Flashing Traffic Signal		22-Oncoming Emergency Vehicle	
107 01-Backing		08-Parked		21-Approaching/Leaving Vehicle		1-Clear (no adverse conditions)		4-Steel, Hail		7-Blowing Sand		11-RR (X-bucks, Lights & Gates)		31-Pavement Markings (only)	
2 02-Changing lanes		09-Slowing or		22-Entering/Crossing Location		2-Rain		5-Snow		Oil, Dirt or Snow		12-RR (X-bucks & Lights)		41-Stop Sign	
3 03-Entering traffic lane		Stopped in traffic		23-Playing/Working on Vehicle								13-RR (X-bucks Only)		42-School zone Sign	
4 04-Leaving traffic lane		10-Turning left		24-Pushing Vehicle											
5 05-Making U-turn		11-Turning right		25-Standing											
6 06-Movements Essentially Straight Ahead		26-Walking, Playing, Cycling													
7 07-Overtaking/passing		88-Other		99-Unk.											

Light Condition		3-Dusk		6-Dark (Street Lamp Not Lit)		Junction Type		03-Five/More Points		07-Shared Use Paths or Trail		12-Y-Intersection		1-Yes, Directly	
1 1-Daylight		4-Dark (Lighting Unspecified)		7-Dark (No lights)		01-Crossover		04-Four-way Intersection		08-T-Intersection		13-Nonjunction		2-Yes, Indirectly	
2 2-Dawn		5-Dark (Street Lamp Lit)				02-Driveway		05-Railway Grade Crossing		09-Traffic Circle		99-Unk.		3-No	
														9-Unk.	

Primary Contributing Factors		09-Made an Improper Turn		Roadway		Non-Motorist		Environmental		Obstruction	
03 01-Disregarded Signs, Signals, Etc.		12-Aggressive Operation of Vehicle		30-Debris		48-Other		60-Animal in Road		63-Weather Cond.	
02-Distracted/Inattention		13-Over-correcting/Over-steering		31-Non-highway Work		49-Unk.		61-Glare		68-Other	
03-Driving Too Fast for Conditions		14-Swerving to Avoiding Object		32-Obstruction in Roadway				70-Brakes		76-Windows/Shield	
04-Exceeded Authorized Speed Limit		15-Wrong Side or Wrong Way		33-Road Surface Condition (i.e., Wet)				71-Steering		77-Restraint System	
05-Failed to Yield Right of Way		16-Under the Influence		34-Rut, Holes, Bumps				72-Power Plant		78-Truck Coupling	
06-Ran off Road		17-Vision Obscured (Within Unit)		35-Shoulders (None, Low, Soft, High)				73-Tires/Wheel		79-Cargo	
07-Fatigued/Asleep		18-Improper lane Usage/Change		36-Traffic Control Device (i.e., Missing)				74-Lights		80-Fuel System	
08-Followed Too Closely		19-Cell Phone		37-Work Zone (Const./Maint./Utility)				75-Signals		88-Other	
		20-Texting		38-Worn, Travel-Polished Surface						89-Unk.	
		28-Other Improper Action									



CASE # DA-073-12

SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

MAIT Notes

- ☒ Field Case Notes
- ☒ TR310
- ☐ Case Opinions / Findings
- ☒ Field Sketch
- ☒ CAD Printout (if applicable)
- ☐ MAIT Investigating Officer Notes

Unit:	Date of Birth	Sex:	Race	INJ:	Seat:	R/S/D	A.B.D.	Eject	LAI:	Trans:	Name	Street Address	Zip Code
01	10-16-1955	M	B	4	01	13	4	3	1	1	JOHNSON BRIETT	277 SAW MILL RD	JOHNSONVIL SC 29555
02					99						LEGALLY		

Race		A - Asian/Pacific Islander		W - Caucasian		a) Injury Status		Seating Loc.		20-Pedestrian		60-Sleeper of Cab		Restraint/Safety Device	
B - African American	H - Hispanic	O - Other	U - Unk.	0-Not Injured	3-Incapacitating	1-Possible Injury	4-Fatal	01 02 03	40-Bus or Van (4th row or Higher)	80-Lap	00-None Used	21-Child	11-Shoulder belt	Safety Seat	
1-Alaskan Native or American Indian				2-Not Ejected	3-Freed (non-mech.)	2-Non-Incapacitating	3-Incapacitating	04 05 06	50-Other Enclosed Area (nontrailing)	99-Unk./NA	12-Lap Belt Only	88-Other	13-Shoulder & Lap Belt	99-Unk.	
Air Bag Deployment / Switch		Ejection		b) 2 or 3 Wheel Motorized Vehicle		Head Injury		Location After Impact		a) Transported to Medical Facility		31-Helmet		51-Reflective Clothing	
1-Deployed Front 4-Not Deployed		1-Not Ejected		1-Not Trapped		2-Extricated (Mechanical Means)		4-Not Applicable		1-Yes 2-No 3-Unknown		51-Other Unenclosed Area (nontrailing)		41-Protective Pads 61-Lighting	
2-Deployed Side 7-Not Applicable		2-Part. Ejected		2-Not Trapped		3-Freed (non-mech.)		9-Unknown		b) By: 1-EMS 2-Police 8-Other 9-Unk.		51-Other Unenclosed Area (nontrailing)		41-Protective Pads 61-Lighting	
3-Deployed Both 9-Deployment Unk.		3-Tot. Ejected		3-Not App.		3-Not App.		3-Not App.							
1-Switch in On Position 3-No Switch		7-Not App.		7-Not App.		7-Not App.		7-Not App.							
2-Switch in Off Position 9-Unknown		9-Unk.		9-Unk.		9-Unk.		9-Unk.							

Non-Collision		Collision: Not Fixed		Collision: Fixed Object		47-Embankment		55-Mail Box		68-Other	
01-Cargo/Equip Loss or Shift	05-Fire/Explosion	08-Overturn/Rollover	20-Animal (Deer Only)	40-Bridge Overhead Structure	48-Equipment	56-Median Barrier	69-Unk.				
02-Cross Median/Center	06-Inversion	09-Ran off Road Left	21-Animal (All Other)	41-Bridge Parapet End	49-Fence	57-Overhead Sign Support					
03-Downhill Runaway	07-Jackknife	10-Ran off Road Right	22-Motor Veh. (In Transport)	42-Bridge Pier or Abutment	50-Guardrail End	58-Other (Post, Pole, Support, Etc.)					
				43-Bridge Rail	51-Guardrail Face	59-Other (Wall, Building, Tunnel, Etc.)					
				44-Culvert	52-Highway Traffic Sign Post	60-Tree					
				45-Curb	53-Impact Attenuator/Crash Cushion	61-Utility Pole					
				46-Ditch	54-Uplight/Luminaire Support	62-Work Zone Maint. Equipment					

Manner of Collision (Struck Veh.)		30-Rear-to-Rear		50-Sideswipe Same Dir.		1st / Most Deformed Area		1st Deformed		192 213 3		Most Deformed		192 213 3	
00-Not Coll. w/ Motor Veh.	41-Angle (↖↗)	60-Sideswipe Opposite Dir.													
10-Rear End	42-Angle (↔↔)	70-Backed Into													
20-Head On	43-Angle (↗↖)	99-Unknown													

Vehicle Type		15-Full Size Van		27-Pedalcycle		61-School Bus		Alcohol / Drug Test Given		Special Use Only	
01-Automobile	16-Mini Van	38-Animal Drawn Veh	62-Passenger Bus	A1	D1	1-Given - Known Results	4-None				
12-Pickup Truck	17-Sport Utility	39-Animal (Ridden)	98-Other	A2	D2	2-Given - Unusable	5-Refused				
13-Truck Tractor	25-Motorcycle	41-Pedestrian	99-Unk. (Hit and Run Only)	A3	D3						
14-Other Truck	26-Other Motorbike	51-Train									

Vehicle Use Code		04-Ambulance		08-Farm Use		12-Fire Fighting		Drug Results		3-Marijuana		0-None/Minor		Extent of Deformity	
01-Personal	05-Military	09-Wrecker or Tow	13-Logging	D1	D2	1-Breath (Alc Only)	4-Serum	1-Under-Compartment Intrusion	2-Under-No Intrusion	4-Over-MV in transport	6-None	1.0			
02-Driver Training	06-Transport Passengers	10-Police	18-Other	D3	D4	2-Blood	8-Other	3-Under-Unknown	5-Over-Other Vehicle	9-Unk.	2.0				
03-Construction/Maint.	07-Transport Property	11-Government	41-Pedestrian												

Vehicle Attachment		4-Utility Trailer		8-Towed Motor Vehicle		C-Other Tanker		A1c Test Results		1-Two-way, Not Divided		3-Two-way, Divided, Barrier		Trafficway	
1-None	5-Farm Trailer	9-Petroleum Tanker	D-Flat Bed	A1	A2	1-Gore 3-Median	5-Roadway	7-Sidewalk	9-Unk.	8-X-walk	1st Harmful	6	2		
2-Mobile Home	6-Trailer w/Boat	A-Lowboy Trailer	E-Twin Trailers	A3	A4	2-Island 4-Roadside	6-Shoulder	8-Outside Trafficway	1-Y 2-N 9-U						
3-Semi-Trailer	7-Camper Trailer	B-Auto Carrier Trailer	F-Other												

Action Prior to Impact		(Vehicle)		(Non-motorist)		01-Backing		08-Parked		21-Approaching/Leaving Vehicle		02-Entering/Crossing Location		03-Entering traffic lane		04-Leaving traffic lane		10-Turning left		23-Playing/Working on Vehicle		24-Pushing Vehicle		25-Standing		26-Walking, Playing, Cycling		27-Working	
01-Backing	08-Parked	21-Approaching/Leaving Vehicle																											

Weather Condition		3-Cloudy		6-Fog, Smog, Smoke		02-Flashing Traffic Signal		22-Oncoming Emergency Vehicle		11-RR (X-bucks, Lights & Gates)		31-Pavement Markings (only)		43-Yield Sign		51-Flashing Beacon	
1-Clear (no adverse conditions)	4-Sleet, Hail	7-Blowing Sand	8-Severe Crosswinds														

Light Condition		3-Dusk		6-Dark (Street Lamp Not Lit)		13-RR (X-bucks Only)		42-School zone Sign		44-Work Zone		45-Other Warning Signs		98-Unk.	
1-Daylight	4-Dark (Lighting Unspecified)	7-Dark (No lights)													

Junction Type		03-Five/More Points		07-Shared Use Paths or Trail		12-Y-Intersection		2-Advanced Warning Area		4-Activity Area		5-Termination		1-Yes 2-No		Work Zone Location	
01-Crossover	04-Four-way Intersection	08-T-Intersection	13-Nonjunction														

Contributing Factors		09-Made an Improper Turn		10-Medical Related		30-Debris		48-Other		50-Inattentive		60-Animal In Road		63-Weather Cond.	
01-Disregarded Signs, Signals, Etc.	12-Aggressive Operation of Vehicle	13-Over-correcting/Over-steering	14-Swerving to Avoiding Object	15-Wrong Side or Wrong Way	16-Under the Influence	17-Vision Obscured (Within Unit)	18-Improper lane Usage/Change	19-Cell Phone	20-Texting	28-Other Improper Action	29-Unk.				

Roadway		Non-Motorist		Environmental		62-Obstruction		63-Weather Cond.		68-Other		69-Unk.	
31-Non-highway Work	49-Unk.	52-Failure to Yield R. of W.	53-Not Visible (Dark Clothing)	54-Disregard Signs, Signals, Etc.	55-Improper Crossing	56-Darting	57-Wrong Side of Road	58-Other	59-Unk.	66-Under the Influence	67-Other Person Under Influence		

Vehicle Defect		70-Brakes		76-Windows/Shield		77-Restraint System		78-Truck Coupling		79-Cargo		80-Fuel System		88-Other		89-Unk.	
71-Steering	72-Power Plant	73-Tires/Wheel	74-Lights	75-Signals													

ORIGINAL

SOUTH CAROLINA DPS/OHS & DMV USE ONLY				Page # 1	SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM TR-310 (Rev. 7/2010)				# Of Units 02	Amended - Attach Copy of Original Report DA-073-12	Notified 1848	Arrived		
Date 05-17-2012	Time of Collision 1805	County 21	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- PP	Collision Location (Rt. # / Name) 341 / LAKE CITY HWY				0- Main 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	Miles 4.69	Dir. N E S W	In (Near) City or Town of: JOHNSONVILLE	
Lane # / Dir. # Of N E NL S W	Distance Offset Miles 17	Direction N E S W	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- Other	Base Intersection (Rt. # / Name) / BEANS LANE				0- Main 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	GPS COORDINATES 00 00' 00.00"			
R.R. Id.	From N E S W	Ramp Only 1- Entrance 2- Exit	To N E S W	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- Other	Second Intersection (Rt. # / Name) 560 / S EADDY FORD ROAD				0- Main 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	Latitude 33 49 38.23	Longitude 79 32 -21.70	
E-290476				Driver/Pedestrian's Full Name JOHNSON BRIETT				E-290477				Driver/Pedestrian's Full Name LEGALLY PARKED		
Unit # 01	Sex M	Race B	Street/R.F.D. [REDACTED]		Unit # 02	Sex [REDACTED]	Race [REDACTED]	Street/R.F.D. [REDACTED]						
# Occ 1	Birth Date [REDACTED]		City, State, & Zip JOHNSONVILLE SC 29555		# Occ 0	Birth Date [REDACTED]		City, State, & Zip [REDACTED]						
State SC	Driver's License # [REDACTED]		Class A	Insurance Company LIBERTY MUTUAL INS	State SC	Driver's License # [REDACTED]		Class [REDACTED]	Insurance Company OWNERS LNS COMPANY					
Year 2010	Body PK	Vehicle Make FORD	VIN # 1FDSW3FR7AEA18171		Year 2003	Body 4S	Vehicle Make CADI	VIN # 1G6KS54Y13U161831						
State NC	Year [REDACTED]	License Plate # [REDACTED]	Owner's D.L. # NONE		State SC	Year 2012	License Plate # [REDACTED]	Owner's D.L. # NONE						
Home Telephone (843) 9921016		Owner's Full Name PIKE ELECTRIC LLC			Home Telephone (843) 3864119		Owner's Full Name DEERFIELD AUTO SALES							
Bus. Telephone ()		Street/R.F.D. PO BOX 868			Bus. Telephone ()		Street/R.F.D. 1828 LAKE CITY HWY							
Contributed To Collision (Yes) No		City, State, & Zip MOUNT AIRY NC 27030			Contributed To Collision (Yes) No		City, State, & Zip JOHNSONVILLE SC 29555							
Estimated Speed 55	Speed Limit	C.D.L. Req: Yes (No)	T/B S Req: Yes (No)	Alc/Drg Info (see back): Yes (No)	Estimated Speed 00	Speed Limit NP	C.D.L. Req: Yes (No)	T/B S Req: Yes (No)	Alc/Drg Info (see back): Yes (No)					
Driver/Pedestrian's Full Name		T AND T TOWING			Driver/Pedestrian's Full Name		[REDACTED]							
Unit # [REDACTED]	Sex [REDACTED]	Race [REDACTED]	Street/R.F.D. [REDACTED]		Unit # [REDACTED]	Sex [REDACTED]	Race [REDACTED]	Street/R.F.D. [REDACTED]						
# Occ [REDACTED]	Birth Date [REDACTED]		City, State, & Zip [REDACTED]		# Occ [REDACTED]	Birth Date [REDACTED]		City, State, & Zip [REDACTED]						
State [REDACTED]	Driver's License # [REDACTED]		Class [REDACTED]	Insurance Company [REDACTED]	State [REDACTED]	Driver's License # [REDACTED]		Class [REDACTED]	Insurance Company [REDACTED]					
Year [REDACTED]	Body [REDACTED]	Vehicle Make [REDACTED]	VIN # [REDACTED]		Year [REDACTED]	Body [REDACTED]	Vehicle Make [REDACTED]	VIN # [REDACTED]						
Dir. of Travel: Unit 1: N (S) E W		Unit 2: N S E W		Unit 3: N S E W		Unit 1 Dam.		Unit 2 Dam.		Unit 3 Dam.		Prop. Dam. 1	Prop. Dam. 2	
[Diagram of Collision Scene]		[Diagram of Collision Scene]		[Diagram of Collision Scene]		\$10000		\$500		\$		UTILITY POLE	\$	
[Diagram of Collision Scene]		[Diagram of Collision Scene]		[Diagram of Collision Scene]		Property Owner: WITNESS		Property Owner: WITNESS		Property Owner: WITNESS		Property Owner: WITNESS		
[Diagram of Collision Scene]		[Diagram of Collision Scene]		[Diagram of Collision Scene]		STONE CAITLIN M		WISE ONEAL		STONE CAITLIN M		WISE ONEAL		
[Diagram of Collision Scene]		[Diagram of Collision Scene]		[Diagram of Collision Scene]		Address City		Address City		Address City		Address City		
[Diagram of Collision Scene]		[Diagram of Collision Scene]		[Diagram of Collision Scene]		443 HUGGINS EADDY ST. JOHNSON		1627 LAKE CITY HWY JOHNSONVIL		443 HUGGINS EADDY ST. JOHNSON		1627 LAKE CITY HWY JOHNSONVIL		
[Diagram of Collision Scene]		[Diagram of Collision Scene]		[Diagram of Collision Scene]		State Zip		State Zip		State Zip		State Zip		
[Diagram of Collision Scene]		[Diagram of Collision Scene]		[Diagram of Collision Scene]		SC 29555		SC 29555		SC 29555		SC 29555		
[Diagram of Collision Scene]		[Diagram of Collision Scene]		[Diagram of Collision Scene]		Phone		Phone		Phone		Phone		
[Diagram of Collision Scene]		[Diagram of Collision Scene]		[Diagram of Collision Scene]		8437311942		8437311942		8437311942		8436259145		
[Diagram of Collision Scene]		[Diagram of Collision Scene]		[Diagram of Collision Scene]		Photo: Describe What Happened (Refer to Units by Number)		Photo: Describe What Happened (Refer to Units by Number)		Photo: Describe What Happened (Refer to Units by Number)		Photo: Describe What Happened (Refer to Units by Number)		
[Diagram of Collision Scene]		[Diagram of Collision Scene]		[Diagram of Collision Scene]		Y (N)		Y (N)		Y (N)		Y (N)		
[Diagram of Collision Scene]		[Diagram of Collision Scene]		[Diagram of Collision Scene]		UNIT#1 WAS TRAVELING SOUTH ON SC341. THE DRIVER OF UNIT#1, OVERTAKING A VEHICLE IN A NO PASSING ZONE, DROVE OFF THE RIGHT SIDE OF THE ROADWAY. UNIT#1 OVERTURNED AND STRUCK A UTILITY POLE AND CAME TO REST ON UNIT#2 (A PARKED VEHICLE) PENDING MAIT REPORT FOR FURTHER INFORMATION.		UNIT#1 WAS TRAVELING SOUTH ON SC341. THE DRIVER OF UNIT#1, OVERTAKING A VEHICLE IN A NO PASSING ZONE, DROVE OFF THE RIGHT SIDE OF THE ROADWAY. UNIT#1 OVERTURNED AND STRUCK A UTILITY POLE AND CAME TO REST ON UNIT#2 (A PARKED VEHICLE) PENDING MAIT REPORT FOR FURTHER INFORMATION.		UNIT#1 WAS TRAVELING SOUTH ON SC341. THE DRIVER OF UNIT#1, OVERTAKING A VEHICLE IN A NO PASSING ZONE, DROVE OFF THE RIGHT SIDE OF THE ROADWAY. UNIT#1 OVERTURNED AND STRUCK A UTILITY POLE AND CAME TO REST ON UNIT#2 (A PARKED VEHICLE) PENDING MAIT REPORT FOR FURTHER INFORMATION.		UNIT#1 WAS TRAVELING SOUTH ON SC341. THE DRIVER OF UNIT#1, OVERTAKING A VEHICLE IN A NO PASSING ZONE, DROVE OFF THE RIGHT SIDE OF THE ROADWAY. UNIT#1 OVERTURNED AND STRUCK A UTILITY POLE AND CAME TO REST ON UNIT#2 (A PARKED VEHICLE) PENDING MAIT REPORT FOR FURTHER INFORMATION.		
NOTICE - THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION AND BELIEF COVERING THE COLLISION BUT NO WARRANT IS MADE AS TO THE FACTUAL ACCURACY THEREOF.				Investigating Officer's Name FLOWERS - W C				Rank LCPL	Badge # T 5 9 0	Jurisdiction Code H P 0 5	Review Date 05-17-2012	Reviewer's Name R W Castles	Rank F/Sgt	Internal Agency Code 12FL068463

Unit:	Date of Birth:	Sex:	Race:	INJ:	Seat:	R/S/D:	A.B.O.:	Eject:	LAL:	Tran:	Name:	Street Address:	DA-073-12	Zip Code:
01		M	B	4	01	13	4	3	1	1	JOHNSON BRIETT		JOHNSONVIL SC	29555
02					99						LEGALLY			

Race		A - Asian/Pacific Islander		W - Caucasian		a) Injury Status		2-Non-incapacitating		Seating Loc.		20-Pedestrian		60-Sleeper of Cab		Restraint/Safety Device	
B - African American		H - Hispanic		O - Other		0-Not Injured		3-Incapacitating		01 02 03		30-Trailing Unit		70-Riding on Unit Exterior		00-None Used	
1-Alaskan Native or American Indian		U - Unk.				1-Possible Injury		4-Fatal		04 05 06		40-Bus or Van (4th row or Higher)		80-Lap		11-Shoulder belt	
										07 08 09		50-Other Enclosed Area (nontrailing)		99-Unk./NA		12-Lap Belt Only	
												51-Other Unenclosed Area (nontrailing)				13-Shoulder & Lap Belt	
																99-Unk.	
Air Bag Deployment / Switch		Ejection		b) 2 or 3 Wheel Motorized Vehicle		Location After Impact		3-Freed (non-mech.)		a) Transported to Medical Facility		Pedestrian, Motor/Pedalcycle Only					
1-Deployed Front 4-Not Deployed		1-Not Ejected		Head Injury		1-Yes		2-No		1-Yes		2-No		3-Unknown		31-Helmet	
2-Deployed Side 7-Not Applicable		2-Part. Ejected								2-By: 1-EMS 2-Police 8-Other 9-Unk.		41-Protective Pads		61-Lighting			
3-Deployed Both 9-Deployment Unk.		3-Tot. Ejected															
1-Switch in On Position 3-No Switch		7-Not App.															
2-Switch in Off Position 9-Unknown		9-Unk.															

Non-Collision		04-Equipment Failure		Collision: Not Fixed		27-Pedestrian		Collision: Fixed Object		47-Embankment		55-Mail Box		68-Other	
01-Cargo/Equip Loss or Shift		05-Fire/Explosion		08-Overtum/Rollover		28-Railway Veh.		40-Bridge Overhead Structure		48-Equipment		56-Median Barrier		69-Unk.	
02-Cross Median/Center		06-Immersion		09-Ran off Road Left		21-Animal (All Other)		41-Bridge Pier/End		49-Fence		57-Overhead Sign Support			
03-Downhill Runaway		07-Jackknife		10-Ran off Road Right		22-Motor Veh. (In Transport)		42-Bridge Pier or Abutment		50-Guardrail End		58-Other (Post, Pole, Support, Etc.)			
						23-Motor Veh. (Stopped)		43-Bridge Rail		51-Guardrail Face		59-Other (Wall, Building, Tunnel, Etc.)			
						24-Motor Veh. (Other Roadway)		44-Culvert		52-Highway Traffic Sign Post		60-Tree			
						25-Motor Veh. (Parkd)		45-Curb		53-Impact Attenuator/Crash Cushion		61-Utility Pole			
						26-Pedalcycle		46-Ditch		54-Light/Luminaire Support		62-Work Zone Maint. Equipment			

Manner of Collision (Struck Veh.)		30-Rear-to-Rear		50-Sideswipe Same Dir.		1st / Most		1st Deformed		192 213 3		Most Deformed		192 213 3	
00-Not Coll. w/ Motor Veh.		41-Angle		60-Sideswipe Opposite Dir.		Deformed Area									
42-10-Rear End		42-Angle		70-Backed Into		21-Pedestrian		81-None		92-Rollover		93-Total		94-Under Carriage	
3-Collision		20-Head On		43-Angle		89-Unk. (Hit and Run Only)									

Vehicle Type		15-Full Size Van		27-Pedalcycle		61-School Bus		Alcohol / Drug Test Given		3-Given - Pending		Special Use Only			
12-01-Automobile		16-Mini Van		38-Animal Drawn Veh		62-Passenger Bus		1-Given - Known Results		4-None		1-Under-Compartment Intrusion		Under/Override	
201-12-Pickup Truck		17-Sport Utility		39-Animal (Ridden)		98-Other		2-Given - Unusable		5-Refused		2-Under-No Intrusion		4-Over-MV in transport	
3-13-Truck Tractor		25-Motorcycle		41-Pedestrian		89-Unk. (Hit and Run Only)		1-Breath (Alc Only)		4-Serum		3-Under-Unknown		5-Over-Other Vehicle	
14-Other Truck		26-Other Motorbike		51-Train				2-Blood		8-Other		0-None/Minor		Extent of Deformity	
								1-Amphetamines		4-Opiales		2-Functional Damage		4-Severe/Totaled	
								2-Cocaine		5-PCP		3-Disabling Damage		5-Not Applicable	

Vehicle Use Code		04-Ambulance		08-Farm Use		12-Fire Fighting		Alc Test Results		1-Two-way, Not Divided		3-Two-way, Divided, Barrier		Trafficway	
103-01-Personal		05-Military		09-Wrecker or Tow		13-Logging		A1-		2-Two-way, Divided, Unprotected Median		4-One-Way		8-Other	
201-02-Driver Training		06-Transport Passengers		10-Police		18-Other		A2-		1-Gore		3-Median		5-Roadway	
3-03-Construction/Maint.		07-Transport Property		11-Government		41-Pedestrian		A3-		2-Island		4-Roadside		6-Shoulder	
										1-Straight - Level		3-Straight - Hillcrest		5-Curve - On grade	
										2-Straight - On grade		4-Curve - Level		6-Curve - Hillcrest	
										1-Dry		3-Snow		5-Ice	
										2-Wet		4-Slush		6-Contaminate	
										01-Stop and Go Light		21-Officer or Flagman		22-Oncoming Emergency Vehicle	

Weather Condition		3-Cloudy		6-Fog, Smog, Smoke		02-Flashing Traffic Signal		22-Oncoming Emergency Vehicle							
2-1-Clear (no adverse conditions)		4-Sleet, Hail		7-Blowing Sand		8-Severe Crosswinds		11-RR (X-bucks, Lights & Gates)		31-Pavement Markings (only)		43-Yield Sign		51-Flashing Beacon	
2-Rain		5-Snow		Oil, Dirt or Snow		9-Unk.		12-RR (X-bucks & Lights)		41-Stop Sign		44-Work Zone		98-None	
								13-RR (X-bucks Only)		42-School zone Sign		45-Other Warning Signs		99-Unk.	

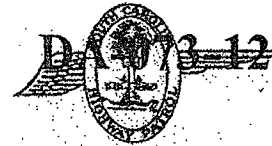
Light Condition		3-Dusk		6-Dark (Street Lamp Not Lit)		1-Yes, Directly		2-Yes, Indirectly		3-No		9-Unk.		School Bus Involved:	
1-1-Daylight		4-Dark (Lighting Unspecified)		7-Dark (No lights)		1-Before 1st Sign		3-Transition Area		5-Termination		1-Yes 2-No		Work Zone:	
2-Dawn		5-Dark (Street Lamp Lit)				2-Advanced Warning Area		4-Activity Area		Area				Work Zone Location:	
						1-Shoulder/Median Work		3-Intermittent/Moving Work						Work Zone Type:	
						2-Lane Shift/Crossover		4-Lane Closure		8-Other		9-Unk.		1-Yes 2-No Workers Present:	

Junction Type		03-Five/More Points		07-Shared Use Paths or Trail		12-Y-Intersection		Roadway		Non-Motorist		Environmental		62-Obstruction	
01-Crossover		04-Four-way Intersection		08-T-Intersection		13-Nonjunction		30-Debris		48-Other		60-Animal In Road		63-Weather Cond.	
02-Driveway		05-Railway Grade Crossing		09-Traffic Circle		99-Unk.		31-Non-highway Work		49-Unk.		61-Glare		68-Other	
								32-Obstruction in Roadway							
								33-Road Surface Condition (i.e., Wet)							
								34-Rut, Holes, Bumps							
								35-Shoulders (None, Low, Soft, High)							
								36-Traffic Control Device (i.e., Missing)							
								37-Work Zone (Const./Maint./Utility)							
								38-Worn, Travel-Polished Surface							

Primary		Contributing Factors		09-Made an Improper Turn		Roadway		Non-Motorist		Environmental		62-Obstruction			
06-01-Disregarded Signs, Signals, Etc.		12-Aggressive Operation of Vehicle		10-Medical Related		30-Debris		48-Other		60-Animal In Road		63-Weather Cond.			
03-02-Distracted/Inattention		13-Over-correcting/Over-steering		12-Aggressive Operation of Vehicle		31-Non-highway Work		49-Unk.		61-Glare		68-Other		69-Unk.	
04-03-Driving Too Fast for Conditions		14-Swerving to Avoiding Object		13-Over-correcting/Over-steering		32-Obstruction in Roadway									
05-04-Exceeded Authorized Speed Limit		15-Wrong Side or Wrong Way		14-Swerving to Avoiding Object		33-Road Surface Condition (i.e., Wet)									
06-05-Failed to Yield Right of Way		16-Under the Influence		15-Wrong Side or Wrong Way		34-Rut, Holes, Bumps									
07-06-Ran off Road		17-Vision Obscured (Within Unit)		16-Under the Influence		35-Shoulders (None, Low, Soft, High)									
08-07-Fatigued/Asleep		18-Improper lane Usage/Change		17-Vision Obscured (Within Unit)		36-Traffic Control Device (i.e., Missing)									
09-08-Followed Too Closely		19-Cell Phone		18-Improper lane Usage/Change		37-Work Zone (Const./Maint./Utility)									
		20-Texting		19-Cell Phone		38-Worn, Travel-Polished Surface									
		28-Other Improper Action		20-Texting											
		29-Unk.		28-Other Improper Action											

Vehicle Defect		70-Brakes		76-Windows/Shield											
71-Steering		77-Restraint System		72-Power Plant		79-Truck Coupling									
73-Tires/Wheel		79-Cargo		74-Lights		80-Fuel System									
75-Signals		88-Other		89-Unk.											

**SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
SCENE CASE NOTES**



MAIT CASE #: DA-073-12		DATE OF COLLISION / INCIDENT: 05-17-2012	
TIME / DATE NOTIFIED: 2250 / 05-17-2012		PRIMARY INVESTIGATING OFFICER: L/Cpl. W. C. Flowers	
COLLISION / INCIDENT LOCATION: SC341		AGENCY ASSISTED / NOTIFIED BY: SCHP 5B / FSgt. Castles	
TIME / DATE ARRIVED ON-SCENE: 05-18-2012 / 1150		ISSUES: At-Scene, Scene Documentation	
TEAM MEMBERS ON-SCENE: Alban, Epps, Luther		CHARGES FILED / PENDING: None	
PHOTOGRAPHS TAKEN BY MAIT OF SCENE: ☒ Y ☐ N BY: Epps DATE: 05-18-2012			
PHOTOGRAPHS TAKEN BY MAIT OF VEHICLES: ☒ Y ☐ N BY: Alban DATE: 05-18-2012			
OTHER PHOTOGRAPHS: ☐ Y ☒ N BY: DATE:			
I/O PHOTOGRAPHS SECURED: ☒ Y ☐ N ☐ N/A BY: Shull DATE: 05-21-2012			
VIDEO: ☒ Y ☐ N ☐ MAIT ☐ I/O ☐ OTHER LEO ☐ OTHER MAIT VIDEOGRAPHER: Luther DATE: 05-18-2012			
MAPPING: ☒ Y ☐ N ☐ SCENE ☐ VEHICLE(S) ☐ OTHER Station: Epps, Alban Architect(s): Luther			
FIELD SKETCH: ☒ Y ☐ N By: Alban			
YAW: ☐ Y ☒ N If Yes: Chord M/O Rotation: CW / CCW Tire: F R L R			
AIRBORNE: ☐ Y ☐ N Takeoff ☐ L ☐ U ☐ D Landing + / -			
DRAG SLED PULLED: ☐ Y ☒ N Pulled by: Date:			
Read by: Weight:			
#1	#2	#3	#4
#6	#7	#8	#9
VEHICLE INSPECTION: ☒ Y ☐ N Date: 05-18-2012			
MECHANICAL EXAM: ☐ Y ☒ N Date:			
SDM DOWNLOAD: ☐ Y ☒ N Date:			
E-FRICTION READING: ☐ Y ☒ N Date: By:			
Readings: Equip:			
AUTOPSY: ☐ Y ☒ N Date:			
Attended by: @			
Notes:			

ORIGINAL-AMENDED

SOUTH CAROLINA DPS/OHS & DMV USE ONLY				Page # 1 Of: 1		SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM TR - 310 (Rev. 7/2010)				# Of Units 02	☒ Amended - Attach Copy of Original Report Corrected	Notified 1809	Arrived 1848		
Date 05-17-2012	Time of Collision 1805	County 21	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- PP	Collision Location (Rt # / Name) E 341 / LAKE CITY HWY			0- Main 2- Alternate 5- Spur	6- Connection 7- Business	Miles: 4.69	Dir. N E S W	In (Near) City or Town of: JOHNSONVILLE			
Lane # / Dir. # Of N E NL S W	Distance Offset Miles Feet	Direction N E S W	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- Other	Base Intersection (Rt # / Name) / BEANS LANE			0- Main 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	GPS COORDINATES 00 00' 00.00" DEGREES MINUTES SECONDS Latitude 33 49 38.24 Longitude 79 32 21.70					
R.R. Id.	From N E S W	Ramp Only 1- Entrance 2- Exit	To N E S W	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- Other	Second Intersection (Rt. # / Name) 560 / S EDDY FORD ROAD			0- Main 2- Alternate 5- Spur	6- Connection 7- Business 9- Other					
E-290476				Driver/Pedestrian's Full Name JOHNSON BRIETT				E-290477				Driver/Pedestrian's Full Name LEGALLY PARKED			
Unit # 01	Sex M	Race B	Street/R.F.D. [REDACTED]			Unit # 02	Sex	Race	Street/R.F.D.						
# Occ 1	Birth Date [REDACTED]		City, State, & Zip JOHNSONVILLE SC 29555			# Occ 0	Birth Date		City, State, & Zip						
State SC	Driver's License # [REDACTED]		Class A		Insurance Company LIBERTY MUTUAL INS	State SC	Driver's License # [REDACTED]		Class		Insurance Company OWNERS LNS COMPANY				
Year 2010	Body PK	Vehicle Make FORD	VIN # 1FDSW3FR7AEA18171			Year 2003	Body 4S	Vehicle Make CADI	VIN # 1G6KS54Y13U161831						
State NC	Year	License Plate # [REDACTED]	Owner's D.L. # NONE			State SC	Year 2012	License Plate # [REDACTED]	Owner's D.L. # NONE						
Home Telephone (843) 9921016		Owner's Full Name PIKE ELECTRIC LLC				Home Telephone (843) 3864119		Owner's Full Name DEERFIELD AUTO SALES							
Bus. Telephone ()		Street/R.F.D. PO BOX 868				Bus. Telephone ()		Street/R.F.D. 1828 LAKE CITY HWY							
Contributed To Collision Yes		City, State, & Zip MOUNT AIRY NC 27030				Contributed To Collision Yes		City, State, & Zip JOHNSONVILLE SC 29555							
Estimated Speed 95	Speed Limit 55	C.D.L. Req: Yes No	T/B S Req: Yes No	Alc/Drg Info (see back): Yes No		Estimated Speed 00	Speed Limit NP	C.D.L. Req: Yes No	T/B S Req: Yes No	Alc/Drg Info (see back): Yes No					
Driver/Pedestrian's Full Name		State Year License Plate # Owner's D.L. #				Driver/Pedestrian's Full Name		State Year License Plate # Owner's D.L. #							
Unit # # Occ	Sex Birth Date	Race City, State, & Zip	Street/R.F.D.			Unit # # Occ	Sex Birth Date	Race City, State, & Zip	Street/R.F.D.						
State	Driver's License #	Class	Insurance Company			State	Driver's License #	Class	Insurance Company						
Year	Body	Vehicle Make	VIN #			Year	Body	Vehicle Make	VIN #						
Dir. of Travel:		Unit 1: N (S) E W		Unit 2: N S E W		Unit 3: N S E W									

Unit 1 Dam.	Unit 2 Dam.	Unit 3 Dam.	Prop. Dam. 1	Prop. Dam. 2
\$10000	\$500	\$	UTILITY POLE	\$
Property Owner/Witness STONE CAITLIN M		Property Owner/Witness WISE ONEAL		
Address 443 HUGGINS EDDY ST JOHNSON		Address 1627 LAKE CITY HWY JOHNSONVIL		
State SC	Zip 29555	Phone 843 731 1942	State SC	Zip 29555
Photo: Describe What Happened (Refer to Units by Number) Y (N)				

6/6/12 - MAIT INVESTIGATION COMPLETE: ESTIMATED SPEED CALCULATED AT 95MPH.

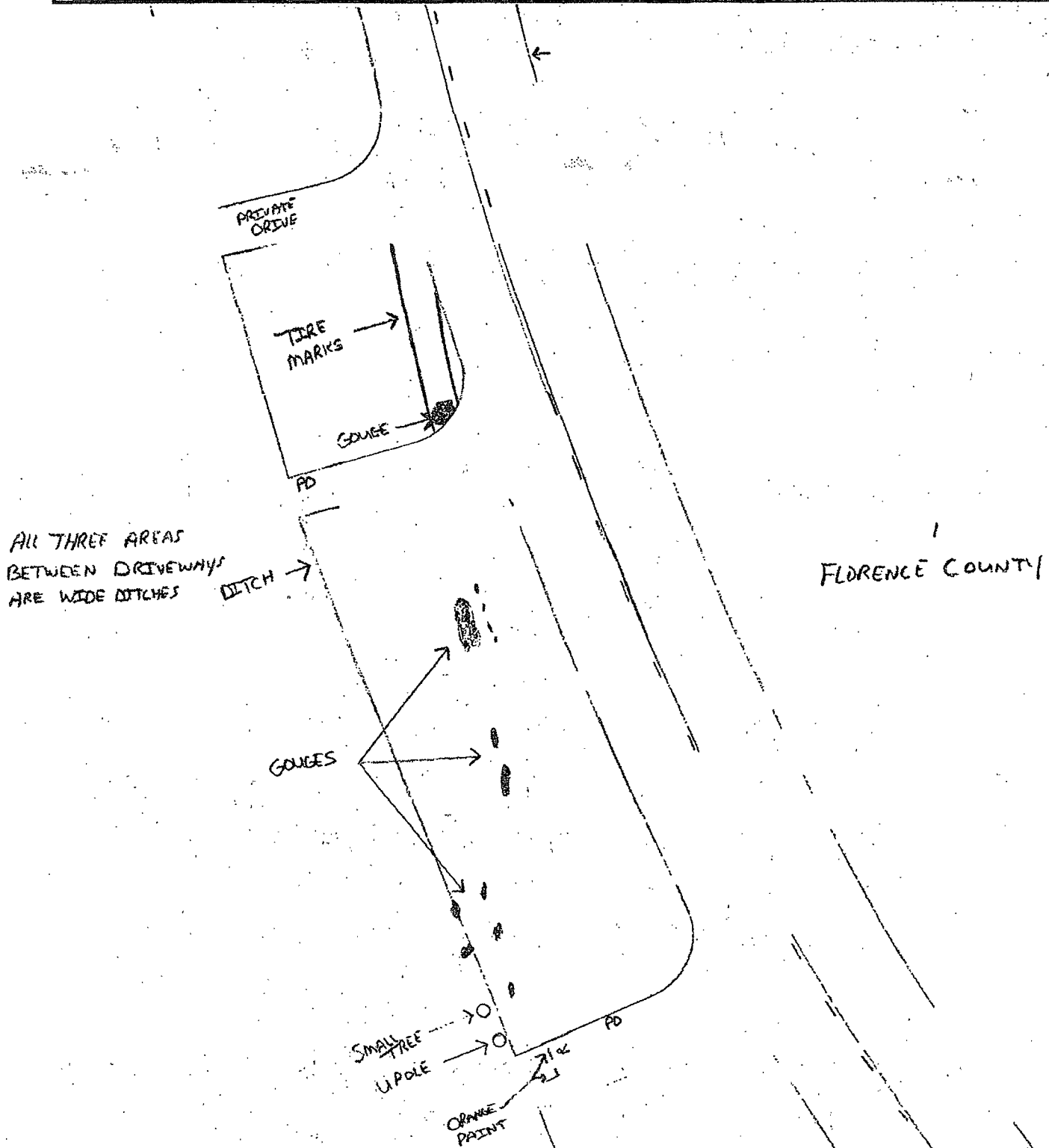
NOTICE - THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION AND BELIEF COVERING THE COLLISION BUT NO WARRANT IS MADE AS TO THE FACTUAL ACCURACY THEREOF.

Investigating Officer's Name FLOWERS - WC	Rank L/CPL	Badge # T 590	Jurisdiction Code H P 05	Review Date 05-17-2012	Reviewer's Name R W Castles	Rank F/Sgt	Internal Agency Code 12FL068463
--	---------------	------------------	-----------------------------	---------------------------	--------------------------------	---------------	------------------------------------

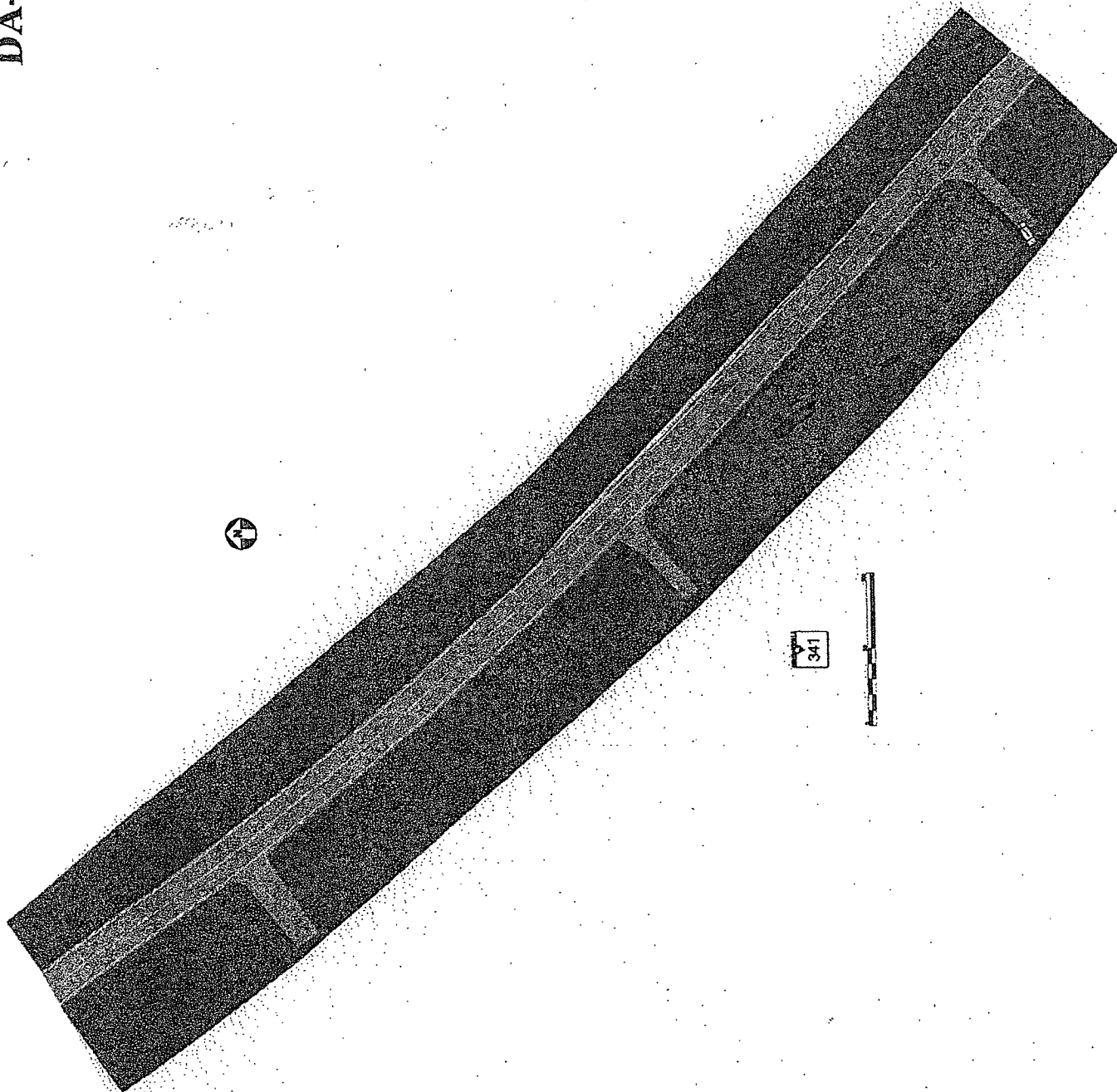
**SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM**

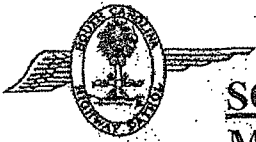
MAIT FIELD SKETCH

Case # DA-073-12	Drawn By ALBAN	North 
Date Drawn 05-18-2012	Not To Scale	



DA-073-12





CASE # DA-073-12

SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

Vehicle Specifications

- ☐ N/A
- ☒ Vehicle Specifications
- ☒ VIN Information
- ☐ Recall
- ☒ None for Unit # 1

SOUTH CAROLINA MAIT
1626 SHOP ROAD
COLUMBIA SC 29210-4848

5/21/2012

2010 FORD F350 SUPER DUTY CREW CAB 156WB DRW 4 DOOR 4X4 PICKUP

Curb Weight:	7128 lbs.	3233 kg.
Curb Weight Distribution -	Front: 60 %	Rear: 40 %
Gross Vehicle Weight Rating:	12600 lbs.	5715 kg.
Number of Tires on Vehicle:	6	
Drive Wheels:	4 Wheel Drive	

Horizontal Dimensions

	Inches	Feet	Meters
Total Length	246	20.50	6.25
Wheelbase:	156	13.00	3.96
Front Bumper to Front Axle:	38	3.17	0.97
Front Bumper to Front of Front Well:	15	1.25	0.38
Front Bumper to Front of Hood:	9	0.75	0.23
Front Bumper to Base of Windshield:	53	4.42	1.35
Front Bumper to Top of Windshield:	80	6.67	2.03
Rear Bumper to Rear Axle:	52	4.33	1.32
Rear Bumper to Rear of Rear Well:	32	2.67	0.81
Rear Bumper to Rear of Trunk:			
Rear Bumper to Base of Rear Window:			

Width Dimensions

	Inches	Feet	Meters
Maximum Width:	96	8.00	2.44
Front Track	69	5.75	1.75
Rear Track:	60	5.00	1.52

Vertical Dimensions

	Inches	Feet	Meters
Height:	81	6.75	2.06
Ground to -			
Front Bumper (Top)	32	2.67	0.81
Headlight - center	37	3.08	0.94
Hood - top front:	55	4.58	1.40
Base of Windshield	60	5.00	1.52
Rear Bumper - top:	36	3.00	0.91
Trunk - top rear:			
Base of Rear Window:			

2010 FORD F350 SUPER DUTY CREW CAB 156WB DRW 4 DOOR 4X4 PICKUP

Interior Dimensions

	Inches	Feet	Meters
Front Seat Shoulder Width	68	5.67	1.73
Front Seat to Headliner	41	3.42	1.04
Front Leg Room - seatback to floor (max)	41	3.42	1.04
Rear Seat Shoulder Width	68	5.67	1.73
Rear Seat to Headliner	41	3.42	1.04
Front Leg Room - seatback to floor (min)	42	3.50	1.07

Seatbelts: 3pt - front and rear

Airbags: FRONT SEAT AIRBAGS

Steering Data

Turning Circle (Diameter)	624	52.00	15.85
Steering Ratio:	:1		
Wheel Radius:			
Tire Size (OEM):	LT245/75R17		

Acceleration & Braking Information

Brake Type: ALL DISC

ABS System: ALL WHEEL ABS

Braking, 60 mph to 0 (Hard pedal, no skid, dry pavement):

d = ft t = sec a = ft/sec² G-force =

Acceleration:

0 to 30mph t = sec a = ft/sec² G-force = 0 to 60mph t = sec a = ft/sec² G-force = 45 to 65mph t = sec a = ft/sec² G-force =

Transmission Type: 6spd MANUAL

Notes:

Federal Bumper Standard Requirements: No Requirement

N.S.D.C = 2008 - 2010

2010 FORD F350 SUPER DUTY CREW CAB 156WB DRW 4 DOOR 4X4 PICKUP

Other Information

Tip-Over Stability Ratio = 1.05

Reasonably Stable

NHTSA Star Rating (calculated)

**

Center of Gravity (No Load):

Inches behind front axle	=	62.40
Inches in front of rear axle	=	93.60
Inches from side of vehicle	=	48.00
Inches from ground	=	31.14
Inches from front corner	=	111.28
Inches from rear corner	=	153.31
Inches from front bumper	=	100.40
Inches from rear bumper	=	145.60

Moments of Inertia Approximations (No Load):

Yaw Moment of Inertia	=	5998.84 lb*ft*sec ²
Pitch Moment of Inertia	=	6326.36 lb*ft*sec ²
Roll Moment of Inertia	=	1333.16 lb*ft*sec ²

Front Profile Information

Angle Front Bumper to Hood Front	=	68.6 deg
Angle Front of Hood to Windshield Base	=	6.5 deg
Angle Front of Hood to Windshield Top	=	18.7 deg
Angle of Windshield	=	35.1 deg
Angle of Steering Tires at Max Turn	=	28.6 deg

First Approximation Crush Factors:

Speed Equivalent (mph) of Kinetic Energy (KE) used in causing crush of indentation may be evaluated using the following formula, the appropriated Crush Factor (CF), and Maximum Indentation Depth (MID), in feet:

$$V(\text{mph}) = \sqrt{30 * CF * MID}$$

KE Equivalent Speed (Front/Rear/Side) = 21 CF

Bullet vehicle IMPACT SPEED estimation
based on TARGET VEHICLE damage ONLY = 27 CF
(Tested for Rear/Side Impact only)

These CF values are based upon analysis of NHTSA Barrier Crash data, and from over 1000 vehicle accidents where independent evaluation of speed was possible. (These are NOT 'A', 'B', 'C', or 'G' values)

The rear Impact data with more than 2-3 inches of crush damage should be looked at carefully, since some vehicles have very weak trunk && fender strength. Therefore, on some cars, especially GM, you estimate from the rear crush data may be high by as much as 4-5 mph (on a crush of 18 inches).

DA-073-12

ClaimSearch

VIN Decoding

[Home](#) | [Claims Reporting](#) | [Claims Inquiry](#) | [VIN Decoding](#) | [NICB Submission](#) | [SIU Case Manager](#) | [Decision Net](#) | [OFAC](#) | [Account Management](#) | [CargoNet™](#)[Log Out](#)

VIN Decoding with NICB VINassist®

The current DOS version of VINassist. (Last updated 7/1/2009)

[Download](#)Enter or verify VIN, then click **SUBMIT**.

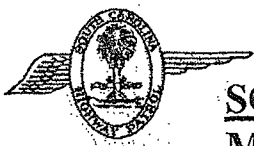
VIN: 1FDSW3FR7AEA18171

[Submit](#)[Print](#)[?](#)

DIGIT	DESCRIPTION	MEANING
1	Country of Origin	UNITED STATES OF AMERICA
E	Manufacturer	FORD FORD MOTOR COMPANY
D	Vehicle Type	INCOMPLETE VEHICLE
S	Gross Vehicle Weight	9,001-10,000/MAN BLTS W/D&P FT ABGS
W3F	Series	FORD F350 CREW CAB SRW 4X4
R	Engine	6.4L V8 DIESEL NAVISTAR
Z	Check Digit	Check Digit Matches
A	Year	2010
E	Plant	JEFFERSON COUNTY, KENTUCKY
A18171	Serial Number	Sequence in Range
VIN indicates a 2010 FORD MOTOR COMPANY FORD F350 CREW CAB SRW 4X4		
Shipping record on file.		
EDR Available?:		NO

[About ISO ClaimSearch](#) | [User Manuals and Guides](#) | [User Profile](#) | [Log Out](#)[ISOnet Home](#) | [ISO Corporate Home](#)

© 2008 Insurance Services Office, Inc. All rights reserved.



CASE # DA-073-12

SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

Calculations

☐ N/A

☒ Calculations

SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
MAIT Case Notes



MAIT Case # DA-073-12

Investigator: Epps

Date:

06-06-2012

Notes:

THIS SPEED CALCULATION IS IN REFERENCE TO A SINGLE VEHICLE THAT GOES AIRBORNE. ALL DISTANCES AND HEIGHTS OBTAINED WERE MEASURED FROM KNOWN POINTS USING THE CAD. THE f USED WAS TAKEN FROM THE MAIT FIELDBOOK.

THE VEHICLE HAD ROLLING RESISTANCE FOR A DISTANCE OF APPROXIMATELY 288 FEET PRIOR TO BECOMING AIRBORNE. THE f USED OVER THIS DISTANCE IS .15

$$d = 288 \text{ ft} \quad S = \sqrt{30df}$$

$$f = .15 \quad S = \sqrt{30(288)(.15)}$$

$$S = \sqrt{1296}$$

$$S = 36 \text{ mph}$$

THE VERTICAL HEIGHT OF TWO POINTS NEAR TAKEOFF IS 94.24 FT AND 93.47 FEET FOR A DIFFERENCE (RISE) OF .77. THE DISTANCE HORIZONTAL BETWEEN THESE POINTS IS APPROXIMATELY 11.20 FT (RUN).

$$m = \frac{\text{RISE}}{\text{RUN}}$$

$$m = \frac{.77}{11.20}$$

$$m = .068$$

$$.068 \text{ TAN}^{-1} = 3.89^\circ \text{ TAKEOFF ANGLE}$$

SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
MAIT Case Notes



MAIT Case #

DA-073-12

Investigator:

EPAS

Date:

06-06-2012

Notes: Page 2

THE VEHICLE GUES AIRBORNE FOR APPROXIMATELY 120 FEET.

$d = 120 \text{ FEET}$

TAKEOFF ANGLE = $3.89^\circ (\theta)$

$\cos \theta = .997$

$\tan \theta = .067$

$h = 5.86 \text{ FEET}$

$$S = \frac{2.73(d)}{\cos \theta \sqrt{h + (d)(\tan \theta)}}$$

$$S = \frac{2.73(120)}{.997 \sqrt{5.86 + (120)(.067)}}$$

$$S = \frac{327.6}{.997 \sqrt{5.86 + 8.04}}$$

$$S = \frac{327.6}{.997 \sqrt{13.9}}$$

$$S = \frac{327.6}{.997(3.72)}$$

$$S = \frac{327.6}{3.70}$$

$S = 88.54 \text{ MPH AT TAKEOFF}$

$$S_c = \sqrt{S_1^2 + S_2^2}$$

$$S_c = \sqrt{36^2 + 88.54^2}$$

$$S_c = \sqrt{1296 + 7839.33}$$

$$S_c = \sqrt{9135.33}$$

$S_c = 95.57 \text{ MPH MINIMUM INITIAL SPEED}$

REC-TEC Files Setup Edit Tools Vehicle Internet Documentation Google South Carolina Highway Roll (MAT)

Capture Image Print Image Report Form Graphics (8/2) Vehicle Specs Cycle Windows AutoLoad (On)

Fail - Vault CG to CG All Measurements from Take Off Point Point of Landing Horizontal (X) ft 120 Vertical (Y) ft 5.86 Negative Value if below Take Off Point T/O Angle deg 3.89 or Intermediate (Third) Point Horizontal (X) ft Vertical (Y) ft Negative Value if below Take Off Point		Output Point of Landing Horizontal (X): 120 ft Vertical (Y): 5.86 ft Intermediate Point Horizontal (X): Vertical (Y): Optimum Angle: 43.6021 degrees Max Vertical: 27.1772 ft Dist (MV): 57.0734 ft Time (MV): 1.2992 seconds Time (Vault): 2.7317 seconds Speed (V): 41.3605 M/H Speed (V): 60.6622 f/s T/O Angle: 3.89 degrees Max Vertical: 1.1872 ft Dist (MV): 34.921 ft Time (MV): .2715 seconds Time (Vault): .9331 seconds Speed (V): 87.8808 M/H Speed (V): 128.8919 f/s		Horizontal and Vertical Position (ft) ☒ Time Horizontal Vertical ☐ Distance (H) 0 ft	
--	--	--	--	---	--

12:14 PM Wednesday, 6 June 2012 Click for Timer 1 Click for Timer 2

REC-TEC | Files | Setup | Edit | Tools | Vehicle | Internet | Documentation | Google | South Carolina Highway Patrol (MAIL)

Capture Image | Print Image | Report Form | Graphics [B/I] | Vehicle Specs | Cycle Windows | AutoLoad [On]

Combined Speed Formula

Number of Speeds (Max = 15)

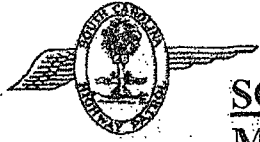
Enter Entry 2 and Press ACCEPT ENTRY

Enter "0" to Call Minimum Speed Calculation

ACCEPT ENTRY

94.9678

12:27 PM | Wednesday, 6 June 2012 | Call for Help 1 | Call for Help 2



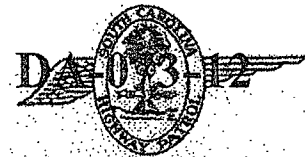
CASE # DA-073-12

SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

Mechanical

- ☐ N/A
- ☐ Mechanical Notes
- ☒ General Vehicle Examination Notes
- ☐ Motorcycle Examination Notes
- ☐ CMV Examination Notes
- ☐ Lamp Analysis
- ☐ CDR Report
- ☐ Other _____
- ☐ Other _____
- ☐ Other _____

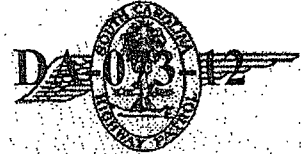
**SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
GENERAL VEHICLE EXAMINATION**



MAIT CASE #: DA-073 -12		DATE OF EXAMINATION: 05/18/2012	
YEAR / MAKE / MODEL / COLOR 2010 / Ford / F-250 / White		TAG # / STATE LA 14796 / NC	
EXAMINED BY: Alban		VIN: ☐ Dash ☒ Door ☐ Other 1FTSF2BR3AEA82566	
EXAMINED AT: ☐ SCENE ☒ TOW YARD T&T Towing		☐ FINAL REST ☒ AFTER BEING MOVED	
VEHICLE PHOTOGRAPHED BY: Alban			
LEFT FRONT MAKE / MODEL / SIZE Goodyear / Wrangler		PRESSURE / TREAD DEPTH	
DOT #: UTL LT 285 / 70 R17		42 / 9/32nds	
RIGHT FRONT MAKE / MODEL / SIZE Goodyear / Wrangler		PRESSURE / TREAD DEPTH	
DOT #: MKLH A71V 2611 LT 285 / 70 R17		50 / 11/32nds	
LEFT REAR MAKE / MODEL / SIZE Goodyear / Wrangler		PRESSURE / TREAD DEPTH	
DOT #: MKLH A71V 2611 LT 285 / 70 R17		48 / 13/32nds	
RIGHT REAR MAKE / MODEL / SIZE Goodyear / Wrangler		PRESSURE / TREAD DEPTH	
DOT #: MKLH A71V 2611 LT 285 / 70 R17		50 / 12/32nds	
ADDITIONAL TIRES / NOTES		PRESSURE / TREAD DEPTH	
DOT #:			
BRAKE PEDAL: ☒ TIGHT ☐ FREE TO FLOOR ☐ UNABLE TO CHECK			
STEERING WHEEL: ☒ TIGHT ☐ TURNS FREELY ☐ UNABLE TO CHECK ☐ IMPACT DAMAGE ☐ OCCUPANT DAMAGE			
MECHANICAL FAILURE SUSPECTED: ☐ YES ☒ NO IF YES: ☐ STEERING ☐ BRAKES ☐ TIRES ☐ SUSPENSION ☐ OTHER: _____ MECHANIC NOTIFIED: ☐ YES ☒ NO DATE OF MECHANICAL EXAMINATION: _____			
ACM DOWNLOADABLE: ☐ YES ☒ NO DOWNLOADED: ☐ YES ☒ NO on: _____			
BULB ANALYSIS NEEDED: ☐ YES ☒ NO TIRE /WHEEL EXAMINATION NEEDED: ☐ YES ☒ NO			
AIRBAGS DEPLOYED: ☐ N/A ☒ NO ☐ DRIVER ☐ PASSENGER ☐ DRIVER SIDE CURTAIN ☐ PASSENGER SIDE CURTAIN ☐ OTHER _____			
SEATBELT USAGE REQUESTED: ☐ YES ☒ NO			
DRIVER: ☒ YES ☐ NO ☐ N/A	MIDDLE: ☐ YES ☐ NO ☒ N/A	RIGHT: ☐ YES ☐ NO ☒ N/A	
2nd ROW: ☐ YES ☐ NO ☒ N/A	2nd ROW: ☐ YES ☐ NO ☒ N/A	2nd ROW: ☐ YES ☐ NO ☒ N/A	
3rd ROW: ☐ YES ☐ NO ☒ N/A	3rd ROW: ☐ YES ☐ NO ☒ N/A	3rd ROW: ☐ YES ☐ NO ☒ N/A	
OTHER: ☐ YES ☐ NO ☒ N/A	OTHER: ☐ YES ☒ NO ☒ N/A	OTHER: ☐ YES ☐ NO ☒ N/A	
EJECTION ANALYSIS NEEDED: ☐ YES ☒ NO			

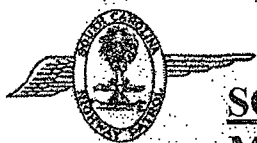
NOTES: _____

**SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
GENERAL VEHICLE EXAMINATION**



MAIT CASE #: DA-073-12		DATE OF EXAMINATION: 05/18/2012 /	
YEAR / MAKE / MODEL / COLOR 2003 / Cadillac / SLS / Blue		TAG # / STATE X213337 / SC	
EXAMINED BY: Alban		VIN: ☒ Dash ☒ Door ☐ Other 1G6KS54Y13U161831	
EXAMINED AT: ☐ SCENE ☒ TOW YARD <u>Deerfield Auto Sales</u>		☐ FINAL REST ☒ AFTER BEING MOVED	
VEHICLE PHOTOGRAPHED BY:			
LEFT FRONT MAKE / MODEL / SIZE Michelin / Symmetry / P225/60R16		PRESSURE / TREAD DEPTH	
DOT #: M33V F6FX 0110		31 / 4/32nds	
RIGHT FRONT MAKE / MODEL / SIZE Michelin / Symmetry / P225/60R16		PRESSURE / TREAD DEPTH	
DOT #: M33V F6FX 0110		28 / 3/32nds	
LEFT REAR MAKE / MODEL / SIZE Michelin / Symmetry / P225/60R16		PRESSURE / TREAD DEPTH	
DOT #: M33V F6FX 0110		32 / 8/32nds	
RIGHT REAR MAKE / MODEL / SIZE Michelin / Symmetry / P225/60R16		PRESSURE / TREAD DEPTH	
DOT #: M33V F6FX 0110		32 / 8/32nds	
ADDITIONAL TIRES / NOTES		PRESSURE / TREAD DEPTH	
DOT #:			
BRAKE PEDAL: ☒ TIGHT ☐ FREE TO FLOOR ☐ UNABLE TO CHECK			
STEERING WHEEL: ☒ TIGHT ☐ TURNS FREELY ☐ UNABLE TO CHECK ☐ IMPACT DAMAGE ☐ OCCUPANT DAMAGE			
MECHANICAL FAILURE SUSPECTED: ☐ YES ☒ NO IF YES: ☐ STEERING ☐ BRAKES ☐ TIRES ☐ SUSPENSION ☐ OTHER: _____			
MECHANIC NOTIFIED: ☐ YES ☒ NO DATE OF MECHANICAL EXAMINATION: _____			
ACM DOWNLOADABLE: ☒ YES ☐ NO DOWNLOADED: ☐ YES ☒ NO on: _____			
BULB ANALYSIS NEEDED: ☐ YES ☒ NO TIRE / WHEEL EXAMINATION NEEDED: ☐ YES ☒ NO			
AIRBAGS DEPLOYED: ☒ N/A ☐ NO ☐ DRIVER ☐ PASSENGER ☐ DRIVER SIDE CURTAIN ☐ PASSENGER SIDE CURTAIN ☐ OTHER _____			
SEATBELT USAGE REQUESTED: ☐ YES ☒ NO			
DRIVER: ☐ YES ☐ NO ☒ N/A	MIDDLE: ☐ YES ☐ NO ☒ N/A	RIGHT: ☐ YES ☐ NO ☒ N/A	
2nd ROW: ☐ YES ☐ NO ☒ N/A	2nd ROW: ☐ YES ☐ NO ☒ N/A	2nd ROW: ☐ YES ☒ NO ☒ N/A	
3rd ROW: ☐ YES ☐ NO ☒ N/A	3rd ROW: ☐ YES ☐ NO ☒ N/A	3rd ROW: ☐ YES ☐ NO ☒ N/A	
OTHER: ☐ YES ☐ NO ☒ N/A	OTHER: ☐ YES ☐ NO ☒ N/A	OTHER: ☐ YES ☐ NO ☒ N/A	
EJECTION ANALYSIS NEEDED: ☐ YES ☒ NO			

NOTES: This vehicle was legally parked and unoccupied.



CASE # DA-073-12

SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

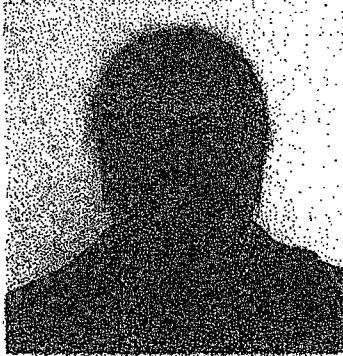
Miscellaneous

- ☐ N/A
- ☒ DMV Driving Record(s)
- ☐ DMV Vehicle Record (s)
- ☐ Warrants
- ☐ SLED Reports
- ☐ Coroner's Report
- ☐ Autopsy Report
- ☐ Other _____
- ☐ Other _____
- ☐ Other _____
- ☐ Other _____



DA-073-12

10 YEAR DRIVER RECORD



Customer No: 24025383 Driver License No: [REDACTED]
Name: JOHNSON, BRIETT
Address: [REDACTED]
City: JOHNSONVILLE State: SC Zip: 295554238
County: FLORENCE
SSN: [REDACTED] DOB: [REDACTED] Height: 5'04 Weight: 204 Sex: M Race: BLACK
Driver Training: N

Status - DL: NO SUSPENSION CDL: NO DISQUALIFICATION

License Information

Type	Class	Function	Issued	Expires	First Issued	Restrictions	Endorsements
Current							
CDL	A	Renewal	09/28/2011	[REDACTED] 2016	11/22/1991	N	N
Prior							
CDL	A	Renewal	10/13/2006	[REDACTED] 2011	11/22/1991	N	N
CDL	A	Renewal	10/11/2001	[REDACTED] 2006	11/22/1991	N	N
DL	F	Returned	06/07/1989	[REDACTED] 1993	12/16/1988	N	N

Point Summary

Total Current Points: 2
Driver Credit: -0
Adjusted Current Points: 2

VIOL: 421 - Speeding 10-mph or less
Violation: 03/07/2012 Conviction: 03/28/2012
ACD: S51 Conviction Loc Ref:
Conviction State: SC

Ticket#: 76254FX
Recd: 05/08/2012 Post: 05/14/2012
Conviction Reference:
Court Type: MUN
Violation Points: 2 Current Points: 2

VIOL: 441 - Speeding more than 10 mph but LT 25 mph

Violation: 06/14/2009 Conviction: 08/06/2009
ACD: S92 Conviction Loc Ref:
Conviction State: VA

Ticket#: 0900379700
Actual Speed: 75 Posted Speed: 60
Recd: 09/02/2009 Post: 09/23/2009
Conviction Reference:
Court Type: DIS
Violation Points: 4 Current Points: 0

DA-073-12

10 YEAR DRIVER RECORD

Customer No: 24025383
Name: JOHNSON, BRIETT

Driver License No: [REDACTED]

VIOL: 421 - Speeding 10-mph or less

Violation: 05/13/2002 **Conviction:** 06/03/2002

ACD: S51 **Conviction Loc Ref:**

Conviction State: SC

Ticket#: A282454

Post: 06/05/2003

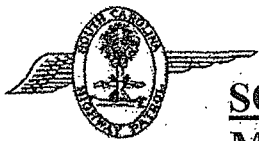
Recd: 12/10/2002

Conviction Reference:

Court Type: MAG

Violation Points: 2 **Current Points:** 0

End of Report



CASE # DA-073-12

SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

Officer Notes

- ☐ N/A
- ☐ Bus / Truck Supplemental
- ☒ Case Fact Sheet
- ☒ Witness Sheet
- ☒ Supervisor Form
- ☐ Incident Report
- ☒ Other Field Sketch
- ☒ Other Fatality Console
- ☒ Other Next of Kin



SOUTH CAROLINA HIGHWAY PATROL DA-073-12
MAJOR CASE INVESTIGATION
MAIT FACT SHEET

CAD Number 12FL068463

Date: 05/17/2012 Time: 1805 hours Troop: 5 Post: B

Primary Investigating Officer: L/Cpl. W C FLOWERS Scene Supervisor: Sgt. CASTLES

Incident Type Collision Number of Units Involved: 2

MAIT Associate / First Responder: _____ CRO Notified: L/Cpl. JONES

Assisting Troopers: TRP. J JONES

Coroner On-Scene: Yes If yes, give name and contact number: DON REYNOLDS 843-665-3046

Were photographs taken? Yes If yes # taken: 95 Taken by: TRP. J JASON

Notes:

Is MAIT Assisting? Yes # of Witnesses Located 2

Will Charges Be Filed? No If yes complete below:

Defendants Name: _____

Charges: _____

Summons / Warrant Numbers: _____

Was the Solicitors Office Contacted? _ If yes, complete below:

Contact Name: _____ Number: _____

Other Agencies on tt

Agency	Name
JOHNSONVILLE FD	
FLORENCE EMS	

Notes:



Witnesses

DA-073-12

CAD Number 12FL068463

Name: CAITLIN MICHELLE STONE

Address: [REDACTED]

City / State / Zip: JOHNSONVILLE SC 29555

Home Phone: 843-731-1942 Work Phone: 843-386-2000

Notes:

"PASSED ME, THEN DISAPPEARED, HE WAS GOING PRETTY FAST, SAW HIM ROLLING"

Name: ONEAL WISE

Address: 1627 LAKE CITY HWY

City / State / Zip: JOHNSONVILLE SC 29555

Home Phone: 843-625-9145 Work Phone: _____

Notes:

Name: _____

Address: _____

City / State / Zip: _____

Home Phone: _____ Work Phone: _____

Notes:

Name: _____

Address: _____

City / State / Zip: _____

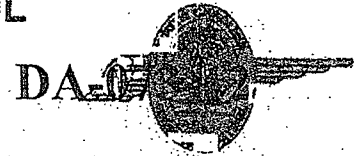
Home Phone: _____ Work Phone: _____

Notes:

Additional Witness?



SO. CAROLINA HIGHWAY PATROL
MAJOR CASE INVESTIGATION
SUPERVISOR CHECKLIST



CAD Number 12 FL068463

Deferred MAIT Response

- | | | |
|--------------------------------------|----|---|
| ☒ Yes | No | Scene Secured |
| ☒ Yes | No | Determine Initial MAIT Need |
| ☒ Yes | No | Evidence Photographed |
| ☒ Yes | No | Evidence Marked |
| ☒ Yes | No | Witnesses Identified / Interviewed |
| ☒ Yes | No | Field Sketch Completed |
| ☒ Yes | No | Scene Photographed |
| ☒ Yes | No | Vehicles Photographed |
| ☒ Yes | No | Primary Investigator Form(s) Completed |
| ☒ Yes | No | South Carolina Traffic Collision Report (TR-310) Completed Neatly |
| ☒ Yes | No | Media Downloaded to Proper Folder |

Notes:

Immediate MAIT Response

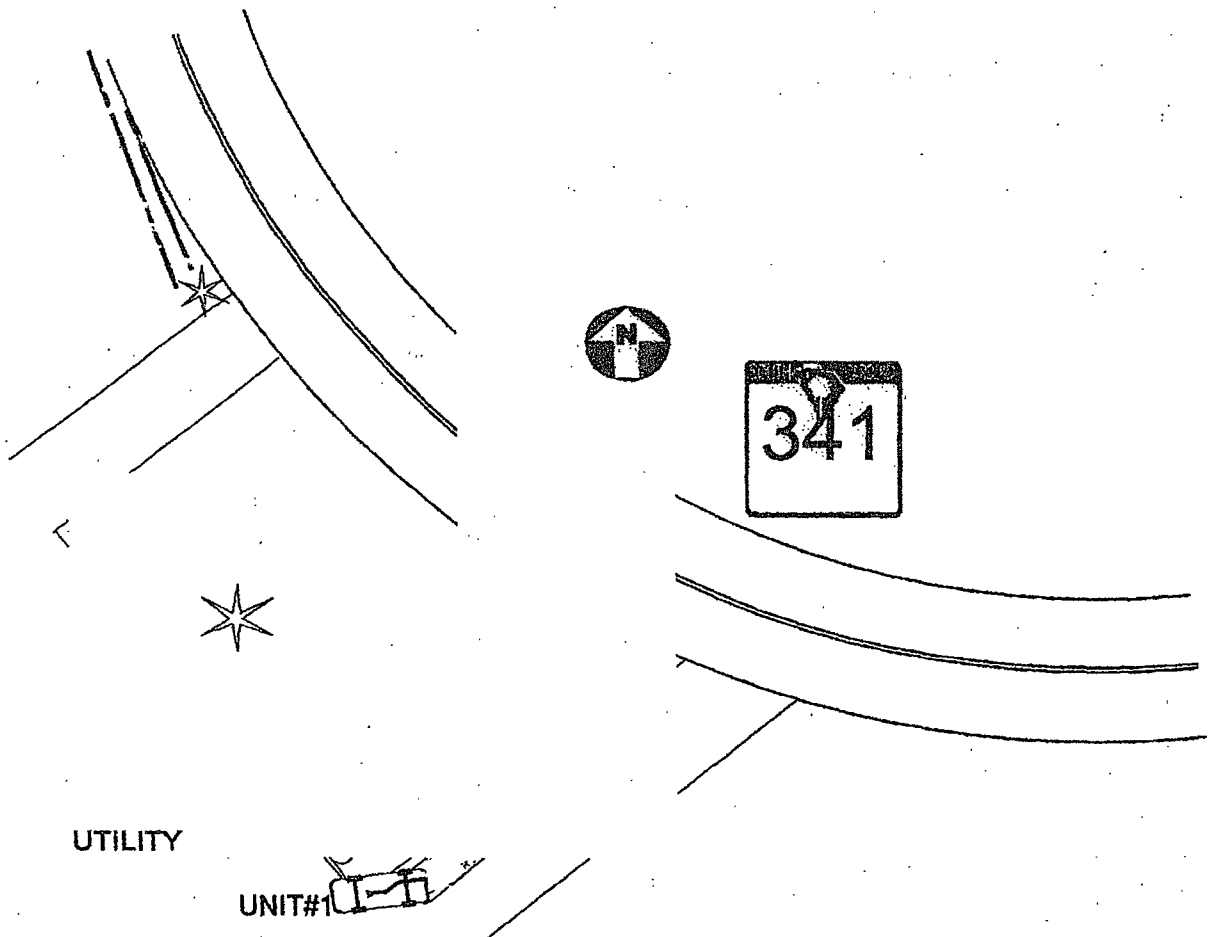
- | | | |
|-----|----|---|
| Yes | No | Scene Secured |
| Yes | No | Determine Initial MAIT Need |
| Yes | No | Short Lived Evidence Marked |
| Yes | No | Short Lived Evidence Photographed |
| Yes | No | Witnesses Identified / Interviewed |
| Yes | No | Primary Investigator Form(s) Completed |
| Yes | No | South Carolina Traffic Collision Report (TR-310) Completed Neatly |
| Yes | No | Media Downloaded to Proper Folder |

Notes:

RW Cuthbert
Scene Supervisor or Designee Signature

5/17/2012
Date

DA-073-12



DA-073-12

Collisions

Select Contact(s) Issued a
Ticket, Warning, or Warrant in
relation to this Collision.

☐ SC - 008744045

Date:	5
Unit 1 Collision ID:	E290476
Time (Military):	1805
Collision Type:	Fatality
Collision Cause:	Ran off Road
Injury Status:	4 - Fatal
CMV Involved:	No ☐
Median Barrier	No ☐
Struck:	
County:	Florence
Highway Type:	SC Primary
Highway Number:	341
Zone:	
Alcohol Related:	☐ (check box for yes)
Latitude:	32 and 35 33 49 3823
Longitude:	78 and 83 79 32 2170
Save Cancel	

Troop 5 Next of Kin Notification

Name of Deceased: _____

Date of Birth: _____

Age: _____

58

Date of Collision/Road Name: _____

277 SAW MILL RD JOHNSONVILLE SC 29556

Post/County: _____

Troop 5 Post B Florence

Investigating Officer: _____

W C Flowers

Brief Description: _____

MR. JOHNSON SC341
AND LEFT THE RIGHT SIDE OF THE ROADWAY AND
OVERTURNED AND STRUCK A UTILITY POLE

Next of Kin Information: _____

Name: _____

T HAMILTON

Address: _____

211 W
JOHNSON

5555

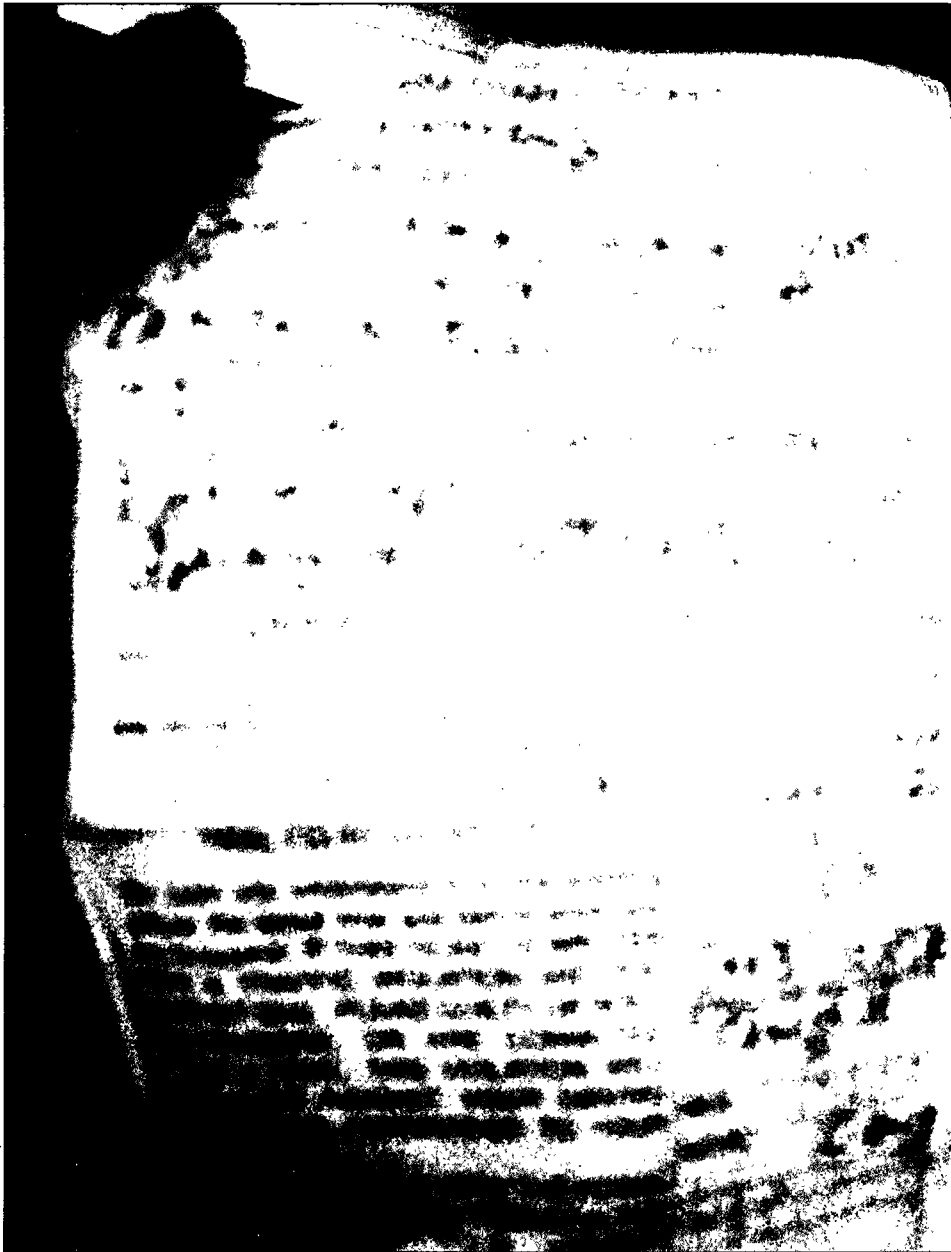
Relation: _____

WIFE

Phone: _____

(843) 900-1091

843-900-1091



CORONER SCENE INVESTIGATION REPORT

CASE: 21729

Victim Name: BRIETT JOHNSON DOB: [REDACTED] 1955 Race: B Sex: M
Address: [REDACTED] Age: 56 ID: [REDACTED]
JOHNSONVILLE, SC 295550000
Next of Kin: MARGARET HAMILTON Relationship: WIFE
[REDACTED] Phone: [REDACTED]
JOHNSONVILLE, SC

Place of Death: 1828 LAKE CITY HIGHWAY, JOHNSONVILLE, SC
Place of Occurrence: 1828 LAKE CITY HIGHWAY, JOHNSONVILLE, SC 5/17/2012 18:55
Date/Time of Death: 5/17/2012 18:55 Date/Time Pronounced: 5/17/2012 19:30

Law Enfnt Agency: S C HIGHWAY PATROL Officer: FLOWERS

Medical Treatment in Past Year: NO Where:
Doctor:

Date/Time Doctor Office Notified: Consulted: NO

Victim was Taking:
Type Medicine Prescribed By Doctor Pharmacy

Ambulance Service: JOHNSONVILLE RESCUE SQUAD
Funeral Home: NESMITH-PINCKNEY FUNERAL HOME

Cause of Death:
SEVERE HEAD TRAUMA DUE TO AUTO ACCIDENT

Death Certificate Disposition:
DON A. REYNOLDS

Burial Permit Issued by: DON A. REYNOLDS Permit#: 0671872

Autopsy: NO Where: Rpt Rvcd:
Performed by:

Photo Taken: NO By:
Statement Taken: YES

Blood Drawn: YES Where:

Eye Fluid Drawn: NO Drawn By: DON A. REYNOLDS

Date/Time: Labeled, Packed, Sealed: YES

Disposition: SLRD Rpt Rvcd:

Medicine Bottles Present or Near Deceased: NO Open: NO

Alcohol Containers Present:

Deceased Lying on: -back, -bed frame, -right side, -left side, -a
Blood Coming From: -nose, -mouth, -ears
Deceased was Found in:
-bathroom, -kitchen, -workshop, -bed, -vehicle -near ro

Any Electrical Wires or Fixtures Near Deceased: NO
Was Deceased Barefoot: NO Water on Floor or Ground:
Any Unusual Odor Present: NO
Weapon:
Narrative:

On 5-17-12 I received a call from central dispatch requesting I respond to 1828 Lake City highway in Johnsonville to a one person vehicle accident. Arriving I met SC Highway Patrol officer Flowers and was advised a 2010 Ford pickup being driven by Mr. Briett Johnson going east had attempted to pass a car when he came back to his lane he apparently lost control and went off the right side of road and embankment.

Officer Flowers states Mr. Johnson was the driver and was alone. He advised the truck appears to have flipped several times. The truck struck a light pole and came to rest on a parked car in a yard. I was advised Mr. Johnson had a seatbelt on and was dead on arrival at the scene.

I went to the truck where I did see a black male pinned inside the vehicle. Upon removing Mr. Johnson, a positive ID was made by photo ID. It appears Mr. Johnson died of severe head trauma. I had Mr. Johnson's body taken to Johnsonville Rescue Squad building. I along with rescue squad personnel present did draw vial of blood for toxicology to be sent to SLED.

The family of Mr. Johnson did arrive and viewed the deceased body. A wallet was turned over to the family. Funeral home Nesmith -Pinckney of Hemingway was notified and responded to pick Mr. Johnson's body up. (See SCHP report).

After reviewing the facts this case best be ruled Accident.
DR/fs

ROA-230

STATE OF SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CERTIFICATE OF VITAL RECORD

STATE BIRTH NUMBER

State of South Carolina
Department of Health and Environmental Control
CERTIFICATE OF DEATH

STATE FILE NUMBER
12-016306

1. DECEDENT'S LEGAL NAME (Include AKA's, if any) (First, Middle, Last) Briett Johnson				2. SEX male		3. SOCIAL SECURITY NUMBER [REDACTED]	
4a. AGE-Last Birthday (Years) 56		4b. UNDER 1 YEAR Months: _____ Days: _____		4c. UNDER 1 DAY Hours: _____ Minutes: _____		5. DATE OF BIRTH (MM/DD/YYYY) [REDACTED]	
6. BIRTHPLACE (City and State or Foreign Country) Johnsonville, SC							
7a. RESIDENCE-STATE SC		7b. COUNTY Florence		7c. CITY OR TOWN Johnsonville			
7d. STREET AND NUMBER [REDACTED]				7e. APT. NO. [REDACTED]		7f. ZIP CODE 29555	
7g. INSIDE CITY LIMITS? ☒ Yes ☐ No							
8. EVER IN US ARMED FORCES? ☐ Yes ☒ No		9. MARITAL STATUS AT TIME OF DEATH ☒ Married ☐ Married, but separated ☐ Widowed ☐ Divorced ☐ Never Married ☐ Unknown		10. SURVIVING SPOUSE'S NAME (If wife, give name prior to first marriage) [REDACTED]			
11. FATHER'S NAME (First, Middle, Last) Liston Johnson				12. MOTHER'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last) Sally Mae Johnson			
13a. INFORMANT'S NAME Margaret Hamilton		13b. RELATIONSHIP TO DECEDENT Friend		13c. MAILING ADDRESS (Street and Number, City, State, Zip Code) P.O. Box 175 Johnsonville, SC 29555			
14. PLACE OF DEATH (Check only one: see instructions)							
IF DEATH OCCURRED IN A HOSPITAL: ☐ Inpatient ☐ Emergency Room/Outpatient ☐ Dead on Arrival				IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: ☐ Nursing home/Long term care facility ☐ Decedent's home ☒ Other (Specify) Auto Accident			
15. FACILITY NAME (If not institution, give street and number) 1828 Lake City Hwy.				16. CITY OR TOWN, STATE AND ZIP CODE Johnsonville, SC 29555		17. COUNTY OF DEATH Florence	
18. METHOD OF DISPOSITION ☐ Donation ☐ Entombment ☒ Burial ☐ Cremation ☐ Removal from state ☐ Other (Specify)				19. PLACE OF DISPOSITION (Name of cemetery, crematory, other place) Eaddyford Cemetery			
20. LOCATION-CITY, TOWN, AND STATE Johnsonville, SC				21. NAME AND ADDRESS OF FUNERAL FACILITY Nesmith-Pinckney Funeral Home			
22. SIGNATURE OF FUNERAL SERVICE LICENSEE OR OTHER AGENT [Signature]				23. LICENSE NUMBER (Of Licensee) #1494		24. P.O. Box 1589 Hemingway, SC 29554	
25a. EMBALMER (Signature) [Signature]				25b. EMBALMER LICENSE NUMBER #2183		25c. LICENSE NUMBER (Of Facility) #330	
ITEMS 24-28 MUST BE COMPLETED BY PERSON WHO PRONOUNCES OR CERTIFIES DEATH				24. DATE PRONOUNCED DEAD (MM/DD/YYYY) May 17, 2012			
25. TIME PRONOUNCED DEAD 6:07 PM				26. SIGNATURE OF PERSON PRONOUNCING DEATH (Only when applicable) [Signature]			
27. LICENSE NUMBER [REDACTED]				28. DATE SIGNED (MM/DD/YYYY) May 17, 2012			
29. ACTUAL OR PRESUMED DATE OF DEATH (Spell Month) May 17, 2012				30. ACTUAL OR PRESUMED TIME OF DEATH 6:07 PM			
31. WAS CORONER OR MEDICAL EXAMINER CONTACTED? ☒ Yes ☐ No							
32. PART I. Enter the chain of events, diseases, injuries, or complications that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. Enter only one cause on a line. Add additional lines if necessary. IMMEDIATE CAUSE (Final disease or condition resulting in death) → a. Severe Head Trauma due to Auto Accident Due to (or as a consequence of): b. _____ Due to (or as a consequence of): c. _____ Due to (or as a consequence of): d. _____ PART II. Enter other significant conditions contributing to death but not resulting in the underlying cause given in PART I. 33. WAS AN AUTOPSY PERFORMED? ☐ Yes ☒ No 34. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? ☐ Yes ☒ No							
35. DID TOBACCO USE CONTRIBUTE TO DEATH? ☐ Yes ☐ Probably ☒ No ☐ Unknown				36. IF FEMALE: ☐ Not pregnant within past year ☐ Pregnant at time of death ☐ Not pregnant, but pregnant within 42 days of death ☐ Not pregnant, but pregnant 43 days to one year before death ☐ Unknown if pregnant within the past year			
37. MANNER OF DEATH ☒ Natural ☐ Homicide ☒ Accident ☐ Pending investigation ☐ Suicide ☐ Could not be determined							
38. DATE OF INJURY (Spell Month) May 17, 2012		39. TIME OF INJURY 6:55pm		40. PLACE OF INJURY (e.g., Decedent's home, construction site, restaurant, wooded area) Road		41. INJURY AT WORK? ☐ Yes ☒ No	
42. LOCATION OF INJURY: State: SC City or Town: Johnsonville County: Florence							
Street & Number: 1828 Lake City Highway Apartment Number: [REDACTED] Zip Code: 29555							
43. DESCRIBE HOW INJURY OCCURRED: Attempted to pass and loss control				44. IF TRANSPORTATION INJURY, SPECIFY: ☒ Driver/Operator ☐ Pedestrian ☐ Passenger ☐ Other (Specify)			
45. CERTIFIER (Check only one) ☐ Certifying physician-To the best of my knowledge, death occurred due to the cause(s) and manner stated. ☐ Pronouncing and Certifying physician-To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated. ☒ Coronary Medical Examiner-To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated. Signature of certifier: [Signature]							
46. NAME, ADDRESS, AND ZIP CODE OF PERSON COMPLETING CAUSE OF DEATH (Item 32) M.G. Matthews, 180 N. Irby St., MSC-F Florence, SC 29501				46a. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER [REDACTED]			
47. TITLE OF CERTIFIER Coroner		48. LICENSE NUMBER 5-22-12		49. DATE CERTIFIED (MM/DD/YYYY) 05/25/2012		50. FOR REGISTRAR ONLY-DATE FILED (MM/DD/YYYY)	

SC02181102

ISSUED MAY 25 2012

This is a true certification of the facts on file in the Division of Vital Records, SC Department of Health and Environmental Control.

C. Earl Hunter
C. Earl Hunter
Commissioner and State Registrar

Guang Zhao
Guang Zhao
Assistant State Registrar

This copy is not valid unless prepared on an engraved border displaying the state seal and issuing agency logo.

Revision Date: 08/01/2009



In Loving Memory



"Shorty," you went first and I remain to walk this road alone. I'll live in memories garden, dear, of happy days we've known. In Spring, I'll wait for roses red when fade the lilacs blue. In early fall when green leaves fall, I'll catch a glimpse of you. You went first and I remain to finish tasks undone - To give to those who live from sun up to setting sun. We've shared the challenges of life; we've had our cups of joy and memory is one gift of God. that death cannot destroy. When God called you to come and rest, you did not go alone, for part of me went with you the day God took you home.

Love You Always,
Margaret

Pall Bearers
Friends of the Family

Floral Bearers
Friend of the Family



In Appreciation

The Family of **Bro. Briett "Barry" Johnson** wishes to express their sincere appreciation for the many acts of kindness shown during the passing of their love one. Your prayers, visits, telephone calls, and all other expressions of sympathy has been great comfort during our hours of bereavement and will be gratefully remembered. May God bless you in a special way.

ARRANGEMENTS ENTRUSTED TO:
NESMITH-PINCKNEY FUNERAL HOME INC.

81 Sams Lane ~ P.O. Box 1589
Hemingway, South Carolina 29554
Phone: (843)558-5327, Fax: (843)558-7393
E-mail: jpppinckney@aol.com
Website: nesmithpinckneyfuneralhome.com
Member:

Local, State and National Morticians Associations

Home Going Celebration
In Loving Memory
Of
Bro. Briett "Barry" Johnson



Funeral Service
May 17, 2012

11:00 AM
Thursday, May 24, 2012

Wagworth A.M.E. Church
130 Church Street
Johnsonville, South Carolina

Rev. Benjamin Grate, Pastor

Obituary

What shall we then say to these things? If God be for us,
who can be against us? Romans 8:31

Briett "Barry" Johnson was born October 16, 1955 to Sally Mae Johnson and the late Liston Johnson, Sr. in Florence County. On May 17, 2012 he departed his life.

He was educated in the Florence County Public Schools. He joined Nazareth A.M.E. Church, Johnsonville, SC and served as a member of the Male Choir and Trustee Board.

Barry was employed with Sumter Utilities since 1975 for about 30 years, with Lee Electric for 8 years and then with PIKE Electric.

He was preceded in death by his father, Liston Johnson, Sr. and a brother Liston Johnson, Jr.

Barry leaves to cherish his memories; his mother, Sally Mae Johnson of Hemingway, SC; a very special companion, Margaret Hamilton of the home; one daughter, Shanice Hamilton of the home; a stepson, Shawn Hamilton of the home; four brothers; Lester (Wendy) Johnson of New Jersey; Jimmy (Peggy) Johnson of Hemingway, SC; Curtis Johnson of Florida and Eddie (Annie Ruth) Johnson of Stuckey, SC; two sisters, Patricia McCullough and Brenda Johnson both of Johnsonville, SC; three step-children from a previous marriage; a host of grandchildren, nieces, nephews, other relatives and many, many friends.

"Until We Meet Again"

Pop, I can't believe you are gone. I was looking forward to grillin out & going fishing when I got back from overseas, but you heard your call before then. Glad I got to talk to you one more time and say I Love You Pop" and hear your famous words, "I love you back." R.I.P "Pop"

~Shawn



Well daddy, I guess it's time to say farewell. Never thought it would be this soon. Seems like yesterday you had me in your lap in the truck, teaching me to drive. My feet couldn't touch the floor. Over the years you've watch me grow into a young intelligent successful lady. I'll never forget the wonderful memories we made. From always eating and tasting your cooking to you coming to my basketball games. You always said I was daddy's baby and nobody else's. I was your twin. Even though you have departed from me, you will always live through me, I am you. I will always make you proud daddy. Rest In Paradise, I know you will rock the heavens.
Love You Daddy.

~Forever Daddy's Baby,
Shanice

Order of Service

The Prelude

The Processional

Opening Hymn "Pass Me Not O Gentle Savior"

Invocation Minister R. Lewis

Selection Sis. Chris Doctor

Scripture

Old Testament Psalm 23 Minister

New Testament Matthew 5:1-10 Minister

Solo Tamir

Remarks (Please Limit to 3 Minutes)

Class Leader Bro. Walter Stuckey

Acknowledgment Sis. Cassandra Strickland

Selection Choir

Words of Comfort Rev. Ralph Singletary

Recessional

Committal

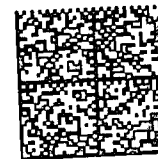
Benediction

~ Interment ~

Eaddy-Ford Cemetery



P



U.S. POSTAGE
\$28.95
PM 2-DAY
29464 0024
Date of sale
06/29/15
06 2500
08308307 SSK

PRIORITY MAIL 2-DAY™

EXPECTED DELIVERY 07/02/2015

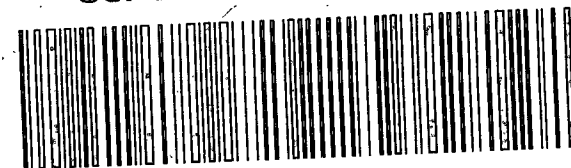
39 lb. 6.00 oz.

SHIP
TO:

0024

COLUMBIA SC 29211

USPS TRACKING NUMBER



9505 5000 0235 5180 0004 91

Office DEPOT®

TO: Home Depot
CLL 3600
P.O. Box 1162