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STATE OF SOUTH CAROLINA

In The Court of Appeals

ORIGINAL

APPEAL FROM PICKENS COUNTY

ORIGINAL

Letitia H. Verdin, Circuit Court Judge

RECEIVED

THE STATE,

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RESPONDENT

SC Court of Appeals

V.

CHRISTINA REECE,

APPELLANT

APPELLATE CASE NO. 2013-000656

RECORD ON APPEAL

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	)	2012GS3900947,
State of South Carolina,	)	2012GS3900948,
	)	2012GS3900949,
Plaintiff,	)	2012GS3900950
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
Christina Reece,	)	
	)	
Defendant.	)	

January 28, 2013
Pickens, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

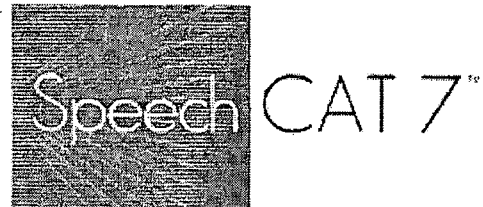
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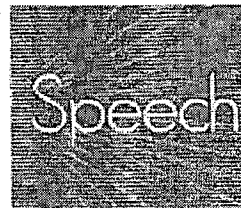
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STATE EXHIBITS

(No exhibits offered.)

DEFENSE EXHIBITS

D-1	Crushed cans	40	40

COURT EXHIBITS

(No exhibits offered.)

P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 28th day of January, 2013 at approximately 1:59 p.m.)

THE COURT: All right. It's my understanding that y'all got a hearing of some sort for this afternoon?

MS. BENTLEY: Yes, Your Honor. This is a probable cause hearing for a blood draw in a felony DUI case. It's State versus Christina Reece. Indictment number is 2012-GS-39-0946 through 0950.

THE COURT: All right. Yes, sir.

MR. WARDER: Please the Court. There's no pending motion. There's nothing before you today. There's no motion been filed. No motion been served.

THE COURT: So you are saying you didn't have any notice of today?

MR. WARDER: No, no. I did have notice. I got notice two or three days ago. But you can't just split my case up and have one judge hear the part of it and then some times later set the rest of it. And I don't think you can have a hearing without filing some kind of motion. I don't think we can just call me in for a probable cause hearing and sit down and the Solicitor present part of the

1 case she has to present and, uh, -- at court and
2 then have a ruling on it so that that judge will be
3 bound by some ruling that's not going to try the --

4 **THE COURT:** Let's back up. Let's back up.
5 First of all, I think it's perfectly fine and
6 appropriate for a judge to hear motions on a case
7 and then the other hear the case itself. I think
8 that's perfectly appropriate. But I think you are
9 entitled to 10 days notice on a motion hearing. If
10 you don't want to waive that, then I'll just have
11 to reset the hearing. And that's fine. I'm happy
12 to do that.

13 **MR. WARDER:** Okay. I think I'm entitled to
14 some motion, some written motion. I think that's
15 what gives the Court the power to hear it. I think
16 the absence of a written motion or something filed
17 with the court, you don't have anything.

18 **THE COURT:** Motions can be brought orally in
19 front of a court. I don't think there's any
20 question that that can be. But a 10-day -- but I
21 think definitely the rules do require 10 days if
22 you so desire it.

23 Yes, ma'am.

24 **MS. BENTLEY:** Your Honor, there was 10 days
25 notice given. I will have to print out the email,

1 but I notified Mr. Warder on, I believe it was
2 January 18th that we would be setting the hearing
3 for this week. I did not give him a precise date.
4 But this would have been the earliest day of the
5 week that we could have had the hearing since it's
6 Monday.

7 **THE COURT:** I believe that complies with the
8 requirement of the rule that requires 10 days. I
9 don't know of anything that says a motion must be
10 in writing to the court. I hear oral motions all
11 the time. Anything else with regards to --

12 **MR. WARDER:** No, sir. I think the pretrial
13 motion would have to be filed and made.

14 **THE COURT:** All right. Well, your objection
15 is noted for the record.

16 You ready to proceed?

17 **MS. BENTLEY:** Yes, Your Honor.

18 **THE COURT:** All right.

19 **MS. BENTLEY:** The State would first call
20 Eric Patterson to the stand.

21 **THE CLERK:** Sir, if you would, come forward
22 and be sworn.

23 **ERIC PATTERSON**

24 having first been sworn, testifies as follows:

25 **THE WITNESS:** My name is Eric Patterson.

DIRECT EXAMINATION**BY MS. BENTLEY:**

Q Mr. Patterson, where are you employed?

A Pickens County EMS.

Q How long have you been there?

A Approximately three years.

Q Were you working on April 30th, 2011?

A I believe so.

Q Okay. At that time, did you respond to a collision on South Carolina 36 near Saluda Dam Road?

A Yes.

Q What was the call that you responded to?

A Two car MVA head on.

Q MVA?

A Motor vehicle accident.

Q Okay. What was the scene like when you arrived?

A I would say chaotic at first. But once you get situated, everything come out. I mean, there was rescue and fire around. There were several people working with other patients.

Q Were you the first EMS unit that responded?

A Not that I'm aware of.

Q Were there other units on the scene then?

A Yes, ma'am.

1 Q Do you recall what -- in what order you were of
2 EMS ambulance arrivals?

3 A I believe we were second in.

4 Q Okay. And did you have a partner that day?

5 A I did.

6 Q Who was your partner?

7 A Brad West.

8 Q What did you do when you approached the scene
9 and got out of your unit?

10 A As soon as I got out of the unit, I went
11 straight to three kids.

12 Q Where were the children located?

13 A I believe they were with another truck parked
14 besides us. They were on the back of the truck.

15 Q When you say truck, do you mean ambulance?

16 A Ambulance.

17 Q Okay. Did you go to either of the vehicles
18 that was involved in the collision?

19 A No.

20 Q Did you observe anybody aside from the
21 children, uh, on scene?

22 A No.

23 Q Was anyone -- who was transported in your
24 ambulance leaving the scene?

25 A Two adult females.

1 Q What were their names?

2 A I believe --

3 MR. WARDER: I object to the witness, if he
4 doesn't know. He says he believes. If he doesn't
5 know for a fact, I would rather --

6 THE WITNESS: I don't know.

7 BY MS. BENTLEY:

8 Q If I showed you your report, would that refresh
9 your recoll -- pardon me. Did you write a report?

10 A I did write a report for my patient.

11 Q Uh, one moment. (Pause.)

12 I'm going to show you two documents. Without
13 reading anything from them, can you tell me what they
14 are?

15 A PCRs.

16 Q PCRs? And who writes those?

17 A The crew.

18 Q Okay. Can you tell me whether your name is on
19 either or both of those reports?

20 A Yes. My name is on both of them. This one is
21 my primary.

22 Q How do you know that?

23 A I'm number 1. That's my primary.

24 Q Okay. And can you tell me based on that who
25 the patient was that you were --

1 **A** The patient's name was Kim Medygyesy.

2 **Q** And would anyone else have been in your
3 ambulance along with Kim Medygyesy?

4 **A** I don't understand.

5 **Q** When you left the scene, was Ms. Medygyesy the
6 only person in your ambulance?

7 **A** No, there was another patient and my partner
8 and the rescue driver.

9 **Q** Okay. And who was the other patient?

10 **A** I don't know her name.

11 **Q** Did either person in your ambulance make any
12 statements to you at any time?

13 **A** Pertaining to --

14 **Q** Pertaining to anything.

15 **MR. WARDER:** Objection. Hearsay. Relevancy.

16 **MS. BENTLEY:** The statement is for medical
17 purposes only.

18 **THE COURT:** I assume that's where he's going
19 with it, but I've got to hear before I know.

20 **THE WITNESS:** Just statements as far as
21 questions that I asked.

22 **BY MS. BENTLEY:**

23 **Q** Okay. So that was Ms. Medygyesy?

24 **A** Yes.

25 **Q** So you did not speak to or hear from the other

1 patient at all?

2 **A** No, ma'am.

3 **Q** Okay. I have no further questions for you at
4 this time. Please answer any questions Mr. Warder may
5 have.

6 **THE COURT:** Mr. Warder.

7 **MR. WARDER:** I have no questions.

8 **THE COURT:** All right. You may step down,
9 sir.

10 **MS. BENTLEY:** May Mr. Patterson be excused?

11 **THE COURT:** Any objection to that?

12 **MR. WARDER:** No.

13 **THE COURT:** All right then. Thank you, sir,
14 for being here.

15 **THE WITNESS:** May I stay if I choose?

16 **THE COURT:** You can choose -- you certainly
17 can choose to stay. That's fine.

18 **THE WITNESS:** Thank you.

19 **MS. BENTLEY:** The State calls Brad West.

20 **THE COURT:** All right.

21 **BRAD WEST**

22 having first been sworn, testifies as follows:

23 **THE WITNESS:** Brad West...

24 **DIRECT EXAMINATION**

25 **BY MS. BENTLEY:**

1 Q Mr. West, where are you employed and in what
2 capacity?

3 A A paramedic for Pickens County EMS.

4 Q How long have you been there?

5 A Approximately six years.

6 Q Were you working on April 30th, 2011?

7 A Yes, ma'am.

8 Q Did you respond to a collision on that date?

9 A Yes, ma'am.

10 Q Please tell me where the collision was.

11 A It was at the intersection of Hinton Road and
12 Saluda Dam Road.

13 Q What -- do you know approximately what time you
14 arrived on the scene, whether it was daylight?

15 A Yes, ma'am. It was daylight. It was around
16 1700.

17 Q Okay. Which would be?

18 A Five o'clock.

19 Q And what did you observe when you first
20 arrived?

21 A Initial observation was we had two vehicles
22 head-on collision. We also had another unit that had
23 first responded on the scene prior to us. We also had
24 fire rescue. And, I believe, a Pickens county unit was
25 on the scene for the initial triage of patients.

1 Q You said the initial triage of patients. Tell
2 me about the procedure when more than one emergency unit
3 arrives to a scene of this magnitude.

4 A Our protocol is the first unit on the scene, if
5 there's more than one patient, will triage patients in
6 order of severity of injury. In that situation, we'll
7 call in other units as needed. The first unit usually
8 just do patient triage for the second unit and third unit
9 to take the more critical patients out first. Our rule
10 standard is the first unit in is the last unit out.

11 Q And what unit number were you?

12 A We were the second unit.

13 Q Who were you directed to?

14 A We were directed -- when we pulled up on the
15 scene, my partner went to -- the pediatric patients were
16 on the side of the ambulance. I was directed towards the
17 driver of the first truck that was being extricated at
18 that time.

19 Q Okay. Do you know who the driver of that truck
20 was?

21 A It was Christina Reece.

22 Q Did you -- where did -- did you observe Ms.
23 Reece when you were on scene?

24 A Yes, ma'am.

25 Q Where was she located?

1 Q You said the initial triage of patients. Tell
2 me about the procedure when more than one emergency unit
3 arrives to a scene of this magnitude.

4 A Our protocol is the first unit on the scene, if
5 there's more than one patient, will triage patients in
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15 scene, my partner went to -- the pediatric patients were
16 on the side of the ambulance. I was directed towards the
17 driver of the first truck that was being extricated at
18 that time.

19 Q Okay. Do you know who the driver of that truck
20 was?

21 A It was Christina Reece.

22 Q Did you -- where did -- did you observe Ms.
23 Reece when you were on scene?

24 A Yes, ma'am.

25 Q Where was she located?

1 Q Was Ms. Reece the only patient that you cared
2 for?

3 A Yes, ma'am.

4 Q Did you provide information that she was the
5 driver of that car to any law enforcement personnel?

6 A I believe I was asked at the hospital. I
7 advised that she was the person that we took out of the
8 driver's seat.

9 MR. WARDER: Move to strike the answer as
10 non-responsive.

11 THE COURT: Overruled.

12 BY MS. BENTLEY:

13 Q Do you recall -- pardon me. Tell me which
14 hospital you responded to.

15 A We went to Greenville Memorial Hospital.

16 Q Okay. Do you recall to which law enforcement
17 personnel you made that statement?

18 A I believe it was Officer Baldwin.

19 Q Okay. I have no further questions regarding
20 this hearing. Please answer any questions Mr. Warder may
21 have.

22 THE COURT: All right. Mr. Warder.

23 CROSS-EXAMINATION

24 BY MR. WARDER:

25 Q Was Ms. Reece conscious or unconscious?

1 **A** She was alert to verbal stimulus. She would
2 open her eyes and interact. She was not what we consider
3 alert at this time.

4 **Q** Okay. Did she say anything?

5 **A** Not that I recall.

6 **Q** And, uh, did you say you gave her name to law
7 enforcement or the hospital?

8 **A** The hospital.

9 **Q** Okay. You never talked to law enforcement at
10 all?

11 **A** I did point out that the, uh, -- when I was
12 asked at the hospital which patient was the driver, I
13 pointed her out in the trauma bay. She was the one that
14 we removed from the driver's seat.

15 **Q** Okay. And who did you point that out to?

16 **A** Officer Baldwin.

17 **Q** Was it before or after you made your report to
18 the hospital?

19 **A** This was after.

20 **Q** How long after?

21 **A** A matter of a few minutes until we got all the
22 paperwork completed.

23 **Q** Okay. Now, where did they take Ms. Reece?

24 **A** They took her to the trauma bay.

25 **Q** Did anybody go in the trauma ward with her?

1 **A** Not that I'm aware of. Just the doctors and
2 nurses that worked there.

3 **Q** An officer wasn't in there?

4 **A** I don't recall.

5 **MR. WARDER:** Thank you.

6 **THE COURT:** All right. Any followup?

7 **MS. BENTLEY:** I have no further questions for
8 Mr. West.

9 **THE COURT:** Thank you, sir. You can step
10 down.

11 **MS. BENTLEY:** And may he be excused should he
12 need to --

13 **THE COURT:** Any objection to that?

14 **MR. WARDER:** No.

15 **THE COURT:** All right then. Thank you, sir,
16 for being here.

17 **MS. BENTLEY:** The State calls Trooper James
18 Greer.

19 **JAMES GREER**
20 having first been sworn, testifies as follows:

21 **THE WITNESS:** Lance Corporal J.C. Greer,
22 South Carolina Highway Patrol.

23 **DIRECT EXAMINATION**

24 **BY MS. BENTLEY:**

25 **Q** Trooper Greer, where -- pardon me. How long

1 have you been employed by the South Carolina Highway
2 Patrol?

3 A Just over 10 years.

4 Q Were you working on April 30th, 2011?

5 A Yes.

6 Q What shift were you working? Do you recall?

7 A Yes. I was on the night shift. 7:00, uh, 6
8 p.m. to 6 a.m. shift.

9 Q Where is the first place you responded on April
10 30th, 2011?

11 A Once I signed on. Uh, my dispatch advised me
12 that I needed to respond to a vehicle collision that
13 occurred on Saluda Dam Road and Hinton Road to assist.

14 Q Okay. And if you could speak up as loud as
15 possible into the microphone, that would be great.
16 Sorry. What did you observe when you got to that
17 collision at Saluda Dam Road and Hinton Road?

18 A When I arrived on the scene, there was a pickup
19 truck and another silver car. The pickup truck was a
20 gray color. It had collided in a head-on fashion.

21 Q Okay. What was the first thing you did upon
22 arriving at the scene?

23 A The first thing I did when I arrived on the
24 scene is I got with the supervisor that was on the scene
25 and figured out what he needed me to do.

1 Q Who was that supervisor?

2 A That was Corporal J.S. Black..

3 Q Okay.

4 A He advised me if I didn't mind to go ahead and
5 get my camera and start taking some pictures of the
6 scene.

7 Q Okay. And did you take pictures of the scene?

8 A I did.

9 Q What did you observe while taking pictures?

10 A Well, there's several things. Once I initially
11 got with him to find out what was going on, he told me
12 that there was a possible felony DUI situation. He asked
13 me to get my camera and start taking some pictures. I
14 walked around the vehicle and was taking pictures. We
15 have to take pictures of several different angles of the
16 vehicles including the interior of the vehicles.

17 While I was taking pictures of the pickup
18 truck, I noticed in the back of the truck, there were
19 several, like, bags. Also in the back of the truck,
20 there were other items. Inside the truck, it was, you
21 know, a good bit of clutter inside the truck as well.
22 Also, there were several beer cans that were laying
23 around in the bed of the truck, behind the seat of the
24 truck.

25 Q Okay. After you finished taking pictures and

1 documenting the scene, what did you do?

2 **A** Uh, I then retrieved the evidence bag and began
3 to pick the beer cans up and placed them into an evidence
4 bag.

5 **Q** Okay. Were you communicating with other people
6 on the scene as you did this?

7 **A** I did. By that time, Corporal Mayfield had
8 arrived on the scene. He became the active supervisor on
9 the scene. And in further conversation with him, he
10 advised me that we did have a felony DUI situation. So
11 we began then to inventory the vehicles before they were
12 towed from the scene.

13 **Q** Okay. Did you perform an inventory search of
14 the vehicle?

15 **A** I did, yes.

16 **Q** Okay. I'm going to show you -- well, actually,
17 I'm not going to show you anything. Tell me what you
18 found in the vehicle.

19 **A** Uh, in the vehicle. Usually, we start with the
20 easiest, most accessible places when we are inventorying
21 a wrecked vehicle so the open area of the pickup truck
22 were several of the bags that we found. I recall that
23 there was a black one there that had several clothes,
24 other type items in it.

25 Then there was a lighter color bag. Inside

1 that bag, I found, uh, two warrants, arrest warrants that
2 had already been served. One of them was for Possession
3 of Methamphetamine and the other one was for
4 Manufacturing Methamphetamine.

5 Q Okay.

6 A Also in that bag, was a brown industrial-type
7 paper towel. And wrapped up in that paper towel was a
8 pipe that is commonly used for smoking methamphetamines.

9 Q Do you remember the names that was on the
10 warrants that you found?

11 A Uh, Christina Reece.

12 Q Was -- were there any passengers injured or
13 uninjured on the scene when you arrived?

14 A No. All patients had been transported to the
15 hospital when I arrived to the scene.

16 Q Okay. What did you do with the warrants and
17 the, uh, pipe that you found?

18 A I know that the pipe I found, we placed into
19 evidence into a separate evidence bag. And the warrants,
20 I'm pretty sure we recorded information and left those in
21 the bag since they had already been served.

22 Q Okay. Did you report these findings to
23 Corporal Mayfield as acting supervisor?

24 A I did.

25 Q Okay. Did you communicate that to anyone else?

1 **A** I believe at that time Corporal Mayfield, he
2 was on the phone. I didn't tell anybody else on the
3 scene.

4 **Q** Okay. That's all. That's all I need to know.
5 Did you find anything else that was indicative of
6 impairment or drug or alcohol use in the truck?

7 **A** Just the beer cans.

8 **Q** Okay. I have no further questions for you.
9 Please answer any questions Mr. Warder may have.

10 **THE COURT:** Mr. Warder.

11 **CROSS-EXAMINATION**

12 **BY MR. WARDER:**

13 **Q** How old were the warrants?

14 **A** I don't recall exactly how old they were. I
15 know that we recorded the information off of them. I
16 don't have that in front of me.

17 **Q** Did you tell Mayfield whether they were that
18 day, two days, four days, six days, twenty days? Did you
19 tell him how old they were?

20 **A** Like I said, we recorded the information on
21 them. I don't recall how old they were.

22 **Q** Obviously, Mayfield was on the end of the
23 telephone. He's at the hospital getting information.

24 **A** Corporal Mayfield was on the scene. That was
25 my testimony.

1 Q Okay. You told the officer on the scene that?

2 A That was Corporal Mayfield.

3 Q Okay. And, uh, did you show him the stuff at
4 the time you found it?

5 A Yeah, he was there. He saw it.

6 Q So he could examine it?

7 A Yeah, he looked at it.

8 MR. WARDER: Thank you.

9 THE COURT: Anything else?

10 MS. BENTLEY: I have no further questions for
11 Trooper Greer.

12 THE COURT: All right. You can step down.

13 MS. BENTLEY: I'd ask that he be able to be
14 excused if that's all right with Mr. Warder.

15 THE COURT: Any objection to that?

16 MR. WARDER: No.

17 THE COURT: All right. Thank you, sir, for
18 being here.

19 MS. BENTLEY: The State calls Trooper Joey
20 Baldwin to the stand.

21 THE COURT: All right.

22 JOEY BALDWIN

23 having first been sworn, testifies as follows:

24 THE WITNESS: Trooper Joey L. Baldwin, South
25 Carolina Highway Patrol.

DIRECT EXAMINATION

BY MS. BENTLEY:

Q Trooper Baldwin, how long have you been employed by the Highway Patrol?

A 13 years.

Q Excuse me. Were you working on April 30th, 2011?

A Yes, ma'am. I was.

Q What shift were you working?

A I was scheduled to work 1800 hours, 6 p.m. to 6 o'clock in the morning.

Q Would that be third shift trooper?

A Yes.

Q Please tell me the first place you responded on April 30th, 2011.

A May it please the Court. I was actually, uh, -- just had, uh, left my residence. It wasn't that far from the collision. My plan was to do what I normally do which was to get me something to eat before I sign on. But because it was so close and where I had just originated from, I went ahead and responded to that collision.

Q Okay. Trooper Baldwin, tell me how you knew to respond to the collision. Did you report to a law enforcement center or how do you know where to go?

1 **A** I was in the vehicle. Like I said, the time of
2 collision was 1735 hours. It was slightly before it was
3 time for me to sign on. But I heard it come across the
4 radio, so I signed on 40 minutes early or somewhere in
5 there. I went ahead and responded to it. I was around
6 SC-183 in Pickens County.

7 **Q** Okay. Approximately what time did you arrive
8 on the scene?

9 **A** Uh, my dispatch gave it out around 1737 hours.
10 By the time I cut across and got there, it was around
11 1809.

12 **Q** Okay. Tell me the -- the incident where this
13 collision occurred, what county was it in?

14 **A** Within Pickens County's court's jurisdiction.

15 **Q** And can you tell me who was on scene when you
16 arrived?

17 **A** When I arrived on scene, there were a couple
18 Pickens County deputies. I don't know who they were. I
19 just recall them being there. I know I was --

20 **Q** What were they doing?

21 **A** Traffic patrol.

22 **Q** Okay.

23 **A** Cause the cars were blocking the roadway ---

24 **Q** Okay.

25 **A** --- from the collision. I was the only South

1 Carolina Highway patrolman there at the time.

2 Q And what did you do first?

3 A Well, the first thing I did was went up to the,
4 uh, rescue. Like I said, all the patients were gone as
5 far as inside the vehicles.

6 Q There were no occupants to the vehicles on
7 scene when you arrived?

8 A No, no. They were all transported. So I asked
9 the rescue drivers did we have anybody they know of at
10 that moment who was deceased. It was a severe wreck.

11 Q Okay.

12 A They told me at the moment they didn't. And
13 then my next objective is to notify the acting supervisor
14 of the situation. The roadway's blocked. I've got a
15 very severe crash that I feel like somebody could have
16 been deceased in it obviously, so we may need to have the
17 MAIT team come out or whatnot. So I was communicating
18 that to Corporal Black. Corporal Mayfield hasn't come
19 out yet.

20 Q Okay.

21 A Like I say earlier, we were on the same shift
22 at 6 p.m. Corporal Black was residing in Pickens County
23 at his residence at the time. He was actually headed
24 back home because he was working first shift in Anderson.

25 Q Okay.

1 **A** So I touched base with him first, and let him
2 know what was going on so he could stop by and assist me.
3 And then, the next thing on our agenda is to, uh,
4 basically mark up the scene with paint and any kind of
5 short-lived evidence that we had.

6 **Q** Okay. Can you describe to me what kind of day
7 April 30th, 2011 was.

8 **A** It was a clear sunny day..

9 **Q** Were there any impediments in the roadway that
10 you noticed?

11 **A** No, ma'am.

12 **Q** Was there any type of moisture or anything on
13 the road?

14 **A** No, ma'am.

15 **Q** What -- what direction were the vehicles
16 traveling? Were you able to determine that when you got
17 on the scene?

18 **A** Yes, ma'am. I was. If I may reflect back to
19 my collision report. The vehicle that Christina Reece
20 was operating, she was obviously on Secondary 36 Saluda
21 Dam Road. She was headed towards Greenville County. The
22 vehicle that was traveling the opposite direction towards
23 Easley was driven by Matthew. And by the impact and the
24 crash scene where the vehicles were locked up and so
25 forth, that was very easy for me to determine who was

1 traveling in what direction.

2 Q Okay. In layman's terms, tell me the mechanism
3 of the crash. What happened?

4 A Well, if I may refer back to my collision
5 report, the findings were also, uh, -- currently, the
6 MAIT teams findings --

7 Q And I don't want you to discuss the MAIT teams
8 findings, I just want you to tell me what you observed on
9 April 30th.

10 A I observed that the vehicle that was driven by
11 Christina Reece had come to final rest, when her vehicle
12 was at final rest. And she was in the opposite lane that
13 she was traveling in. So the point in the collision
14 where the vehicles were locked up, as the pictures
15 indicate as well, she was left of center.

16 Q She was left of center?

17 A Yes, ma'am.

18 Q Can -- would you -- this was at approximately
19 5:35 p.m., correct?

20 A 1735 hours, yes, ma'am.

21 Q Okay. Where was the sun at that point in time
22 when you arrived on the scene?

23 A When I arrived on the scene, the sun was behind
24 the back of the vehicle that was driven by Christina
25 Reece.

1 Q So behind the truck?

2 A Yes, ma'am.

3 Q So it was setting in the opposite direction of
4 Greenville county?

5 A Yes, ma'am.

6 Q What else did you observe when you were there?

7 A Well, basically, I wasn't on scene for a
8 tremendous amount of time cause Corporal Black was on his
9 way back. And he had stopped by. He had advised me to
10 go to the hospital.

11 So other than me snapping pictures, I didn't
12 observe anything except where the vehicle had came to
13 final rest at, which would be her vehicle, in the
14 opposing lane, the sun behind her vehicle. It was not in
15 her eyes. There was no indication that she dropped off
16 the right-hand side of the roadway or the lefthand side
17 of the roadway prior to driving up the center.

18 Q Okay. Tell me about the area of road, of
19 Saluda Dam Road where this collision occurred. Is it --
20 describe the road for me.

21 A The road goes down -- it goes downhill. I
22 don't know what the grade percentage is. When it bottoms
23 out at the bottom of the hill, Hinton Road is on the
24 lefthand side. Then it starts back up towards Greenville
25 County. I don't know the distance. It's a straight road

1 through there.

2 Q Okay.

3 A It is a double yellow line. You also have an
4 intersection where it feeds into Saluda Dam. So
5 obviously, it would be a no passing zone due to the
6 intersection coming in there.

7 Q Okay. Were there any -- did there appear to be
8 any witnesses on the scene, any other vehicles?

9 A No.

10 Q Did anybody or had anybody stopped to render
11 aid or assistance that indicated they knew what was going
12 on?

13 A Not to my knowledge.

14 Q Okay. You said that you were directed to go to
15 the hospital, is that correct?

16 A Yes, ma'am.

17 Q Where did you -- so where did you go?

18 A Greenville Memorial Hospital.

19 Q Do you know about what time you got to
20 Greenville Memorial Hospital?

21 A No, ma'am. I can't remember a time on it.

22 Q Okay. What did you do when you got to the
23 hospital?

24 A When I got to the hospital, I observed that
25 when I parked I seen the Pickens County EMS truck was

1 there. Normally when I walk in, I know the patients are
2 probably going to be upstairs in OR or around the trauma
3 bay. So naturally, I go to the trauma/OR area where
4 severe patients go. And I had met, uh, -- I believe his
5 last name was West that gave testimony earlier.

6 Q Yes, sir.

7 A And I had asked him who was driving the
8 vehicle. Like I said, when I got there, all the
9 occupants were gone.

10 Q Right.

11 A And when I said what vehicle, I was clear. I
12 said which one was driving the pickup truck.

13 Q Okay.

14 A And he told me the defendant's name that he
15 had. He actually showed me where he had -- or where
16 either him or his partner, one of the EMS drivers had
17 placed her in the trauma bay.

18 Q Okay. Did you check on the injuries of -- did
19 you determine how many people were on the scene or were
20 involved in the collision?

21 A I did. It took some gathering time. You had
22 to realize that, uh, she was -- I'm not a medical
23 professional. When I got her record, she was surveyed
24 and unconscious or something to that effect.

25 Q You said she and you motioned towards the --

1 A I'm sorry. I'll clarify. Christina Reece.

2 Q Okay.

3 A The one -- the driver.

4 Q Okay.

5 A And then I was speaking with the medical
6 personnel. They told me there was another occupant in
7 her vehicle and she was upstairs.

8 Q Okay.

9 A I'm assuming upstairs means the operating room.

10 Q Okay.

11 A That's generally what's told to me. Then there
12 were two children, I believe, in her vehicle.

13 Q Yes.

14 A Or her pickup truck rather. So I immediately
15 went to check on them, the children.

16 Q Okay.

17 A Obviously, I needed to get my facts together
18 before I notified my supervisor of what I'm dealing with.

19 Q Okay.

20 A So I went to check on the two children. After
21 I checked on them and they couldn't articulate anything
22 to me because they were so young in age. And then I went
23 and I spoke and touched basis with the, uh, parties in
24 the other vehicle.

25 Q Okay. Were they, uh, -- were they coherent and

1 able to speak to you?

2 A The other vehicle?

3 Q Yes, sir.

4 A Yes, ma'am.

5 Q Were you able to determine whether they are --
6 anybody, aside from Ms. Reece, had sustained what would
7 be classified as great bodily injury?

8 A Yes, ma'am. Uh, the driver of that vehicle,
9 which was Matthew --

10 Q (Inaudible.)

11 A Yes, ma'am. Thank you for that. Uh, he had a,
12 uh, -- a foot injury which I documented by means of
13 photographs. You know, as far as what was wrong with
14 her, I don't know. I just know it --

15 Q Okay.

16 A Then I had spoke to, uh, the son. And
17 obviously, the medical personnel went in there and said
18 his son had some kind of injury going on. I want to say
19 maybe his spleen or something to that effect.

20 Q Okay.

21 A And his wife had told me, I think they had
22 already mentioned to her that she may have to have
23 surgery. I believe it was her foot --

24 Q Okay.

25 A --- if I'm not mistaken. Somewhere around the

1 lower extremity.

2 Q Okay. And then what about the other passengers
3 in Ms. Reece's car? Were you able to determine whether
4 any of them had great bodily injury?

5 A Yes, ma'am. There was one by the name of, uh,
6 -- I believe it was John.

7 Q John Barnett?

8 A I believe he had the most severe injury. I
9 had, uh, -- Yes, ma'am. I have here John Barnett. He
10 was unable to talk, like I said, because of his young
11 age. I remember staying there and looking the whole time
12 because he was -- uh, according to what the doctors told
13 me, he had a lot of broken bones or what appeared to be.
14 He didn't have anybody else there with him. I stayed
15 with him as I was making the phone calls to Corporal
16 Mayfield ---

17 Q Okay.

18 A --- to tell him what was going on.

19 Q Tell me about why you were communicating with
20 Corporal Mayfield.

21 A I was communicating with Corporal Mayfield to
22 tell him basically what I just told you in my testimony
23 earlier about all the occupants, that I had a left of
24 center and that I had a child who was extremely broken up
25 from what I was told by medical personnel bone-wise.

1 Q Right.

2 A And that I was staying with him because he was
3 actually screaming. Being maybe in a parental situation,
4 I wouldn't want anybody not to leave my child there until
5 I got a parent or guardian or somebody the child could
6 recognize there with them.

7 Q Okay. Tell me what communication you gave to
8 Corporal Mayfield. Just about the injuries.

9 A Yes, ma'am. I gave about the injuries. I have
10 one what I would classify as the severest injury was
11 upstairs possibly in the OR, Operating Room. In that
12 situation, you know, I knew she was in the -- riding in
13 the vehicle with Christina. Even in that situation
14 alone, that would probably be determined a MAIT team call
15 out.

16 Q Right.

17 A So I was relaying to him what information I
18 had.

19 Q Without telling us anything he said to you, did
20 he also relay information back to you?

21 A Yes, ma'am. He did.

22 Q Did he relay information about things that had
23 been found on the seat?

24 A Yes, ma'am. He did.

25 Q Based on your conversations with Corporal

1 Mayfield, what did you determine was the best cause of
2 action, the best course of action at that time as far as
3 Ms. Reece goes?

4 **A** Well, based off of what he had told me was
5 found at the scene and based off the fact that being in
6 his job, line of work for 13 years and you've got the sun
7 behind the vehicle, you don't have any indication of any
8 kind of marks or pictures where she ran off the right
9 side of the road, the left side of the road, whether she
10 was dodging something, you don't have any of that
11 present. So you've got to start digging. What caused
12 this accident? And then what he told me he had found,
13 you know, it's like building blocks or pieces to a puzzle
14 when you investigate things. And it just comes from time
15 on the job too, naturally. But from doing this for so
16 long, realize you may be dealing with something else that
17 you didn't realize at the scene until -- like I said, I
18 didn't inventory anything in the vehicle.

19 **Q** Okay.

20 **A** I was told to go straight to the hospital.

21 **Q** Right.

22 **A** To check injuries.

23 **Q** But based on -- based on your communications
24 with Corporal Mayfield, what did you do at the hospital?

25 **A** Based on my communications, Corporal Mayfield

1 had indicated to me that he had spoken to a supervisor at
2 Highway Patrol. And it was our course of action at that
3 time that we would get a legal blood draw for the charge
4 of Felony DUI.

5 Q And did you proceed to draw Ms. Reece's blood?

6 A I did not draw it. I proceeded to the trauma
7 bay with the blood draw kits to have it drawn.

8 Q And did you stay there and observe it -- pardon
9 me. Did you direct hospital personnel to conduct that
10 blood draw?

11 A I did and I have paperwork on that as well.

12 Q Right. And we're just dealing with the
13 probable cause of whether you can do that at this time.
14 I have no further questions for you, Trooper Baldwin.
15 Please answer any questions Mr. Warder may have.

16 A Yes, ma'am.

17 THE COURT: Mr. Warder?

18 CROSS-EXAMINATION

19 BY MR. WARDER:

20 Q You directed the hospital personnel to draw the
21 blood based upon the instructions given to you by
22 Mayfield? Is that what you're telling me?

23 A No. What my instructions were, was in my
24 previous phone conversations, I told him of what I had
25 and what the course of action was going to be. Then I

1 told him, he says let me make a phone call to the
2 Lieutenant. Then he called me back and the phone call
3 was basically that it wasn't about what I was going to do
4 in a situation. It was more of a phone call of whether
5 we're going to go ahead and charge or wait until the
6 blood results come back. We waited for the blood results
7 to come back and then she was issued arrest warrants.

8 That was more or less the phone call. I would
9 have made the Felony DUI charge regardless knowing the
10 information that Corporal Mayfield had told me. The
11 course of the conversation was more of are we going to
12 charge her on blue copies or are we going to wait until
13 the blood results come back and charge her with an arrest
14 warrant.

15 Q All right. Now, as I understand it, you didn't
16 participate in the decision to draw the blood. You just
17 told the hospital to do it after you were told, is that
18 right?

19 A Well, I would have did a blood draw anyway. I
20 mean, nobody forcefully told me to order a blood draw.

21 Q Okay. So you made that decision?

22 A Yes.

23 Q And you based it on what you had been told.
24 Can you tell us what you had been told?

25 A Yes. What I was told is that they had found

1 some arrest warrants in the vehicle. I think the
2 warrants for -- I got them right here. Referring off of
3 memory, I think they were three days prior to the
4 collision for Possession of Methamphetamine and
5 Possession of a Substance of Methamphetamine. Based off
6 of that, the beer cans and the methamphetamine pipe,
7 based off the accident itself by the way I testified to
8 earlier, that was my determining factor right there that
9 I felt gave me probable cause to do a blood draw.

10 Q Okay. No testimony at all about her condition?
11 Anybody seen her under the influence? She acted under
12 the influence? She said anything under the influence?

13 A I never had any conversation with her. She
14 was, like I said earlier, unconscious, sedated, something
15 to that effect, in the trauma bay.

16 Q I'm just trying to narrow down if there was
17 nobody anywhere that gave you information that they seen
18 her and she appeared to be under the influence.

19 A I can only testify to what I've seen. I didn't
20 see that.

21 Q You made the decision and my question is that
22 you didn't have information that anybody had seen her
23 under the influence? The information you had is what I'm
24 asking you about.

25 A Nobody had gave any kind of call to dispatch

1 that they seen her operating the vehicle erratically or
2 anything if that's what you're asking.

3 Q Okay. The beer cans that were found, new beer
4 cans, old beer cans, warm beer cans, cold beer cans, cool
5 like somebody drinking them or more like trash in the
6 pickup?

7 A Well, I didn't collect them. They are in the
8 evidence bag right there.

9 Q Okay. Right there?

10 A Yes.

11 Q Crushed up beer cans. There are three here?

12 A Yes.

13 MR. WARDER: I move them in evidence for this
14 hearing.

15 THE COURT: All right. Any objection?

16 MR. WARDER: No objection, Your Honor.

17 (WHEREUPON, Defendant's Exhibit 1 is marked and
18 admitted into the record.)

19 BY MR. WARDER:

20 Q Were the, uh, -- was there other trash in the
21 back of the truck?

22 A There was debris everywhere, sir. I mean, I
23 don't know what you would classify as trash or not trash.
24 But the roadway was littered with debris.

25 Q Okay. Like debris that come out of the truck?

1 **A** Yes.

2 **Q** Other cans and stuff?

3 **A** To be honest with you, I mean, I've got
4 photographs of it. But I can't stand here and -- sit
5 here and tell you what was in the truck and not in the
6 truck not referring to the photographs.

7 **Q** Is it fair to say that in your report you say
8 that you got the -- you issued -- strike the question. I
9 messed it up so bad.

10 **THE COURT:** That's fine.

11 **BY MR. WARDER:**

12 **Q** Is it fair that you made the decision to order
13 the blood draw based upon the fact that the warrants
14 showed she had methamphetamine some three or four days
15 before?

16 **A** Well, like I said earlier, that's a piece of
17 the puzzle. But even if we didn't have the warrant
18 served, they had a -- we had a pipe that resembled a
19 methamphetamine pipe from doing it for so long. Even if
20 we did not have the warrants and we found the pipe, the
21 situation would not have been treated any differently.

22 **Q** So you would have taken the same action you did
23 if you just found a pipe in her purse?

24 **A** Yes, sir.

25 **Q** And, uh, in this case, there was no evidence

1 the pipe had been used that day or been used in any time
2 since the warrants were issued?

3 A I can't answer that question because I'm not a
4 forensic examiner.

5 Q The pipe was not out like smoke -- it was
6 wrapped up and in her purse. Is that your understanding?

7 A I didn't locate the pipe so I can't testify to
8 how it was and where it was located.

9 Q When you made that decision, the pipe didn't
10 really weigh into it cause you didn't know?

11 A No, I was called by -- Corporal Mayfield had
12 advised me that a pipe was found when Trooper Greer was
13 on scene. The pipe was found then. And he had called me
14 on the phone because I was communicating, as I stated in
15 earlier testimony, about what I had. He was telling me
16 about what he had. You know, like I say, whether a pipe
17 was used that day or not, I can't tell you.

18 Q Okay. So when you made your decision to order
19 the blood draw, you didn't know whether the cans were
20 new, old or cold and you didn't inquire. Is that true?

21 A That's true.

22 Q You didn't know whether the pipe was warm,
23 used, laying out, wrapped up, in a bag? That didn't
24 enter into your consideration?

25 A It was -- based off previous testimony, it was

1 in her personal belongings or her immediate reach.

2 Q Okay. But as to its condition of whether it
3 would have been used that day or could contribute to
4 anything that day, you didn't know and you didn't ask?

5 A Well, I mean, aside from touching it, it being
6 hot or her telling me that she hadn't used it, like I
7 say, I'm not certified or an expert witness and testify
8 based off the residual evidence of a pipe whether it was
9 used that day or not.

10 Q Okay. And you, uh, didn't see the warrants,
11 you were informed the warrants were three or four days
12 old?

13 A Yes, sir.

14 Q And based upon that, you ordered the blood
15 draw?

16 A Yes, sir.

17 Q And that was your decision, not anybody else's?

18 A That was my decision.

19 Q And now, is there any information that you had
20 that I haven't covered?

21 A As far as what?

22 Q The information you had at the time you ordered
23 that?

24 A No, just off what I testified to, the collision
25 and the evidence that was gathered at the scene.

1 Q Okay. What evidence that was gathered at the
2 scene did you consider other than the items I've
3 mentioned?

4 A The mechanism of the wreck itself. What caused
5 the wreck? It's a clear, sunny day. The sun is not
6 opposing her. When I spoke to the victims in the other
7 vehicle, they had told me that she had just drove left of
8 center and hit them. She didn't run off the roadway
9 prior to that. It's my job as an investigator to get to
10 the facts of the case. And, you know, like I stated
11 earlier, when that happens, you've got to figure out what
12 caused this crash.

13 Q Now, you told me that, uh, she had ran off the
14 road. I thought in prior testimony you said she crossed
15 the center line.

16 A I never said she ran off the road. She crossed
17 center line.

18 Q Okay. So there's no evidence she ran off the
19 road earlier?

20 A No evidence she dropped off -- there was no
21 evidence that she dropped off the right-hand side of the
22 road or the lefthand side.

23 Q Okay. Thank you. That's all the questions I
24 have.

25 THE COURT: Any redirect?

1 **MS. BENTLEY:** I have no redirect, Your Honor.

2 **THE COURT:** Sir, you can step down.

3 **THE WITNESS:** Thank you, Your Honor.

4 **THE COURT:** Thank you.

5 **MS. BENTLEY:** Finally, Your Honor, the State
6 calls Corporal Brian Mayfield to the stand.

7 **THE COURT:** All right.

8 **BRIAN MAYFIELD**

9 having first been sworn, testifies as follows:

10 **THE WITNESS:** Brian Mayfield.

11 **DIRECT EXAMINATION**

12 **BY MS. BENTLEY:**

13 **Q** Corporal Mayfield, how long have you worked for
14 the Highway Patrol?

15 **A** Almost 22 years.

16 **Q** How long have you had a supervisory role?

17 **A** Almost two years.

18 **Q** Okay. Were you working on April 30th, 2011?

19 **A** Yes.

20 **Q** Please tell me what shift you were working.

21 **A** I was working night shift. I had come out to
22 work.

23 **Q** Where was the first place you responded on
24 April 30th, 2011?

25 **A** I was notified to go over the Saluda Dam Road

1 to the collision that Trooper Baldwin was at.

2 Q Okay. When you arrived on the scene, please
3 tell me what you observed.

4 A I found two vehicles in the middle of the
5 roadway, one pickup truck and one small car. And they
6 had been involved in a head-on collision.

7 Q Okay. Based on your observations of the
8 vehicles, what did you determine had caused the collision
9 or what was the mechanism of the crash?

10 A Upon talking to the officers that were already
11 there and looking at the crash scene, it appeared that
12 the pickup truck had went left of center.

13 Q Okay. Were any passengers on scene when you
14 arrived?

15 A No.

16 Q Was any emergency personnel left on the scene
17 when you arrived?

18 A I think just the sheriff's department and a few
19 highway patrolmen.

20 Q And what were they doing primarily?

21 A Uh, trying to direct traffic, uh, preserve the
22 scene, I guess, until I got there. Then we determined,
23 uh, -- went ahead and called wreckers.

24 Q Okay.

25 A And I made contact with who I needed to make

1 contact with.

2 Q Was Ms. Reece's -- pardon me. Was it
3 determined who owned the pickup truck, who it was
4 registered to?

5 A I don't recall. You may ask Trooper Baldwin, I
6 believe, that. I'm not sure. I didn't even comment on
7 who it belonged to.

8 Q Okay. Was the vehicle drivable in any way?

9 A No.

10 Q It would have to be towed?

11 A Yes.

12 Q And did you proceed to either direct someone or
13 begin a search of that vehicle?

14 A We do an inventory. Subject to having the
15 vehicle towed, we were on the scene of a very serious
16 crash. Given the nature of this crash and the
17 information I was told about, I believe, the beer cans
18 being on the scene, I felt like we may have a possible
19 situation where we had a felony DUI here if the injuries
20 were serious enough. It was told to me at the time that
21 the person in the back of the pickup truck had been
22 ejected and also the party to the other vehicle had been
23 hit head-on, obviously.

24 Q Okay. Who, uh, -- who was on scene searching
25 the pickup truck?

1 **A** Trooper Greer was present. I believe, uh,
2 Trooper Black was there. Trooper Steward was there. I
3 believe at the time Baldwin had already left and gone to
4 the hospital. If I remember correctly, Trooper Greer and
5 Trooper Steward were looking through some things along
6 with Black.

7 **Q** And were you also present on the scene?

8 **A** Yes.

9 **Q** What was your role as kind of the on-scene
10 supervisor?

11 **A** Well, to make sure that things were handled
12 correctly. I think Trooper Black went ahead and left. I
13 believe the cans had already been found. I think, upon
14 -- at some point in time after that is where inside a
15 duffle bag is where the dope pipe was found and also, I
16 believe, the warrants were found.

17 **Q** Okay.

18 **A** And once I become familiar with that
19 information, I relayed that to my supervisor.

20 **Q** Okay. And were you in communication with
21 Trooper Baldwin during your investigation and during the
22 processing of the scene?

23 **A** I did. I talked with them.

24 **Q** Did you let him know about what had been found
25 on scene?

1 **A** Yes.

2 **Q** What did you tell him had been found on scene?

3 **A** We were telling him about the beer cans. At
4 the time, we talked about the pipe and the warrants. The
5 warrants were for, I believe, possession of meth. I
6 believe Ms. Reece's name were on them.

7 **Q** Okay. Were they recent?

8 **A** I believe they were a few days old.

9 **Q** Okay. And based on your 22 years of
10 experience, what you saw at the scene, what was your --
11 what were your thoughts about what had occurred?

12 **A** Well, given the mechanism of the crash being a
13 head-on collision, it was a clear day, there was no
14 indicators of anything else that would cause someone to
15 crash, so you'd have to look at everything. Once we
16 started looking into the beer cans being present, also we
17 further found the pipe and the warrants, there was some
18 indication to me that we may have a situation where
19 somebody may be under the influence of either alcohol or
20 drugs, possibly a combination thereof. I told Trooper
21 Baldwin about this. Trooper Baldwin requested the
22 hospital had any news for us.

23 **Q** In your 22 years of experience, are spontaneous
24 head-on collisions common?

25 **A** Not common. I mean, as far as, usually

1 something causes them. You might be able to say maybe
2 somebody reaches down for something or something along
3 those lines inside the vehicle and takes their eyes off
4 the road. I mean, they happen, of course. Sometimes it
5 can be related to other factors such as being under the
6 influence also.

7 Q In this case, did you believe that that was --
8 that somebody was under the influence?

9 A Yes.

10 Q And that was based on, just to reiterate again,
11 what were those factors that you believed?

12 A The collision, the type of collision, the
13 severity of the collision. You had to take into account
14 what was found at the scene, the pipe along with the beer
15 cans and the warrants for meth possession. You had to
16 take that into account. When you consider the severity,
17 you may have had someone that was severely injured. And
18 it turns out someone was. That's the information I got
19 from Baldwin and also the information turned out being.

20 Q Okay. One moment please. (Pause.)

21 You were the on-scene supervisor. Was it your
22 final determination to do the blood draw or would that
23 have been up to Trooper Baldwin who was at the hospital?

24 A Well, I conveyed to him what I would have had,
25 that it would have been at his direction. Obviously, I

1 conferred with my supervisor, which is in our chain of
2 command. It's a command staff. I relayed to him what I
3 have and then we confer about what we need to do. At
4 that point, I would get with Trooper Baldwin and we would
5 confer. And I talked to him. It was relayed to him what
6 we had and the situation, it looked like a felony DUI.
7 Gave him the facts. Then he made a decision to draw the
8 blood with our conferring together.

9 Q Based on the information you both had together?

10 A Yes.

11 Q I have no further questions. Please answer any
12 questions Mr. Warder may have.

13 THE COURT: Mr. Warder.

14 CROSS-EXAMINATION

15 BY MR. WARDER:

16 Q You told us that head-on collisions aren't very
17 common. What percentage of your accidents you
18 investigate are frontal collisions?

19 A Well, head-on. I'm not going to say. I don't
20 -- I see head-on collisions, but I'm not going to say I
21 see them as often as I see front-end hit and rear-end.

22 Q Okay. And you told us some of those things
23 that causes head-on collisions, adjusting the radio --

24 A Yeah, reaching down.

25 Q Reaching down.

1 **A** Taking eyes off the road. Usually something
2 along those lines that cause somebody to swerve that far
3 out.

4 **Q** How about when you have passengers in the back
5 of the truck? Talking to them might cause that?

6 **A** If you take your eyes off the road, I'm sure
7 you possibly can.

8 **Q** How about people with children and stuff in the
9 truck, do they sometimes distract the driver?

10 **A** Yes, sir.

11 **Q** Virtually, anything that would divert your
12 attention could cause a head-on collision, couldn't it?

13 **A** Usually, it could. It could. It would have to
14 be something to where you would have to take your eyes
15 off the road for, you know --

16 **Q** How about a lot of noise and stuff like that
17 beside you when you look around to see what it is?

18 **A** I guess. Like I said, there's a lot of factors
19 that could possibly cause you to take your eyes off the
20 road.

21 **Q** Sure. And, uh, you would not take your eyes
22 off the road very long, would you?

23 **A** I guess it would -- no. I wouldn't say so.
24 No.

25 **Q** Thank you very much.

1 **THE COURT:** Anything else?

2 **MS. BENTLEY:** No redirect, Your Honor.

3 **THE COURT:** Sir, you can step down.

4 **THE WITNESS:** Thank you.

5 **MS. BENTLEY:** Your Honor, that conclude the
6 State's -- the evidence the State would present in
7 supporting a determination for probable cause for
8 the blood draw in this case.

9 **THE COURT:** All right. Anything you want to
10 say in support of that? Any argument you want to
11 make?

12 **MS. BENTLEY:** Essentially, Your Honor, I
13 believe the State has met the burden for proving
14 that there was probable cause in this case. Both
15 Trooper Baldwin and Corporal Mayfield testified that
16 they had knowledge of what happened at the scene.
17 Trooper Baldwin was the very first law enforcement
18 to arrive from the Highway Patrol investigating the
19 scene. He sees a head-on collision where a vehicle
20 driven, later determined by Ms. Reece, has crossed
21 the center line. It's a clear day. No impediments
22 in the road. Sun to her back. Uh, there's no
23 explainable reason that he can find for this wreck.

24 As law enforcement searches the scene, they
25 find used beer cans, they find methamphetamine pipe

1 or a pipe used to smoke drugs. And they also find
2 fairly recent arrest warrants with her name in close
3 proximity to those things. Based on all those, I
4 believe that they had probable cause to draw her
5 blood and to investigate further. The probable
6 cause standard is what a reasonable person would do,
7 law enforcement in that situation. Here, they have
8 a horrible wreck, they have bodily injury and I
9 believe that they had probable cause to investigate
10 further by drawing her blood.

11 **THE COURT:** All right. Thank you, ma'am.
12 Yes, sir.

13 **MR. WARDER:** I take it we are now limited and
14 we are addressing probable cause as defined in the
15 statute, is that right?

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

17 **MR. WARDER:** Now, this is a case where the
18 legislature has changed the probable cause that
19 normally would be found through a magistrate. To do
20 away with that, the officer could make a probable
21 cause determination. Now, this is a case that has
22 four days prior, I believe, three or four days
23 prior, an arrest warrant. I think those papers also
24 indicated that she was not incarcerated. They found
25 trash on the road, trash in the truck and three

1 squished, crushed beer cans that we have no reason
2 to believe are cold or anything like that.

3 So based upon that, they ordered an evasive
4 test of probably the thing we have the most
5 expectation of privacy, which is what's in our
6 bodies. I think if there's anybody -- any place we
7 don't expect to be through the peering eyes of the
8 police, it's, uh, what an analysis of our body
9 shows. And that is ordered on the basis of nothing
10 to indicate the person is under the influence. Only
11 that transporting with her was a prior piece of
12 paper that said on another time, at another place on
13 another occasion, she may have violated the drug law
14 and a pipe that there was no reason to believe was
15 used involved. In fact, it was wrapped up in paper
16 in her purse. No reason to believe it hadn't been
17 there for some time.

18 You have the warrants, the beer cans and the
19 pipe. That's what this probable cause to search is
20 about. And the mere speculation adds nothing more
21 to it that we don't know the cause of this accident
22 some 20 minutes after it's happened. It's
23 unexplainable to us at this -- I mean, every
24 accident is that way. I can't imagine the accidents
25 that they know what caused them 20 minutes before

1 they've even had chance to interview her or
2 anything. So I mean, I don't think the unexpected
3 nature makes a bigger probable cause.

4 The question is do those three factors add up
5 to anything that could amount to probable cause for
6 a search of your body. I think, no question in my
7 mind, that if it went before a neutral and detached
8 magistrate, we'd have a different result. So the
9 question is in the hearing today, can we now go back
10 and say, well, that was a decision that met the
11 statutory burden for the officer. I submit it
12 doesn't and the State's failed to do it.

13 I'll be honest. What bothers me about this
14 case when we were rushing it through is that the
15 issue is before the United States Supreme Court
16 right now. It was argued orally on the 13th of
17 January. Uh, they were going to address this whole
18 issue, I think, of what relevancy Schmerber would
19 have in today's world and whether or not you can
20 ever take a blood sample.

21 But I think in this case, it's just
22 speculation. We don't know what happened. People
23 were hurt bad. What we're going to do is we're
24 going to take her blood and send it down and if it
25 comes back, we'll charge her. That is improper.

1 **THE COURT:** I appreciate your argument on
2 behalf of your client and you've argued vigorously
3 on her behalf. I do not know if in my ruling today
4 does not reflect what it might have been in prior
5 law. But under the law as it is today, I find that
6 there was probable cause that a reasonable officer
7 would have in that circumstance believe that a blood
8 draw was necessary.

9 I base that not on the arrest warrants,
10 although that might have given an officer some more
11 confirmation about suspicions. But a meth pipe in
12 personal belongings of the defendant as well as --
13 who was the driver, as well as beer cans in the
14 truck, I believe do give probable cause to draw
15 blood in the circumstance. All right. Anything
16 else we need to take up?

17 **MS. BENTLEY:** Nothing from the State at this
18 time.

19 **THE COURT:** All right. You want to do me an
20 order, a proposed order, and you can send it to Mr.
21 Warder to see if it complies with my oral ruling
22 here today?

23 **MS. BENTLEY:** Yes.

24 **THE COURT:** Thank you.

25 **MS. BENTLEY:** Thank you.

1 **THE COURT:** All right.

2 **(WHEREUPON,** the proceedings conclude at
3 approximately 3:03 p.m.)

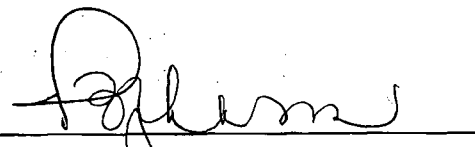
4

CERTIFICATE

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, the undersigned, Teresa B. Johnson, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Pickens, South Carolina, on this 3rd day of February, 2013.

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



Teresa B. Johnson

Circuit Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF PICKENS	)	Case No(s) : 2012GS3900948,
	)	2012GS3900949,
State of South Carolina,	)	2012GS3900950
	)	
Plaintiff,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
Christina Reece,	)	
	)	
Defendant.	)	
	)	

March 19 - 20, 2013
Pickens, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

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

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P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 19th day of March, 2013 at approximately 9:38 a.m.)

THE COURT: All right. And it's my understanding that the State is ready to call the State of South Carolina versus Christina Ann Reece on three counts of Felony DUI resulting in Great Bodily Injury, 2012-GS-39-950, 949 and 948. Is that correct?

MS. BENTLEY: Yes, Your Honor.

THE COURT: All right. Yes, sir. Anything we need to take up before we get started?

MR. WARDER: Yes, Your Honor. At least, we need to put some stuff on the record.

THE COURT: Sure.

MR. WARDER: If it please the Court, Your Honor. Uh, we had a proceeding last, I guess it was last week, wherein you made a finding that the officer's determination of probable cause under 15-5-2946 was, I guess, either reasonable or proper. We presented testimony of that in a hearing that was held and the officers testified and Your Honor issued a written order. We had filed Notice of Intent to Appeal from that order.

THE COURT: Yes, sir.

1 **MR. WARDER:** I think it was maybe Monday
2 afternoon that Your Honor decided that we could go
3 ahead with the hearing today and we should proceed
4 today despite the fact that I've appealed.

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

6 **MR. WARDER:** I wanted to put on the record
7 that that had happened. We object to going
8 forward ---

9 **THE COURT:** Certainly.

10 **MR. WARDER:** --- still under the same
11 original ground ---

12 **THE COURT:** And let's just --

13 **MR. WARDER:** --- that we filed on appeal.

14 **THE COURT:** Sure. Let's just say that for
15 the record that you made a motion to stay this
16 pending your appeal. Defense counsel argued that,
17 uh, -- defense counsel argued that this order was,
18 in fact, somewhat dispositive of this case and,
19 therefore, it was immediately appealable.

20 However, after reviewing the case law on this
21 area, I find that it was an interlocutory order
22 that was not subject to immediate appeal. In fact,
23 this case is not concluded until there's either --
24 there's some -- either a finding of guilty or not
25 guilty in this case. But your record is protected

1 that you certainly did make that motion.

2 **MR. WARDER:** Thank you. And, uh, I don't
3 know. When do you want to proceed -- this case, as
4 Your Honor is well aware of, is a result of a
5 warrant that was searched wherein the blood of my
6 client was seized. Whenever that's offered, we
7 want to be heard upon the, uh, --

8 **THE COURT:** Certainly. Certainly. We'll
9 make sure we take the time to put any objection you
10 have to anything and preserve that issue. All
11 right.

12 **MR. WARDER:** I also want to move that Your
13 Honor find that the statute 56-5-2926 is
14 unconstitutional and that that statute attempts to
15 shift the burden of finding probable cause to the
16 discretion of the officer as it quotes to a neutral
17 detached magistrate. I think because of that, uh,
18 vesting in the officer under the statute of that
19 that that ultimately renders that statute
20 unconstitutional. We would ask Your Honor to rule
21 upon that at some time.

22 **THE COURT:** All right. And your motion on
23 that ground is respectfully denied as well. I
24 think we took that up at the hearing, but I think
25 we needed to revisit it for trial. It is

1 respectfully denied.

2 MR. WARDER: Okay.

3 THE COURT: All right. Anything else we
4 need to take up?

5 MR. WARDER: Probably for housekeeping, we
6 should note on the record that I discussed the
7 rights of a jury trial with my client. I discussed
8 the rights she gives up when she waives them to
9 have Your Honor be the decider of fact and the
10 decider of the law. She freely, voluntarily does
11 that. We've talked. She's not under the influence
12 of any coercion or anything like that.

13 THE COURT: Why don't we question her on the
14 record? I have no doubt that you've talked to her
15 at length about it.

16 Ma'am, will you raise your right hand please.

17 (WHEREUPON, Christina Ann Reece is first duly
18 sworn.)

19 THE COURT: Okay. You can put your hand
20 down. Would you tell your full name please?

21 MR. FIELD: Christina Ann Reece.

22 THE COURT: All right. Ms. Reece, you
23 understand we were here today for a jury trial on
24 this matter. Do you know that?

25 MR. FIELD: Yes, ma'am.

1 **THE COURT:** In fact, we had the jury here
2 waiting to start a trial. You understand that?

3 **MR. FIELD:** Yes, ma'am.

4 **THE COURT:** You understand you have the
5 absolute right to a jury trial. Do you know that?

6 **MR. FIELD:** Yes, ma'am.

7 **THE COURT:** The jury would -- I would
8 instruct the jury on the law. They would listen to
9 all the testimony and evidence. They would
10 determine whether to enter a verdict of guilty or
11 not guilty against you. You understand that?

12 **MR. FIELD:** Yes, ma'am.

13 **THE COURT:** It's my understanding you want
14 to waive that right and you want a bench trial
15 today. You understand that?

16 **MR. FIELD:** Yes, ma'am.

17 **THE COURT:** You understand that that
18 decision then would be a final decision? In other
19 words, when we start, we can't go back and change
20 it. We can't go back and -- when we start this
21 trial, we can't then go back and turn it into a
22 jury trial. You know that?

23 **MR. FIELD:** Yes, ma'am.

24 **THE COURT:** Have you had time to talk to
25 your attorney about this decision?

1 **MR. FIELD:** Yes.

2 **THE COURT:** Do you feel like you've had
3 enough time to talk to your attorney about this
4 decision?

5 **MR. FIELD:** Yes, ma'am.

6 **THE COURT:** Are you satisfied with the
7 services of your attorney?

8 **MR. FIELD:** Yes.

9 **THE COURT:** I'm absolutely sure that you
10 are. You don't have any complaint to make against
11 your attorney as far as this decision to waive a
12 jury trial is concerned?

13 **MR. FIELD:** No, ma'am.

14 **THE COURT:** Are you under the influence of
15 drugs or alcohol here today?

16 **MR. FIELD:** No, ma'am.

17 **THE COURT:** Anybody forced you into this
18 decision or promised you anything to get you to
19 make this decision?

20 **MR. FIELD:** No, ma'am.

21 **THE COURT:** So you are doing it of your own
22 free will?

23 **MR. FIELD:** Yes, ma'am.

24 **THE COURT:** Any other questions, Mr. Warder,
25 you want me to ask her?

1 **MR. WARDER:** No, Your Honor. I think that
2 would put it in the record.

3 **THE COURT:** All right. I find that she is
4 freely and voluntarily waiving her right to a jury
5 trial and she's doing so with the advice of
6 extremely competent counsel with whom she's real
7 satisfied. All right. Thank you so much.

8 Yes, ma'am.

9 **MS. BENTLEY:** Your Honor, there are a few
10 housekeeping matters for the State. We have two
11 statements from the defendant that we need to have
12 a Jackson v. Deno hearing on.

13 **THE COURT:** All right.

14 **MS. BENTLEY:** We also have one evidentiary
15 issue that we'll take up after those if it pleases
16 the Court.

17 **THE COURT:** All right. All right then.
18 Proceed.

19 **MS. BENTLEY:** The State would first call
20 D.C. Andis..

21 **THE COURT:** Before we proceed, let me just
22 say that the cameras in the courtroom, unless it's
23 a member of the media, I can't allow -- I have to
24 sign a consent for there to be a camera in the
25 courtroom. I'm not going to be able to allow you

1 to have a camera in the courtroom unless I get a
2 written motion about that. But I certainly
3 understand today is an emotional day.
4 Unfortunately, I can't allow that in the courtroom
5 unless I have had a written motion about it. All
6 right. Thank you.

7 **DAVID ANDIS**

8 having first been sworn, testifies as follows:

9 **THE CLERK:** If you would, have a seat.
10 State your name for the record please.

11 **THE WITNESS:** David Christopher Andis.

12 **DIRECT EXAMINATION**

13 **BY MS. BENTLEY:**

14 **Q** Mr. Andis, where are you employed?

15 **A** I'm employed with the South Carolina Department
16 of Public Safety and, specifically, the South Carolina
17 Highway Patrol.

18 **Q** Okay. And as a member of the Highway Patrol,
19 are you part of a special unit in the Highway Patrol?

20 **A** I am. I'm part of the MAIT team.

21 **Q** And what is the MAIT team?

22 **A** It's the Multi-disciplinary Accident
23 Investigation Team.

24 **Q** How long have you been part of the MAIT team?

25 **A** Since 2010.

1 Q Okay. And how long were you with the South
2 Carolina Highway Patrol prior to that?

3 A Since 2005.

4 Q All right. Trooper Andis, as part of your
5 responsibilities on the MAIT team, did you investigate
6 the accident in question today?

7 A Uh, I did participate in the investigation.

8 Q What was your participation?

9 A I just simply conducted the interview with Ms.
10 Reese and Mr. Medgysey.

11 Q Okay. And are interviews a routine part of a
12 MAIT investigation?

13 A They are.

14 Q Whom do you try to interview?

15 A We interview all witnesses, parties and really
16 anybody involved, including the investigating officer.

17 Q And there were only two interviews conducted in
18 this particular investigation?

19 A Those are the only two interviews that I
20 completed.

21 Q Okay. And who instructed you to complete these
22 interviews?

23 A Uh, Sergeant Black ---

24 Q Okay.

25 A --- my supervisor.

1 Q And why are interviews conducted as a part of a
2 MAIT investigation?

3 A Cause we're tasked with leading an independent
4 investigation just pertaining to the facts of the
5 collision.

6 Q Okay. You said that you interviewed Ms.
7 Christina Reece, the defendant in this case. Is that
8 correct?

9 A That's correct.

10 Q When did that interview take place?

11 A I believe it took place on May the 24th.

12 Q Of what year?

13 A 2011.

14 Q Was that interview audio-recorded?

15 A It was.

16 Q And was it video-recorded?

17 A It was not.

18 Q How was the interview conducted?

19 A It was conducted over the phone. I was at the
20 Piedmont MAIT office and Ms. Reece was at her, I believe
21 her parent, her mother's residence.

22 Q And did you place a phone call to Ms. Reece?

23 A I did.

24 Q Do you know approximately what time of day that
25 was?

1 **A** Uh, it's on the audio. I record the date.

2 **Q** Did you explain to Ms. Reece who you were?

3 **A** I did.

4 **Q** Did you explain to her why you wanted to talk
5 to her?

6 **A** I did.

7 **Q** Did you advise her of her Miranda rights?

8 **A** I did read her her Miranda rights.

9 **Q** Did she indicate that she understood those
10 rights?

11 **A** She did.

12 **Q** Did you believe that she understood those
13 rights?

14 **A** I did.

15 **Q** Were there anything -- were there any questions
16 that she had prior to speaking to you?

17 **A** She just had one question. It was asking me to
18 be her attorney. I informed her that I was not.

19 **Q** Okay. Do you believe that she understood who
20 you were?

21 **A** I do.

22 **Q** Did you ask whether she wanted to speak with
23 you?

24 **A** Do what now?

25 **Q** Did you ask her whether she wanted to speak

1 with you?

2 A Yes. I asked if she wanted to talk to me.

3 Q Did she indicate that she did want to speak to
4 you?

5 A She did.

6 Q Did you use any coercion or deception in order
7 to get her to speak to you?

8 A I did not.

9 Q Did she indicate whether she was in any
10 distress or anything that would make it difficult for her
11 to speak with you?

12 A No.

13 Q Was she in custody at that time?

14 A She was not.

15 Q Had she been placed under arrest at that time?

16 A To my knowledge, no.

17 Q Did she ever indicate while you were speaking
18 to her that she wanted to terminate the conversation?

19 A No.

20 Q Had she done that, what would you have done?

21 A Stopped the interview.

22 Q Did you, uh, deprive her of anything? I don't
23 know that you could have over the phone. Did you tell
24 her that she couldn't take a break or couldn't eat or
25 drink anything?

1 **A** No.

2 **Q** To your knowledge, was she constrained in any
3 way?

4 **A** Not to my knowledge.

5 **Q** And was it your belief that her statements to
6 you were completely, freely and voluntarily given?

7 **A** Yes, I believe.

8 **Q** Okay. I have no further questions that
9 pertains to the voluntariness of the statement. Please
10 answer any questions Mr. Warder may have for you.

11 **THE COURT:** Mr. Warder?

12 **CROSS-EXAMINATION**

13 **BY MR. WARDER:**

14 **Q** What did you tell us about an attorney? She
15 wanted you to act as her attorney?

16 **A** She asked a question -- after I got done
17 reading her Miranda, she asked a specific question if I
18 was wanting to be her attorney. Something to that
19 effect. I said that's not what I was asking. I was
20 asking if she would like an attorney before any
21 questioning.

22 **Q** When she said were you acting as her attorney,
23 did that indicate she didn't understand what was
24 happening?

25 **A** I asked did she understand my question that

1 involved that particular question that I asked. So I
2 rephrased the question for her.

3 Q Okay. Did, uh, you understand she was wanting
4 an attorney?

5 A Excuse me.

6 Q Did you take her answer to mean she wanted an
7 attorney?

8 A Not at that time. She declined to have an
9 attorney. She admittedly provided a statement to me.

10 Q How did you ascertain it was Christina Reece on
11 the phone?

12 A I verified her by her name, her date of birth
13 and her home address.

14 Q Okay. You asked the person those questions?

15 A Yes. I asked somebody over the phone.

16 Q And did you know that information?

17 A I had that information on an accident report.

18 Q And because they had given that information,
19 you assumed that this is the person you were talking to?

20 A We commonly use that to verify based on the
21 telephone number that was on the wreck report and her --
22 and through matching some specific questions that
23 verified her.

24 Q You certainly can't recognize her today as the
25 person who talked to you then?

1 **A** No, sir.

2 **Q** You ever heard her voice before?

3 **A** Over the phone.

4 **Q** If that's who you were talking to?

5 **A** Yes, sir.

6 **Q** Thank you. That's all the questions I have.

7 **THE COURT:** Anything else?

8 **MS. BENTLEY:** Nothing from the State, Your
9 Honor.

10 **THE COURT:** Sir, you can step down.

11 **MS. BENTLEY:** If Your Honor does have any
12 questions regarding the statement, we could play
13 back into the record. But for the Jackson v. Deno,
14 we believe we've established Ms. Reece freely and
15 voluntarily spoke to Trooper Andis.

16 **THE COURT:** All right. Anything in response?

17 **MR. WARDER:** Well, I don't think that's
18 what's been proven in the courtroom here today. I
19 think all that could possibly be established was
20 that he dialed a phone number and got someone who
21 responded and said they were Ms. Reece and provided
22 some basic information.

23 **THE COURT:** All right. Well, I find that the
24 statement was freely and voluntarily given. Of
25 course, I'm going to have to listen to the

1 statement. One of the things I'll have to determine
2 was if, in fact, she was the one who made the
3 statement. So I'll certainly reserve that once we
4 get into trial. I assume you're planning on playing
5 that statement.

6 MS. BENTLEY: Yes, Your Honor.

7 THE COURT: Okay. I will allow it to be
8 played. Sort of -- in this format, I don't know
9 that we needed to have the Jackson v. Deno hearing
10 in advance, but we can. I don't know. It's
11 perfectly fine. You want to proceed?

12 MS. BENTLEY: Yes, Your Honor. We also have
13 an issue of another interview with the defendant.
14 Trooper Joey Baldwin would be our witness. This is
15 the tape that Mr. Warder and I discussed with you on
16 Friday -- yesterday, Your Honor. I don't know if
17 you want to talk about admissibility first or
18 whether we should talk about the actual statement
19 first.

20 THE COURT: All right. And when you're
21 talking about admissibility, are you talking about
22 because it was a ---

23 MS. BENTLEY: A late --

24 THE COURT: --- later discovered --

25 MS. BENTLEY: Yes, Your Honor.

1 **THE COURT:** All right. Mr. Warder?

2 **MR. WARDER:** Well, to say this was produced
3 untimely is almost an understatement.

4 **THE COURT:** Is an understatement, yes.

5 **MR. WARDER:** Uh, I certainly would -- and for
6 the record, Your Honor, it was furnished some time
7 over the weekend. Friday night, I think. I think
8 around seven o'clock. 7 p.m. It was left at my
9 paralegal's place of business. You know, because of
10 the short period of time we've had it from then
11 until today available, uh, I certainly don't think
12 that's timely. I think it would be appropriate to
13 exclude it, Your Honor.

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

15 **MS. BENTLEY:** If I may be heard, Your Honor.

16 **THE COURT:** Yes.

17 **MS. BENTLEY:** The State found out about this
18 interview from defense counsel over a week ago. He
19 inquired about it. Apparently, his client did know
20 it existed. She would have been the only one, along
21 with the trooper, that knew of its existence.

22 When he asked me about it, I immediately did
23 what I could to find it. Unfortunately, I was
24 unable to provide him a copy of it until Friday, he
25 is correct, at 7 p.m. He received a copy before I

1 received a copy. We arranged to get it to him in
2 the most expedient and convenient way possible. But
3 certainly, he would have had knowledge of it prior
4 to Friday.

5 Additionally, it's a statement of his client
6 that she told him about. So she would know what was
7 said and could have spoken to him about that. It
8 was not furnished in a timely fashion, he is
9 correct, as far as the copy goes. But it's
10 existence, he knew about well before the State. His
11 client should have been able to give him some idea
12 of what it was.

13 **THE COURT:** Well, I've reviewed the video in
14 its entirety. I find that while it is concerning
15 that it was turned over so late that it appears not
16 to have been anything purposeful. I do not find
17 that there's an undue prejudice in allowing the
18 statement to be entered that defense counsel did
19 receive it Friday at seven o'clock. I understand it
20 may have been later than that, but did receive it
21 Friday at seven o'clock. But I find that that's
22 adequate time in preparation for a Tuesday trial.
23 All right. What do we need to --

24 **MS. BENTLEY:** I guess we will have a Jackson
25 v. Deno for that. Your Honor, there is a matter.

1 With the jury not here, I don't know how much we
2 need to go into it. Part of the evidence in this
3 case is the fact that Ms. Reece had an arrest
4 warrant in her car for Possession of
5 Methamphetamine. It is part of the investigation.
6 It's very much part of the res gestae of this case.
7 I don't know exactly the best way to handle that.
8 Without a jury, I don't know if Your Honor is able
9 to --

10 **THE COURT:** Well, it's difficult for me to
11 know -- in a bench trial, of course, if it's
12 inadmissible evidence, the Court just has to exclude
13 that evidence and not consider it. Clearly, I know
14 that it's out there and I know that that statement
15 is out there. But I have to -- if I determine that
16 it's not admissible, at the point when we get to it
17 in trial, I just don't know. Right now, it does not
18 sound to me like it's admissible evidence. In a
19 vacuum, I can't make that decision. When we get to
20 that point in trial, we'll consider it. I'll decide
21 whether or not to exclude it. I don't think, in
22 other words, the rules won't be different just
23 because it's in front of a judge. Does that make
24 any sense? All right.

25 **MS. BENTLEY:** The State's ready to proceed.

1 However, we might want to just pre-mark a good bit
2 of evidence.

3 **THE COURT:** All right. All right. Y'all
4 want to go ahead and pre-mark things?

5 **MS. BENTLEY:** Yes, please.

6 **THE COURT:** All right. Is that going to take
7 y'all a few minutes?

8 **MS. BENTLEY:** Yes, ma'am.

9 **THE COURT:** All right. Let's be in recess
10 for about 10 minutes while we get all the exhibits
11 pre-marked.

12 (WHEREUPON, State's Exhibit 1 through 24 are marked
13 for identification purposes.)

14 **THE COURT:** Mr. Warder, I believe you had a
15 motion to sequester?

16 **MR. WARDER:** Yes, sir. I would move to
17 sequester the non-victim witnesses.

18 **THE COURT:** All right. And any response from
19 the State?

20 **MS. BENTLEY:** No opposition, Your Honor.

21 **THE COURT:** All right. Unless you are a
22 victim in the case, if you are to be a witness in
23 this case, I ask that you wait outside. We'll call
24 you as we need you.

25 (WHEREUPON, all non-victim witnesses exit the

1 courtroom.)

2 **THE COURT:** Lisa, if you want to leave the
3 investigator, lead officer in here.

4 **MS. BENTLEY:** He's going to be the first
5 witness, Your Honor, if that's okay.

6 **THE COURT:** All right. That's fine. All
7 right. Ready to call your first witness?

8 **MS. BENTLEY:** You want us to do brief
9 opening?

10 **THE COURT:** If you'd like to, that will be
11 fine. Do you care to do one? Mr. Warder as well? A
12 brief opening.

13 **MR. WARDER:** If they want to.

14 **MS. BENTLEY:** I think we'd like to do just a
15 brief overview.

16 **THE COURT:** That's fine by me.
17 Yes, sir.

18 **MR. BUCKNER:** May it please the Court, Your
19 Honor.

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

21 **MR. BUCKNER:** Mr. Warder.

22 On April 30th, 2011, two cars collided in
23 Pickens County. Inside those cars were four adults
24 and three children. Not one person was able to walk
25 away from the scene of the accident. Not one person

1 in that crash will ever be the same.

2 **MR. WARDER:** Your Honor, this is not proper
3 opening. This is argument.

4 **THE COURT:** All right. I'm going to allow
5 it. I'll allow it. And certainly, in a bench trial
6 like this, while I'm not going to allow evidence
7 that would not ordinarily be admissible, I can
8 certainly distinguish argument. I'll allow it.

9 **MR. BUCKNER:** Thank you, Judge. We are here
10 today because the State alleges the cause of that
11 accident was that the defendant, Christina Reece was
12 high on methamphetamine. Ms. Reece is charged
13 before you with three counts of Felony Driving Under
14 the Influence, one count for each member of the
15 Medgysey family, whom she hit head-on on April 30th.

16 As Your Honor knows, Felony DUI encompasses the
17 same elements of Driving under the Influence. The
18 State is charged with proving that Ms. Reece was
19 materially and appreciably impaired while operating
20 the vehicle and that the resulting collision caused
21 great bodily injury to each one of the victims.

22 In the present case, you will hear that the
23 victims did suffer great bodily injury, Your Honor.
24 They will all take the stand in this case as well as
25 some of their treating surgeons. Matt Medgysey

1 suffered a shattered foot. Hayden, his eight-year-
2 old son suffered a broken collar bone, fractured
3 ribs and a punctured lung. Most severely, Matt's
4 wife, Kimberly, suffered fractured ribs, a broken
5 ankle, a bowel perforation and a dissected artery
6 which resulted in her suffering several strokes.

7 The State intends to show the defendant's
8 impairment by presenting evidence regarding the
9 collision itself and the testimony from the forensic
10 toxicologist that analyzed the defendant's blood
11 sample, Your Honor. Those are the facts that the
12 State intends to show and prove beyond a reasonable
13 doubt. And Your Honor, we thank you for hearing
14 this case.

15 **THE COURT:** Thank you.

16 Mr. Warder?

17 **MR. WARDER:** Your Honor, this will be a trial
18 where most of the facts or a great deal of them are
19 not in contrary. Certainly, the fact that the
20 victims in this case were in an automobile that was
21 being operated is not contested. We know of no
22 fault on the part of the victims. Nothing they did
23 was wrong in the case as far as the driving of the
24 car. Your Honor, this is a case that injury is not
25 in dispute. There's no question they suffered great

1 bodily injury. The issue in this case, the sole
2 issue in this case is whether or not my client was
3 under the influence at the time of the accident.

4 Your Honor, this is a trial about events that,
5 if my client could take them back, she would in a
6 second. If there was any way she could make the
7 victims well, she would. It's a tragic accident.
8 Our heart goes out to people who were not at fault
9 in it, but we ask Your Honor to focus on the issue
10 at hand.

11 **THE COURT:** All right. Yes, sir. Thank you.
12 Ms. Bentley.

13 **MS. BENTLEY:** Your Honor, the State calls
14 Trooper Joey Baldwin to the stand.

15 **JOEY BALDWIN**
16 having first been sworn, testifies as follows:

17 **THE CLERK:** Sir, if you would, have a seat.
18 State your name for the record please.

19 **THE WITNESS:** My name is Joey Baldwin, for
20 the record.

21 **DIRECT EXAMINATION**

22 **BY MS. BENTLEY:**

23 **Q** Uh, Trooper Baldwin, where are you employed?

24 **A** South Carolina Department of Public Safety.

25 **Q** And is that a -- is the Highway Patrol a

1 division of that?

2 A Yes, ma'am.

3 Q How long have you been with the Highway Patrol?

4 A January the 2nd of 2000.

5 Q Did you work in law enforcement prior to that?

6 A No.

7 Q Prior to that, what did you do?

8 A I worked at the golf course.

9 Q Okay. Do you have an education?

10 A Yes.

11 Q What is it?

12 A I have high school and college.

13 Q Where did you go to college?

14 A Tri-county Tech.

15 Q Okay. Trooper Baldwin, were you working on
16 April 30th, 2011?

17 A Yes, ma'am. I was.

18 Q What shift?

19 A I was, uh, scheduled to work 6 p.m. to 6 a.m.

20 Q Were you dispatched immediately upon getting on
21 your shift?

22 A I was. I had actually came out a tad bit
23 earlier. We usually do that cause we plan on getting
24 something to eat before we start our shift. That was
25 kind of the gist of how I received the call or heard it

1 come across the radio.

2 Q So you were in your patrol car?

3 A Yes, I was. I was actually about probably
4 three miles from the location of the collision.

5 Q And you said that you heard a call come out.
6 What was that call?

7 A It was a call of a two-car collision on Saluda
8 Dam Road.

9 Q And what county is that in?

10 A That's in Pickens county.

11 Q Is there a process for being assigned to a
12 particular call?

13 A No, uh, basically our support role was to come
14 out because they did say it had injury obviously. It was
15 dispatched at 17:35 hours, so that's 5:35 p.m. I had
16 came out early to grab me a bite to eat, which didn't
17 happen because I ended up hearing this call come out. I
18 was close to it. I went ahead and responded to it.

19 Q How long did it take you to get to the
20 collision on Saluda Dam Road?

21 A I arrived on the scene at 18:09 hours, which is
22 6:09 p.m.

23 Q And were any other law enforcement personnel on
24 the scene when you arrived?

25 A I observed, uh, a few sheriff's deputies, if

1 memory served me correctly. I can't remember names right
2 off the top of my head.

3 Q Were they investigating the collision?

4 A No, ma'am. They were just assisting with
5 traffic control.

6 Q Were there emergency personnel on the scene?

7 A Yes.

8 Q What type of emergency personnel?

9 A Just the rescue workers is all I've seen.
10 There was no EMS units. They had already transported the
11 patients to the hospital and that's what the rescue told
12 me.

13 Q Okay. I'm going to show you what's been marked
14 as State's Exhibits 1 through 7. Do you recognize these
15 photographs? If you do, tell us what they are at this
16 point.

17 A Yes, I recognize them.

18 Q How do you recognize those photographs?

19 A I recognize the photographs by the, uh, --
20 where the location is. I recognize the photographs by
21 the vehicles at their location as to where the crash
22 occurred at.

23 Q Okay. And do those photographs, State's
24 Exhibits 1 through 7, fairly and accurately represent the
25 scene that you responded to on April 30th?

1 **A** Yes.

2 **Q** Have they been altered in any way?

3 **A** No.

4 **MS. BENTLEY:** Your Honor, at this time, the
5 State wishes to admit exhibits 1 through 7 into
6 evidence.

7 **THE COURT:** Any objection?

8 **MR. WARDER:** No, Your Honor.

9 **THE COURT:** All right then. They'll be so
10 admitted.

11 **(WHEREUPON, State's Exhibits 1 through 7 are**
12 admitted into the record.)

13 **BY MS. BENTLEY:**

14 **Q** Trooper Baldwin, tell me what you observed when
15 you got to the scene aside from the personnel that was
16 already there.

17 **A** When I arrived at the scene, first of all,
18 observed that the, uh, -- there was no weather conditions
19 present. The road was dry. It was not cloudy. It was
20 sunny. I observed a vehicle to be, uh, what we referred
21 to as locked up, impacted another vehicle. Uh, when I
22 observed that, I observed that that vehicle was over the
23 center line.

24 **Q** Could you tell us what vehicle that was, what
25 type of vehicle it was?

1 **A** The one that left the center and in an improper
2 lane, that was a Nissan pickup. It was an '86 model.

3 **Q** What color was it?

4 **A** I can't recall based on -- you showed me the
5 pictures earlier, but ---

6 **Q** That's okay.

7 **A** --- I can't recall it.

8 **Q** Okay. So you observed -- pardon me. Go ahead.

9 **A** I observed the pickup truck and a station wagon
10 or Volkswagen or some sort of minivan. Prior to, uh,
11 right before the collision occurred, I tried to find any
12 type of marks where the vehicle might have left the
13 roadway to cause the vehicle to, uh, cross the center
14 line. Couldn't locate any at that time.

15 **Q** I'm going to back you up just a little bit,
16 Trooper Baldwin. You stated that the weather was clear?

17 **A** Yes, ma'am.

18 **Q** Had it rained prior in that day?

19 **A** No.

20 **Q** Could you describe Old Saluda Dam Road to us?

21 **A** Saluda Dam Road --

22 **Q** Or this part of Old Saluda Dam Road.

23 **A** Yes, ma'am. It's a double solid yellow line.
24 There is a T-intersection at the location the collision
25 occurred. The road, uh, -- the T-intersection is

1 basically the valley. The slant of the road goes this
2 direction, this direction. That little valley, you have
3 a cross street where the collision occurred.

4 Q Okay. And you noted that it was sunny. It was
5 what time of day?

6 A The collision occurred around 5:35 p.m.

7 Q Could you tell what direction the sun was at
8 that point?

9 A The sun was in the rear of the defendant's --
10 vehicle Christina Reece was operating. So the sun would
11 have been to her back.

12 Q All right.

13 A And the vehicle that was driving towards Easley
14 would have been facing the sun.

15 Q Did you say that you checked for impediments in
16 the roadway?

17 A Yes.

18 Q Did you find any?

19 A No.

20 Q Okay. Were there other Highway Patrol officers
21 that arrived while you were on the scene?

22 A Well, yes, ma'am. What had occurred is when I
23 got to talking to the rescue, I found out the significant
24 injuries. Our protocol is to notify a supervisor. I
25 notified a supervisor as to what I had. That was

1 actually -- Corporal Black was in the process of going
2 home. Corporal Mayfield was coming out. So Corporal
3 Black had responded to my location and, uh, he was the
4 first trooper that I saw on the scene to get there.

5 Q Were any of the occupants still in the vehicles
6 when you arrived?

7 A No.

8 Q Were any of those occupants on scene when you
9 arrived?

10 A No, ma'am.

11 Q Did you determine where they had been taken?

12 A Yes, ma'am.

13 Q Where was that?

14 A The rescue on the scene, personnel on the scene
15 had advised me that everybody went to Greenville
16 hospital.

17 Q Okay. Would that be Greenville Memorial
18 Hospital?

19 A Yes, ma'am.

20 Q Tell me what your investigation consist of.
21 Did you -- what did you do on the scene?

22 A Well, at that point, my primary focus was to
23 preserve any kind of evidence that was there. No
24 vehicles would be moved until the supervisor got there.
25 That was the role at that time until the supervisor made

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1 the decision whether or not to -- the immediate
2 supervisor gets in touch with the Lieutenant to determine
3 if the MAIT team needed to respond or not.

4 Q Okay. And how long did you stay on the scene?

5 A I can't give you an approximate number. I'd
6 say no more than probably 30 minutes.

7 Q Okay. Where did you go after that?

8 A Corporal Black came on scene. I proceeded
9 straight to Greenville Memorial Hospital.

10 Q Is that typical protocol for the investigating
11 officer to leave the scene?

12 A It is in a situation like this where you have
13 everybody gone to the hospital. You don't know if
14 there's any kind of alcohol or drugs involved in a wreck
15 or if there's any at all. And you don't know the injury
16 status of the persons involved. And obviously, you don't
17 want to move anything until you can determine, you know,
18 at the hospital, what the status of the patients is so
19 you can report back.

20 Q So you did report to Greenville Memorial
21 Hospital?

22 A Yes, ma'am.

23 Q Were you able to locate the occupants of either
24 of those vehicles?

25 A Yes.

1 Q How did you do that?

2 A When I had walked into the hospital, like I
3 said, I knew they had been transported to Greenville
4 Memorial Hospital. There was a Pickens County medic that
5 I had met in the hospital as I was going through the
6 trauma bay. Like I said, if you look at the times they
7 were still there, I don't know his name, but he advised
8 me that the driver that they took out of the driver's
9 side seat was in the trauma bay. Went in there and
10 observed her. Then from that point, he told me where
11 basically everybody was at pertaining to the rooms.

12 Q Okay. So the EMS personnel discussed with you
13 and identified the people for you?

14 A Yes.

15 Q Tell me did you locate the defendant, Ms.
16 Christina Reece, in the hospital?

17 A Yes.

18 Q And you said where was she located?

19 A She was in the trauma bay.

20 Q Initially?

21 A Yes.

22 Q Was she conscious at that time?

23 A I don't -- I don't know if she was sedated or
24 unconscious or whatever, but she was not speaking to me.
25 She was in an unconscious state.

1 Q Did you initially try to speak to her at all?

2 A I did. But I got no response. When I walked
3 in there, I pretty much observed that. But I still tried
4 to communicate with her. But she was just on the
5 hospital bed.

6 Q Okay. What about the other occupants of the
7 truck. Were you able to locate them?

8 A I did.

9 Q Where were they?

10 A There was a female in the truck. I believe her
11 name was Amanda Strickland. She was actually upstairs in
12 the surgery. I recall the doctor telling me, or the
13 nurse, that she was already upstairs in surgery. I think
14 she had some head injury.

15 Then I went to, uh, Peds unit, Pediatric. I
16 observed, uh, two children there. One was pretty, in a
17 state of upsetness, I guess you would say. He had some
18 severe injury but he didn't want me to leave his side.
19 So I actually stayed in that room. I remember I stayed
20 in that room for quite a while trying to locate somebody.

21 Q And how old was that child?

22 A Uh, I'd say maybe four or five.

23 Q Okay.

24 A I mean, off the top of my head, somewhere in
25 there.

1 Q And after you found someone to sit with that
2 child, where did you go to?

3 A Well, after I located next of kin to come to
4 the hospital, next of kin arrived at the hospital. I
5 tried to console the child. He was going to be okay
6 then. Then I went to the room of, uh, the other party
7 that was in the collision which was the driver of that
8 vehicle, which was Matthew --

9 Q Medgysey?

10 A Yes, ma'am.

11 Q And how was Mr. Medgysey? Was he conscious at
12 that time?

13 A He was.

14 Q Did you speak to him?

15 A I did.

16 Q Was he able to provide you any information
17 regarding the collision?

18 A He gave me an account of what happened. Would
19 you like me to give at this time?

20 Q Yes.

21 A He told me he --

22 **MR. WARDER:** Your Honor, I object to it as
23 hearsay.

24 **THE COURT:** I need to hear it before I
25 determine what --

1 **MS. BENTLEY:** The State would argue this is
2 the purpose of the investigation not for the truth
3 of --

4 **THE WITNESS:** Yes, ma'am. He told me that he
5 was traveling towards Easley and that, uh, for no
6 apparent reason the vehicle had just drove up the
7 center and struck him.

8 **BY MS. BENTLEY:**

9 **Q** Okay.

10 **A** That's what he said.

11 **THE COURT:** All right. I'll allow that.

12 **BY MS. BENTLEY:**

13 **Q** Okay. Did you interview Mr. Medgysey? Did you
14 try to make a determination as to whether he could have
15 been at fault for this collision?

16 **A** Well, I asked him, you know, was he -- did
17 anything occur prior to him having the impact. He said
18 he was just driving the straight proper direction, which
19 is what the evidence at the scene lead me to believe.

20 **Q** Okay. Uh, what type of injuries did Mr.
21 Medgysey have that you observed at that time?

22 **A** Off the top of my head, I recall he had a foot
23 injury, if I'm not mistaken.

24 **Q** Okay. And did you -- were you able to speak to
25 Mr. Medgysey's wife, Kimberly Medgysey?

1 A Yes, I did.

2 Q Where was she located?

3 A She was lying on the hospital bed while I was
4 talking to her.

5 Q And was she conscious and speaking to you at
6 that time?

7 A Yes, ma'am.

8 Q Did she give you a similar account of events?

9 A Yes, ma'am.

10 Q And at any point in time or were you still
11 keeping in contact with anybody on scene?

12 A It was as soon as -- like I said, as soon as I
13 gathered the information from the occupants and the
14 drivers as to what happened. I was in contact with the
15 supervisor. I was initially in contact with Corporal
16 Black. Like I said, Corporal Black was on his way home.
17 The phone call was made to Corporal Mayfield.

18 Q Corporal Mayfield. And did you have one
19 conversation, multiple conversations to Corporal
20 Mayfield?

21 A It was multiple.

22 Q Okay. At any point in time, did he give you
23 information regarding a potential cause of this
24 collision?

25 A I don't know if you would call it a cause at

1 this point. He gave me some information as to what was
2 found in the vehicle.

3 Q Okay. What did he tell you was found in --
4 first of all, what vehicle are you talking about?

5 A The vehicle that was driven by Christina Reece.
6 It was the Nissan pickup.

7 Q Okay. And what did he tell you was found?

8 A He advised me that there was some empty beer
9 cans that was found around the vehicle. There was also,
10 for lack of better words, a dope pipe that was found in
11 belongings that belonged to her as well as an arrest
12 warrant.

13 Q Okay. And did he bring those items to you at
14 any point?

15 A Yes. Later on in the evening, he reported to
16 the Greenville hospital.

17 Q Okay. Trooper, I'm going to show you what was
18 marked for -- marked as State's Exhibit 9, 10 and 11. I
19 want you to review these items.

20 A (Reviewing.)

21 Q Do you recognize what I just showed you?

22 A Yes, ma'am.

23 Q How do you recognize State's Exhibits 10 and
24 11?

25 A 10 and 11 is what Corporal Mayfield had

1 presented me in a bag in the hospital, evidence bag.

2 Q Okay. And how do you know that?

3 A I know that because the writing on the bag is
4 my writing where I received it and where it was placed
5 into evidence on the chain of custody.

6 Q Now, has anything -- can you tell whether these
7 bags had been unsealed or opened ever?

8 A No. They are still sealed up. There's the
9 glue right here, the adhesive. Once you break it, it
10 actually will rip the whole bag.

11 Q All right. So can you testify that these items
12 are in the exact same condition as they were when
13 Corporal Mayfield brought these to you?

14 A Yes, ma'am.

15 MS. BENTLEY: Okay. Your Honor, at this
16 time, the State wishes to admit exhibits 10 and 11
17 into evidence.

18 THE COURT: Any objection?

19 MR. WARDER: No objection.

20 THE COURT: All right then. They are so
21 admitted.

22 (WHEREUPON, State's Exhibits 10 and 11 are admitted
23 into the record.)

24 BY MS. BENTLEY:

25 Q Uh, State's Exhibit 10, can you please explain

1 to us how that's packaged.

2 **A** It appears to be a brown paper bag. The glass
3 pipe is wrapped up in some kind of paper towel that has
4 been wrapped around it.

5 **Q** Okay. Did you see what was in that paper towel
6 prior to sealing the bag?

7 **A** No. When I received the bag, it was sealed.

8 **Q** It was sealed. Okay. Okay. Uh, alright.
9 Trooper Baldwin, did Corporal Mayfield indicate what was
10 in that bag?

11 **A** Yes.

12 **Q** What did he tell you was in there?

13 **A** He said it was a glass pipe as the picture had
14 indicated there.

15 **Q** But you do not have knowledge that that is, in
16 fact, what that was?

17 **A** No, it was presented to me just like it is
18 right there in the bag.

19 **Q** Okay. Based on this evidence that you saw, uh,
20 what did you decide to do?

21 **A** Well, prior -- prior to him getting to the
22 hospital and what he had told me on the phone that he had
23 at the scene, being the arrest warrant, uh, and the other
24 pieces of evidence that we discussed here this morning
25 and also that I could not locate any kind of marks the

1 vehicle had went off the road prior to. It was a sunny
2 day.

3 Whenever you get a wreck like that or
4 collision, you got to start, you know, being the
5 investigating officer trying to determine what the facts
6 were surrounding this incident. And based off of what
7 was at the scene there and the pipe that was found in her
8 belongings, I advised him that this could be a DUI
9 situation. Obviously, you know, being the driver of the
10 vehicle and all the occupants and so forth. Small
11 children are unconscious or even in surgery. And I can't
12 talk to them at that point.

13 Q Right.

14 A That was the direction that we went with it.

15 Q Okay. So you believed that it was possible
16 that Ms. Reece was under the influence of something?

17 A Yes, ma'am.

18 Q Okay. Uh, what did you decide to do at that
19 time?

20 A At that time, I decided to place her under
21 arrest, based off the injuries, for a Felony DUI.

22 Q Okay. And where was Ms. Reece when all this
23 was happening?

24 A She was still in the trauma bay.

25 Q And was she responsive to you?

1 **A** No.

2 **Q** Okay. I'm going to show you what's been marked
3 as State's Exhibit number 12.

4 **A** (Reviewing.)

5 **Q** Do you recognize this document?

6 **A** Yes, ma'am.

7 **Q** How do you recognize it?

8 **A** That's the Implied Consent form for Felony DUI
9 that I wrote for Christina Reece.

10 **Q** And how do you know that?

11 **A** It's got my signature at the bottom right hand.
12 I was the one that read it to her and gave it to her. At
13 the top, it's also got my handwriting.

14 **Q** Is there a place for Ms. Reece to sign that
15 document?

16 **A** There is. Lower left-hand corner.

17 **Q** And was she able to sign that?

18 **A** No, ma'am. I indicated "unable to sign" with
19 my initials on it.

20 **Q** Now, has this document been altered or changed
21 in any way?

22 **A** No, ma'am.

23 **MS. BENTLEY:** Your Honor, at this time, the
24 State wishes to admit Exhibit 12 into evidence.

25 **THE COURT:** Any objection?

1 **MR. WARDER:** No, ma'am.

2 **THE COURT:** All right. It's so admitted.

3 **(WHEREUPON, State's Exhibit 12 is admitted into the**
4 **record.)**

5 **BY MS. BENTLEY:**

6 **Q** Trooper Baldwin, why did you read this to Ms.
7 Reece if she was unresponsive?

8 **A** I read it to everyone whether they are
9 responsive or not. That's -- the protocol is to
10 establish under the guidelines of the law.

11 **Q** Okay. But you would agree that Ms. Reece --
12 pardon me. Would you say that Ms. Reece understood what
13 you were reading to her?

14 **A** Yes. I mean, if she was conscious. I'm not
15 sure what her state of mind was. She was unconscious.
16 But she would understand -- if she was awake, she would
17 understand it.

18 **Q** Okay. But at the time you read it to her, do
19 you think she understood it?

20 **A** No. She was unconscious.

21 **Q** Okay. What is the protocol after advising
22 someone of their implied consent rights, Trooper?

23 **A** The protocol after that is, uh, there's a
24 hospital blood draw form that needs to be filled out.
25 Once the blood draw form is filled out, we -- Greenville

1 hospital's policy is normally the charge nurse does the
2 blood draw. So you ask for the charge nurse on duty. He
3 or she will come to the room. That blood draw paperwork
4 has to be completed as well by the blood drawer.

5 Once the sample was collected, it's placed in a
6 specimen tube. The tubes are sealed up and properly
7 labeled with the defendant's name on there. You have a
8 chain of custody that Greenville hospital gives. You
9 also have to complete one yourself that goes to the
10 office where it's turned in at CEF. That's Central
11 Evidence Facility in Columbia. Everything's got to be
12 properly labeled and documented.

13 Q Trooper Baldwin, in a typical DUI, felony DUI
14 situation, what is the first test that is offered to a
15 suspect?

16 A If they are able to go to the, uh, jail, the
17 first test will be a DataMaster.

18 Q Which is the --

19 A The Breathalyzer machine that's commonly
20 referred to.

21 Q Okay. And were you able to offer Ms. Reece
22 that test?

23 A No, ma'am.

24 Q Why not?

25 A Because her injury is too significant. She had

1 to stay in the hospital. She was unable to go to the
2 jail to take that test.

3 Q Okay. I'm going to show you what's been marked
4 as State's Exhibits 13 through 15. Do you recognize
5 these documents?

6 A Yes, ma'am.

7 Q How do you recognize those?

8 A I recognize Exhibit 13 as the, uh, urine/blood
9 collection report. That has my handwriting on top. It
10 has my signature at the bottom. That is consistent with
11 my signature.

12 Q Okay.

13 A And Exhibit 14 is the chain of custody that
14 Greenville hospital nurse had given me when she was
15 conducting the blood draw. It's also consistent with the
16 name of the defendant on top. That's how I recognize it.

17 Q Okay.

18 A And Exhibit 15 here is the SLED forensic
19 service request form that we fill out to get the blood or
20 specimen, whatever you have of a particular case,
21 analyzed. I recognize this as being mine based on my
22 signature at the top where name of investigating officer
23 as well as my handwriting.

24 Q Okay. What do your -- pardon me. Have any of
25 these documents been altered since you last saw them?

1 **A** No, ma'am.

2 **Q** Have they been changed in any way?

3 **A** No, ma'am.

4 **Q** Okay. What do your signatures on these
5 documents indicate? And they might indicate different
6 things. Tell us what your signature on Exhibit 13
7 indicates.

8 **A** On Exhibit 13, the urine/blood collection
9 report and my signature indicates that the sample was
10 collected under my direct supervision. It was properly
11 labeled with the subject's name and time of collection on
12 that specimen sample. And it is properly labeled and
13 ready to be transported.

14 **Q** Okay.

15 **A** And my signature is not on number 14 exhibit.
16 That is from the nurse to myself that drew blood or took
17 a urine sample.

18 **Q** That -- but is that a form that she gave you?

19 **A** Yes.

20 **Q** Okay.

21 **A** Yes, and it's also got my name down here. It
22 was given to Trooper Baldwin.

23 **Q** Did you observe her sign that?

24 **A** Yes. They filled it out right in front of me.

25 **Q** Okay. And Exhibit 15?

1 **A** Exhibit 15, uh, has my name on it. It doesn't
2 have a place for a signature. It has my printed name on
3 it. It's just indicating that -- who to send back the
4 results to and the defendant's name and what kind of
5 specimen was taken.

6 **Q** What do you do with Exhibit 15? Where does
7 that -- what does that (inaudible)?

8 **A** I'm sorry?

9 **Q** Do you keep Exhibit 15 with anything? Does it
10 go anywhere?

11 **A** Yes, ma'am. Exhibit 15 goes along with the
12 other two documents that you have there. They are the
13 ones that goes down to, uh, Central Evidence Facility.
14 Those guys are related to the ones that carries it to
15 SLED to be analyzed with a toxicologist.

16 **Q** What's the purpose of Exhibit 15?

17 **A** The purpose of Exhibit 15 is to state your
18 name, who you work for, the address, what your, uh,
19 checking for, if there's any kind of drug suspected. It
20 also indicates if there was a death or traffic fatality
21 or not. It's just a general -- general -- it's a
22 generalized form. It doesn't necessarily pertain to --
23 it pertains to anything in the state that needs evidence
24 collected on.

25 **Q** Okay.

1 **A** DNA or whatever.

2 **Q** And you are the only person that fills out
3 Exhibit 15?

4 **A** The, uh, -- I'm the only person that filled
5 this one out.

6 **Q** Okay.

7 **A** Obviously, if you are another trooper and you
8 make a case, then you would fill out one on your
9 defendant.

10 **Q** Right.

11 **MS. BENTLEY:** Your Honor, at this time, the
12 State wishes to admit Exhibit 15 into evidence.

13 **THE COURT:** Any objection?

14 **MR. WARDER:** No, Your Honor.

15 **THE COURT:** All right. Then it will be so
16 admitted.

17 **BY MS. BENTLEY:**

18 **Q** Trooper Baldwin, after you observed the nurse
19 collect the samples -- what samples did you request?

20 **A** I requested a, uh, blood draw.

21 **Q** Okay. And after you obtained that blood, what
22 did you do?

23 **A** I made sure that it was properly labeled and
24 sealed up. And I took it to the Pickens Patrol Office
25 which is located in Central, ---

1 Q Okay.

2 A --- South Carolina. And there was also a urine
3 specimen collected as well. It was all properly labeled.

4 Q You can't --

5 A Okay. That's where it was --

6 Q So your testimony is you took those evidence,
7 that evidence to Central, South Carolina?

8 A Yes, at the patrol office.

9 Q Okay. And where -- is there a particular place
10 at the office that you took it to?

11 A Yes, it's the evidence room.

12 Q Okay. And tell me about the evidence room.

13 A The evidence room is a secured facility. I
14 don't have access to it. It's inside the patrol office.
15 That gets back to the actual supervisor that has access
16 to it.

17 Q Is that the same place that you took exhibits
18 10 and 11?

19 A Yes, there's two -- yes. Yes.

20 Q Okay. So you took everything to the same
21 place?

22 A Yes.

23 Q Did you do that at the same time?

24 A Yes.

25 Q And did you give all the evidence to the same

1 person?

2 **A** Yes.

3 **Q** Okay. Did that conclude your investigation
4 into this case?

5 **A** Well, there was still some initial followup,
6 but the main thing ---

7 **Q** Okay.

8 **A** --- as far as it being -- that day, myself and
9 the MAIT team got together and went over what I think
10 happened and they went over what they thought happened.
11 Both of our theories in investigation matched up
12 together.

13 **Q** Okay. One moment please. (Pause.)

14 Uh, Trooper Baldwin, at some point in time, did
15 you receive a response from SLED to your request?

16 **A** To do the analysis on the -- yes.

17 **Q** Do you know when that came in approximately?

18 **A** I'm not sure if they put the date on it or not.
19 I can look.

20 **Q** Was it within a couple of days or a couple of
21 weeks?

22 **A** It's dated on the SLED form that it was July
23 the 28th, 2011. That's on page 3.

24 **Q** Okay.

25 **A** And it's also on page 2 -- 2 and 3.

1 Q Okay. And what -- based on what that report
2 said -- and don't tell us what it said -- what did you do
3 at that time?

4 A After I received the report?

5 Q Yes.

6 A I met with the Solicitor. After that point, it
7 was the, uh, -- the decision was made to seek exactly how
8 many felony DUI charges.

9 Q Okay. Were you the one that arrested Ms.
10 Reece?

11 A I was the one that went out to the house. The
12 warrant was actually served by a Greenville County
13 deputy.

14 Q Okay. And did you go and -- I guess, did you
15 go and pick up Ms. Reece to transport her for processing?

16 A I did. Of course, you know, we can't serve our
17 own warrants under law. So I had a Greenville County
18 deputy meet me out there and physically serve the warrant
19 for me. And I transported her from the residence that
20 she was at in Greenville County, South Carolina, back to
21 the Pickens County Detention Center.

22 Q And when was that?

23 A September 26, 2011.

24 Q All right. Trooper Baldwin, when you met with
25 Ms. Reece, did you advise her of her Miranda rights?

1 **A** She was advised by the deputy or myself, either
2 one. I can't remember. I remember she had her rights
3 read to her and on video. The whole process was videoed
4 from my in-car camera.

5 **Q** Okay. And we're going to --

6 **A** She was under Miranda.

7 **Q** We're going to get there. So she was advised
8 of her Miranda rights?

9 **A** Yes, ma'am.

10 **Q** What were those rights that you advised her of?
11 Did you use the card in your pocket to advise her of
12 those rights?

13 **A** Yes, ma'am. I always use the card.

14 **Q** Please tell me the rights that you had advised
15 her of.

16 **A** Read them out loud to you?

17 **Q** Yes.

18 **A** You have the right to remain silent --

19 **MR. WARDER:** Your Honor, I object this. The
20 answer to the question previously asked was was she
21 read her Miranda rights. He said he or the deputy
22 did. Now he's going to read a card and say I read
23 this.

24 **THE COURT:** Did he actually read the rights,
25 the Miranda rights to her?

1 **MS. BENTLEY:** Uh, Your Honor, I can't answer
2 his question for him.

3 **THE COURT:** Did you actually read the Miranda
4 rights?

5 **THE WITNESS:** Your Honor, I can't recall if
6 myself or the deputy did. I know she was read -- I
7 know she was read them because I remember her having
8 them read to her in the mobile home. She was on the
9 porch. But I think the question was --

10 **THE COURT:** What rights do you normally read
11 to her?

12 **THE WITNESS:** Yes. And I always read them
13 off the card.

14 **THE COURT:** Well, we're in a bench trial. We
15 probably --

16 **MR. WARDER:** Well, if he remembers them, he
17 doesn't need to read them off the card.

18 **THE COURT:** Right. Well, if he reads them
19 off the card, I certainly understand and I don't
20 have any problems with that. But if he doesn't
21 remember if he was that one who read it, I think we
22 can skip over that.

23 **MS. BENTLEY:** All right.

24 **THE COURT:** He's just testifying that he
25 knows they were read.

1 **MS. BENTLEY:** They were read to her. Okay.

2 **BY MS. BENTLEY:**

3 **Q** Trooper Baldwin, after she was advised of her
4 rights, what did you do? Was she handcuffed?

5 **A** Yes, ma'am.

6 **Q** Did you handcuff her?

7 **A** She was handcuffed by the deputy.

8 **Q** By the Greenville County deputy. Tell me
9 exactly what happened after she was handcuffed.

10 **A** She was lead out to my patrol car. The video
11 camera was turned around facing her vehicle. Read my
12 beginning miles from my location where I was en route to
13 and that I was transporting a white female.

14 **Q** Okay. Now, I'm going to ask you some questions
15 prior to that. Now, Ms. Reece was in custody at this
16 time, correct?

17 **A** Uh-huh.

18 **Q** Was she free to leave?

19 **A** No, she was in custody.

20 **Q** Okay. Was she -- was she -- did she request
21 anything that she was denied? Did she request a bathroom
22 break before she was transported?

23 **A** No.

24 **Q** Did she request a drink? Did she request food?

25 **A** No.

1 Q Did you deny her anything?

2 A No.

3 Q Did you ask Ms. Reece questions?

4 A I did. I tried to make it as comfortable as I
5 could to get to the accommodations. I actually asked her
6 was the air or heat needed to be turned up or down as you
7 can see on video.

8 Q Okay. And was it explained to Ms. Reece that
9 she did not have to speak to you?

10 A Yes.

11 Q And did she voluntarily speak to you at that
12 time?

13 A Yes, ma'am.

14 Q Did you ask her to write questions?

15 A I asked her, uh, basically how the people in
16 her vehicle were doing.

17 Q But you asked her questions?

18 A Yes.

19 Q And did she respond to those questions?

20 A Yes.

21 Q At any point, did she hesitate or ask for an
22 attorney?

23 A No.

24 Q At any point, did she tell you that she did not
25 want to talk any more?

1 **A** No.

2 **Q** At any point, did she seem confused about the
3 situation she was in?

4 **A** No.

5 **Q** And you said that this was commemorated on
6 video?

7 **A** Yes.

8 **Q** I'm going to show you what's been marked as
9 State's Exhibit 16, Trooper Baldwin. Do you recognize
10 this disk?

11 **A** Yes.

12 **Q** How do you recognize it?

13 **A** That's the disk that I made off the original.
14 It's a copy.

15 **Q** And how do you know that?

16 **A** Cause I'm the one that made it. It's got my
17 name on the bottom. It's got the defendant's name at the
18 top.

19 **Q** Is this your handwriting?

20 **A** Yes.

21 **Q** Okay. Have you viewed this tape or have you
22 viewed this copy?

23 **A** Yes.

24 **Q** And is what's on this disk, is it a fair and
25 accurate representation of your conversation with Ms.

1 Reece?

2 A Yes.

3 Q Has it been changed or altered in any way?

4 A No.

5 MS. BENTLEY: Your Honor, at this time, the
6 State wishes to admit State's Exhibit 16 and publish
7 it.

8 THE COURT: Any objection?

9 MR. WARDER: Subject to my prior objection as
10 to the timeliness, Your Honor.

11 THE COURT: All right. And your objections
12 are noted. Respectfully for the record, I'll
13 admit --

14 MS. BENTLEY: Your Honor, do you want to
15 publish this at this time?

16 THE COURT: Do you have a reason that -- do
17 you have a reason that you want to publish it? In
18 other words, do you want to go through any parts of
19 it? Otherwise, I have reviewed it and I will review
20 it again.

21 MS. BENTLEY: No, Your Honor.

22 THE COURT: Any objection to that?

23 MR. WARDER: No, Your Honor.

24 THE COURT: All right.

25 (WHEREUPON, State's Exhibit 16 is admitted into the

1 record.)

2 **MS. BENTLEY:** Trooper Baldwin, I have no
3 further questions for you at this time. Please
4 answer any questions Mr. Warder may have.

5 **THE COURT:** Mr. Warder.

6 **MR. WARDER:** Thank you, Your Honor.

7 **CROSS-EXAMINATION**

8 **BY MR. WARDER:**

9 **Q** Trooper Baldwin, did you make an incident
10 report of this occasion?

11 **A** Yes.

12 **Q** And did you make the incident report
13 simultaneously with the date it happened?

14 **A** The incident report is dated October the 2nd,
15 2011.

16 **Q** Okay. So the incident report is dated five
17 months after the accident, is that right?

18 **A** Yes.

19 **Q** Where did you get the information to put on the
20 incident report five months after the accident happened?

21 **A** We were -- I say we were -- my supervisors had
22 advised me to wait for the, uh, test results to come
23 back. On the incident report, it has a box on it for any
24 kind of warrant numbers or ticket numbers. We didn't
25 have anything to put on there at the time as to how many

1 warrants need to be seeked as well. So that's why the
2 decision was made not to do an incident report at that
3 time, sir.

4 Q Okay. So the correct answer to my first
5 question was was an incident report made that day, your
6 answer would be no?

7 A That's correct.

8 Q Did you make any notations that you used in the
9 incident report? Did you write anything down or just
10 rely on your memory?

11 A No, the incident report was based off the
12 toxicology results as well as the actual collision
13 report.

14 Q Okay. So the toxicology results that came in
15 in July were the basis of the decision to do an incident
16 report?

17 A No, sir. Whether it was a Felony DUI or a DUI
18 or any numerous other charges the incident report would
19 have been done.

20 Q Okay.

21 A It was just the fact that I was unable to do
22 one at the time because I didn't have any kind of warrant
23 numbers to fill in the boxes on the incident report here.

24 Q Okay. The incident report here described what
25 you did, the time you arrived and things like that.

1 **A** I'm sorry. I couldn't hear you.

2 **Q** The incident report, you recite the actions of
3 the day. You describe that on 4/30/11, I was
4 dispatched ---

5 **A** Yes.

6 **Q** --- at, uh, -- and you made no notes of the day
7 at the time you dispatched it. You remember those times?

8 **A** Yeah. The reason I remember a time, sir, is on
9 the wreck report itself, the collision report, it's got
10 the -- like I said earlier in my testimony, it reverts
11 back to the accident report. At the top right-hand
12 corner, it states when I was notified and when I arrived.
13 Those times comes off of the, uh, -- our dispatch screen.
14 When I put it on the computer, this report can not be
15 submitted if any of the fields are missing. So I called
16 the station and I asked them for my notification of
17 arrival time. That's how I could remember when you asked
18 me a question about the incident reports. I referred
19 back to my collision report.

20 **Q** How come you waited from July until September
21 when you got the, uh, -- in July, you got the SLED report
22 and in September, you get the arrest warrant. How come
23 you waited that long?

24 **A** As I stated earlier in my testimony, I met with
25 the Solicitor. I don't know -- you said from July to

1 September. I had to meet with the Solicitor on the
2 charges. I think the Solicitor had to determine the
3 injury status. She had to get in touch or he had to get
4 in touch with the medical personnel. There was a pretty
5 long process, I would imagine, in the court orders that
6 you have to get in order to obtain someone's injuries.

7 Q Any reason that you didn't have the urine
8 analyzed?

9 A I sent everything down to SLED, sir. I can't
10 testify, nor do I know why they did or didn't analyze the
11 urine.

12 Q Okay. You don't know whether they tested or
13 not. Is that what you said?

14 A I have a form back that's labeled evidence from
15 the blood. Like I said, I don't know what their protocol
16 is on testing the urine.

17 Q Did you check and see what happened to the
18 urine sample you sent down there?

19 A It was received. That's all I can testify to
20 except for my paper they sent me back from the blood.

21 Q And, uh, did you send the request form down to
22 have the urine analyzed?

23 A It's right here on the back of this one, sir.
24 The SLED request that says of item number 2 --

25 Q My question was did you send a form down to ask

1 to have it analyzed?

2 **A** This was the form right here that goes with it.

3 **Q** So the answer to that question is yes. Is that
4 what you're telling me?

5 **A** Yes.

6 **Q** The affidavits to get the arrest warrants, they
7 were sent -- they were filed in October too?

8 **A** The arrest warrant affidavit is September the
9 26th of 2011 is my date on it.

10 **Q** So four and a half months afterwards?

11 **A** I'm sorry.

12 **Q** About four and a half months after the
13 accident?

14 **A** Yes, sir.

15 **Q** And there are no contemporaneous reports made
16 with this accident, is that right?

17 **A** Explain in depth what you mean by that?

18 **Q** I mean was there any reports that were filed --
19 official reports filed on April -- when the accident
20 happened, incident reports or things like that?

21 **A** I don't understand your question.

22 **Q** Okay. Thank you.

23 **THE COURT:** Any follow up?

24 **MS. BENTLEY:** Nothing further.

25 **THE COURT:** Sir, you can step down.

1 **THE WITNESS:** Thank you, Your Honor.

2 **THE COURT:** Thank you.

3 **MS. BENTLEY:** The State calls Heather
4 Carroll.

5 **THE COURT:** I'll tell you what, before we put
6 her on the stand, let's take a five-minute break.
7 All right. We'll be in recess for five minutes.

8 (WHEREUPON, a short recess is taken.)

9 **THE COURT:** All right. We're ready to go.
10 Call your next witness.

11 **MR. BUCKNER:** Thank you, Judge. The State
12 calls Heather Carroll to the stand.

13 **THE COURT:** All right.

14 **HEATHER CARROLL**

15 having first been sworn, testifies as follows:

16 **DIRECT EXAMINATION**

17 **BY MR. BUCKNER:**

18 **Q** Ms. Carroll, where are you employed?

19 **A** Greenville Memorial Hospital.

20 **Q** And how long have you worked there?

21 **A** Approximately seven years.

22 **Q** And what is your specific job at the hospital?

23 **A** I'm a registered nurse.

24 **Q** And, uh, Ms. Carroll, can you please briefly
25 give your educational background?

1 **A** Uh-huh. I have an associates degree in nursing
2 from Greenville Tech and I have a bachelors of science in
3 nursing from USC Upstate.

4 **Q** Ms. Carroll, as part of your job, do you
5 routinely collect blood samples from individuals?

6 **A** I do.

7 **Q** How about blood samples for legal purposes?

8 **A** Yes, I do.

9 **Q** Can you explain for the court how the
10 collection of a legal sample differs from just a regular
11 collection?

12 **A** Uh, yes, we make sure to clean the site with a
13 nonethanol prep. Then we collect the blood into an
14 unused vial.

15 **Q** Are there any other procedures the hospital has
16 in place to collect blood samples for law enforcement?

17 **A** It's normally done by a supervisor or a charge
18 nurse at the emergency room. And we make sure law
19 enforcement is present when we do that.

20 **Q** Ms. Carroll, were you working at Greenville
21 Memorial Hospital on April 30th of 2011?

22 **A** Yes.

23 **Q** And during your shift when you were working,
24 did you come into contact with the defendant, Christina
25 Reece?

1 A Yes.

2 Q Ms. Carroll, I'm going to show you what's been
3 marked as State's Exhibit 13 and 14.

4 A (Reviewing.)

5 Q Do you recognize these documents?

6 A I do.

7 Q How do you recognize these documents?

8 A This is a chain of custody that we use when we
9 do the legal blood draw.

10 Q And I'm sorry to interrupt you, but what number
11 is that?

12 A Uh, 14. Exhibit 14.

13 Q And what is number 13?

14 A That is the form that we sign for law
15 enforcement.

16 Q Now, I'm going to get back to those in a
17 second. But, Ms. Carroll, did you collect a blood sample
18 from the defendant at the direction of law enforcement on
19 the date?

20 A I did.

21 Q And was the officer present during that
22 collection?

23 A He was.

24 Q Was he present the whole time?

25 A He was.

1 Q Did you collect the blood sample from the
2 defendant according to hospital procedure that you
3 referred to earlier?

4 A I did.

5 Q And can you explain to the court how you know
6 that the sample of --

7 A Uh, I collected the sample. I clean the site
8 myself with, uh, a nonethanol prep. I had the vials in
9 my possession until I handed those over to the trooper.

10 Q Now, back to the exhibits, is that your
11 signature on Exhibit -- State's Exhibit 13?

12 A It is.

13 Q And what does your signature on that form
14 indicate or mean?

15 A Uh, it means that again, I used a nonethanol
16 prep, I collected the blood in an uncontaminated vial and
17 also collected a urine specimen into an uncontaminated
18 container.

19 Q Has this document been changed or altered in
20 any way since the last time that you saw it?

21 A No.

22 MR. BUCKNER: Judge, the State would move
23 Exhibit 13 into evidence at this time.

24 THE COURT: Any objection?

25 MR. WARDER: No objection, Your Honor.

1 **THE COURT:** All right then. It will be so
2 admitted.

3 **MR. BUCKNER:** Thank you, Judge.

4 **THE COURT:** Thank you.

5 **(WHEREUPON, State's Exhibit 13 is admitted into the**
6 **record.)**

7 **BY MR. BUCKNER:**

8 **Q** A few more questions. Is that your signature
9 also on Exhibit 14?

10 **A** It is.

11 **Q** And can you explain to the court what your
12 signature indicates or means?

13 **A** It again restates that I used a nonethanol prep
14 to clean the site, collected the blood in an unused vial,
15 uh, I then, uh, describe the specimen red blood collected
16 in a gray top tube. Then I signed where at that time I
17 collected it. It was given to Trooper Baldwin.

18 **Q** And what is the purpose of this form that you
19 use?

20 **A** Uh, it's a chain of custody which just states
21 that I collected the blood and who I handed it over to.
22 It never left my possession.

23 **Q** And has this document been changed or altered
24 in any way since the last time that you saw it?

25 **A** No, sir.

1 **MR. BUCKNER:** Your Honor, the State would
2 move State's Exhibit 14 into evidence at this time.

3 **MR. WARDER:** No objection, Your Honor.

4 **THE COURT:** All right then. It will be so
5 admitted.

6 **(WHEREUPON, State's Exhibit 14 is admitted into the**
7 **record.)**

8 **MR. BUCKNER:** Thank you, Judge. No further
9 questions from the State.

10 **THE COURT:** Okay.

11 **MR. BUCKNER:** Please answer any questions Mr.
12 Warder may have.

13 **THE COURT:** Mr. Warder.

14 **CROSS-EXAMINATION**

15 **BY MR. WARDER:**

16 **Q** I'll hand you a -- I need to get these marked
17 for identification. I didn't know that I was going to
18 need it.

19 **(WHEREUPON, Defendant's Exhibits 1 and 2 are marked**
20 **for identification purposes.)**

21 **BY MR. WARDER:**

22 **Q** I'll hand you what's been marked Defendant's
23 Exhibit number 1 and number 2 for identification and ask
24 you if you can recognize that.

25 **A** Yes, I do.

1 Q Okay. And can you tell Your Honor what they
2 are?

3 A Uh, yes. This is the chain of custody form
4 that we fill out when we collect a specimen just stating
5 that it never leaves our possession and that it's given
6 to the trooper. This one is the form that Highway Patrol
7 provides stating that we collected a specimen.

8 Q And that is for what kind of specimen?

9 A Uh, this is for urine. This one is for urine
10 and blood.

11 Q Okay. Did you draw those samples of urine
12 that's indicated on those two forms?

13 A I did.

14 Q And what did you do with those two urine
15 samples after you drew them?

16 A They remained in my possession until I labeled
17 them, placed them in a biohazard bag with this chain of
18 custody and handed them over to the trooper.

19 Q So Trooper Baldwin would have left that night
20 with a blood sample and a urine sample?

21 A Yes, sir.

22 Q And you would have drawn both of those?

23 A Yes, sir.

24 Q And you would have done both of them according
25 to the procedures?

1 **A** Yes, sir.

2 **MR. WARDER:** Your Honor, please the Court. I
3 would move the two -- Defendant's 1 and 2 for
4 identification into evidence.

5 **THE COURT:** Any objection?

6 **MR. BUCKNER:** No objection from the State,
7 Your Honor.

8 **THE COURT:** All right. They will be so
9 admitted.

10 (WHEREUPON, Defendant's Exhibits 1 and 2 are
11 admitted into the record.)

12 **MR. WARDER:** If it please, that will be all
13 the questions I have for this witness.

14 **THE COURT:** All right. Thank you. Anything
15 else?

16 **MR. BUCKNER:** No further questions, Judge.

17 **THE COURT:** Ma'am, you can step down.

18 **MR. BUCKNER:** May Ms. Carroll be released,
19 Your Honor?

20 **THE COURT:** Any objection to her being
21 excused?

22 **MR. WARDER:** No, Your Honor.

23 **THE COURT:** Thank you so much for being here.

24 **MS. BENTLEY:** The State calls Trooper Greer,

25 **THE COURT:** All right.

1 **JAMES GREER**

2 having first been sworn, testifies as follows:

3 **THE CLERK:** If you would, have a seat. State
4 your name for the record please.

5 **THE WITNESS:** My name is James Curtis Greer.

6 **DIRECT EXAMINATION**

7 **BY MS. BENTLEY:**

8 **Q** Trooper Greer, where are you employed?

9 **A** South Carolina Highway Patrol.

10 **Q** And what is your position there?

11 **A** I'm a law enforcement officer for the
12 Department of Public Safety.

13 **Q** How long have you been there?

14 **A** I been there a little over 10 years.

15 **Q** Were you working on April 30th, 2011?

16 **A** I was.

17 **Q** What shift were you working?

18 **A** We were on the night shift that night.

19 **Q** What time did you get off?

20 **A** I don't actually recall the exact time that I
21 came on. I just know that we were on the night shift. I
22 remember being with the supervisor later that night.

23 **Q** Okay. Do you -- what's the first call that you
24 were responding to that night?

25 **A** I remember as soon as I signed on, -- I

1 typically sign on a little earlier -- the supervisor
2 asked me to come to Saluda Dam Road to a collision to
3 help assist with the investigation of the collision.

4 Q What supervisor was that?

5 A It was Josh Black.

6 Q And who was on the scene when you arrived at
7 Saluda Dam Road?

8 A When I arrived on the scene at Saluda Dam Road,
9 Josh Black was there. There was some deputies there as
10 well as officers.

11 Q And was Trooper Baldwin on the scene at that
12 point?

13 A I think he had already left and went to the
14 hospital when I arrived.

15 Q What was -- did you -- did you report to
16 Supervisor Black when you arrived?

17 A I did.

18 Q And what did he direct you to do?

19 A He told me to -- first, he told me to help
20 secure the scene. He had talked with Baldwin and said
21 that we may have a possible felony situation here. At
22 that point, I started looking around the scene looking
23 for any indications.

24 Q Okay. Did Trooper Black remain the supervisor
25 the entire time you were on the scene?

1 **A** No. Once Corporal Mayfield signed on the shift
2 and made it to the scene, Josh Black turned it over to
3 him.

4 **Q** Do you know about how long it was before
5 Corporal Mayfield arrived on the scene?

6 **A** I don't know the exact time. I'm thinking I
7 was there maybe about 45 minutes or less ---

8 **Q** Okay.

9 **A** --- when he got there.

10 **Q** Okay. And had you completed your search by the
11 time he got there?

12 **A** No. I was in the process of it.

13 **Q** Okay. Now initially when you were on the
14 scene, what were you -- where were you looking?

15 **A** When I first arrived, when I first pulled up to
16 the scene, I pulled up behind the grayish-colored pickup
17 truck. So Corporal Black approached me. He was on the
18 phone at that point. He said we may have a possible
19 felony situation. Look for any evidence or anything like
20 that.

21 At that point, I just began walking around the
22 scene looking at different angles of the crash and that
23 sort of thing. As I moved in toward the truck, I noticed
24 that there was beer cans in the truck. I also noticed --
25 in the bed of the truck. I noticed that there were also

1 beer cans within the cab of the truck behind the seat
2 area.

3 Q Okay. I'm going to show you what's been marked
4 and admitted as State's Exhibit 11. Do you recognize
5 this?

6 A Yes.

7 Q How do you recognize that?

8 A Those are the beer cans that I received from
9 the bed of the truck.

10 Q How do you know? Does it have your name on
11 there?

12 A Yes, it does. It has my name as being the
13 person that received them and gave them to Corporal
14 Mayfield.

15 Q And you gave those cans to Corporal Mayfield?

16 A Yes.

17 Q In addition to those -- in addition to the
18 outside -- inside of the truck, was there anything else
19 that you found in that search that day?

20 A Once we saw the beer cans there, we had
21 probable cause to continue the search for contraband or
22 any other substances. In the bed of the truck, there
23 were several bags like backpacks and that sort of thing.

24 Q I'm going to show you what's been marked as
25 State's Exhibit 8. Do you recognize what this picture

1: is?

2 **A** Yes, this is a --

3 **Q** Don't tell me what it is yet. How do you
4 recognize it?

5 **A** I recognize it as being from the back of the
6 truck.

7 **Q** How do you remember that? Did you find that
8 bag?

9 **A** I did. I found that bag with several others in
10 the back of the truck.

11 **Q** Does that picture fairly and accurately
12 represent the bag as you found it that day?

13 **A** It does.

14 **Q** Has that picture been altered or tampered with
15 in any way that you can tell?

16 **A** No, it hasn't.

17 **MS. BENTLEY:** Your Honor, at this time, the
18 State wishes to admit Exhibit 8 into evidence.

19 **THE COURT:** Any objection?

20 **MR. WARDER:** No objection, Your Honor.

21 **THE COURT:** All right. It's admitted.

22 **(WHEREUPON, State's Exhibit 8 is admitted into the**
23 **record.)**

24 **BY MS. BENTLEY:**

25 **Q** Did you search what was marked as State's

1 Exhibit 8 or the bag that was admitted as State's Exhibit
2 8?

3 A I did. I, uh, unzipped the bag and looked
4 through the bag. Inside the bag on the, uh, -- I believe
5 it was the -- one of the pockets, I noticed there was
6 some white papers there.

7 Q Did that paperwork have anyone's name on it?

8 A It did.

9 Q What name was on the paperwork?

10 A Christina Reece.

11 Q I'm going to show you what's been marked as
12 State's Exhibit 24. Do you recognize this document?

13 A I do.

14 Q And what is that? How do you recognize that
15 document?

16 A It's the document that I found in the bag.

17 Q Is it a copy of the document?

18 A Yes, it is. It's the copy of the document.

19 Q And you said that document is located in a
20 pocket on the bag that was in State's Exhibit 8?

21 A That's correct, yes.

22 Q Has that document been altered or changed in
23 any way?

24 A No.

25 MS. BENTLEY: Your Honor, at this time, the

1 State wishes to admit Exhibit 24 into evidence.

2 THE COURT: All right. And you've got an
3 objection to this document, the arrest warrant?

4 MR. WARDER: Yes.

5 THE COURT: All right. I'll tell you what,
6 I'm going to hold that aside ---

7 MS. BENTLEY: Sure.

8 THE COURT: --- and rule on that at a later
9 time. I'm just going to reserve it.

10 MR. WARDER: Your Honor, in addition to that,
11 the evidence of the other crime, it strikes me that
12 this bag was in the back of the truck as the
13 testimony is going now. And this was a warrant to
14 search that bag. And I don't believe that just
15 because a bag is in the back of the truck that they
16 might inventory the bag, but I don't think they
17 could go through all the contents without a warrant.
18 So I would object to any fruits of the bag as being
19 a warrantless search without probable cause.

20 THE COURT: Yes, ma'am.

21 MS. BENTLEY: Your Honor, we would state that
22 at this point, they had already found the beer cans.
23 They are investigating this crash as a potential
24 felony DUI situation. Nobody was left on the scene
25 that was conscious that could explain anything.

1 They had no idea really who was in the truck. They
2 are looking for identities. They are looking for
3 explanations. This would have been -- they would
4 have had probable cause to search based on the beer
5 cans. In addition to that, they are looking for
6 just a cause for the accident.

7 **THE COURT:** All right. Your objection is
8 noted for the record.

9 **MR. WARDER:** Yes. And really a significant
10 part of this becomes the picture -- the bags, those
11 are something that could have been picked up and
12 taken to the Law Enforcement Center and put into
13 Property and Evidence. And then if they needed to
14 go through them, they could have gotten a warrant.

15 **THE COURT:** I understand your objection. It
16 is noted for the record.

17 You may proceed.

18 **BY MS. BENTLEY:**

19 **Q** Was there any other evidence in the bag as to
20 who it belonged to?

21 **A** Uh, I don't recall finding anything else as far
22 as with a name on it in the bag.

23 **Q** Okay. But that paperwork was in the bag?

24 **A** That paperwork was in the bag.

25 **Q** What else did you locate in the bag?

1 **A** We continued to search through the contents of
2 the bag and also found in the bag a bathroom towel, a
3 brown --

4 **MR. WARDER:** Your Honor, so I don't object
5 every time, can I have a continuing objection to the
6 contents?

7 **THE COURT:** A continuing objection to any of
8 the contents of the bag and to the search of the
9 bag.

10 **MR. WARDER:** Thank you, Your Honor.

11 **THE WITNESS:** And a brown, like a bathroom
12 paper towel like, in there. I retrieved that from
13 the bag and unfolded that. In that bag was a pipe,
14 a glass-type pipe.

15 **BY MS. BENTLEY:**

16 **Q** I'm going to show you what's been marked as
17 State's Exhibit 10 and already admitted into evidence.
18 Do you recognize what that is?

19 **A** I do.

20 **Q** Is that the bathroom towel that you were
21 discussing?

22 **A** Yes.

23 **Q** Is that -- is this how the item was packaged
24 inside State's Exhibit 8, this towel and everything?

25 **A** Yes.

1 Q And it is your testimony that you then
2 unwrapped this?

3 A Yes, I did.

4 Q And I'm showing you what's marked as State's
5 Exhibit 9. Does that fairly and accurately represent
6 what was inside State's Exhibit 10 or what is State's
7 Exhibit 10?

8 A Yes.

9 Q Is the paper towel still in that?

10 A No, it is not.

11 **MS. BENTLEY:** Your Honor, at this time, the
12 State wishes to admit State's Exhibit 9 into
13 evidence.

14 **THE COURT:** All right. And your objection is
15 noted to that. I'll admit it.

16 **(WHEREUPON, State's Exhibit 9 is admitted into the**
17 **record.)**

18 **BY MS. BENTLEY:**

19 Q Okay. Uh, what did you do once you discovered
20 the pipe in the bag?

21 A Once I discovered the pipe in the bag, through
22 my training and experience being with the Highway Patrol,
23 I reviewed it and immediately known that it was something
24 commonly used to, uh, smoke drugs with.

25 Q Okay.

1 **A** That time, I alerted -- by that time, Corporal
2 Mayfield was on scene. I called him over. I told him, I
3 said, look, we found this in the bag along with these
4 warrants. He said okay, get an evidence bag. Let's just
5 go ahead and put that in the evidence bag.

6 **Q** Could you determine whether or not the pipe was
7 new or had been used?

8 **A** It had been used, yes.

9 **Q** Did you, uh, -- did you observe anything in the
10 pipe or could you just tell that it had been used?

11 **A** At the lower portion of it, the bowl portion of
12 the pipe, it was dark. It had been burned or heated with
13 some type of heat source. Through the, uh, portion of
14 the pipe of the stem, it was a white cloudy picture which
15 is what usually forms as the smoke. When someone heats
16 up the substance that is in the bowl part of it,
17 typically what will happen is they will stick some type
18 of filter in the end of it so that it doesn't burn their
19 mouth or tongue when they are smoking. Then they will
20 heat the bowl part of it. As they inhale, smoke comes up
21 and cause a cloudy milky white-looking type of residue on
22 the stem.

23 **Q** And you observed that in this pipe?

24 **A** Yes.

25 **Q** Was there anything else in that bag that gave

1 you any idea who it belonged to or any probable cause for
2 the -- potential cause for the wreck?

3 A There were other items like clothes and stuff
4 like that, but nothing identifying.

5 Q Okay. I have no further questions for you.
6 Please answer any questions Mr. Warder may have.

7 THE COURT: Mr. Warder.

8 CROSS-EXAMINATION

9 BY MR. WARDER:

10 Q Trooper, your squad car's equipped with a
11 computer?

12 A A laptop computer, yes.

13 Q Okay. And that has the capabilities to contact
14 somebody like a magistrate's office?

15 A No, sir. It does not.

16 Q It has capabilities to contact other cars?

17 A No, sir. It does not.

18 Q It doesn't go outside the car?

19 A No, sir. It's simply a laptop computer that we
20 use. We do not have air cards to generate Wi-Fi service
21 with the computer. It is a laptop computer that is
22 basically used for us to complete wreck reports on it and
23 do our daily reports.

24 Q Okay. When you check a license plate and do
25 that, is that a connection to the Highway Department?

1 **A** I have to pick up my in-car radio and radio to
2 dispatch to do that. It's given back through radio
3 transmission. It's not done through a computer system in
4 my car.

5 **Q** Okay. On this occasion, photo number 9,
6 State's Exhibit, it shows a pipe. Can you tell us what
7 that's laying on? What the pipe there in this photograph
8 -- what the substance is under it?

9 **A** It appears to maybe be a piece of plastic. I'm
10 not 100 percent sure what that is. I didn't take the
11 photograph.

12 **Q** Okay. Uh, can you tell me anything about the
13 rear window of the truck, what it was made of. Is it
14 plastic?

15 **A** Uh, it was gone when I got there.

16 **Q** Okay. Was that the rear window that the pipe
17 was laying on?

18 **A** It doesn't appear to be. I don't know -- I
19 didn't see a rear window in the truck. It was gone when
20 I got there.

21 **Q** Okay. Thank you very much.

22 **THE COURT:** Any further questions?

23 **MS. BENTLEY:** No further questions.

24 **THE COURT:** Sir, you can step down.

25 **MS. BENTLEY:** May Trooper Greer be excused?

1 **THE COURT:** Any objection to him being
2 excused?

3 **MR. WARDER:** No, Your Honor.

4 **THE COURT:** All right. Thank you for being
5 here, sir.

6 **MR. BUCKNER:** Your Honor, the State calls
7 Corporal B.W. Mayfield to the stand.

8 **BRIAN MAYFIELD**
9 having first been sworn, testifies as follows:

10 **THE CLERK:** If you would, have a seat and
11 state your name for the record please.

12 **THE WITNESS:** Brian Mayfield.

13 **DIRECT EXAMINATION**

14 **BY MR. BUCKNER:**

15 **Q** Corporal Mayfield, where do you work?

16 **A** With the South Carolina Highway Patrol.

17 **Q** And how long have you worked there?

18 **A** 22 years.

19 **Q** How long have you been in law enforcement?

20 **A** 22 years.

21 **Q** And Corporal Mayfield, can you describe
22 specifically what your job is with the Highway Patrol for
23 the court?

24 **A** I'm a supervisor in Troop 3 which is Pickens
25 and Oconee county.

1 Q And can you describe specifically what your
2 role is as a supervisor typically?

3 A I have a team of guys that work under me that I
4 supervise them in their duties, day-to-day duties, and
5 those guys report to me and anything that occurs of a
6 significant nature. Like a collision like this, I'd have
7 to go to the scene.

8 Q So those duties would include crime scene
9 investigations?

10 A Went to assist, yes, sir, or to supervise that
11 investigation.

12 Q And were you working in this capacity on April
13 30th of 2011?

14 A Yes, sir.

15 Q Where were you on that day?

16 A I left my residence. I had come on duty. I
17 got a call to go to the scene of collision on Saluda Dam
18 Road right there near Hampton Road.

19 Q That's within Pickens county?

20 A Yes, sir, within Pickens County. There was a
21 supervisor already on the scene, but he was an Anderson
22 supervisor and he was on his way to his residence. I was
23 there to go ahead and go on over there and assist the
24 guys that were on the scene.

25 Q Do you recall about what time that was that you

1 arrived?

2 **A** Uh, --

3 **Q** Just to the best of your recollection.

4 **A** I believe I came out probably about, uh,
5 between 6:00 and 7:00 o'clock or something like that.

6 **Q** When you arrived on the scene, can you explain
7 for the court what exactly you observed?

8 **A** I observed two vehicles in the middle of the
9 road, one pickup truck and I believe one car that had
10 collided basically head on. It had significant damage.
11 All parties had been transported at that point to the
12 hospital. There were a team of troopers on the scene
13 already out there investigating the collision.

14 **Q** Who exactly was out there at the scene when you
15 arrived?

16 **A** Trooper Greer, Trooper Stewart. I believe
17 Corporal Black was still there. And I believe Baldwin
18 may have been there for a short period of time, but he
19 had already gone. Those other three are the ones I
20 remember being there along with some -- I believe there
21 was a Pickens deputy there.

22 **Q** Okay. What did the vehicles look like
23 specifically when you arrived on the scene?

24 **A** Heavy damage, if I remember correctly, to the
25 front end of both vehicles. They were basically in the

1 middle of the road. It was, like I said, significant.
2 Looked like a significant head-on collision.

3 Q Uh, what was your next step after you arrived
4 on the scene?

5 A Well, I had, uh, gotten with Corporal Black. I
6 was a little bit told about what was going on. I was
7 made aware that Trooper Baldwin was en route to the
8 hospital in Greenville to check on the injuries of the
9 parties involved. While I was on the scene, it was
10 brought to my attention that some, uh, paperwork was
11 found along with some other evidence that was found
12 inside the vehicle.

13 Q So what was the next step for you as supervisor
14 of the scene?

15 A Well, once I -- I spoke with the on-duty
16 lieutenant and let him know what we had. I had, uh,
17 spoken with Baldwin. Advised him of what was found, I
18 believe, in Ms. Reece's vehicle. Some belongings that
19 was in Ms. Reece's vehicle. I spoke with Trooper Baldwin
20 what the best avenue is to take once we knew what the
21 extent of injuries were.

22 Q What exactly was found?

23 A There was a dope pipe along with some warrants
24 and some beer cans that were found on the scene.

25 Q Corporal Mayfield bear with me just a second.

1 I'm going to show you what's been marked State's Exhibit
2 10 and State's Exhibit 11. Do you recognize these items?

3 A Yes, sir.

4 Q Are those the same items that were recovered at
5 the scene?

6 A Yes, sir.

7 Q Do they seem to be in substantially the same
8 condition as when they were recovered at the scene?

9 A Yes, sir.

10 Q Also going to show you what's been marked as
11 State's Exhibit number 9. Do you recognize that photo?

12 A Yes, sir. That would be the pipe that was
13 located and the belongings.

14 Q Once that pipe was located, uh, what did you do
15 with it after that?

16 A It was secured in the evidence bag. I
17 transported it from the scene once the vehicles were
18 cleared up from the scene. I made a determination on
19 what the dealings were going to be with MAIT and so
20 forth. Went ahead and towed the vehicle. Towed the
21 vehicles. I went on to the hospital and took this
22 evidence to Trooper Baldwin.

23 Q I want to show you again what's been marked as
24 -- what's been entered into evidence as State's Exhibit
25 10. Is that the pipe wrapped ---

1 **A** Yes, sir.

2 **Q** --- in that bag?

3 **A** Yes, sir.

4 **Q** And that's the same pipe that was located at
5 the scene of the investigation?

6 **A** Yes, sir.

7 **Q** After the items were located Corporal Mayfield,
8 what was the next step in the investigation? What did
9 you do next?

10 **A** I had conversation with Trooper Baldwin about
11 the possibility that this is a felony DUI situation given
12 the possession of this drug paraphernalia along with the
13 beer cans. And the warrants indicated, I believe, that
14 Ms. Reece had been recently charged with Possession of
15 Meth. And I discussed it with Trooper Baldwin. We
16 decided the best avenue to go is -- obviously was the
17 Felony DUI charge. That's given the injuries to the
18 other parties.

19 **Q** And what did you do with the items that you
20 found in the truck at that point in time?

21 **A** I transported them to the Greenville Memorial
22 Hospital where I turned them over to Trooper Baldwin.

23 **Q** And you personally did that?

24 **A** Yes, sir.

25 **Q** What else did you do at the scene before you

1 left with that evidence?

2 **A** I just made sure that the vehicle was safely
3 towed away. I believe the scene could have been marked
4 at that point. I went ahead and went to the Greenville
5 Hospital.

6 **Q** Now, did you have any other continuing
7 involvement with this case once you supervised the search
8 of the scene? Did you have any other contact with the
9 officers?

10 **A** Once we cleared the scene, I transported the
11 objects to the investigating officer, Trooper Baldwin. I
12 left them in his possession at this point. He met later
13 on at the hospital, excuse me, at the office to put them
14 into evidence along with the blood that was drawn from
15 Ms. Reece.

16 **Q** When was that? At what point in time?

17 **A** That was right after midnight, the same shift
18 though. Our policy requires that we turn them in before
19 the end of the shift.

20 **Q** And, uh, when you received -- what did Trooper
21 Baldwin do with the evidence after it was logged in?

22 **A** He brought it to me at the office. We logged
23 it into evidence. At that point, he would turn it over
24 to me. We would do a chain of custody. It would be put
25 in the evidence room for our evidence-custodian to

1 officially label it before it goes to --

2 Q I don't mean to interrupt you but what exact --
3 what evidence was it specifically that Trooper Baldwin
4 gave to you?

5 A He gave me the blood along with the -- he
6 returned to me the pipe along with the beer cans.

7 Q And when you received that evidence, what was
8 the condition of it?

9 A The same as that I left it with him in.

10 Q What did it look like? Was it sealed when you
11 received it?

12 A Yes, I believe it was at that point.

13 Q Would you have accepted that evidence if it was
14 not sealed?

15 A No, I would not.

16 Q Does that evidence appear to be in the same
17 condition today as when you saw it at that point in time?

18 A Yes, sir.

19 Q What did you do with the evidence after you
20 received it?

21 A The blood had been put in the refrigerator.
22 The other items would have been, I believe secured in a
23 gray evidence locker at the office.

24 Q And tell us a little bit about the evidence
25 locker in the refrigerator. What facility is that in?

1 **A** That's in our office which is in Central. The
2 evidence locker is a gray locker that sits out in the
3 office. It has locks on it, padlock basically. You use
4 a key to unlock. Only two people have those keys within
5 our office. Once it's secured in there, in the gray
6 evidence locker, I can't get back into it. Only Sergeant
7 Pelfrey or Corporal Ross can get in that gray locker.
8 Where the blood goes, it's inside a closed door evidence
9 room that we have. The refrigerator is inside that room.
10 And it's secured with a lock with a combination. We put
11 the blood or urine in there. Then we shut the door
12 behind us. The only ones that can get into that door are
13 supervisors.

14 **Q** And that's what you do with the blood evidence
15 in this case?

16 **A** Yes, sir.

17 **MR. BUCKNER:** No further questions at this
18 time, Judge.

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

20 **MR. WARDER:** Just two things.

21 **CROSS-EXAMINATION**

22 **BY MR. WARDER:**

23 **Q** The rear window of the truck, did you have
24 occasion to observe it?

25 **A** The rear window?

1 Q Yes, sir.

2 A I walked around the scene. Specifics on the
3 rear window, I can't tell you right now.

4 Q You notice whether it was glass or some kind of
5 plastic?

6 A Uh, like I said, I can't really tell you. I
7 don't know that I paid particular attention to rear
8 window of the truck.

9 Q Okay. I want now to turn your attention to the
10 other sample. Did you receive a urine sample?

11 A I believe the only thing that we received that
12 night, I think, was the blood that would have been put
13 into evidence, I believe.

14 Q Okay. So Trooper Baldwin never turned over to
15 you a sample of urine?

16 A I'd have to look back at the evidence log. I
17 believe, uh, -- if it was turned in, it would have been
18 on the evidence log.

19 Q Okay. (Pause.)

20 Just a minute, Your Honor.

21 **THE COURT:** Certainly.

22 **(WHEREUPON, there is a pause.)**

23 **BY MR. WARDER:**

24 Q Can you tell me what that is?

25 A Yes, sir. It would have been one cup of urine

1 along with the blood because I see a chain of custody for
2 it. Yes, sir..

3 Q Okay.

4 A That has my name. Yes, sir. He would have
5 turned it in to me.

6 MR. WARDER: Okay. I want to make those
7 exhibits, Your Honor.

8 THE COURT: All right. What numbers would
9 those be?

10 MR. WARDER: I figure it would be 3 and 4,
11 Your Honor.

12 THE COURT: Any objection?

13 MS. BENTLEY: No, Your Honor.

14 THE COURT: All right. Those would be so
15 admitted as Defendant's Exhibits 3 and 4.

16 (WHEREUPON, Defendant's Exhibits 3 and 4 are marked
17 for identification and admitted into the record.)

18 BY MR. WARDER:

19 Q You told us about the security procedures that
20 were applied to the blood. Would it be fair for me to
21 assume that the same procedures were applied to the urine
22 and stored in a secure area?

23 A Yes, sir.

24 Q And it would have been just as secure as the
25 blood was?

1 **A** Yes, sir. It would be placed in the same
2 refrigerator.

3 **Q** Okay. Thank you very much.

4 **A** Thank you.

5 **THE COURT:** Anything else?

6 **MR. BUCKNER:** No further questions, Judge.
7 May Corporal Mayfield be released?

8 **THE COURT:** Any objection to him -- his being
9 released?

10 **MR. WARDER:** No, Your Honor.

11 **THE COURT:** All right.. Thank you.

12 **THE WITNESS:** Thank you.

13 **MR. BUCKNER:** And Judge, the State would ask
14 that we take the next two witnesses out of order
15 because they work in Columbia. The State calls
16 Trooper P. Odom to the stand.

17 **PHILLIP ODOM**

18 having first been sworn, testifies as follows:

19 **THE CLERK:** Thank you, sir. If you would,
20 have a seat and state your name for the record
21 please.

22 **THE WITNESS:** My name is Lance Corporal
23 Phillip Odom.

24 **DIRECT EXAMINATION**

25 **BY MR. BUCKNER:**

1 Q Corporal Odom, were do you work?

2 A I'm located in Columbia.

3 Q And what specifically do you do?

4 A My unit is the Central Evidence Unit. We
5 handle all the evidence for DPS.

6 Q And can you explain exactly what your job
7 consists of for the court?

8 A Yes, sir. We handled, like I said, all
9 evidence for DPS, which is Highway Patrol, State
10 Transport Police and the Bureau of Protective Services.
11 It's a centralized location. When a trooper or an
12 officer receives evidence, they bring it to us. We
13 either store it and we handle it for court until it's
14 ready for court or it can be disposed of.

15 Q And did you receive evidence in this case
16 against Christina Reece, the defendant?

17 A Uh, yes, sir. I received evidence on 5/3/2011.

18 Q And from where did you receive that evidence?

19 A Uh, S.G. Adcox. Excuse me, J. Pitts. J. Pitts
20 delivered it to me on 5/3/2011.

21 Q And what was the condition of that evidence
22 when you received it?

23 A It was a sealed evidence bag.

24 Q Uh, so it was sealed when you received it?

25 A Yes, sir. We do not take possession of any

1 evidence that's not sealed.

2 Q And you testified earlier, but when did you
3 receive the evidence?

4 A 5/3/2011.

5 Q Once you received it, where did you take the
6 evidence?

7 A We took it to our secured -- we call it safe.
8 It's a secured facility that only the CEF personnel,
9 which are all officers, are accessed to until it's ready
10 to go to SLED for analysis.

11 Q And how did it get there? Did you transport
12 it?

13 A I believe it was per Sergeant Rivers who was
14 next on the chain. He actually transported to SLED.

15 Q And, uh, did that evidence remain sealed ---

16 A Yes, sir.

17 Q --- while it was in your possession? Did you
18 break any seals or open any packaging prior to storing
19 the evidence in the safe?

20 A No, sir. We only receive -- like I said, we
21 put it in a safe until it was transported to SLED.

22 Q And could you please describe for the court how
23 it is that safe is secured at your facility?

24 A We have multiple layers of security. From
25 regular standard keys to key cards to video cameras to

1 the actual gated fence around the building itself. I
2 believe there's like almost six layers of security. They
3 only authorize people that are allowed there at any time
4 or the CEF staff.

5 Q Thank you. No further questions. Please
6 answer any questions Mr. Warder may have.

7 A Yes, sir.

8 THE COURT: Mr. Warder.

9 CROSS-EXAMINATION

10 BY MR. WARDER:

11 Q What specific evidence did you receive in this
12 case?

13 A According to the chain, it was blood and urine.

14 Q Okay. And so that urine would have been logged
15 in your facility as well as the blood?

16 A Yes, sir. It's altogether.

17 Q And when we say altogether, we do mean two
18 separate containers, don't we?

19 A Right. I mean, it just wasn't all poured into
20 one bag. You actually have a -- I believe it was a urine
21 cup and two vials of blood and a sealed evidence bag.
22 Yes, sir.

23 Q Thank you.

24 A Yes, sir. Thank you.

25 THE COURT: Any other questions?

1 **MR. BUCKNER:** No further questions, Judge.

2 **THE COURT:** Sir, you may step down.

3 **MR. BUCKNER:** May he be released, Your Honor?

4 **THE COURT:** Any objection?

5 **MR. WARDER:** No objection.

6 **THE COURT:** Thank you for being here.

7 **MR. BUCKNER:** Thank you, Judge. The State
8 would call Sergeant Mendel Rivers to the stand.

9 **MENDEL RIVERS**

10 having first been sworn, testifies as follows:

11 **THE CLERK:** Sir, if you would, have a seat
12 and state your name for the record.

13 **THE WITNESS:** Mendel C. Rivers.

14 **DIRECT EXAMINATION**

15 **BY MR. BUCKNER:**

16 **Q** Sergeant Rivers, where are you employed?

17 **A** South Carolina Highway Patrol.

18 **Q** And in what capacity are you employed there?

19 **A** I am the Supervisor of the Central Evidence
20 Facility.

21 **Q** And can you please explain to the Court what
22 your job consists of?

23 **A** My job consists of conducting all the inventory
24 and any evidence that comes into our facility for the
25 entire Department of Public Safety that's collected

1 throughout the state.

2 Q And do you normally handle evidence in your
3 job?

4 A Yes, I do.

5 Q Did you receive evidence in this case against
6 the defendant, Christina Reece?

7 A Yes.

8 Q And from where did you receive that evidence?

9 A I received the evidence that was actually
10 brought into the facility that was received by Lance
11 Corporal P.M. Odom. I actually obtained it from our
12 refrigerator that is within our Central Evidence
13 Facility.

14 Q And what specifically was the evidence that you
15 received?

16 A The evidence I received was, uh, blood
17 specimen, as well as urine specimen.

18 Q And what was the condition of that evidence?

19 A The condition was that it was intact or the
20 integrity of the packaging was intact. There was no
21 breach of any seals or anything.

22 Q Would you have accepted the evidence if it was
23 not properly sealed?

24 A No, we would not.

25 Q When did you receive the evidence in this case?

1 **A** I received the evidence on May 9th of 2011.

2 **Q** Once you received the evidence, where did you
3 take it?

4 **A** I took it to SLED, the South Carolina Law
5 Enforcement Division over on Broad River Road in
6 Columbia.

7 **Q** And why did you take it there?

8 **A** I took it there for it to be analyzed.

9 **Q** To whom did you give it to once you took it to
10 SLED?

11 **A** I gave it to Amy Stephens, which is an intake
12 personnel at SLED.

13 **Q** And how did you transport the evidence there?

14 **A** I transported it in my vehicle which was
15 contained inside a bin that has a cover on it to help
16 protect the contents of the evidence inside.

17 **Q** Sergeant Rivers, did you break any seals or
18 open any packaging prior to giving the sample to Amy
19 Stephens at SLED?

20 **A** No, sir.

21 **MR. BUCKNER:** No further questions, Judge.
22 Please answer any questions Mr. Warder may have.

23 **THE COURT:** Any questions for this witness?

24 **CROSS-EXAMINATION**

25 **BY MR. WARDER:**

1 **Q** You delivered both the blood and the urine?

2 **A** Yes, sir.

3 **Q** At the same time?

4 **A** Yes, sir.

5 **Q** Thank you very much.

6 **THE COURT:** Anything else?

7 **MR. BUCKNER:** No further questions, Judge.
8 May he please be excused.

9 **THE COURT:** All right. Any objections?

10 **MR. WARDER:** No, Your Honor.

11 **THE COURT:** Thank you for being here.
12 Yes, sir.

13 **MR. BUCKNER:** The State would call Sergeant
14 Adcox to the stand, Your Honor. Judge, excuse me.
15 I'm sorry. Sergeant Mike Pelfrey to the stand. I'm
16 sorry. Mike Pelfrey. My mistake. I apologize,
17 Your Honor.

18 **THE COURT:** No problem.

19 **MIKE PELFREY**

20 having first been sworn, testifies as follows:

21 **THE CLERK:** Thank you, sir. If you would,
22 have a seat and state your name for the record
23 please, sir.

24 **THE WITNESS:** My name is Michael Pelfrey.

25 **DIRECT EXAMINATION**

1 BY MR. BUCKNER:

2 Q Sergeant Pelfrey, where are you employed?

3 A With the South Carolina Highway Patrol.

4 Q And in what capacity?

5 A The sergeant over Post B which is Oconee and
6 Pickens county.

7 Q Can you please explain to the court what your
8 job consists of?

9 A Uh, in this particular case, is that what
10 you're asking?

11 Q Just in general.

12 A Just in general? I supervise the post, which
13 is Pickens and Oconee for the, uh, accident investigation
14 to check wreck reports and so forth.

15 Q And do you store evidence typically?

16 A I do. I'm the -- I'm the primary evidence
17 custodian for the post.

18 Q And where do you store evidence?

19 A We have an evidence room inside the office, the
20 Central office.

21 Q Is that a secure area?

22 A It is.

23 Q Can anyone enter that area?

24 A The supervisors can actually enter the area.
25 It's a room that all the supervisors have a key card to

1 get into the evidence room. Only myself and Corporal
2 Ross has access to the lockers that's inside the room.

3 Q Will you explain to the court how evidence is
4 received at your facility?

5 A Okay. Evidence is normally taken by either the
6 trooper or a supervisor or the trooper gives to the
7 supervisor. They actually log it into the evidence. I
8 go in, either myself or Corporal Ross goes in and logs it
9 into the system for CEF. We put the labels on the
10 evidence and store in the actual lockers inside the room.

11 Q What happens to evidence that is perishable or
12 temperature sensitive?

13 A Any type of evidence such as blood or anything
14 like that, we send to CEF.

15 Q Go ahead.

16 A I was just going to say it's Central Evidence
17 that we take -- Mendel Rivers actually is the one that's
18 over that.

19 Q Do you recall receiving evidence in this case
20 against the defendant, Christina Reece?

21 A I did -- I seen the name. I do remember that,
22 yes.

23 Q Uh, do you remember what type of evidence you
24 received?

25 A Uh, there were several types of evidence. The

1 reason I know it is because I actually looked at the
2 chain of custody. There was a beer can. There was a
3 glass pipe that was in an evidence bag and some blood and
4 urine.

5 Q As to the blood and urine samples, how was it
6 packaged?

7 A It was sealed in an evidence bag.

8 Q Was that seal initialed?

9 A Yes, it was actually on an evidence bag inside
10 the -- I think there was -- I can't remember how many
11 vials of blood. I'd have to look at the evidence bag.
12 But it's in two separate evidence bags. One had urine
13 and one had blood in it.

14 Q Uh, would you have accepted this evidence if it
15 was not properly sealed?

16 A No.

17 Q Do you remember what you do with the evidence
18 once you receive it?

19 A Uh, if it's -- generally, what happens with
20 that is if I'm not working or Corporal Ross isn't
21 working, they'll put it inside -- they'll log it in.
22 They'll put it into the evidence refrigerator which has a
23 padlock on it. They will send me an email. They'll send
24 -- uh, cc Corporal Ross. When we come in, we'll actually
25 take the evidence out and label the evidence, then put it

1 back in and then instruct someone to take it to CEF
2 within 72 hours.

3 Q To whom did you give the evidence in this case?

4 A I would have to look at the chain. I'm not
5 sure.

6 Q I want to show you what's been marked as
7 State's Exhibit 22.

8 A Okay.

9 Q You recognize that document?

10 A I do. Uh, according to this, I actually
11 received it from the evidence cooler, which would be the
12 refrigerator on May 1st of 2011. I put on here that I
13 labeled it and I put it back into storage on the same
14 date.

15 Q And did you have any other involvement with
16 that evidence after that point in time?

17 A Uh, once I put it back into the evidence
18 refrigerator, uh, I don't see anything else that I have
19 on here. That was my last contact with it.

20 Q Was it properly sealed at that point in time?

21 A It was. Yes, sir.

22 Q No further questions at this point in time,
23 Judge.

24 THE COURT: Mr. Warder?

25 MR. WARDER: No questions.

1 **THE COURT:** All right.

2 **MR. BUCKNER:** No further questions, Judge.

3 May he be excused at this time?

4 **THE COURT:** Any objection?

5 **MR. WARDER:** No, Your Honor.

6 **THE COURT:** Thank you.

7 **THE WITNESS:** Thank you.

8 **MS. BENTLEY:** The State would call Sergeant
9 Adcox to the stand, Judge.

10 **THE COURT:** All right.

11 **STEVEN ADCOX**

12 having first been sworn, testifies as follows:

13 **THE CLERK:** If you would, have a seat and
14 state your name for the record please.

15 **THE WITNESS:** Steven Gene Adcox. I'm with,
16 uh, DPS, uh, Highway Patrol.

17 **DIRECT EXAMINATION**

18 **BY MR. BUCKNER:**

19 **Q** And Sergeant Adcox, uh, in what capacity do you
20 work with them?

21 **A** I'm a supervisor with Post B which is here in
22 Pickens/Oconee.

23 **Q** Can you explain for the court what your job
24 consists of?

25 **A** I supervise men. I have a crew, a five-man

1 crew. Like in this situation, enter any evidence or
2 actually take it to the refrigerator or the evidence room
3 and log it in.

4 Q So you typically handle evidence on your job?

5 A Yes, sir.

6 Q Did you receive evidence in this case against
7 the defendant?

8 A No, sir. My dealings with this was actually
9 taking it out.

10 Q From where did you take that evidence?

11 A It would be from the Evidence Room refrigerator
12 in Post B which would be in Central.

13 Q Is that a secure facility where that evidence
14 was kept?

15 A Yes, sir.

16 Q Can you explain for the court how that evidence
17 is secured there?

18 A You have a room, in which we have a key. The
19 supervisors are the only ones that can get into the room.
20 Once you get into the room, there's a small refrigerator
21 where evidence like blood or urine or that type of
22 perishables has a lock on it.

23 Q What specifically was the evidence that you got
24 out of the refrigerator? I'll refresh your memory with
25 what's been marked State's Exhibit 22. You recognize

1 that document?

2 **A** Yes, sir. The, uh, -- it shows blood and urine
3 that was entered in at a prior date. And that particular
4 date was the third of May, I got it out to send to CEF.

5 **Q** And when you took possession of that evidence,
6 was it sealed?

7 **A** Yes.

8 **Q** What was the condition of the evidence?

9 **A** It was sealed as it had been put in there in
10 the proper condition. I signed it over to Trooper Pitts.

11 **Q** Would you have taken possession of it if it was
12 not properly sealed?

13 **A** No.

14 **Q** Explain for the court what you did with it.

15 **A** I took it out. We have a log. Once you enter
16 it in, you log -- log it in. Opened up the refrigerator.
17 I signed my name on the chain of custody. I handed it
18 over to the trooper and ordered him to take it to CEF.

19 **Q** To who did you give the evidence?

20 **A** Trooper Pitts.

21 **Q** And that was the same evidence that you
22 received?

23 **A** Correct.

24 **Q** Did you break any seals or open any packaging
25 prior to handing that evidence over to Trooper Pitts?

1 **A** No, sir.

2 **Q** Is Trooper Pitts still with the South Carolina

3 --

4 **A** He's retired.

5 **Q** No further questions at this time, Judge.

6 Please answer any questions Mr. Warder may have.

7 **THE COURT:** Mr. Warder.

8 **MR. WARDER:** I have no questions, Your Honor.

9 **THE COURT:** Sir, you can step down.

10 **MR. BUCKNER:** May he be released, Your Honor?

11 **THE COURT:** Any objection?

12 **MR. WARDER:** No.

13 **THE COURT:** Thank you for being here.

14 **THE WITNESS:** Thank you.

15 **MR. BUCKNER:** The State would call Brad West.

16 **THE COURT:** All right.

17 **BRAD WEST**

18 having first been sworn, testifies as follows:

19 **THE CLERK:** If you would, have a seat and
20 state your name for the record please.

21 **THE WITNESS:** Brad West.

22 **DIRECT EXAMINATION**

23 **BY MR. BUCKNER:**

24 **Q** Mr. West, where do you work?

25 **A** Pickens County EMS.

1 Q And were you working in that capacity on April
2 30th of 2011?

3 A Yes, sir.

4 Q At any point, were you dispatched to a
5 collision on Saluda Dam Road?

6 A Yes, sir.

7 Q Approximately what time was that? Do you
8 recall?

9 A I believe it was around 17:00.

10 Q Did you arrive in your own ambulance?

11 A Yes, sir.

12 Q Before we get into the specifics, could you
13 explain to the court what exactly you do in your job?

14 A We respond to all 911 calls where an ambulance
15 is needed for patient transport to the hospital.

16 Q What are your duties in that job?

17 A Ambulance transport, cardiac monitoring.

18 Q Were you with anyone at the time when you
19 responded to this incident?

20 A Yes, sir. My partner Gary Patterson.

21 Q Can you please explain to the court what you
22 observed when you arrived on the scene?

23 A We pulled up as the -- we were the third
24 dispatched unit. We came in second due to the other
25 units' response time. We saw fire department rescue and

1 the first ambulance working with patients trying to get
2 everyone situated for export to the hospitals.

3 Q Once you arrived at the scene, what did you do
4 first? Where did you go?

5 A Initially, on the scene, we report to the on-
6 the-scene paramedic. I was directed to take the patient,
7 Ms. Reece, out of the first car along with the other
8 adult patient. I don't recall that person's name.

9 Q What was the status of Ms. Reece when you
10 arrived on the scene?

11 A We just transported her as a critical patient
12 due to her injuries.

13 Q What did you do with Ms. Reece once you arrived
14 there?

15 A We arrived on the scene. The other unit was
16 starting IV access. We assisted in the boarding of the
17 patient. Put her in the back of the ambulance for
18 transport.

19 Q So did you help in removing her from -- where
20 was she -- what was her position in the vehicle when you
21 first got there?

22 A Driver's seat.

23 Q She was sitting in the driver's seat and you
24 assisted in removing her from the driver's seat?

25 A Yes.

1 Q Along with fire and rescue. Was there anyone
2 else located in the front cab of the truck when you
3 arrived?

4 A Not to my knowledge.

5 Q So Ms. Reece was the only one?

6 A Yes.

7 Q Based on the damage to the truck, could someone
8 else had been driving the vehicle?

9 A No, sir.

10 Q What happened once she was removed from the
11 car?

12 A We placed her on the spine board. She was
13 alert to what we call tactile, painful stimulus. Her
14 coma scale was low enough. She was disoriented and
15 confused. We actually couldn't get her aroused.

16 Q Was she complaining of any injuries at this
17 point in time?

18 A She had a open tibia fracture with the right
19 leg.

20 Q Was she speaking with you?

21 A Very slow.

22 Q Did you ask her questions at that point in
23 time? Did you have any dialog with her?

24 A Not that I recall.

25 Q What was her demeanor?

1 **A** When we could actually get her arousable, she
2 was very confused, disoriented. During transport, she
3 became agitated, started to be combative which is usually
4 associated with her injuries at that time.

5 **Q** Were you able to determine if she had any
6 internal injuries while you were on the scene?

7 **A** No, sir.

8 **Q** Was she the only, uh, patient that you
9 transported from the scene to the hospital?

10 **A** No, sir. We transported one other patient.
11 She, however, was my responsibility.

12 **Q** Do you know who that other patient was?

13 **A** The only other PCR that my partner had written.

14 **Q** And where did you take Ms. Reece once you --

15 **A** Greenville Memorial Hospital to the trauma bay.

16 **MR. BUCKNER:** No further questions at this
17 time, Judge. Whoa. Excuse me. Bear with me one
18 moment. (Pause.)

19 **BY MR. BUCKNER:**

20 **Q** Did you speak with any law enforcement
21 personnel while at the scene? Do you recall?

22 **A** I don't recall at the scene.

23 **Q** How about at the hospital once you transported
24 the defendant?

25 **A** Yes, sir. We spoke an Officer Baldwin. She

1 was the driver of the vehicle.

2 Q And, uh, what conversation did you take -- what
3 did you convey to Officer Baldwin at that point in time?

4 A Just that we had transported the driver whom we
5 removed from the driver's seat.

6 MR. BUCKNER: No further questions, Judge.

7 THE COURT: All right.

8 MR. WARDER: No questions.

9 THE COURT: All right. Sir, you can step
10 down.

11 MR. BUCKNER: May he be released, Your Honor?

12 THE COURT: Any objection?

13 MR. WARDER: No.

14 THE COURT: Thank you for being here.

15 MS. BENTLEY: May I look outside, Your Honor?

16 THE COURT: Sure.

17 (WHEREUPON, there is a pause.)

18 MS. BENTLEY: Just as a housekeeping trial
19 matter, we have three more witnesses that are here
20 from Columbia if we could get through. The others
21 would come in after lunch.

22 THE COURT: Okay. And those witnesses from
23 Columbia, do you feel like -- you feel like they're
24 going to be fairly short?

25 MS. BENTLEY: Yes, Your Honor. They are

1 chain of custody witnesses.

2 **THE COURT:** All right. All right. Very well
3 then. Any objection to keep going? You okay to
4 keep going?

5 **MR. WARDER:** Yeah.

6 **THE COURT:** Okay.

7 **MS. BENTLEY:** Your Honor, the state calls Amy
8 Stephens.

9 **AMY STEPHENS**

10 having first been sworn, testifies as follows:

11 **THE CLERK:** If you would, have a seat and
12 state your name please.

13 **THE WITNESS:** Amy Stephens, S-T-E-P-H-E-N-S.

14 **DIRECT EXAMINATION**

15 **BY MS. BENTLEY:**

16 **Q** Ms. Stephens, where are you employed?

17 **A** I'm employed with the South Carolina Law
18 Enforcement Division also known as SLED.

19 **Q** And what is your position there?

20 **A** I'm a forensic technician in the Evidence
21 Control Department.

22 **Q** How long have you been with SLED?

23 **A** March 2nd would make seven years.

24 **Q** Okay. Were you working in May of 2011?

25 **A** Yes, I was.

1 Q And what are your duties as a forensic
2 technician?

3 A Our main duties are to package, transfer and
4 log in evidence for forensic analysis in criminal cases.

5 Q Okay. And so you regularly accept and handle
6 samples that are sent to SLED for testing?

7 A Yes, we do.

8 Q Tell me about the process for receiving a
9 sample into SLED.

10 A As the agency will arrive at our laboratory,
11 they will come into the Evidence Control Department.
12 They will give us the evidence along with the paperwork.
13 We will enter the information into our computer system.
14 A lab number is generated for that case. We will package
15 the evidence appropriately and then transfer the evidence
16 to the appropriate intake location.

17 Q And did you -- I'm going to show you what's
18 been marked as State's Exhibit 15 and already admitted
19 into evidence. Do you recognize this?

20 A I do recognize that as one of our SLED forensic
21 services request forms, but I did not receive that form.

22 Q Okay. Is this a form that typically
23 accompanies samples?

24 A It can.

25 Q Okay. Do you recall receiving evidence in the

1 case that you are here to testify about today?

2 **A** According to my chain of custody, I received
3 evidence in this case.

4 **Q** When did you receive that evidence?

5 **A** I received it on May 9th, 2011 at 12:06 p.m.

6 **Q** And from whom did you receive it?

7 **A** Sergeant Mendell Rivers of the South Carolina
8 Department of Public Safety.

9 **Q** Do you typically come into contact with
10 Sergeant Rivers?

11 **A** Yes, we do.

12 **Q** Is he a regular?

13 **A** Yes, he is.

14 **Q** And tell me about the samples -- sample or
15 samples that you received in this case.

16 **A** According to my chain of custody, I received
17 blood and urine labeled as Christina Lee Reece.

18 **Q** Okay. And tell me how the items were packaged.
19 Can you do that?

20 **A** According to my paperwork, they were in a blood
21 tube and a urine specimen cup. I believe they were in an
22 evidence bag when I received them.

23 **Q** If the evidence was not properly sealed when
24 you -- when it first was presented to you, would you have
25 accepted it?

1 **A** If it did not appear to be tampered with, we
2 would, but we would document it.

3 **Q** Were there -- are there -- is there any
4 documentation in this case that the evidence was not
5 properly sealed?

6 **A** Not to my knowledge, no.

7 **Q** Okay. And after you took the evidence from
8 Sergeant Rivers, what did you do with it?

9 **A** I transferred it to our Toxicology Evidence
10 Intake Storage in our evidence room.

11 **Q** And where is that?

12 **A** Our evidence room?

13 **Q** Yes.

14 **A** It's located in our forensics laboratory on the
15 first floor.

16 **Q** Okay. Is that a secure area?

17 **A** Yes, it is.

18 **Q** How is it secured?

19 **A** It's got a card. It's got a key along with --
20 along with an alarm pad.

21 **Q** Okay. Did you mark these samples with a
22 specific SLED number when you received them?

23 **A** Our computer generates a lab number for each
24 case that's brought into the laboratory.

25 **Q** What was the number for Ms. Reece?

1 **A** It's L11-05135.

2 **Q** Okay. And after you took the -- did you take
3 the samples to a specific person or just to the
4 toxicology department?

5 **A** Actually, we just put it in our toxicology
6 refrigerator located in our evidence room. A technician
7 from the toxicology department will come to retrieve that
8 evidence.

9 **Q** Okay. I have no further questions for you.
10 Please answer any questions Mr. Warder may have.

11 **MR. WARDER:** Your Honor, I have no questions.

12 **THE COURT:** All right. Ma'am, you can step
13 down.

14 **MS. BENTLEY:** And may she be excused?

15 **MR. WARDER:** Yes.

16 **THE COURT:** Thank you.

17 **THE WITNESS:** Thank you.

18 **MS. BENTLEY:** May I -- the State calls
19 Kimberly Mears.

20 **KIMBERLY MEARS**

21 having first been sworn, testifies as follows:

22 **THE CLERK:** If you would, have a seat and
23 state your name for the record please.

24 **THE WITNESS:** My name is Kimberly Mears.

25 **DIRECT EXAMINATION**

1 BY MS. BENTLEY:

2 Q Ms. Mears, where are you employed?

3 A The South Carolina Law Enforcement Division.

4 Q Is that also known as SLED?

5 A Yes.

6 Q How long have you been with SLED?

7 A I was hired in December of 2007.

8 Q So you were working in May of 2011?

9 A Yes, I was.

10 Q What is your position at SLED?

11 A I'm currently a forensic scientist in the
12 Latent Print Crime Scene Department. However, at the
13 time of this case, I was the forensic technician in the
14 Toxicology Department.

15 Q What were your primary duties as a forensic
16 technician in the Toxicology Department?

17 A On a daily basis, I would go to the Evidence
18 Log-in Department to retrieve any evidence that had been
19 tasked with a toxicology assignment. I would then bring
20 it to the Toxicology Department, do an inventory of the
21 evidence to make sure names and items of evidence matched
22 up with what our computer system said we were to have and
23 to help the toxicology analyst as needed.

24 Q And did you -- did you process or do that with
25 evidence in this particular case?

1 **A** Yes. I did inventory evidence.

2 **Q** Please tell me when you inventoried this
3 evidence.

4 **A** Uh, it was May 11th of 2011.

5 **Q** Where did you receive the evidence from?

6 **A** In the Evidence Log-in Department from Nicky
7 Hughes.

8 **Q** And how was the evidence -- pardon me. What
9 evidence was it that you were handling in this case?

10 **A** It was, uh, blood and urine samples.

11 **Q** Okay. And how were they packaged when you
12 received them?

13 **A** I received them in a heat-sealed plastic bag.

14 **Q** And did that bag appear to be tampered with in
15 any way?

16 **A** No.

17 **Q** Had the seal been broken in any form?

18 **A** No, it had not.

19 **Q** Okay. And what did you do once you received
20 those samples from Ms. Hughes?

21 **A** Once the evidence was in my custody, I took it
22 up to the Toxicology Department where I take a picture of
23 each stage of the packaging until I get down to the
24 actual, in this case, blood sample or urine sample to
25 take a picture of the label on the samples. Then I

1 repackage it back into the outermost heat-sealed bag and
2 scan it into the custody of the toxicology refrigerator.

3 Q Okay. And is that what you did in this case?

4 A Yes.

5 Q When did you complete that?

6 A On May 11th, 2011.

7 Q Okay. And did you do anything else with the
8 samples in this case?

9 A No, I didn't.

10 Q Okay. I have no further questions. Please
11 answer any questions Mr. Warder may have.

12 MR. WARDER: No questions if it please the
13 Court.

14 THE COURT: All right. You all ready for her
15 to be excused?

16 MR. WARDER: Yes, ma'am.

17 THE COURT: Thank you for being here.

18 MS. BENTLEY: The State calls Maribeth
19 Coleman.

20 THE COURT: All right.

21 MARIBETH COLEMAN

22 having first been sworn, testifies as follows:

23 THE CLERK: If you would, have a seat and say
24 your name for the record please.

25 THE WITNESS: My name is Maribeth Coleman.

DIRECT EXAMINATION

BY MS. BENTLEY:

Q Ms. Coleman, where are you employed?

A South Carolina Law Enforcement Division also known as SLED.

Q And what is your position there?

A I am a forensic chemist in the Drug Analysis Department. At the time of this analysis, I was also working in the Toxicology Department.

Q Okay. And tell me what your duties were in the Toxicology Department in May of 2011.

A I would test biological samples for alcohol.

Q Okay. And did you do that in this case?

A Yes.

Q Please tell me what samples you tested in this case?

A May I refer to my notes?

Q Yes.

A I tested a blood sample in this case.

Q Okay. Did you receive a blood and a urine sample?

A Uh, yes.

Q Did you test the urine sample?

A I did not.

Q Why not?

1 **A** It's the policy to not test the urine in this
2 specific case.

3 **Q** Okay.

4 **A** I was more like a technician analyst. So as to
5 why that occurred, you would have to, uh, hear that from
6 the toxicologist.

7 **Q** That's fine. So were you directed to perform a
8 test on a specific sample?

9 **A** Yes.

10 **Q** And you were tasked with testing the blood?

11 **A** Yes, ma'am.

12 **Q** And you -- did you test, you said, only for one
13 substance?

14 **A** Yes.

15 **Q** And you only tested for alcohol?

16 **A** Yes.

17 **Q** Okay. Please tell me where you got the sample
18 that you tested in this case.

19 **A** I got it from the refrigerator in the
20 Toxicology department.

21 **Q** Okay. And how was that sample packaged when
22 you retrieved it?

23 **A** It was packaged in a tube in a heat-sealed bag.

24 **Q** And had that bag been properly labeled by
25 someone else at SLED?

1 **A** Yes, ma'am.

2 **Q** Who had labeled that bag?

3 **A** Uh, it looks like Kimberly Mears did the
4 inventory and toxicology.

5 **Q** Okay. Did it appear that the tube that the
6 blood was in had been opened in any way?

7 **A** No, ma'am.

8 **Q** Okay. What did you do when you finished your
9 analysis of the blood in this case?

10 **A** I returned the evidence into the bag, heat-
11 sealed it, initialed it and put it back into the
12 refrigerator.

13 **Q** Did that conclude your involvement with the
14 sample analysis in this case?

15 **A** Yes, ma'am.

16 **Q** Please answer any questions Mr. Warder may
17 have.

18 **THE COURT:** Mr. Warder?

19 **CROSS-EXAMINATION**

20 **BY MR. WARDER:**

21 **Q** You tested the blood sample for alcohol; is
22 that right?

23 **A** Yes, sir.

24 **Q** Okay. And then after you run your alcohol test
25 on it, you put it back and sealed it up and sent it to

1 the refrigerator.

2 A Yes, sir.

3 Q The urine sample, you didn't do anything to?

4 A Correct.

5 Q Okay. Did you package it up and send it back
6 to the refrigerator?

7 A Yes, sir. It was all in the same heat-sealed
8 bag.

9 Q So when you got done, there was blood still
10 capable of being analyzed more and urine still capable of
11 being analyzed more?

12 A Yes, sir.

13 Q Thank you.

14 THE COURT: Anything else?

15 MS. BENTLEY: No further questions.

16 THE COURT: All right. Ma'am, thank you for
17 being here. Y'all don't have any objection to
18 her --

19 MR. WARDER: No, Your Honor.

20 THE COURT: All right. Thank you.

21 Anybody else?

22 MS. BENTLEY: Uh, not at this time, Your
23 Honor.

24 THE COURT: All right. Let's be in recess
25 until two o'clock.

1 **MS. BENTLEY:** Thank you.

2 **(WHEREUPON, a lunch recess is taken.)**

3 **THE COURT:** You ready to proceed?

4 **MS. BENTLEY:** Yes, Your Honor.

5 **THE COURT:** I considered this matter at
6 length and considered it further over the lunch hour
7 too. Uh, the -- for purposes of whether or not the
8 officers had probable cause to draw the blood
9 certainly doesn't change anything. I'm not
10 excluding any evidence from that standpoint, but I'm
11 going to exclude the warrants as being irrelevant as
12 to her guilt in this case. And furthermore, I'm
13 going to find that the evidence of the search, the
14 meth pipe that was found, I'm going to exclude that
15 for purposes of her guilt as well. Uh, I don't know
16 how relevant it is to begin with.

17 But I do find that under the relevant case law
18 that they needed a warrant before searching that
19 duffle bag. And I think two items that were
20 obtained from it were the arrest warrant and the
21 meth pipe. Is that the extent of what you believe,
22 Mr. Warder?

23 **MR. WARDER:** I do believe that is all they
24 found.

25 **THE COURT:** All right. All right. So when I

1 -- in considering -- in considering her guilt or --
2 her guilt on this matter, I'm not going to take
3 those two items into consideration. But I don't
4 know if those were heavily, uh, -- would heavily
5 factor into whether or not she had -- whether she
6 was under the influence at the time she drove the
7 truck anyway. But anyway. Alright. Ready to
8 proceed?

9 **MS. BENTLEY:** Yes, Your Honor. The State
10 calls Toni Broome.

11 **THE COURT:** If you would, come forward and be
12 sworn please.

13 **TONI BROOME**
14 having first been sworn, testifies as follows:

15 **THE CLERK:** If you would, have a seat and
16 state your name for the record please.

17 **THE WITNESS:** My name is Toni Broome.

18 **DIRECT EXAMINATION**

19 **BY MS. BENTLEY:**

20 **Q** Ms. Broome, where are you employed?

21 **A** South Carolina Law Enforcement Division or
22 SLED.

23 **Q** And what is your title there?

24 **A** I'm a forensic toxicologist.

25 **Q** What was your position in May of 2011?

1 **A** Forensic toxicologist.

2 **Q** And how long have you been a forensic
3 toxicologist?

4 **A** Since August of 2000.

5 **Q** Okay. And how long have you worked at SLED?

6 **A** Since August of 2000.

7 **Q** What kind of training and experience do you
8 have, Ms. Broome?

9 **A** I received a Bachelor of Science degree in
10 Chemistry from Francis Marion University. I had
11 successfully completed the in-house training at SLED.
12 I'm a certified toxicol -- I'm certified in all aspects
13 of toxicology certified by SLED. I've also had
14 opportunity to go offsite for training on the
15 composition, uses and effects of drugs -- drugs and
16 alcohol.

17 **Q** Okay. Uh, Ms. Broome, have you previously
18 testified in General Sessions court before?

19 **A** That's correct.

20 **Q** And have you previously been qualified as an
21 expert before?

22 **A** That's correct.

23 **Q** And were you previously qualified as an expert
24 in forensic toxicology?

25 **A** That's correct.

1 **MS. BENTLEY:** Your Honor, at this time, the
2 State wishes to introduce Ms. Broome as -- recognize
3 Ms. Broome as an expert in forensic toxicology.

4 **THE COURT:** All right. Any objection to
5 that?

6 **MR. WARDER:** I have no voir dire.

7 **THE COURT:** All right. She'll be so
8 recognized.

9 **BY MS. BENTLEY:**

10 **Q** Ms. Broome, did you receive samples in this
11 case, which is L11-05135, that's the SLED number?

12 **A** That is correct. A sample was received with
13 that lab number L11-05135.

14 **Q** When did you receive the sample?

15 **A** I came into the contact -- I came into contact
16 with the sample on May 12th.

17 **Q** And what kind of sample was it?

18 **A** Blood and urine samples.

19 **Q** Did you perform tests on each of those samples?

20 **A** The test was only performed on the blood
21 sample.

22 **Q** Why is that?

23 **A** This case came in as a DUI or Felony DUI.
24 Basically, either a breath test was not given or that was
25 the sample that was taken at the time of the arrest.

1 Q Why was the urine not tested?

2 A The urine was not tested because it was really
3 not a need to go in the urine or it being, uh, to
4 correlate with the law. The blood was actually the
5 sample that was taken. If it's a felony DUI, any sample
6 can be taken. Drug test can be used if needed. But
7 there was no need for any type of extenuating
8 circumstances to have the urine analyzed.

9 Q Okay. So you analyzed blood in this case?

10 A That's correct.

11 Q You just said you did that on May 12th, 2011?

12 A That's correct.

13 Q When did you receive that sample?

14 A Out of our secured walk-in refrigerator in our
15 Toxicology department.

16 Q Was the sample properly sealed?

17 A That's correct.

18 Q Had it not been sealed, would you have tested
19 it anyway?

20 A If it was any type of discrepancy in the
21 condition of the sample, whether in the seal itself or in
22 the outer packaging, some type of documentation would
23 have been noted. And we would have had to basically
24 clear up why the sample was that way, for example, if the
25 sample had to be returned for it to be properly sealed or

1 something like that, before any type of analysis would
2 begin.

3 Q Was there any such documentation with this
4 blood sample?

5 A I don't have any from my notes.

6 Q Did you then, in fact, analyze the sample, the
7 blood sample?

8 A Yes. The sample was on -- a presumptive or a
9 screening test was done on that sample.

10 Q Can you tell me what that means?

11 A Basically, we did like a preliminary test or
12 like a -- a preliminary test, basically a screen to see
13 if there would be any need to confirm or quantitate.

14 Q Confirm or quantitate what?

15 A Any type of drug that could have been found or
16 screened for with our screening method.

17 Q And what was the result of your initial
18 analysis?

19 A Do you have a copy of the report?

20 Q The toxicology report?

21 A Yes, please.

22 Q I do. So you don't recall off the top of your
23 head?

24 A No, I don't.

25 Q You would need to look at the forensic

1 toxicology report to know that?

2 **A** Yes.

3 **Q** I'm going to show you what's been marked as
4 State's Exhibit 18.

5 **A** Okay. The result of the, uh, -- the results of
6 the screening test were a negative, Benzodiazepine,
7 Oxycodone. Then we did a screen by a dipping method,
8 Florescence Polarization Immunoassay. And that was
9 negative for cocaine or opiates.

10 **Q** Okay. And did you perform additional
11 screening?

12 **A** No, I did not. That was all the screening I
13 did.

14 **Q** So the results of your screens were negative?

15 **A** The -- actually -- the positive results were
16 confirmed by another test. The test that I did, they
17 were positive for THC and methamphetamine.

18 **Q** Okay. And what did you do after receiving that
19 result back?

20 **A** After that, it was -- basically, the sample is
21 packaged back and sealed properly in order for the next
22 test to be done.

23 **Q** Who does the next test?

24 **A** The next analysis.

25 **Q** Now what is the process? Why would you analyze

1 the substance and then someone else analyze the
2 substance?

3 **A** Basically, that's, uh, -- it is a departmental
4 of how our -- it's a departmental procedure, how we do
5 our cases in order to get the screening and the
6 confirmations out. That's why it comes in to more than
7 one person as coming in contact with the sample.

8 **Q** Uh, did this conclude, after you packaged the
9 sample back, did that conclude your analysis and
10 participation in this case?

11 **A** Yes, that's correct.

12 **Q** I have no further questions. Please answer any
13 questions Mr. Warder may have.

14 **THE COURT:** Mr. Warder?

15 **CROSS-EXAMINATION**

16 **BY MR. WARDER:**

17 **Q** I'm sorry. I didn't understand why you didn't
18 analyze the urine. Can you explain that a little better?
19 I didn't understand your answer.

20 **A** Basically, when a case comes to SLED, you
21 basically are going to have a urine test, then you have a
22 blood DUI or urine DUI. If you have a urine DUI, usually
23 that urine sample would be collected and there would not
24 be any -- there would not be any blood sample submitted
25 to SLED. With this being a felony DUI, I'm not sure

1 exactly why they got both samples. One of the reasons
2 could be with a felony DUI, you could get multiple
3 samples from that subject. As far as in toxicology, what
4 we're looking at as the sample to be analyzed is the
5 blood sample. We are assuming that either a breath test
6 was not able to be given or was not given. That's why
7 we're going to go ahead with that blood sample versus a
8 urine sample that when a breath test was already
9 administered, the urine sample should be obtained.

10 Q I'm sorry. I still don't understand. You're a
11 forensic toxicologist?

12 A That's correct.

13 Q And a forensic toxicologist analyzes toxins, I
14 guess, in samples that are brought to your attention, is
15 that right?

16 A I would agree with that statement.

17 Q On this day, two substances were brought to
18 your attention, is that right?

19 A That's correct.

20 Q Blood and urine. And you chose not to analyze
21 one of them not to see what toxins were in them, is that
22 right?

23 A It's not necessarily my choosing. Once the
24 protocol and per state law, we're trying to basically
25 coincide or correlate with that law.

1 Q Okay. Can you tell me what law that is?

2 A The DUI law for South Carolina. When basically
3 you have implied consent and you saying that breath,
4 blood and/or urine sample can be obtained. If you have
5 -- someone has already administered a breath test, then a
6 urine sample would be obtained. If both samples are
7 administered, we'll still go with the blood sample unless
8 some other exte -- different circumstances would arise
9 where we would have to go into the urine sample.

10 Q Okay. Now, are you familiar with physiology of
11 the -- how these substances threaten the body?

12 A That's correct.

13 Q You are familiar with that?

14 A (Nods head.)

15 Q You know that the urine test tests the present
16 amount while a blood test will test the amount over a
17 longer period more systemic amount.

18 A The urine sample, actually, when you have a
19 blood sample versus a urine sample, your blood is
20 actually what's going on. It's going through your veins
21 at that time. It's what's happening on your body. When
22 you have a urine sample, that's basically your void or
23 your waste. Your urine sample is actually a
24 representation of what your body has already used. Your
25 blood sample is what's actually going on in your body.

1 It's like a snapshot of what's going on in your body at
2 the time. So whatever is in your blood sample is
3 technically more -- more accurate. It's a better -- it's
4 a better idea of what's actually going on in the body.
5 Your urine sample gives a representation of what your
6 body has used. It's a waste product of your body.

7 Q Okay. A blood test would show what went on the
8 last 30 days.

9 A Your urine sample is your waste sample. Your
10 blood sample is what is going on in your body currently.

11 Q Okay. Urine sample will only test what's
12 happening in the last two or three days because of the
13 frequency of what's in the body?

14 A That is -- that is a correct statement. It
15 depends on how much that person is (inaudible). So like,
16 say, for instance, if it's a person that holds their
17 urine for whatever reason, they don't go as frequently as
18 some other person may be. They might be -- they may have
19 a more, I guess, a concentrated sample. But again, your
20 urine is what you have already used. Your urine is not
21 what's actually going on in your body at the time.

22 Q It is just extracted out of your body is what
23 the urine sample is, what happened just in that period
24 that accumulated in your bladder before you relieve it.
25 It's the close in time picture, isn't it?

1 **A** Repeat that?

2 **MS. BENTLEY:** Objection. I don't think that
3 was actually a question.

4 **THE COURT:** Well, he's phrasing it as a
5 question. Go ahead.

6 **BY MR. WARDER:**

7 **Q** That's the close in time picture. That's the
8 picture of what went on last, what your kidney pulled out
9 in that sense. The blood is a longer period of time
10 because it isn't voided out of the body so to speak.
11 It's cleaned out on a much slower process over a longer
12 period of time, through the spleen, is that right?

13 **A** It's -- your question is -- as far as you
14 processing whatever's in your body, what you're saying is
15 -- what I'm saying is if somebody gives a urine sample
16 and somebody gives a blood sample, their urine sample or
17 your body is not using that urine or whatever is in that
18 urine anymore. You have basically --

19 **Q** That's right. It shows just what was there a
20 few minutes ago but it doesn't keep circulating around.

21 **A** It's not acting on your body anymore. You
22 should not be under the influence of what is in that
23 urine sample. What is actually acting on your body is
24 what's in your blood.

25 **Q** You can have a negative urine sample and a

1 positive blood sample ---

2 **A** Okay.

3 **Q** --- and that would show that you stopped using
4 sometime in the past but not right at the present. If
5 you were using at the present, it would be in the urine,
6 wouldn't it?

7 **A** I'm not going to agree with that statement.
8 Your body still needs that time to metabolize. You could
9 very well have a negative urine sample and a positive
10 blood sample depending on how close your consumption was.
11 So maybe your body hadn't had time to metabolize it and
12 excrete it through your urine.

13 **Q** Okay. Now, you talked about an implied
14 consent. Are you aware this is not an implied consent
15 case?

16 **A** No, I'm not aware. The question was why didn't
17 I test the urine sample.

18 **Q** That's still the question.

19 **A** And that was my reasoning why is because we're
20 trying to correlate with that law. When the samples were
21 submitted, we're going to go with that blood sample
22 unless some other type of circumstances arise. My
23 example was referring back to the implied consent law.
24 The breath, blood and/or urine can be submitted.

25 **Q** Okay. Do you have to fill out some paperwork

1 when you decide not to test something?

2 A No.

3 Q You just throw away the sample at that point?

4 A No, I don't.

5 Q Do you have it today?

6 A The sample -- let's see where -- I think the
7 sample was returned back to the submitting agency.

8 Q So it was tested and it was negative. Is that
9 right?

10 A No, I did not say that.

11 Q It's just no analysis, is that right?

12 A Can I see that paper that you are referring to?
13 The report that was submitted to me -- the urine sample
14 is what you are referring to now. That sample went back
15 with the blood sample. It's like a package of the
16 evidence.

17 Q Okay. Is it down there someplace today?

18 A I'm not sure -- from my chain from SLED, it
19 says it was returned to agency and person. So as far as
20 the location of the evidence now, I don't know.

21 Q Would it be fair to say that the decision not
22 to test it was strictly your decision?

23 A No, it would not be.

24 Q Whose decision would it have been?

25 A It would have to go back to SLED protocol and I

1 would rely again on the South Carolina State DUI law.

2 Q Okay. Can you tell me the SLED protocol? Is
3 it written down someplace?

4 A It can be found on our SLED intranet and it's
5 in our case analysis policy of our protocol and
6 procedures manual. I don't have a copy on hand but I can
7 get someone to probably fax or email you a copy.

8 Q And that would say don't -- when there's two
9 samples, don't analyze the urine?

10 A It will not say that verbatim, but it would
11 refer back to my statement of why the blood sample was
12 analyzed and not the urine.

13 Q The test you did on the blood sample was some
14 kind of pretest, is that right?

15 A It was a preliminary or screening test.

16 Q Okay. So it wasn't actually to determine the
17 amount. You screened the blood and sent it for further
18 testing?

19 A That's correct. Basically, it was an indicator
20 of what was there and needed to be confirmed or
21 quantitated.

22 Q Thank you.

23 THE COURT: Any other questions?

24 MS. BENTLEY: No redirect of this witness.

25 May she please be excused?

1 **THE COURT:** Any objection for being excused?

2 **MR. WARDER:** No.

3 **THE COURT:** All right. Thank you for coming.

4 **MS. BENTLEY:** The State calls Quintus Young.

5 **QUINTUS YOUNG**

6 having first been sworn, testifies as follows:

7 **THE CLERK:** If you would, have a seat. State
8 your name for the record please.

9 **THE WITNESS:** My name is Quintus Young, II.

10 **DIRECT EXAMINATION**

11 **BY MS. BENTLEY:**

12 **Q** Mr. Young, where are you employed?

13 **A** I am employed at the South Carolina Law
14 Enforcement Division, commonly known as SLED.

15 **Q** And what is your position there?

16 **A** I am a forensic toxicologist.

17 **Q** And how long have you been a forensic
18 toxicologist?

19 **A** Actually six years as of today.

20 **Q** And how long have you worked at SLED in total?

21 **A** Six years.

22 **Q** Please tell me about your background, training
23 and experience, Mr. Young.

24 **A** I have a Bachelors degree from the University
25 of South Carolina in Chemistry. Once hired on at SLED,

1 began the training for blood alcohol and then drug
2 training. We were continually going through different
3 seminars and whatnot to continue our education.

4 Q Could you please tell me what types of seminars
5 or classes you attended?

6 A I attended the University of Indiana and just
7 numerous seminars with the, uh, companies that we
8 commonly deal with on instrumentation and procedures.

9 Q Okay. And what are your typical duties as a
10 forensic toxicologist?

11 A We are responsible for the analysis of
12 biological assessment to determine the absence or
13 presence of alcohol, drugs and other poisons.

14 Q Approximately how many blood and/or urine
15 samples have you analyzed in your six-year career?

16 A Hundreds.

17 Q What methods do you use?

18 A Primarily, we use a lot of GC-MS or gas
19 chromatography.

20 Q Okay. Are there other methods that you use?

21 A There are. We have -- for blood alcohol
22 analysis, we use headspace gas chromatography. We have
23 drug screen instruments that we use, but primarily GC-MS.

24 Q And are those the most commonly used, uh, tests
25 in the field?

1 A Yes.

2 Q And they are scientifically recognized ---

3 A Yes.

4 Q --- and accepted by peers?

5 A Yes.

6 Q How many times have you testified in court, Mr.
7 Young?

8 A Uh, eight or nine maybe.

9 Q Have you previously been qualified as an
10 expert?

11 A Yes.

12 Q In forensic toxicology?

13 A Yes, ma'am.

14 **MS. BENTLEY:** Your Honor, at this time, the
15 State wishes to acknowledge Mr. Young as an expert
16 in forensic toxicology and chemical analysis.

17 **THE COURT:** Any objection?

18 **MR. WARDER:** None, Your Honor.

19 **THE COURT:** All right. You will be so
20 qualified.

21 **BY MS. BENTLEY:**

22 Q Mr. Young, did you analyze a sample that came
23 in under this case number, which is L11-05135?

24 A Yes, ma'am, I did.

25 Q Can you please tell me when that sample came

1 into your possession?

2 **A** I do not actually have a chain -- copy of the
3 chain to show. (Reviewing.)

4 Uh, when it was admitted to SLED or myself?

5 **Q** Yourself.

6 **A** Uh, that would be 5/13/2011.

7 **Q** And had it been -- how was it packaged when you
8 received it?

9 **A** It would be in the heat-sealed pouch that is
10 initially -- uh, I mean, it comes to SLED.

11 **Q** Okay. And was it properly sealed and initialed
12 by the previous people that had touched it?

13 **A** Yes.

14 **Q** Did you recognize their signatures or initials?

15 **A** Yes.

16 **Q** Had the sample or the samples that you --
17 pardon me. What sample or samples did you receive?

18 **A** Blood and urine.

19 **Q** What sample or samples did you analyze?

20 **A** The blood only.

21 **Q** Okay. Why did you only analyze the blood
22 sample?

23 **A** It's protocol for us to analyze, in a felony
24 DUI case, blood. Blood gives us a better idea as to
25 what, uh, drugs, if any, would be in the system at the

1 time of the incident as opposed to urine which gives us
2 mostly a history.

3 Q A history. How long do substances stay in the
4 blood?

5 A It really depends on the substance. But for
6 the most part, as long as the item is stored under the
7 proper conditions, it should maintain its integrity.

8 Q I -- pardon me. I meant -- let me rephrase.
9 In a person's body, how long will a substance stay
10 active?

11 A As long as that substance is present, it will
12 remain active.

13 Q Okay.

14 A With most drugs. There are drugs that are
15 present that are inactive as well.

16 Q Okay. Would there be any substance found in a
17 blood sample that would not be found in a urine sample?

18 A Not that I can think of.

19 Q Would there be anything that could be found in
20 a urine sample that would not be found in a blood sample?

21 A Only with time. Only as time passes. As the
22 body eliminates from the blood, it transfers into the
23 urine as the body tries to eliminate whatever drug that
24 is.

25 Q Okay. Uh, I'm going to show you what's been

1 marked as State's Exhibit 18. Could you please look at
2 this document?

3 A This is a copy of the report.

4 Q So you recognize that document?

5 A Yes.

6 Q How do you recognize that?

7 A By the lab number and also my signature on the
8 last page.

9 Q Okay. And what does your signature indicate?

10 A That I have reviewed all the data in this case
11 and I agree with all the quality control in our lab and
12 this here was indicative of what was found in the sample.

13 Q Did you yourself perform analysis on the
14 samples?

15 A Yes.

16 Q Did you also rely on tests performed by, uh,
17 other scientists?

18 A Yes.

19 Q Please tell me what sample, uh, what analysis
20 you yourself performed on the blood sample.

21 A Once the sample would have been given -- once
22 it made its way to me, I would have allocated or taken a
23 small portion of the sample from the original container,
24 placed it in -- we batch samples at SLED to -- for time
25 efficiency. From there, it would go to confirmation for

1 whatever drug class, uh, the drug screen triggered,
2 triggered that sample for.

3 MS. BENTLEY: Okay. Your Honor, at this
4 time, the State wishes to admit Exhibit number 18
5 into evidence.

6 THE COURT: Any objection?

7 MR. WARDER: Your Honor, it will just be
8 cumulative to his testimony.

9 THE COURT: Well, uh, since we're not --
10 don't have any concerns about a jury, uh, being
11 unnecessarily swayed by cumulative testimony, I'm
12 going to allow it.

13 BY MS. BENTLEY:

14 Q All right. Mr. Young, looking at your -- at
15 your report, could you please tell me why or what was
16 found in your sample?

17 A Yes. This sample screened positive for
18 methamphetamine, which would then trigger us to send it
19 in for confirmation. Also screened positive for THC
20 metabolite. Uh, which were both confirmed in this case.

21 Q Okay. Now, could you please tell me what a THC
22 metabolite is and what that means?

23 A Yes, the THC metabolite is simply, uh, a form
24 of the parent drug. The parent drug is what is
25 physiologically active. Uh, it's short-lived in the

1 body. The body's way of getting rid of that substance is
2 breaking it down to THC metabolite.

3 Q Okay. What type of THC metabolite was found in
4 Ms. Reece's sample?

5 A This is 11-carboxy Tetrahydrocannabinol.

6 Q Is there a difference between carboxy THC and
7 hydroxy THC metabolite?

8 A Yes, ma'am. Carboxy THC is inactive whereas
9 hydroxy THC is very short lived in the body and is more
10 indicative of a recent use, really recent use. Whereas
11 carboxy THC just shows past exposure to the drug.

12 Q Is there anyway to know when Ms. Reece used
13 marijuana last?

14 A There is not. But being that it's present in
15 the blood, up to maybe 36 hours or so.

16 Q Okay. What else -- you said there was
17 methamphetamine that was found in the sample?

18 A Correct.

19 Q Please tell me can you quantify how much
20 methamphetamine was found?

21 A Yes.

22 Q Could you please explain it to me?

23 A Uh, we found a .29 milligrams per liter.
24 Therapeutic methamphetamine ranges from a .02 to about a
25 .05. So this is, uh, very much so above therapeutic.

1 Q Okay.

2 A And also in the case was amphetamine, which is
3 a primary metabolite of methamphetamine, which is your
4 body, once again, breaking it down to get rid of the
5 methamphetamine.

6 Q You said something about therapeutic level.
7 Could you explain what that is?

8 A If someone were prescribed amphetamine or
9 methamphetamine for ADD, ADHD or, uh, appetite
10 suppressant dosage, if they were to follow a prescribed
11 dosage from a physician, those are the levels you would
12 typically expect to see.

13 Q And what was the level again in Ms. Reece's
14 system?

15 A A .29.

16 Q And that is above --

17 A Therapeutic.

18 Q Okay. Based on the levels of methamphetamine
19 in her system, what can you tell us about the history of
20 use?

21 A As far as?

22 Q Can you determine when the person that you are
23 testing last consumed or used methamphetamine?

24 A We can -- we can't really put a time frame on
25 it due to -- it would be more based on a person's usage.

1 But because it's present, it's definitely acting on the
2 body.

3 Q Okay.

4 A But as far as time frame, it really depends on
5 usage.

6 Q Can you tell me what affects methamphetamine
7 has on the body?

8 A Methamphetamine is a central nervous system
9 stimulant as far as driving --

10 MR. WARDER: Your Honor, please, I think
11 maybe this is outside the range for forensic
12 toxicologist.

13 MS. BENTLEY: He didn't do any voir dire.
14 He's been qualified as an expert in chemistry and
15 forensic toxicology.

16 THE COURT: Sir, is this -- do you believe
17 these questions are within your area of expertise?

18 THE WITNESS: Yes, ma'am. We don't give a
19 definite what you see this is what you possibly
20 could see in someone who's been exposed to this
21 drug.

22 THE COURT: I'm going to allow it.

23 BY MS. BENTLEY:

24 Q Okay. Could you please tell us -- prior --
25 before you answer that, tell me what kind of classes or

1 training you've had on drugs and their effects on the
2 body.

3 **A** Most of our training is in-house. Our chief
4 toxicologist and forensic analyst as well. We undergo
5 oral and written exams. We're competency tested. There
6 are actually classes that we can attend. But as of
7 lately, budget has not really allowed for a lot of
8 training.

9 **Q** Okay. So based on your training and
10 experience, what types of effects could methamphetamine
11 have on a person using it?

12 **A** Being that it's a stimulant, it is -- it would
13 cause someone to be agitated, paranoid. Their thoughts
14 are very vast. Numerous thoughts all at one time.
15 Anxious, jittery. As far as driving, uh, it is a -- it
16 dilates the pupils which affects how light is actually
17 transmitted into the -- into the eye. That's the most
18 part.

19 **Q** Okay. The levels of methamphetamine found in
20 the sample that you tested in this case, are you able to
21 determine or are you able to say whether or not that
22 person was experiencing the effects of methamphetamine,
23 whatever they may be?

24 **A** Because it -- like I said before, because it's
25 present, it's acting on the brain and is therefore

1 causing impairment.

2 Q Okay. Is there a particular half-life of
3 methamphetamine or amphetamine?

4 A Methamphetamine has a half-life of 6 to 15
5 hours.

6 Q Okay. What does that mean as far as testing a
7 blood sample and finding it in the system?

8 A That means that whatever the initial dosage
9 was, uh, within that 6-to-15-hour range after that six
10 hours, the initial dosage will be half of what it was
11 initially.

12 Q Okay. So without knowing the initial dosage,
13 you can not tell me when that person last used
14 methamphetamine?

15 A Correct.

16 Q Okay. Do the effects of methamphetamine
17 diminish over time?

18 A They do. While there is an upside to the
19 central nervous system stimulant side to methamphetamine,
20 there's also a crash which one may experience after
21 coming down off the euphoric effects of methamphetamine.

22 Q What might the side effects or symptoms of that
23 be?

24 A That would be very similar to the effects of
25 alcohol being a similar system depressant. It goes from

1 one extreme to the other pretty much.

2 Q And would the, uh, crashing effects of
3 methamphetamine also have an impairing effect based on
4 training and experience?

5 A Yes.

6 Q What level of -- or how much methamphetamine is
7 needed for a person to be considered under the influence
8 of methamphetamine?

9 A Being that amphetamine is a low dosage drug,
10 like I said before, the therapeutic range is from an .02
11 to an .05, which is very low dosage. So any amount
12 present is active and acting on the body.

13 Q Okay. I have no further questions for you.
14 Please answer any questions Mr. Warder may have.

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. WARDER:

18 Q Have you had any medical training?

19 A No, sir.

20 Q You attend any classes at medical school?

21 A No, sir.

22 Q You said you've had some in-house training from
23 another chemist?

24 A Yes, the senior chemist at SLED.

25 Q Uh, methamphetamine, how long does

1 methamphetamine high last?

2 **A** It can last up to three hours.

3 **Q** And does it have a metabolized form that shows
4 up in the test that no longer reads it's inactive but
5 still in the system?

6 **A** Right. Well, actually, it breaks down to
7 amphetamine primarily which is also active.

8 **Q** Okay. So methamphetamine changes to
9 amphetamine, is that right?

10 **A** Correct.

11 **Q** And that's part of the process as it's used up
12 and broken down?

13 **A** Right.

14 **Q** Okay. If a person uses methaph -- strike the
15 question. I mispronounced the word a little bit. If a
16 person uses methamphetamine for a long period of time and
17 then quits, will it stay in the blood for days?

18 **A** It's possible.

19 **Q** Okay. Hair strand tests sometimes goes back 90
20 days, maybe even a year in some cases. How far can
21 methamphetamine tests go back?

22 **A** As far as hair.

23 **Q** So you could measure 90 days or...

24 **A** Uh, it would really be based on the dosage.

25 **Q** Okay. Now, we know from drugs like marijuana,

1 somebody smokes it and it gets in their system, but they
2 don't really stay high for days.

3 A Correct.

4 Q Methamphetamine is the same thing. The high
5 part of it is used up and gone. Is that right?

6 A Well, like I said, the amphetamine is also
7 active. You would get some of the similar effects. It
8 actually might be a little longer lived than the three
9 hours that you've peaked. Once you begin ingesting
10 methamphetamine, you will peak -- you will reach the
11 highest level you will reach at about three hours. From
12 there, uh, the effects will diminish over time as it is
13 metabolized to amphetamine.

14 Q Well, people that use methamphetamine don't
15 stay high for the day. They only stay high for the
16 morning or --

17 A They don't. They don't. Once it's out of the
18 system, it --

19 Q It's a short time and then they use it again.

20 A Correct.

21 Q And methamphetamine high would be what, an
22 hour?

23 A It really depends on how much they are using.

24 Q And like a reading like this, you can't tell
25 when it was taken, can you?

1 **A** Right. The only thing I can say is that it's
2 present.

3 **Q** Okay. Thank you.

4 **MS. BENTLEY:** Brief redirect, Your Honor.

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

6 **REDIRECT EXAMINATION**

7 **BY MS. BENTLEY:**

8 **Q** Mr. Young, if methamphetamine is found in the
9 blood, is it safe to say that someone is either coming up
10 or going down?

11 **MR. WARDER:** Object to the question.

12 **THE COURT:** What's your objection?

13 **MR. WARDER:** When she says it seems to me.

14 It's the same as leading and suggesting the answer.

15 **THE COURT:** I'll ask you to rephrase. That's
16 a leading question.

17 **BY MS. BENTLEY:**

18 **Q** Mr. Young, if -- if methamphetamine is found in
19 someone's blood, what does that mean?

20 **A** It simply means that it's present. We can't
21 really discern whether it's on the absorption side or the
22 elimination side.

23 **Q** If methamphetamine is found in the blood, is --
24 would a person be feeling some effect?

25 **A** Yes. As long as it's present, you are

1 experiencing some effects of the methamphetamine.

2 Q Does the presence of methamphetamine and the
3 absence of amphetamine in a sample mean anything?

4 A Probably more recent use because the body
5 hadn't had a chance for it to actually start breaking
6 down into amphetamine.

7 MS. BENTLEY: I have no further questions.

8 THE COURT: Anything else, Mr. Warder?

9 MR. WARDER: No, Your Honor.

10 THE COURT: All right, sir. You can step
11 down.

12 MS. BENTLEY: And can Mr. Young be excused?

13 THE COURT: Any objection?

14 MR. WARDER: No, Your Honor.

15 THE COURT: Thank you for being here.

16 MS. BENTLEY: Dr. Bradley Snow.

17 DR. BRADLEY SNOW

18 having first been sworn, testifies as follows:

19 THE CLERK: If you would, have a seat and
20 state your name for the record please.

21 THE WITNESS: My name is Bradley Michael
22 Snow.

23 DIRECT EXAMINATION

24 BY MS. BENTLEY:

25 Q Dr. Snow, where are you employed?

1 **A** Uh, I'm employed -- currently, I'm doing a
2 fellowship in Charleston.

3 **Q** Okay. And prior to that -- when did you begin
4 that fellowship?

5 **A** Uh, July 1st of this year.

6 **Q** And prior to that, where were you employed?

7 **A** I was employed in the Greenville Hospital
8 System.

9 **Q** Okay. And what was your position there?

10 **A** I was a general surgeon there.

11 **Q** How long had you been a general surgeon at
12 Greenville hospital, Greenville Memorial?

13 **A** Uh, I did a residency there from 2000 to 2005
14 and then stayed on as faculty there after 2005.

15 **Q** Okay. And what experience did you have prior
16 to becoming a surgeon?

17 **A** As far as medical experience?

18 **Q** Yes, sir.

19 **A** Prior to that, obviously medical school prior
20 to doing the residency. And then I was a scrub tech for
21 a year also a nursing assistance and also a transporter.

22 **Q** Okay. In your professional capacity, did you
23 meet Kimberly Medgysey?

24 **A** Yes.

25 **Q** When was that?

1 **A** The 30th of April 2011.

2 **Q** And where did you come into contact with her?

3 **A** I was trauma call that evening and were having
4 consults about an ER physician coming to evaluate her to
5 come to a better conclusion.

6 **Q** Okay. Can you please tell me approximately
7 what time that was? Do you recall?

8 **A** It was in the evening. It was around 10
9 o'clock.

10 **Q** And what was the reason that you were called to
11 consult that?

12 **A** The patient initially had been seen by the ER
13 physician. He evaluated her and found that she had had a
14 traumatic brain injury and also had an ankle fracture.
15 He had asked us to come and evaluate her for admission.

16 **Q** Okay. And what did you find upon meeting Mrs.
17 Medgysey?

18 **A** Uh, whenever I saw her, she was awake. She was
19 conversive. She had a Glasgow Coma Scale of 15, which is
20 normal. She had some complaints of some left ankle pain
21 which was found to be fractured prior to our evaluation
22 of her. She had no abdominal pain at the time. She had
23 no chest wall tenderness. She had some abrasions on her
24 chest as well as her abdomen.

25 **Q** And what did those -- pardon me. Did those

1 abrasions seem indicative of anything?

2 **A** Typically, it seemed to be blunt force as far
3 as from a seatbelt is what the pattern was consistent
4 with.

5 **Q** And was Mrs. Medgysey able to communicate with
6 you regarding what caused her injuries?

7 **A** Yes, she stated she was in a motor vehicle
8 collision.

9 **Q** And did that appear to be consistent with what
10 you observed?

11 **A** Yes.

12 **Q** Okay. Based on the injuries that you initially
13 saw, what was the plan for treatment?

14 **A** As far as we, uh, -- normally what happens is
15 the trauma service would be the admitting service for,
16 uh, people who have polytrauma, meaning multiple
17 injuries. Due to her head injury that was seen on her
18 initial hemorrhaging test, she was being admitted into
19 ICU just for neurologic checks.

20 **Q** And how long did you anticipate her staying in
21 the ICU?

22 **A** Uh, she also had -- because of her ankle
23 fracture, she was going to require operative intervention
24 by orthopedic surgeons at the hospital. So depending as
25 far as if she had -- hard to determine as far as

1 progression if she had any other head injury or length of
2 stay for her ankle fracture.

3 Q Okay. Did you remain her primary physician,
4 uh, during her time at the hospital?

5 A Normally, what we have is whoever is on call
6 for our service would be the one unless -- who follows
7 her up as outpatient unless someone does some
8 interventions on somebody. But we also have someone out
9 of our practice who does rounds throughout the week on
10 patients that are admitted.

11 Q Okay. So between April 30th, when you first
12 admitted her, and May 4th, did you have much additional
13 contact with Kimberly?

14 A During admission, no.

15 Q Okay. Did you order any specific tests or
16 review any tests of her when you saw her?

17 A I did. She had plain film x-rays which were
18 obtained prior to our evaluation. She had a CT, which is
19 an image of her brain as well as her chest, abdomen and
20 pelvis.

21 Q Okay. Uh, --

22 A Also a plain film of her ankle.

23 Q I have further questions for you. Please
24 answer any questions Mr. Warder may have.

25 THE COURT: Mr. Warder?

1 **MR. WARDER:** Your Honor, if it please the
2 Court, I have no questions of this witness.

3 **THE COURT:** All right. Thank you, sir.

4 **MS. BENTLEY:** May Dr. Snow be excused?

5 **THE COURT:** Any objection to that?

6 **MR. WARDER:** No, Your Honor.

7 **THE COURT:** All right. Thank you for being
8 here, Doctor.

9 **MS. BENTLEY:** The State calls Dr. Brian Dach.

10 **DR. BRIAN DACH**

11 having first been sworn, testifies as follows:

12 **THE CLERK:** If you would, have a seat and
13 state your name for the record please.

14 **THE WITNESS:** Mr. Name is Dr. Brian Wayne
15 Dach.

16 **DIRECT EXAMINATION**

17 **BY MS. BENTLEY:**

18 **Q** And Dr. Dach, where are you employed?

19 **A** At the Greenville Health System.

20 **Q** And what is your position there?

21 **A** I'm a staff physician in the department of
22 surgery.

23 **Q** How long have you been with the hospital?

24 **A** I been with the hospital for about 13 years.

25 **Q** In your professional -- in your professional

1 capacity, did you encounter Kimberly Medgysey?

2 A I did.

3 Q When was that?

4 A Uh, I, uh, encountered her, uh, a couple of
5 days after she was admitted by my partner.

6 Q Was that in May 2011?

7 A It was.

8 Q And what brought you to see Mrs. Medgysey?

9 A She was on the trauma service after her
10 accident and I was rounding on her that day.

11 Q What did you observe when you encountered her?

12 A When I saw her on the first day I met her, her
13 abdomen was tender. She had been vomiting. And she had
14 a distended abdomen, which was a change from previous
15 reports. So I thought she had an acute abdomen at that
16 time.

17 Q What does an acute abdomen mean?

18 A An abdomen that, uh, has something serious
19 going on.

20 Q What did you do as a result of that finding?

21 A With her findings of a seatbelt sign, the
22 concern was for a delayed bowel injury or an intestinal
23 injury. She had an x-ray ordered of her abdomen.

24 Q Okay. What did that show you?

25 A That x-ray showed that she had pneumoperitoneum

1 or free air, which means air that has escaped from the
2 intestine, uh, and is scattered throughout the abdomen
3 where it should not be.

4 Q What would cause that?

5 A Uh, in her situation, uh, the, uh, seatbelt
6 going across the abdomen compresses the intestines and
7 bruises or damages the intestine causing injury.

8 Q Okay. And what are the effects of that injury?

9 A The effects of that injury is if the air
10 continues to escape as well as the bowel contents, you
11 will become septic and could be potentially fatal.

12 Q So what is the treatment for -- once you
13 discovered this bowel injury, what was the course of
14 treatment?

15 A She was taken immediately to the operating room
16 where she underwent abdomen exploration.

17 Q And what did you find -- pardon me, did you
18 perform that surgery?

19 A I did.

20 Q When did you perform that surgery?

21 A On, uh, I believe May 4th, 2011.

22 Q And what did you discover during that surgery?

23 A During that surgery, we found that she had
24 several injuries, the most important injury was that she
25 had a perforation of the jejunum which is the second part

1 of the intestine. There was bowel contents or succus
2 linking throughout the abdomen.

3 Q What did you -- what did you do once you
4 discovered that?

5 A Once we discovered that, we repaired the injury
6 and then looked for additional injuries.

7 Q Did you find any additional injuries?

8 A She had, uh, -- she had some staining of the
9 tissues around the bowel. Then she also had some minor
10 tears in some of the muscle layers of additional bowel.

11 Q What does the staining --

12 A Staining just means that she had, uh, from the
13 intestinal contents that had leaked, it stained the
14 tissues.

15 Q Okay. Was there any reason that you could find
16 that this -- could this injury had been caused while she
17 was in the hospital?

18 A No.

19 Q Why not?

20 A There's been proven in the literature that
21 there is association with the bowel injury and seatbelt
22 sign. There is a high correlation between bowel injury
23 and seatbelt signs. So when that happens, we have a high
24 suspicion.

25 Q Was there any way to repair the bowel injury

1 without surgery?

2 **A** No.

3 **Q** After her bowel surgery, what happened? Where
4 did she go?

5 **A** She really, uh, did well with the surgery. She
6 went back, uh, to a, uh, to a, uh, monitored bed where
7 she was watched until she had an incident where she could
8 not, she had some weakness in one of her extremities and
9 had some facial drooping.

10 **Q** And what did that indicate?

11 **A** That indicated to us that she had some type of
12 neurologic event after the procedure.

13 **Q** Okay. And please tell me what happened. Did
14 you continue to monitor her?

15 **A** Well, uh, at that point, I was not in the
16 hospital so one of my partners took care of her.

17 **Q** Okay.

18 **A** I ordered some additional studies to try to
19 figure out what was going on.

20 **Q** What was discovered?

21 **A** She had a, uh, -- what was discovered is that
22 she had a special CAT scan of the blood vessels of the
23 neck which show the two main blood vessels going to the
24 brain, the carotid arteries had dissected.

25 **Q** What does that mean in layman's terms?

1 **A** Dissection is a term used when basically the
2 blood vessels get stretched and the inner lining gets
3 cracked and some of the blood dissects through the wall
4 of the blood vessels instead of going to the brain like
5 it should.

6 **Q** Is this an injury that occurs spontaneously?

7 **A** Not usually.

8 **Q** Okay. And what about during the bowel surgery?
9 Would it have occurred during the bowel surgery?

10 **A** No.

11 **Q** What is the typical cause of something like
12 this?

13 **A** In her situation, she has a seatbelt sign. So
14 we know that she had acute deceleration injury with, uh,
15 concomitant hyperflexion, hyperextension of the head and
16 neck that probably stretched the blood vessels.

17 **Q** Okay. Dr. Dach, can you tell us what happened
18 to Kimberly later that evening?

19 **A** She subsequently had a stroke and had to be put
20 on a ventilator and, subsequently, had a long, prolonged
21 hospital course.

22 **Q** Was she able to perform any normal functions?

23 **A** No.

24 **Q** Do you know for how long she remained in the
25 hospital?

1 **A** Uh, for -- she was in the hospital about one
2 month.

3 **Q** In your professional opinion, would you
4 consider the bad perforation a serious injury?

5 **A** Yes.

6 **Q** Is it potentially life-threatening?

7 **A** Yes.

8 **Q** What about the, uh, carotid dissection, is that
9 serious?

10 **A** Yes.

11 **Q** Potentially life-threatening?

12 **A** Yes.

13 **Q** Uh, I have no further questions. Please answer
14 any questions Mr. Warder may have.

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

16 **MR. WARDER:** Please the court. I don't have
17 any questions for this witness.

18 **MS. BENTLEY:** Thank you, sir. May Dr. Dach
19 be excused?

20 **THE COURT:** He can be.

21 Thank you, Doctor, for being here.

22 **MS. BENTLEY:** And may we approach briefly,
23 Your Honor?

24 **THE COURT:** Yes.

25 **(WHEREUPON,** a bench conference is held off the

1 record.)

2 **THE COURT:** Okay. Why don't we take a 10-
3 minute break?

4 **(WHEREUPON, a short recess is taken.)**

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

6 **MR. BUCKNER:** The State calls David Andis to
7 the stand.

8 **DAVID ANDIS**

9 having previously been sworn, testifies as follows:

10 **THE COURT:** You are still under oath, sir.

11 **DIRECT EXAMINATION**

12 **BY MR. BUCKNER:**

13 **Q** Could you please tell the court where you work?

14 **A** Work for the South Carolina Department of
15 Public Safety, specifically the South Carolina Highway
16 Patrol.

17 **Q** And you work for a specific unit within the
18 Highway Patrol?

19 **A** Yes, the MAIT team.

20 **Q** Can you please explain for the court what
21 exactly you do for the MAIT team?

22 **A** Being on MAIT, we complete independent
23 investigations for state and local agencies in reference
24 to collision reconstruction.

25 **Q** And can you explain the different parts of a

1 MAIT investigation, what you typically come encounter
2 with?

3 A We do everything from, uh, vehicle
4 examinations, mechanical examinations, interviews, speed
5 calculations, occupant locations.

6 Q So is it routine for you to interview
7 individuals as part of your investigation with MAIT?

8 A It is.

9 Q Did you participate in the investigation of a
10 wreck that occurred on Saluda Dam Road on April 30th of
11 2011 that involved this defendant, Ms. Christina Reece?

12 A I did conduct two interviews.

13 Q You conducted two interviews?

14 A Yes, sir.

15 Q When you conducted the interview, who was that
16 interview with?

17 A I conducted an interview with Ms. Christina
18 Reece and also Mr. Medgysey.

19 Q When you conducted the interview with Ms.
20 Reece, where did this interview take place?

21 A The interview took place over the telephone.
22 She was at, I believe, her mother's residence.

23 Q And how did you know it was her mother's
24 residence?

25 A The phone number.

1 Q So when this interview took place, was Ms.
2 Reece in custody?

3 A Uh, no.

4 Q Law enforcement custody?

5 A She was not.

6 Q Was she free to hang up the phone at any time
7 during the interview?

8 A She was.

9 Q Was she free to have an attorney present?

10 A She was.

11 Q Did you inform her of this right?

12 A I did.

13 Q Let me show you what's been marked as State's
14 Exhibit 17.

15 Excuse me, Mr. Warder. I apologize.

16 You recognize this item?

17 A I do.

18 Q And how do you recognize this item?

19 A It's, uh, a MAIT DVD or CD that we routinely
20 give when we do audio interviews because they are
21 recorded.

22 Q And do you remember the content that you put on
23 this item?

24 A I do.

25 Q And what content was that?

1 **A** There should be two audio interviews I
2 conducted.

3 **Q** And how do you know that's on this item?

4 **A** Cause I -- uh, --

5 **Q** What does the label on the item indicate?

6 **A** That is --

7 **Q** Can you point it out to the court?

8 **A** South Carolina Highway Patrol, South Carolina
9 Department of Public Safety, Reece and Medgysey,
10 Secondary 36. The case number PL064-11 and the date of
11 the collision, April 30th, 2011.

12 **Q** And does the way that this item is labeled
13 allow you to identify what's on the disk here?

14 **A** Yes.

15 **Q** What would that be?

16 **A** Interview with Ms. Reece and Mr. Medgysey.

17 **MR. BUCKNER:** Your Honor, at this time, I'd
18 like to publish the contents of this disk for the
19 court to hear.

20 **THE COURT:** All right. Any objection, Mr.
21 Warder?

22 **MR. WARDER:** I think there's some sections of
23 it that relate to things that would not be
24 admissible at trial.

25 **THE COURT:** All right.

1 **MR. WARDER:** I don't know how to handle that.
2 Could we just play it and I'll object to the
3 sections.

4 **THE COURT:** That will be fine.

5 **MR. BUCKNER:** And the State would also move
6 it into evidence at this time.

7 **THE COURT:** All right. I'll reserve allowing
8 it into evidence subject to listening to it first.

9 **MR. BUCKNER:** Thank you, Judge. If you
10 would, bear with me just a second.

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

12 **MR. BUCKNER:** Judge, if we could put it up
13 there next to a microphone, it may be a little
14 easier for everyone to hear.

15 **THE COURT:** All right.. That will be fine.

16 (WHEREUPON, State's Exhibit 17 is played for the
17 Court.)

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

19 **MR. BUCKNER:** Just a few more questions,
20 Judge.

21 **THE COURT:** Okay. Hold on just one second.
22 We may need to take up an issue. Any issue we need
23 to bring up?

24 **MR. WARDER:** I don't think so.

25 **THE COURT:** All right. I'll -- to revisit

1 the admissibility, I'll admit the statement into
2 evidence. All right.

3 **MR. BUCKNER:** Thank you, Judge.

4 **(WHEREUPON, State's Exhibit 17 is admitted into the**
5 **record.)**

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

7 **BY MR. BUCKNER:**

8 **Q** Based on the interview we just heard, did the
9 defendant tell you if the truck she was driving on the
10 day of the accident -- did she tell you if it had any
11 mechanical issues or any problems prior to the record?

12 **A** No, just the issue with the flat tire.

13 **Q** That was the only issue that she spoke of?

14 **A** It's the only thing she mentioned.

15 **Q** Did she offer you any explanation as to why she
16 wrecked the car into the victim's vehicle?

17 **A** The only thing she said was she --

18 **MR. WARDER:** Your Honor, I object to this.
19 We put the tape in. Now we're asking what the tape
20 said. I mean --

21 **THE COURT:** All right. I'm going to allow
22 him just to bring out a few points.

23 **THE WITNESS:** She just said that at first,
24 she went left of center and then overcorrected going
25 off to the right and then overcorrected again going

1 back across the center line where she struck the
2 other vehicle.

3 **BY MR. BUCKNER:**

4 **Q** And just one more question. Did the defendant
5 seem to remember anything else or any other details
6 involving the wreck?

7 **MR. WARDER:** Objection to whether the
8 defendant seemed to remember. That's just --

9 **MR. BUCKNER:** I can rephrase, Judge.

10 **THE COURT:** I think the question is fine as
11 it is. You can answer it.

12 **THE WITNESS:** Uh, she was clear on some
13 points of the collision and then unclear on some
14 other things.

15 **MR. BUCKNER:** No further questions, Officer.

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

17 **MR. BUCKNER:** Please answer any questions Mr.
18 Warder may have.

19 **THE COURT:** All right. Mr. Warder?

20 **MR. WARDER:** I have no questions.

21 **THE COURT:** All right. Sir, you can step
22 down.

23 **MS. BENTLEY:** May he be excused, Your Honor?

24 **THE COURT:** Yes.

25 You don't have any objection?

1 **MR. WARDER:** No.

2 **MS. BENTLEY:** The State calls Neal Nimmons.

3 **WILLIAM NIMMONS**

4 having first been sworn, testifies as follows:

5 **THE CLERK:** If you would, have a seat and
6 state your name for the record please.

7 **THE WITNESS:** My name is William Neal
8 Nimmons.

9 **DIRECT EXAMINATION**

10 **BY MS. BENTLEY:**

11 **Q** Mr. Nimmons, where are you employed?

12 **A** With the South Carolina Department of Public
13 Safety under the South Carolina Highway Patrol.

14 **Q** Is there a particular division of the Highway
15 Patrol is what you are assigned?

16 **A** There is. It's called the MAIT team.

17 **Q** And what does MAIT stand for?

18 **A** Multi-disciplinary Accident Investigation Team.

19 **Q** And how long have you been with MAIT?

20 **A** About three and a half years.

21 **Q** Do you -- particular position at MAIT?

22 **A** I'm a Collision Investigator Reconstructionist.

23 **Q** How long have you been in law enforcement, uh,
24 in total?

25 **A** 13 years.

1 Q What are your primary duties as a member of the
2 MAIT team?

3 A We are called to special collisions, certain
4 collisions that involves great bodily injury, certain
5 type of charges and death.

6 Q When did you begin focusing and training in
7 accident reconstruction?

8 A I started the whole process when I first
9 started with Highway Patrol. Everyone goes through an
10 initial training as far as collision and investigations.
11 But as far as the three phases of collision
12 reconstruction, I started those prior to coming onto the
13 MAIT team in 2009, around 2007, 2008.

14 Q Okay. Did you have any special training or
15 experience that lead you to the accident reconstruction
16 field or onto the MAIT team?

17 A There's three core classes that we all start
18 out with ac scene and then collision reconstruction and
19 technical investigation. And then in addition to that,
20 we have different classes specialize in various aspects,
21 as far as like pedestrian wrecks, train wrecks, we have
22 momentum classes, all kind of classes as far as that
23 goes, topography and those kind of things.

24 Q And you've taken all those classes?

25 A Yes, ma'am.

1 Q You successfully completed all those classes?

2 A Yes, ma'am.

3 Q Do you continue to go to trainings and seminars
4 on accident reconstruction?

5 A Yes, ma'am.

6 Q Do you keep up with the literature on accident
7 reconstruction?

8 A Yes, we get emails all the time.

9 Q Are there any certifications that one could get
10 in the area of accident reconstruction?

11 A There's no true, like, degree that you go to
12 college like a lawyer for. But there is a test called
13 the ACTAR test. It's a accreditation test that's
14 recognized in the reconstruction world.

15 Q Have you completed that certification?

16 A I haven't completed that one but I'm in the
17 process of it.

18 Q Okay. How many accidents have you responded to
19 since, let's just say 2008, if you can approximate that?

20 A Probably 400.

21 Q And have you -- in how many of those accidents
22 have you helped with the reconstruction?

23 A The way our office works, I started with our
24 MAIT team in September of 2009. The way the MAIT team
25 works is that all the cases go through everyone in the

1 office. Everyone has a part in it as far as they may not
2 have a tangible part that they work on that case, but
3 everyone -- everyone looks at each case. All the cases
4 that's come through the office, I've had some type of
5 involvement in it.

6 **MS. BENTLEY:** Okay. Your Honor, at this
7 time, the State would all William Nimmons as an
8 expert in the field of accident reconstruction.

9 **THE COURT:** Any objection?

10 **MR. WARDER:** No, Your Honor.

11 **THE COURT:** All right. He will be so
12 qualified.

13 **BY MS. BENTLEY:**

14 **Q** All right. Did you assist in investigating the
15 collision between Ms. Reece and the Medgysey on Saluda
16 Dam Road?

17 **A** I did.

18 **Q** Please tell me at what point MAIT was assigned
19 to investigate this collision.

20 **A** I was advised to go out and do vehicle
21 inspections on the vehicles involved and document the
22 scene on 5/4/2011.

23 **Q** Okay. Now, that is not the date of the
24 collision, pardon me -- was that the date of the
25 collision?

1 **A** That was not, no.

2 **Q** What was the reason for the delay?

3 **A** Well, there's two types of, uh -- case come
4 through our office two different ways, either an
5 automatic call out or a deferred, uh, -- whether or not
6 the case is going to be an automatic call out whereas we
7 go to an active collision scene, something that's
8 happening right then or whether it's deferred and we go
9 at a later day is depending upon headquarters in
10 Columbia. They make those rulings. This particular
11 crash here, it was a deferred case that we came out as an
12 additional response.

13 **Q** You said that you performed the vehicle
14 examination in this case?

15 **A** Correct.

16 **Q** On which vehicle?

17 **A** Uh, I was there for both. I actually did the
18 vehicle examination on both of them. The one in
19 particular with Ms. Reece's vehicle, the pickup truck, I
20 performed that inspection myself. There was another
21 member of the team that was coming to assist me. We were
22 going to do it together. I went ahead and did that
23 vehicle. He had something else that he couldn't be there
24 when I started that one but he kept -- caught up with me
25 at the second vehicle.

1 Q Okay. Did you have any other roles in the --
2 in this particular investigation?

3 A I completed the CAD drawing on this particular
4 crash.

5 Q And what is the CAD drawing?

6 A It's a computer-aided drawing. What we do is
7 when we go out to the collision scene, there's various
8 evidence points that are out there and the roadway
9 itself, we used a total station and we do a forensic
10 mapping of the, uh, -- do a forensic mapping of the
11 scene. When we do that, we come back and that gets
12 downloaded to the computer as part of, uh, our
13 investigation. We connect all those points that we've
14 drawn with the mapping equipment. From that, we're able
15 to pull measurements and do speed calculations and
16 whatnot.

17 Q I'm going to show you, in a moment -- I'm
18 showing you what's been marked as State's Exhibits 19
19 through 21. Could you just look at those for a second?

20 A Yes, ma'am.

21 Q Without telling me what they are, do you
22 recognize what State's 19, 20 and 21 are?

23 A Yes, ma'am.

24 Q How do you recognize State's Exhibit 19?

25 A Uh, 19, this is the form that I filled out.

1 Q So you did that yourself?

2 A Yes, ma'am.

3 Q What about State's Exhibits 20 and 21?

4 A Those are pictures that I took.

5 Q That you took. Has the report been altered in
6 any way from your drafting?

7 A No, ma'am.

8 Q Have the pictures been altered in any way?

9 A No, ma'am.

10 Q Do the pictures fairly and accurately represent
11 the vehicle as you saw it on May 4th?

12 A Yes, ma'am. The pickup truck.

13 MS. BENTLEY: Your Honor, at this time, the
14 State seeks to admit exhibits 19, 20 and 21.

15 THE COURT: Any objection?

16 MR. WARDER: I take it 19 is just a summary
17 of what he's going to testify to. 20 and 21 are
18 photographs I have no objection to.

19 THE COURT: Okay. What about 19?

20 MS. BENTLEY: 19 does have specific
21 measurements in the particular entire examination
22 that we discussed.

23 THE COURT: Let me take a look at that, 19,
24 if you don't mind.

25 THE WITNESS: Yes, ma'am.

1 **THE COURT:** Have you seen this?

2 **MR. WARDER:** Yes, ma'am.

3 **THE COURT:** (Reviewing.)

4 All right. Uh, I'll allow it. Again, it might
5 be something I might not allow if the jury were
6 here, but I'll allow it. It may be cumulative.

7 **BY MS. BENTLEY:**

8 **Q** What do you first look for in a vehicle
9 examination?

10 **A** When we first look -- when I first get there, I
11 generally just start looking over the vehicle getting an
12 idea of the type of damage based on where the damage is
13 to the vehicle, that gives us an idea of how the vehicles
14 may have come in together.

15 **Q** Okay. What did the damage tell you in this
16 particular --

17 **A** This was a front-end -- the damage to this
18 vehicle -- you can't see it in these photos here, but the
19 damage to this vehicle, all the damage was focused mainly
20 towards the front of the vehicle which indicated that the
21 vehicle ran into something.

22 **Q** What else did it tell you?

23 **A** As I walked around the vehicle, I noticed that,
24 uh, in these -- these two pictures are depicting the
25 right front tire of the Nissan pickup truck. The tire --

1 the rim and the tire itself is dented in. That tire is
2 deflated. Also right where it's dented in, the vehicle
3 has been moved from the collision scene, but generally
4 that indentation and the indentation of the tires shows the
5 force of which there was impact to that tire.

6 Q Okay. When you performed your examination of
7 this vehicle, did you examine the tires?

8 A I did.

9 Q Did you find anything wrong with any of the
10 tires?

11 A No, ma'am.

12 Q Did any of the tires have -- pardon me, were
13 all the tires properly inflated?

14 A There was only one tire that was deflated on
15 the vehicle. All four -- the other tires were inflated.
16 They had various inflations. The tire that was deflated,
17 like I said, in pictures here, there's damage to the rim
18 which affects the bead where the tire and the rim come
19 together. There is a void there, which air would escape.
20 That would lead to the reason why there's not any air in
21 that tire. Not unless that rim was repaired, that tire
22 -- that rim wouldn't be able to hold air ever again
23 because it's not symmetrical.

24 Q What about the other three tires?

25 A The other three tires had air in them. The

1 left front tire, referring to this here that was measured
2 at 40 psi and the left rear tire had 38 psi and the right
3 rear tire had 24 psi. Also thread depth is something
4 that we measure to. Thread depth is an issue mainly --
5 wouldn't really come into play so much depending on
6 whether the road was wet or dry.

7 Q Okay.

8 A It's like race car drivers. They don't have
9 any thread on the tires. They run slicks. They've got
10 more rubber meeting the road. They always drive in the
11 dry. The more rubber on the road, the better the tire
12 will grip the road, so to say, uh, have more surface
13 touch there. But all of these, the deflated tire was
14 lacking in the thread depth. The other four tires --
15 other three tires were -- two of the other two tires were
16 in fair shape. The other one was in okay shape.

17 Q Okay. Is it your opinion that any sort of tire
18 problem could have contributed to this collision?

19 A No, not in my opinion, no.

20 Q Okay. Did you do an examination of the other
21 mechanical parts of this Nissan truck?

22 A We checked for -- we checked the steering wheel
23 to make sure that it was turning. Of course, in some of
24 these crashes here, there's things that get broke. But
25 in this particular investigation, I wasn't able to check

1 as far as the steering on that because there was damage
2 from impact and from both occupant and another vehicle.
3 There was, uh, -- there wasn't anything that I could
4 notice with the brakes at the time. Either they seemed
5 to be tight. I didn't take the wheels off and examine
6 the actual pads themselves. But when I applied pressure
7 to the brake pedal, there was pressure there.

8 Q Okay. Did you -- you said you also examined
9 the other vehicle, correct?

10 A Yes, ma'am.

11 Q Were there any signs of mechanical failure or
12 problems with that vehicle?

13 A No.

14 Q Based on your investigation of the vehicles and
15 your CAD, what did you find to be -- what contributed to
16 this collision?

17 A The vehicle that was traveling toward
18 Greenville was left of center. There is a tire mark --
19 tire mark just prior to the area of collision that we
20 could determine. That tire mark was matched back up,
21 based on the CAD drawing, going back to the Nissan which
22 was traveling towards Greenville.

23 Q And that car went left of center?

24 A Yes, ma'am.

25 Q I have no further questions. Please answer any

1 questions Mr. Warder may have.

2 THE COURT: Mr. Warder?

3 MR. WARDER: Just briefly.

4 CROSS-EXAMINATION

5 BY MR. WARDER:

6 Q There could have been brake problems. One
7 brake could have been grabbing. You couldn't have
8 checked that, could you?

9 A I'm sorry.

10 Q One brake could have been grabbing or sticking.
11 You couldn't check that, could you? Or you didn't check
12 that?

13 A I couldn't check that. But one brake grabbing
14 or sticking wouldn't have been enough to take her
15 completely left of center.

16 Q Like you said, you couldn't check steering
17 problems?

18 A Not due to impact damage.

19 Q Okay. And you couldn't check any of the other
20 things, either there was problems with the car or any
21 problems like that?

22 A I'm sorry.

23 Q You couldn't check the brakes on the other car
24 either?

25 A I did a -- I performed the same test on that

1 vehicle as I did on this one.

2 Q You pushed the pedal in to see if it comes out.

3 A See if there's pressure. If we push a pedal
4 and there isn't any pressure, that will give us a reason
5 to look further, uh, whether -- you know, in some
6 situations, the, uh, cable or the brake line that's
7 coming down to the brake caliper on the tire, sometimes
8 in those collisions can get pinched or cut and it will
9 cause a vehicle to lose all of its brake fluid. After
10 you punch on it a few times -- even if it is severed,
11 after you punch on it a few times, after a few punches,
12 it's going to push any break fluid in there out and it's
13 not going to give back. You push on your brake pedal.
14 You let off of it, it comes back. That's because there's
15 pressure. If there's pressure that's not in the line
16 there, then, uh, that would be due to a breach in the
17 brake system there. I didn't notice that on either
18 vehicle.

19 Q We can say there was pressure in the system.

20 A Right. And just prior to the -- like I said
21 earlier, just prior to the collision, there was a tire
22 mark there from the Nissan. That's an indication that
23 the brakes was working. It's not going to leave a mark,
24 a skid mark prior to the area collision had there not
25 been brakes applied.

1 Q And that was left by one tire?

2 A One tire.

3 Q Thank you.

4 THE COURT: Anything else?

5 MS. BENTLEY: No redirect, Your Honor.

6 THE COURT: Sir, you may step down.

7 MS. BENTLEY: And may Mr. Nimmons be excused
8 please.

9 THE COURT: Any objection?

10 MR. WARDER: No.

11 THE COURT: Thank you for being here.

12 MS. BENTLEY: Your Honor, the State calls
13 Hayden Medgysey to the stand.

14 THE COURT: All right.

15 HAYDEN M [REDACTED]
16 having first been sworn, testifies as follows:

17 THE CLERK: Have a seat right here and tell
18 us what your name is.

19 THE WITNESS: My name is Hayden M [REDACTED].

20 DIRECT EXAMINATION

21 BY MS. BENTLEY:

22 Q Hayden, how old are you?

23 A I'm 10.

24 Q You're 10? When is your birthday?

25 A December [REDACTED]

1 Q Okay. What grade are you in?

2 A 4th.

3 Q 4th. Hayden, do you know why you are here
4 today?

5 A Yes, I do.

6 Q Can you tell me in your own words why you are
7 here?

8 A Uh, to discuss whether she is guilty or not.

9 Q Okay. When you talk about guilty, do you know
10 what you mean by that?

11 A It's hard to say.

12 Q Okay. If you don't understand any of my
13 questions, you just let me know. Okay. Hayden, do you
14 remember being in a car accident?

15 A Yes, I do.

16 Q Do you remember how old you were when you were
17 in that accident?

18 A Yes, ma'am.

19 Q How old were you?

20 A 9.

21 Q 9? Do you remember when that accident
22 happened?

23 A No, ma'am.

24 Q That's okay. Do you remember what grade you
25 were in when that accident happened?

1 **A** Third.

2 **Q** Third. Hayden, do you remember were you hurt
3 in that accident?

4 **A** Yes, I was.

5 **Q** Do you remember what was wrong with you?

6 **A** Uh, I had a broken right collarbone, a
7 fractured right hand, a punctured lung. I think that's
8 it.

9 **Q** Did you have to go to the hospital?

10 **A** Uh-huh.

11 **Q** Did you have to stay in the hospital, Hayden?

12 **A** Yeah.

13 **Q** Do you remember how long you were in the
14 hospital?

15 **A** Uh, almost two weeks.

16 **Q** And Hayden, did you have to have a cast or
17 anything?

18 **A** I had to have a splen for my broken
19 collarbone.

20 **Q** You did? And did you have to stay out of
21 school?

22 **A** Yes.

23 **Q** Do you remember how long you stayed out of
24 school?

25 **A** Uh, about how long I was in the hospital.

1 Q Okay. Did you have any -- were you able to
2 play again right after you left the hospital?

3 A Not exactly.

4 Q How long did it take you until you could be a
5 normal boy again?

6 A Uh, a couple of weeks.

7 Q Okay. Were there any things that you were not
8 able to do because you were hurt?

9 A I couldn't swim. I couldn't write as neat.

10 Q Okay. Uh, Hayden, I don't have any more
11 questions for you. Okay. If Mr. Warder has any
12 questions, would you please answer them?

13 A Yes, ma'am.

14 Q Thank you.

15 THE COURT: Any questions?

16 MR. WARDER: Your Honor, if it pleases the
17 Court, I have no questions for this witness.

18 THE COURT: All right. Thank you, sir.

19 Sir, you can step down.

20 MS. BENTLEY: And may Hayden be excused?

21 THE COURT: Certainly.

22 MS. BENTLEY: May we approach, Your Honor?

23 THE COURT: Yes.

24 (WHEREUPON, a bench conference is held off the
25 record.)

1 **THE COURT:** All right. We've come to a great
2 breaking point in testimony for today. We're going
3 to resume tomorrow morning at 9 a.m.

4 **MS. BENTLEY:** As a housekeeping matter, Your
5 Honor, Ms. Reece would no longer be on her bond.

6 **THE COURT:** In order for her to be able to
7 consult with her attorney overnight, I'm going to
8 give her a \$30,000 PR bond as a trial bond. All
9 right?

10 **MR. WARDER:** Yes, ma'am.

11 **THE COURT:** All right then. Very well.
12 We'll see you back tomorrow morning at 9:30.

13 **MS. BENTLEY:** Thank you.

14 **MR. BUCKNER:** Thank you, Judge.

15 **(WHEREUPON, the Court recesses at approximately**
16 **4:31 p.m.)**

17

P R O C E E D I N G S

(WHEREUPON, the Court resumes on the 20th day of March, 2013 at approximately 9:40 a.m.)

THE COURT: Thank y'all. Y'all be seated. Anything we need to take up before we call another witness?

MS. BENTLEY: Nothing from the State, Your Honor.

THE COURT: All right. You can call your next witness then.

MS. BENTLEY: The State calls Kimberly Medgysey.

KIMBERLY MEDGYSEY

having first been sworn, testifies as follows:

THE CLERK: Thank you. If you would, have a seat and state your name. Be careful on the steps there.

THE WITNESS: Kimberly Medgysey.

DIRECT EXAMINATION

BY MS. BENTLEY:

Q Mrs. Medgysey, how old are you?

A Uh, 46.

Q And what is your background? Did you go to college?

A Some college.

1 Q You had some college?

2 A Yeah.

3 Q And are you currently employed?

4 A No. No. Not anymore. I worked for myself.

5 Q You worked for yourself. Did you have your own
6 business?

7 A Yes.

8 Q Could you tell us what type of business you
9 had?

10 A Graphic design.

11 Q You were a graphic designer?

12 A Yes.

13 Q When did you have to cease being a graphic
14 designer?

15 A After the accident.

16 Q The accident?

17 A Yeah.

18 Q What -- do you remember where this accident
19 was?

20 A I remember she hit me head-on. From what
21 angle --

22 Q I'm going to stop you right there if you don't
23 mind. You want some water or anything?

24 A No.

25 Q Are you nervous?

- 1 **A** No.
- 2 **Q** Okay. When did this crash happen?
- 3 **A** April 25th.
- 4 **Q** Of 2011?
- 5 **A** Yes.
- 6 **Q** And do you remember about what time it
- 7 happened?
- 8 **A** About 5:30.
- 9 **Q** About 5:30?
- 10 **A** Yeah.
- 11 **Q** Where had you been prior to the crash?
- 12 **A** At home.
- 13 **Q** At your own home?
- 14 **A** Yes.
- 15 **Q** What was your home address?
- 16 **A** [REDACTED].
- 17 **Q** [REDACTED]?
- 18 **A** Yes.
- 19 **Q** How far from your home did this crash take
- 20 place?
- 21 **A** Within a couple of miles.
- 22 **Q** A couple of miles?
- 23 **A** Yes.
- 24 **Q** Where were you going?
- 25 **A** My mother-in-law's house for a birthday party.

1 Q To a birthday party. Who's birthday was it?

2 A Owen's.

3 Q Who is Owen?

4 A My nephew.

5 Q Your nephew? Okay. (Pause.)

6 THE COURT: Let me just tell you that my
7 court reporter is taking down everything you say.
8 She does not like to make anybody feel
9 uncomfortable. That's -- while she's looking at
10 you. She just wants you to be totally clear. She
11 don't want to make you feel self-conscious at all.
12 Okay.

13 THE WITNESS: Okay. Thank you.

14 THE COURT: Okay. Go ahead.

15 BY MS. BENTLEY:

16 Q It was Owen's birthday?

17 A Yes.

18 Q How old was Owen turning?

19 A 11, I think.

20 Q Okay. Had you -- were you bringing him a gift?

21 A Yes. I was bringing him a monkey bread.

22 Q You were bringing him monkey bread. Had you
23 prepared that yourself?

24 A (No response.)

25 Q It's okay. (Pause.)

1 Had you made that monkey bread yourself?

2 A Yes.

3 Q When did you make it?

4 A Uh, the day of the accident.

5 Q Okay. Do you remember the accident happening?

6 A Yes.

7 Q Tell us what you remember.

8 A She hit me head-on.

9 Q Okay.

10 A I remember the ambulance and the hospital. I
11 remember feeling like I couldn't breathe.

12 Q Like you couldn't breathe?

13 A Yeah.

14 Q Do you remember seeing the accident?

15 A Yes.

16 Q What did you see?

17 A She hit me head-on.

18 Q You saw --

19 A She crossed over the line for whatever reason.

20 Q You said you remember the ambulance, right?

21 A Yes.

22 Q Do you remember anything before that?

23 A Yes. I remember I had the cake in my lap. When
24 I got to the hospital, they asked me if I had thrown up.

25 Q They thought the cake was vomit. Do you

1 remember speaking to anybody at the scene?

2 A Yes.

3 Q Do you remember who you spoke to?

4 A I asked the man to help me out of the car.

5 Q You asked the man to help you out of the car.

6 A The door was stuck. And he freed it.

7 Q He freed the door. Is that how you got out of
8 the car?

9 A No, I didn't get out of the car. I knew my
10 ankle was broken.

11 Q You could tell your ankle was broken. Do you
12 -- were you able to speak to -- who else was in the car?

13 A My husband and my son.

14 Q Okay. Did you speak to them during the time of
15 the collision?

16 A Yes. I told my husband my ankle was broken.

17 Q And so you remember everything about the crash?

18 A Uh-huh.

19 Q Briefly, Kimberly, can you tell us about your
20 initial diagnosis?

21 A I knew something was wrong. My leg was being
22 casted.

23 Q Your leg was being casted?

24 A That's all I remember.

25 Q Okay. What do you remember next?

1 **A** Waking up in Charlotte.

2 **Q** Waking up in Charlotte. Where were you in
3 Charlotte? Do you remember the name of the place you
4 were?

5 **A** Charlotte Rehab.

6 **Q** Okay. Do you remember when it was that you
7 woke up in Charlotte?

8 **A** No. No.

9 **Q** Did you go directly home from Charlotte?

10 **A** I was there for seven weeks.

11 **Q** You were there for seven weeks. Where did you
12 go after that?

13 **A** My parents' house.

14 **Q** Your parents' house. Were you able to walk?

15 **A** No, not at first.

16 **Q** What were you -- what were you not able to do?

17 **A** Pretty much everything. I had to -- if I had a
18 scratch, I had my mom scratch it.

19 **Q** If you had an itch, your mom had to scratch it.
20 How are you doing today?

21 **A** Much better.

22 **Q** Much better?

23 **A** I still have some limitations. I can't put
24 deodorant on myself. I can't cook.

25 **Q** You can't cook?

1 **A** No.

2 **Q** And you can't work as a graphic designer?

3 **A** Yes.

4 **Q** I don't have any more questions for you right
5 now. Please answer any questions Mr. Warder may have.

6 **THE COURT:** Mr. Warder.

7 **MR. WARDER:** Your Honor, if it please the
8 court, I have no questions for this witness.

9 **THE COURT:** Thank you, sir. You can step
10 down.

11 **THE WITNESS:** Okay. Thank you.

12 **MS. BENTLEY:** The State calls Matthew
13 Medgysey.

14 **MATTHEW MEDGYSEY**

15 having first been sworn, testifies as follows:

16 **THE CLERK:** Thank you, sir. If you would,
17 have a seat and state your name for the record.

18 **THE WITNESS:** My name is Matt Medgysey.

19 **DIRECT EXAMINATION**

20 **BY MS. BENTLEY:**

21 **Q** Mr. Medgysey, how old are you?

22 **A** Uh, 47.

23 **Q** And do you mind if I call you Matt just so I
24 don't butcher your last name any more?

25 **A** Yeah.

1 Q Are you employed?

2 A Yes.

3 Q Where are you employed?

4 A Uh, Hartness Holdings.

5 Q How long have you worked there?

6 A 17 years.

7 Q Are you married?

8 A Yes.

9 Q To whom?

10 A Kimberly Medgysey.

11 Q Was she the one who was on the stand before

12 you?

13 A Yes.

14 Q You have any children?

15 A Yes, Hayden Medgysey.

16 Q And he spoke yesterday?

17 A Yes.

18 Q I want to talk to you about April 30th, 2011.

19 Do you remember that day?

20 A Yes.

21 Q Tell me what you had been doing prior to 5 p.m.

22 that day.

23 A We were getting ready to go to a birthday party

24 at my mom and dad's house.

25 Q Okay.

1 **A** Just preparing. Kim was cooking. We were
2 getting ready to go dress and shower and that sort of
3 thing.

4 **Q** Okay. What time did you leave for the birthday
5 party?

6 **A** Approximately five o'clock, 5 p.m.

7 **Q** What happened on your way to the party?

8 **A** Uh, we were traveling towards Easley on Saluda
9 Dam Road approximately a mile, two and a half miles from
10 our house. We incurred -- Ms. Reece came left of center.

11 **Q** Tell me about the portion of the road where
12 this occurred. Could you see -- how far down the road
13 could you see?

14 **A** It was a bright clear day. Visibility was
15 perfect. I mean, you could see half a mile in front of
16 you.

17 **Q** Could you see -- pardon me. Tell me what you
18 saw as the crash happened.

19 **A** I didn't -- it happened so sudden. I didn't
20 realize -- I didn't even hit my brakes. I didn't see any
21 -- I didn't have any reaction time. It was a very
22 sudden, quick thing that had happened.

23 **Q** Tell me what you remember after impact.

24 **A** I just remember looking at Kim and then turning
25 around and checking on Hayden. I got out immediately of

1 the car. Hayden did. I went to look for Kim. She
2 couldn't move. There were bystanders around. EMS was
3 there shortly thereafter.

4 Q Were you injured? Could you tell?

5 A Yes. My foot was injured.

6 Q Okay. I'm going to show you what's been marked
7 as State's Exhibit 23. I just want you to tell me if you
8 recognize what this is.

9 A That is me with -- that's me at the ER with my
10 injury.

11 Q Does that appear to be an accurate presentation
12 of what you look like?

13 A Yes.

14 Q When do you think that photo was taken?

15 A That night, that evening at Greenville
16 Memorial.

17 Q Has it been -- does it appear to be
18 photoshopped or altered in any way?

19 A No.

20 Q Does that accurately represent part of your
21 injuries?

22 A Yes.

23 MS. BENTLEY: Okay. Your Honor, at this
24 time, the State wishes to admit Exhibit 23 into
25 evidence.

1 **THE COURT:** Any objection?

2 **MR. WARDER:** No, Your Honor.

3 **THE COURT:** All right. It will be so
4 admitted.

5 **(WHEREUPON, State's Exhibit 23 is admitted into the**
6 **record.)**

7 **BY MS. BENTLEY:**

8 **Q** How long did it take for you to get to the
9 emergency room?

10 **A** It wasn't more than a half hour.

11 **Q** Okay. And what was your diagnosis?

12 **A** Broken foot.

13 **Q** Okay. What -- what did that mean for you as
14 far as, uh, activities?

15 **A** I was limited for about a month and a half
16 after that. Wore a support boot. Was off of work two
17 weeks, approximately two weeks.

18 **Q** Okay.

19 **A** Limited activity.

20 **Q** Okay. Were you able to walk normally?

21 **A** Not normally. It was painful.

22 **Q** And you had a -- some sort of boot on your leg?

23 **A** Right.

24 **Q** When you were in the hospital, were you able to
25 see Kimberly?

1 A Yes.

2 Q Were you able to see Hayden?

3 A Yes.

4 Q As spouse and parent, were you kept apprised of
5 what was going on with them?

6 A Yes. I was back and forth between them -- it
7 was kind of chaotic the first couple of days.

8 Q Okay. Tell me about Hayden. He was your son,
9 correct?

10 A Yes.

11 Q Did they need authorization from you to treat
12 him?

13 A Yes.

14 Q What did they tell you he needed treatment for?

15 A He had a broken collarbone. He had a sprained
16 wrist, punctured lung, fractured ribs. I think that was
17 the extent of his injuries.

18 Q How did that affect his lifestyle?

19 A He was actively in competitive swimming. He
20 was swimming for a team. He was limited in that regard
21 for several months. He could not practice. He had
22 abrasions from the seatbelt on his chest and around his
23 torso that took a long time to heal. He was in a lot of
24 pain for a long time.

25 Q What about Kimberly? Were you kept apprised of

1 her status?

2 A Yes.

3 Q Did you -- did you remain with her during
4 consultations of things?

5 A Yes.

6 Q And what was her initial diagnosis?

7 A She was going into surgery for her --
8 immediately that evening for her broken ankle. She did
9 -- she came out of that fine. And then -- you want me to
10 continue?

11 Q Yes.

12 A And then they, uh, -- she had abdomen pain
13 throughout. She couldn't eat anything, hold anything
14 down. She was eating ice. Continued to have more pains.
15 And they did emergency surgery, exploratory surgery and
16 found that she had a perforated small intestine.

17 Q What happened after the surgery for the small
18 intestine?

19 A And shortly thereafter, it wasn't even an hour
20 or two hours after that, she had a stroke.

21 Q When was the next time -- pardon me. Tell me a
22 little bit about what happened after the stroke. Were
23 you there?

24 A I was there.

25 Q Did you witness that?

1 **A** I witnessed that.

2 **Q** And what happened to Kimberly immediately after
3 the stroke?

4 **A** She became unconscious. We later found that
5 she had three strokes.

6 **Q** And what happened as a result of those strokes?
7 What kind of treatment did she need to receive?

8 **A** From that day forward, she was in Greenville
9 Memorial, the main campus for a month unresponsive,
10 unconscious that whole period of time. We were trying to
11 get her into a rehab place. We tried R.C. Peace, but
12 they would not take Kimberly because she had a
13 tracheotomy.

14 **Q** Was she able to breath on her own?

15 **A** She was on a respirator. Initially they took
16 that off, but she had that trache. So that did not --
17 they did not allow her into R.C. Peace. We had to find
18 her another rehab. We tried Shepherd's Gate in Atlanta.
19 They had a waiting list. We finally found somebody in
20 Charlotte.

21 **Q** How long was she in Charlotte?

22 **A** Seven weeks.

23 **Q** Before she gained consciousness?

24 **A** She was in Charlotte, I think, a couple of
25 weeks and then we got a phone call. She spoke to us on

1 the phone.

2 Q Okay. What was her treatment like after
3 Charlotte? What was her lifestyle like?

4 A Her lifestyle was -- after Charlotte, we could
5 keep her at the house. I had to go to work and Hayden,
6 and Kim needed 24-hour care. Her mom and dad graciously
7 took her. I spent time back and forth between my job, my
8 house and their just running back and forth taking Hayden
9 to school and trying to help Kim out. That was a good --
10 I don't remember the amount of time she was at her mom
11 and dad's, but it was a long time.

12 Q Do you remember when she moved back -- pardon
13 me. Is she back in your family home now?

14 A Yes.

15 Q You remember about when that happened?

16 A I can't --

17 Q That's okay. If you can't, that's okay. How
18 long did -- pardon me. Did she receive additional
19 medical care when she was back at her parent's house?

20 A She was -- she had in-house people to come and
21 help with therapy. They would come and visit twice,
22 three times a week. Stretching, moving her around. She
23 was still in a wheelchair at that time, but we had people
24 helping.

25 Q Okay. Is she still receiving treatment today?

1 **A** No. Thereafter, we got her into Roger C.
2 Peace. For the next year, she was at Roger C. Peace,
3 going twice a week, occupational, physical and, uh,
4 speech therapy.

5 **Q** I have no further questions for you. Please
6 answer any questions Mr. Warder may have.

7 **THE COURT:** Mr. Warder?

8 **MR. WARDER:** Your Honor, we have no
9 questions.

10 **THE COURT:** All right. Thank you, sir.
11 Sir, you can step down.

12 **MS. BENTLEY:** May I go outside and check in
13 the hallway.

14 **THE COURT:** Sure. Absolutely.

15 (WHEREUPON, there is a pause.)

16 **MS. BENTLEY:** The State calls Dr. Randel
17 Abrams.

18 **THE COURT:** Just for the record, I need to
19 let everyone know -- Dr. Abrams would not remember
20 this, I would not think, at all -- but he has
21 treated -- I believe he's treated, if I'm not badly
22 mistaken -- he's treated my son in the past. That's
23 been several years ago. If anybody has any concerns
24 about that, I'll certainly hear from you.

25 **MR. WARDER:** Your Honor, uh, I don't think

1 there's any conflict or anything. We certainly do
2 not object to him testifying.

3 **THE COURT:** I believe I could certainly be
4 fair and impartial and listen to his testimony
5 fairly and impartially. I just wanted to put that
6 on the record. As soon as I saw him, I knew.

7 **MS. BENTLEY:** Thank you.

8 **THE COURT:** Thank you.

9 **DR. RANDEL ABRAMS**

10 having first been sworn, testifies as follows:

11 **THE CLERK:** Sir, if you would, have a seat
12 and state your name for the record please.

13 **THE WITNESS:** My name is Randel S. Abrams.

14 **DIRECT EXAMINATION**

15 **BY MS. BENTLEY:**

16 **Q** Dr. Abrams, where are you employed?

17 **A** Greenville Hospital System.

18 **Q** What is your position there?

19 **A** Associate Director of Pediatric Surgery.

20 **Q** As Director of Pediatric Surgery or as a
21 surgeon, did you come into contact with Hayden Medgysey?

22 **A** Yes.

23 **Q** When was that?

24 **A** Uh, exact date, uh, April the 30th, 2011.

25 **Q** What was your diagnosis of Hayden?

1 **A** Blunt force trauma.

2 **Q** Could you please describe the trauma that he
3 suffered?

4 **A** He had an injury in an automobile accident. He
5 had a seatbelt sign with a large bruise across the
6 abdomen where his seatbelt had been. Internal injuries,
7 including pancreatic injury, uh, and, uh, both sides of
8 his lungs were bruised.

9 **Q** Okay. Did he have any fractures or breaks?

10 **A** And a fractured clavicle.

11 **Q** How old was Hayden when you treated him?

12 **A** Eight years old.

13 **Q** Would you consider those injuries serious for
14 an eight-year old?

15 **A** Very.

16 **Q** Would they potentially be life-threatening?

17 **A** Potentially.

18 **Q** How long was Hayden recovering from those
19 injuries?

20 **A** Uh, he was in the hospital seven days and
21 probably at least six weeks recovery time.

22 **Q** Okay. I have no further questions, Dr.
23 Abrams. Please answer any questions Mr. Warder may have.

24 **THE COURT:** Mr. Warder.

25 **MR. WARDER:** Your Honor, if it pleases the

1 Court, I have no questions for this witness.

2 THE COURT: Thank you, sir.

3 MS. BENTLEY: May Dr. Abrams be excused?

4 THE COURT: Any objection to his being
5 excused?

6 MR. WARDER: No, Your Honor.

7 THE COURT: All right. Thank you for being
8 here.

9 THE WITNESS: Thank you.

10 MS. BENTLEY: Your Honor, that concludes the
11 State's case.

12 THE COURT: All right. Mr. Warder.

13 MR. WARDER: Your Honor, at this time, I
14 would move for a directed verdict. In this
15 particular case, there's been insufficient evidence
16 to show that my client was under the influence of
17 either drugs or alcohol. We had two forensic, uh,
18 toxicologist testify. They testified they tested
19 one of the two samples that they found evidence of
20 methamphetamine in the, uh, -- there's been no
21 qualifiable testimony that would put my client under
22 the influence or incapable of driving.

23 This case is like the cases that quote it's not
24 illegal to have consumed alcohol, it's just if that
25 would make you under the influence of unable to

1 drive had you not had any. There's simply no
2 testimony on that from either of the forensic
3 toxicologists. And certainly, there's no medical
4 testimony or no testimony by any qualified doctor on
5 that.

6 I would move for a directed verdict on the
7 issue of failure to prove beyond a reasonable doubt
8 or failing to have evidence that the fact-finder
9 could find beyond a reasonable doubt that my client
10 was impaired or under the influence.

11 **THE COURT:** Well, I find -- I appreciate your
12 argument on behalf of your client. I do find that
13 there's been evidence presented that -- on which a
14 fact-finder could base a verdict. Therefore, I'm
15 denying your motion. You want to take a break
16 before you begin ---

17 **MR. WARDER:** Yes, Your Honor.

18 **THE COURT:** --- your case, if any? All
19 right. Let's be at recess for 10 minutes.

20 (WHEREUPON, a short recess is taken.)

21 **MR. WARDER:** Your Honor, if it pleases the
22 Court, we'd call Christina Reece.

23 **THE COURT:** All right. And I'm so sorry. I
24 have not yet talked to her. I just need to talk to
25 her.

1 I'll tell you what, come on up here and be
2 sworn and I'll talk to you on the stand.

3 **CHRISTINA REECE**

4 having first been sworn, testifies as follows:

5 **THE CLERK:** Thank you.

6 **THE COURT:** All right. Ma'am, you can come
7 on up here. I'll talk to you. Ma'am, tell me your
8 name.

9 **MS. REECE:** Christina Ann Reece.

10 **THE COURT:** All right. Ma'am, you understand
11 we are here today for a trial or we been here the
12 past couple of days for trial on Felony DUI
13 Resulting in Great Bodily Injury, three counts of
14 that. You know that?

15 **MS. REECE:** Yes, ma'am.

16 **THE COURT:** Uh, you been here throughout the
17 trial. Let's talk a little bit about we now come to
18 the portion of the trial where you have to decide
19 whether or not you will testify. You understand you
20 have an absolute right to remain silent. You know
21 that?

22 **MS. REECE:** Yes, ma'am.

23 **THE COURT:** You don't have to say anything.
24 You understand that?

25 **MS. REECE:** (Nods head.)

1 **THE COURT:** And I just need you to say yes or
2 no for the record. In fact, I will not consider the
3 fact that you do not testify in any way during my
4 deliberations. You understand that?

5 **MS. REECE:** Yes.

6 **THE COURT:** I will not take it into account
7 in any manner whatsoever. Do you know that?

8 **MS. REECE:** Yes.

9 **THE COURT:** The flip side of that coin is
10 that today is your opportunity to tell your side of
11 the story. If you choose not to tell your side of
12 the story today, you won't get another chance to
13 tell your side of the story. You understand that?

14 **MS. REECE:** Yes.

15 **THE COURT:** Have you discussed your decision
16 about whether or not you will testify with your
17 attorney?

18 **MS. REECE:** Yes.

19 **THE COURT:** Have you discussed it fully with
20 him?

21 **MS. REECE:** Yes.

22 **THE COURT:** Do you feel like you've had
23 enough time to discuss this decision with him?

24 **MS. REECE:** Yes.

25 **THE COURT:** Are you satisfied with his

1 services?

2 MS. REECE: Yes.

3 THE COURT: Has anybody forced you into this
4 decision?

5 MS. REECE: No.

6 THE COURT: Has anybody promised you anything
7 to get you to make this decision today?

8 MS. REECE: No.

9 THE COURT: Are you understand the influence
10 of drugs or alcohol here today?

11 MS. REECE: No.

12 THE COURT: And what is your decision? Do
13 you wish to testify or not?

14 MS. REECE: Yes, I do.

15 THE COURT: All right. Any other questions
16 you want me to ask her, Mr. Warder?

17 MR. WARDER: No, Your Honor.

18 THE COURT: All right. Anything else from
19 the State?

20 MS. BENTLEY: Nothing from the State.

21 THE COURT: All right. You can proceed.

22 DIRECT EXAMINATION

23 BY MR. WARDER:

24 Q Christina, how old are you?

25 A 37. I'll be 38 in December.

1 Q You married?

2 A No.

3 Q You have children?

4 A Yes.

5 Q How old is your child?

6 A He's four. He'll be five March 28th.

7 Q Where are you living at now?

8 A At my mother's home in Travelers Rest.

9 Q How long have you been living with your mother
10 in Travelers Rest?

11 A Since before the accident.

12 Q The accident that happened, can you tell us
13 about that day, where you been, what you done?

14 A Yes. My friend that was in the back of the
15 truck, Amber Strickland, her kids were having a birthday
16 party that day. She wanted to go to it, of course. I
17 told her that I had a little pickup truck and two kids
18 and I would take her to the party if I could. I didn't
19 have no gas and no money. I told her we'd make it as far
20 as we could. We got into my vehicle and proceeded on to
21 Pickens to, I guess, the park down here across from
22 Ingles, I don't know the name of it, where the party was
23 supposed to be.

24 Q When you say you got in your truck and
25 proceeded to Pickens, where were you coming from?

1 A From Travelers Rest from my home.

2 Q So you left your home headed to Pickens?

3 A Yes, sir.

4 Q You said you didn't have money for gas?

5 A Right, and very little in the truck. So I told
6 her I didn't know if we'd make it but we'd go as far as
7 we could go.

8 Q And where did you -- your truck go to? Did you
9 make it all the way?

10 A No, we did not make it to the birthday party.
11 My vehicle run out of gas right at McDonald's here in
12 Pickens. It just so happened that it coasted to the
13 parking lot and made it into a parking place. From
14 there, we left the truck and I got both of my children
15 out of the carseats. Me and Amber and both kids walked
16 from McDonald's in Pickens to the park down 178 across
17 from Ingles.

18 Q How far was that?

19 A Probably, maybe four blocks.

20 Q What time did the party start?

21 A It seems like it was around 1:00.

22 Q Now, when we say party, uh, was it a party, an
23 adult party where there was alcohol?

24 A No, sir. A birthday party for two young
25 children.

1 Q And so was there soft drinks and cake?

2 A Yes, cake, ice cream, soft drinks.

3 Q How long did you stay at the party?

4 A A good three hours, a good almost four hours
5 probably from 1:00 to 4:00 o'clock,

6 Q When you left the park, you had your two
7 children with you?

8 A Yes.

9 Q Now, the young lady you had taken to the park,
10 you said it was her children having the birthday party?

11 A Yes. Her mom has custody of her kids and her
12 mom was throwing the party for her kids. So I took her
13 to her kid's party.

14 Q Does the mom live in Pickens?

15 A Uh, I think. I'm not -- I think so.

16 Q So you were taking your children and her and
17 you were visiting with her children and --

18 A Yes, I knew my kids would enjoy the party,
19 birthday party.

20 Q When you left, your truck was still out of gas
21 at --

22 A At McDonald's up here in Pickens.

23 Q Did you have any money?

24 A No. When her mom seen us walking up to the
25 party with the kids, I told her we were out of gas and we

1 didn't have no way back to the truck after the party.

2 Q Did you walk back or did she take you back?

3 A No, Amber's mother gave us a ride with the kids
4 to McDonald's. But she said she had no money to give us
5 for gas, but she would give us a ride to the vehicle and
6 she left us there.

7 Q Okay. So her mom let you, your children ---

8 A And Amber.

9 Q --- and Amber out at the McDonald's. What did
10 you do then?

11 A We were kind of standing in the parking lot
12 wondering how we were going to get home, how we were
13 going to get gas. I don't remember exactly how it
14 happened. A gentleman there that worked at McDonald's
15 offered to get us gas. Somehow, he left and brought us
16 back a gas can with some gas in it.

17 Q He poured it in the truck?

18 A He did.

19 Q Did you pay him for it?

20 A No. He just said, Here's some gas. I'm sorry.
21 This the best I can do. We said thank you.

22 Q Okay. What happened when you left McDonald's?

23 A Uh, can I back up?

24 Q Well, what --

25 A We left to go drop Nicky off with her daddy. I

1 was heading down Saluda Dam Road to get to White Horse
2 Road.

3 Q So you left McDonald's?

4 A I put both kids in the car seats. Amber got in
5 the back of the truck and we proceeded driving.

6 Q Now, tell me a little bit about the truck you
7 were driving. What year was it?

8 A '86, I think.

9 Q What kind of condition was it in?

10 A Just a very small pickup truck with enough room
11 for three people in the front. It was a little beat up,
12 the body, but I guess mechanically it was good. It had
13 been a one-owner truck.

14 Q Okay. When you say a little truck, was it a
15 full-size pickup truck?

16 A No, very small. A Nissan little cab pickup
17 truck.

18 Q Okay. When Amber is in the back, could you and
19 Amber talk?

20 A Uh, actually, I did not have a glass back
21 window in my truck. I had plastic taped to the back of
22 the truck because we had busted out the glass. I had a
23 hole cut into the plastic where we could talk through.

24 Q Okay. It was a -- how big a hole?

25 A Just small enough to, you know, talk your mouth

1 through or speak through.

2 Q As the truck went down the road, did you and
3 Amber converse?

4 A Yes, we were conversating while I was driving
5 down the road.

6 Q Okay. Was the hole behind the driver? Was it
7 in the middle of the truck?

8 A No, it was more in the middle kind of to the
9 right side of my head. I kind of turned my head to
10 listen to her and what she was saying.

11 Q Okay. Was the truck a quiet truck?

12 A No, the muffler had -- the exhaust had a hole
13 in it. It was pretty loud.

14 Q Okay. And when she would talk, you would try
15 to put your ear close to the hole?

16 A Yes, sir. Yes.

17 Q How did you do that with the children seats
18 and --

19 MS. BENTLEY: Objection. These are really
20 leading.

21 THE COURT: All right. I'll just ask you to
22 be careful about leading.

23 BY MR. WARDER:

24 Q Were the children's seats -- you told us you
25 put the children in, where were they at in the car?

1 **A** Uh, my son was in the seat right beside me.

2 Then I had an 18-month who was in an infant seat turned
3 around the other way right beside him.

4 **Q** And when you looked at the -- what direction
5 did you have to look to listen through the hole?

6 **A** Turn my slightly to the right.

7 **Q** Turn it towards the passenger side?

8 **A** Yes.

9 **Q** Okay. And did you have steady conversation as
10 you proceeded down the road?

11 **A** Yeah. We were talking about the day and about
12 running out of gas and about everything that went on that
13 day and where we were going.

14 **Q** How long was it after you left McDonald's did
15 the accident happen?

16 **A** Within the hour. I mean, long enough to get
17 from Pickens at McDonald's to Saluda Dam Road where the
18 accident happened.

19 **Q** How fast were you driving?

20 **A** The speed limit on that road was about 45, so
21 probably between 45 and 50.

22 **Q** Tell us what you remember about the accident.

23 **A** I don't remember too much. I remember waking
24 up in the hospital. I remember driving down the road. I
25 remember talking. I remember hearing exhaust. Uh, I

1 remember seeing both of my kids and in the blink of an
2 eye changed three lives. That's all I remember. I know
3 I was talking. I know I was driving down the road. Then
4 I woke up. Everybody was explaining to me where my kids
5 were, what happened to this family. I had to hear
6 everything that happened. I didn't know.

7 Q What happened to your children?

8 A My three-year old suffered two broken legs.
9 Six different places was his leg broke and a broken arm.
10 Thank God the 18-month old wasn't hurt at all. I don't
11 know how, but by God's grace, he was not.

12 Q How long did you stay in the hospital?

13 A I'm thinking til May 24th or May 25th. I think
14 it was May 24th, the day of the interview.

15 Q Was your children home when you got home?

16 A No, DSS had custody of my son. They had put
17 him -- yeah, they had put him somewhere. And the little
18 boy I was taken care of, of course, got taken away.

19 Q You said DSS had taken them. Had you become
20 involved in DSS?

21 A Yes, sir. I did because of the nature of the
22 wreck and because I was not supposed to make it through
23 the night. They had been told I was not going to live.
24 DSS was called in with my son to find out where he would
25 be. His father wasn't there. They didn't know anything

1 about anything else except my son was there alone until
2 they found out other family members.

3 Q You began a treatment program for DSS?

4 A Yes. I got out of the hospital. I did
5 everything DSS told me to. They wanted me to do a
6 treatment plan through Phoenix Drug Center. I just
7 listened to everything they said. I wanted to get my son
8 back into my custody. I followed all their rules. I did
9 their tests. I went through their drug treatment. I was
10 -- had limited visitation with him throughout this time.

11 Q Did you get your son back?

12 A Yes, within that year. I think it was -- I'm
13 not sure exactly how long, maybe not even a full year. I
14 did get him back into my custody.

15 Q You said you went to drug treatment, that was
16 for what kind of drug?

17 A For the meth that was found in my system.

18 Q Tell us a little bit about the meth. On the
19 day of the accident, had you used any meth?

20 A No, I had not used any meth that day nor the
21 day before, nor the day before.

22 Q Did you go home and sleep at night?

23 A Yes, sir. I slept all night Thursday night. I
24 slept all night Friday night. I was with my kids Friday.
25 With my kids Saturday up until we left for the party at

1 my mom's residence.

2 Q Had something happened a few days before this?

3 Have you ran into law enforcement before this?

4 A Yes, sir. I was arrested and spent the night
5 in jail that week.

6 Q Okay.

7 A Four days before the accident.

8 Q Now, when is the last time you ever used meth?

9 A Before the accident.

10 Q Had you not used any for how long before the
11 accident?

12 A It had been three or four days.

13 Q Now, were you under the influence of meth when
14 this happened?

15 A I do not feel like I was. I had slept. I had
16 many nights of sleep. I had many days of not using. No,
17 I do not feel I was under the influence.

18 Q There's no doubt that prior to being arrested
19 the first time -- by law enforcement the first time, you
20 had used meth?

21 A Yes, sir.

22 Q How long had you used meth?

23 A Since my child had been born.

24 Q It started after the birth of the child?

25 A Yes.

1 Q At that time, how much were you using?

2 A Uh, not very much because I did not work. I
3 did not have a job. I did scrap in my truck. That's
4 pretty much what brought my kids diapers and milk with
5 and then whatever I wanted. I never bought over a \$20 or
6 \$30 bag cause I could never afford any more. I probably
7 used twice a week before that.

8 Q What do you think caused the accident?

9 A I know what caused the accident is me talking
10 to the girl behind me in the back of my truck trying to
11 hear her, turning my attention away from the road. I
12 know that is. I feel like the Judge, God, knows that. I
13 was not under the influence, Your Honor. I was being
14 stupid. I was conversating with somebody through a
15 little hole cut into a glass. I took my eyes off the
16 road.

17 Q You think in any way the meth that you used two
18 or three days before that --

19 A No, sir. No, I do not.

20 Q Thank you. Answer any questions that --

21 A Yes, I will.

22 **CROSS-EXAMINATION**

23 **BY MS. BENTLEY:**

24 Q Hi, Ms. Reece. So it's your testimony that --
25 let's first talk about the meth a little bit. You said

1 that for three years, you've had a meth habit before this
2 accident?

3 A Not exactly since the very day my son was born,
4 but yes.

5 Q Approximately three years?

6 A 18 months, two years.

7 Q Okay. Okay. Well, you said since he was born
8 and he was three years old at --

9 A Yeah, but I didn't start the day he was born.
10 It was within that first year ---

11 Q Okay.

12 A --- that I got introduced to it.

13 Q So several years?

14 A More than two.

15 Q More than two years. And you would buy \$20 to
16 \$30 of meth at a time?

17 A Yes.

18 Q How much is that for those of us that don't
19 purchase meth?

20 A Not much. Very little.

21 Q You said very little. How long would a bag
22 last you?

23 A Oh, just a couple of hours.

24 Q Okay. And you do that twice a week?

25 A Yeah.

1 Q Did you ever buy it more than twice a week?

2 A No.

3 Q If you had a good scraping week, you wouldn't
4 use it to buy a little bit more?

5 A I mean you don't make that much scraping
6 anyway, especially not a single woman, a little girl like
7 me out there just picking up cans off the side of the
8 road or doing whatever. I had to buy for my kids too.
9 All I can say is probably every two or three days, you
10 know, I'll try to get up and I'll scrap and get another
11 \$20 and take care of my children.

12 Q Okay. All right. So you took care of your
13 kids. The excess kind of went to your meth habit?

14 A Yes.

15 Q Now, Mr. Warder alluded to the fact that you
16 were arrested a few days before this wreck.

17 A Right.

18 Q Now, you said you had not used meth the day of
19 the accident, which was the 30th?

20 A Right.

21 Q And you had not used meth the day before that,
22 the 29th?

23 A Right.

24 Q And you had not used meth the day before that,
25 which was the 28th?

1 A Right.

2 Q Now, you were arrested on the 26th, right?

3 A Right.

4 Q So you got out the 27th ---

5 A Uh-huh.

6 Q --- and you immediately used meth?

7 A Yes, ma'am.

8 Q So you were arrested. You spent a night in
9 jail and the first thing you do is buy meth?

10 A Uh, actually, if I may?

11 Q Sure.

12 A The people who got me out of jail was my
13 dealer.

14 Q Okay.

15 A So they came. They helped me out of jail.

16 They got me out of jail. Went to their house and, yes,
17 that's what I did.

18 Q How much did they give you?

19 A \$20 bag.

20 Q Okay. And you used it all that day?

21 A That night.

22 Q That night. Okay. And you said you don't
23 believe you were still impaired by it at the time of the
24 time of the wreck?

25 A Right.

1 Q Uh, how did you feel on meth?

2 A Just good. More awake.

3 Q More awake?

4 A Not very sleepy.

5 Q Not very sleepy. Were you happy, sad?

6 A Happy, yeah. I'm not sad anyway.

7 Q Okay. How did you feel when you were coming

8 down from it?

9 A Tired.

10 Q Tired.

11 A Ill.

12 Q Excuse me?

13 A Ill.

14 Q Ill. And would you need more? Would you want

15 more? Would you crave more?

16 A I don't know if I would crave it. After a day

17 or two of being sleepy and trying to be with two kids and

18 raise them, it was easy to say let's just get some more.

19 Q Okay. Now, talking about the day of this

20 accident, you didn't remember much about the accident,

21 correct? When was it that you woke up in the hospital?

22 A I'm not exactly positive.

23 Q That's fine.

24 A I don't know. Seven or eight days later.

25 Q That's fine. You don't have to remember that.

1 And you said that -- what'd you say? You said everybody
2 had to explain to you what happened?

3 A Right.

4 Q And how many conversations do you think you had
5 with different people? Who did you talk to?

6 A Uh, maybe my aunts and my uncles were there, my
7 mom. I wanted to know where my kids were.

8 Q Did you also talk to Amber a bit?

9 A No. Amber was in the hospital on another
10 floor.

11 Q So you didn't see her in the hospital?

12 A Yeah, but it was weeks, two or three weeks, I
13 guess. I wasn't able to get up out of the bed or go
14 anywhere.

15 Q Okay. You were present yesterday, correct?

16 A Yes, ma'am.

17 Q You heard your interview with Trooper Andis?

18 A Yeah.

19 Q Now, in that interview, you didn't remember
20 anything about the day of the wreck, did you?

21 A I don't remember how it happened or anything or
22 seeing anything.

23 Q But you didn't remember if you been to the
24 birthday party yet?

25 A I think so.

1 Q You didn't remember where you picked up Amber?

2 A My head injuries were very bad after the
3 accident.

4 Q You said you had a broken leg.

5 A No, I had way more than a broken leg.

6 Q You didn't tell us about that.

7 A When did you ask me?

8 Q Well, when your attorney -- didn't your
9 attorney ask you what your injuries were? Maybe you
10 didn't. Well, uh, so on May 24th whenever you get out of
11 the hospital, you have an interview. That was you on the
12 tape we heard. But you didn't know about McDonald's, you
13 didn't know that you made it to McDonald's?

14 A I'm not sure.

15 Q And you didn't know that the guy who gave you
16 gas worked at McDonald's?

17 A I think I remember on the tape saying that I
18 was laughing and talking about getting gas.

19 Q Yeah, you did that, but you didn't say where
20 you were. You didn't remember who gave it to you?

21 A Okay. Well, I was still, you know, trying to
22 remember everything. I was just answering the police the
23 best I could on the phone.

24 Q You didn't tell the police officer about
25 walking over a mile to the park?

1 A Right.

2 Q Uh, --

3 A All I did was answer his questions.

4 Q To the best of your ability at that time?

5 A He didn't ask me in lengthy detail to tell him
6 everything. He just asked me questions and I answered
7 the best I could. I was upset. I didn't know what was
8 happening, what was going to happen.

9 Q So you answered them the best you could.

10 A Yes.

11 Q And since then, people helped you fill in the
12 blanks?

13 A (No response.)

14 Q You have to answer yes or no.

15 A Yes.

16 Q People helped you fill in the blanks about what
17 happened that day?

18 A Yes.

19 Q People told you that you walked to the park?

20 A No. No one told me that. I remembered that.

21 Q But you didn't remember it during your first
22 interview?

23 A I don't know.

24 Q Okay.

25 A I still don't.

1 Q Okay. Uh, on April 30th, you had no gas. You
2 had very little gas in your truck. You had no money for
3 gas. You had no money for anything and you thought it
4 was a good idea to drive across county lines?

5 A I guess.

6 Q And as you drove back, you thought it was a
7 good idea to have a conversation with a girl in the back
8 of your truck?

9 A I must have.

10 Q And you don't think that those bad decisions
11 had anything to do with you being impaired by meth?

12 A No, I do not.

13 Q Okay. No further questions.

14 THE COURT: Mr. Warder.

15 **REDIRECT EXAMINATION**

16 **BY MR. WARDER:**

17 Q Let's clear up your injuries. Tell us what
18 injuries --

19 MS. BENTLEY: Objection. I don't think that
20 was part of -- I think that's beyond the scope.

21 THE COURT: Overruled.

22 **BY MR. WARDER:**

23 Q Tell us the injuries you suffered.

24 A Uh, I had a fractured skull, a broken sternum,
25 a lacerated liver, broken right arm in two places, uh, my

1 knee was shattered and both bones sticking out of my leg,
2 and then a spiral break in my shin. I think that's all
3 my injuries. I'm not sure.

4 Q Okay. Your skull fracture, did that -- were
5 you unconscious because of that?

6 A I was unconscious. I don't know exactly what
7 from. I know they drilled through the top of my head to
8 get -- release pressure.

9 Q They drilled a hole in your head to relieve the
10 pressure on your brain?

11 A Yes.

12 Q When you woke up and you started remembering
13 you had the hole in your head?

14 A Yes. I had a neck brace. I had a huge bar
15 coming out of my leg drilled into my bones, cast.

16 Q Thank you. That's all the questions I have.

17 THE COURT: Anything else?

18 MS. BENTLEY: No, Your Honor.

19 THE COURT: Thank you. You can step down.

20 MR. WARDER: Your Honor, if it pleases the
21 Court, that would be the defendant's case.

22 THE COURT: All right. Any matters you need
23 to take up at this time?

24 MR. WARDER: I would renew my motion. Your
25 Honor's heard all the testimony. I'd renew for a

1 directed verdict.

2 THE COURT: All right. All right. And
3 again, your motion is respectfully denied.

4 Do you have any reply testimony?

5 MS. BENTLEY: No, Your Honor.

6 THE COURT: All right. Are you all ready to
7 move to closing arguments?

8 MS. BENTLEY: Yes, Your Honor.

9 THE COURT: All right. Yes, sir.

10 MR. WARDER: Your Honor, this is a case that
11 the State has to prove, of course, beyond a
12 reasonable doubt that my client was operating a
13 motor vehicle when she's impaired with either drugs
14 or alcohol. Now, we know it wasn't alcohol in spite
15 of whatever inference the fact that the cans -- I
16 submit, the test came back that there was no
17 alcohol.

18 And there was no testimony of anybody that my
19 client was impaired. There was nobody that had seen
20 my client acting in an unnatural way, impaired way.
21 There's no testimony of any driving of my client in
22 an impaired or unnatural way.

23 Those, uh, -- the sample of blood or urine was
24 taken. And they say the sample of blood show
25 methamphetamine. They could not tell when -- of

1 course, from that sample, when it was it was last
2 used. I think no one is arguing that people stay
3 under the influence of methamphetamine for days.
4 There was just no evidence that she was impaired at
5 the time this happened.

6 There's accidents every day. There's tragic
7 accidents every day. I submit to you there could be
8 no more tragic than this. There was a family of
9 innocent people that were severely injured. But
10 criminal liability arise from the driving under the
11 influence, not from the mere fact that you were
12 negligent, grossly negligent. It has to be related
13 to under the influence. I think there's no reason
14 to believe that my client was under the influence at
15 the time of this tragic accident.

16 You know, we always go back and we say the
17 negligence must have been caused by someone. We
18 want to find a cause for the negligence. But
19 negligence is often caused because of human
20 behavior. How many times are people talking and
21 paying attention to other things when they are
22 driving? They are putting tapes in the tape
23 players. They are answering cell phones. Some in
24 this day and age are texting or just trying to talk
25 to kids and the people in the back seat. This day,

1 the friend in the back of the truck.

2 It's an accident. I submit to you it's
3 insufficient. There's no evidence really of
4 impairment caused by anything. And certainly, the
5 burden was on the State to put up everything beyond
6 a reasonable doubt that that meth level or that long
7 before would have impaired, infected or put a person
8 under the influence or affected their ability to
9 drive. That testimony is just absent.

10 I submit to you that this is a case that the
11 fair verdict on the criminal charge is not guilty.
12 Certainly, that doesn't mean that my client would be
13 without fault of the accident or that the victims
14 would be at fault in any way. I ask you to consider
15 that evidence and consider the lack of that evidence
16 and return a verdict that in this case the proper,
17 and the verdict I believe is fair, would be not
18 guilty.

19 **THE COURT:** Thank you, sir.

20 Yes, ma'am.

21 **MS. BENTLEY:** May it please the Court. On
22 April 30th, 2011, Christina Reece crossed the center
23 line on Old Saluda Dam Road because she was
24 materially and appreciably impaired by
25 methamphetamine. As you heard from the testimony,

1 April 30th was a clear day. It was about 5 p.m.
2 The sun was setting behind her. The road was free
3 from any impediments. This stretch of road was
4 clear for more than half a mile both ways. It was
5 straight as the pictures reflect. There was no
6 reason for her to cross the center line except for
7 the fact that she was impaired. Whether she was
8 speaking to the woman behind her, the State feels,
9 doesn't change that fact.

10 She had .29 milligrams per liter of
11 methamphetamine active in her blood. The fact that
12 this was a head-on collision in the late afternoon
13 on a clear day on a straight road was a fact that
14 immediately struck law enforcement. This was not
15 something that was expected and they began
16 investigating to find a reason. And they found a
17 reason.

18 They saw some beer cans. And they thought, you
19 know what, that is -- that would explain why
20 something like this would happen on a day like this
21 on a road like this. They drew Ms. Reece's blood.
22 They also drew urine. As you heard from not one,
23 but two qualified forensic toxicologists, the blood
24 tested positive for methamphetamine.

25 Quintus Young who was qualified as an expert in

1 forensic toxicology testified as he's testified
2 several times that methamphetamine is a central
3 nervous system stimulant. It is effective on the
4 body in very small doses, .02 to .05 is the
5 medically acceptable level. If someone is
6 prescribed something that would have methamphetamine
7 properties such as Adderall, .02 to .05. Ms. Reece
8 was .29. Many, many times the therapeutic level.

9 She did not have any amphetamine metabolite in
10 her blood. She did not have anything that indicated
11 that this was on its way out of her system. It was
12 active methamphetamine particles in her blood going
13 through to her heart going to her brain affecting
14 her.

15 Ms. Reece testified that she had a meth habit
16 and that she bought bags two to three times a week,
17 whenever she had the money, \$20 to \$30 and used it
18 all at once. Mr. Young admitted that he could not
19 tell how much meth was used or the last time it was
20 used. It depended on the quantity used and the half
21 life of that meth. The half-life was 6 to 15 hours.
22 All he could testify to without knowing how much was
23 used was that it was active in the blood.

24 The State would submit it had been three days
25 since Ms. Reece had admittedly purchased her last

1 methamphetamine and used it. She testified that she
2 purchased it two to three times a week every couple
3 of days. April 30th would have been the fourth day.
4 It would have been her day to buy and use
5 methamphetamine. We think it's reasonable that --
6 to conclude that she purchased and used prior to
7 that day.

8 She was clearly happy that day. She didn't
9 care that she didn't have gas in her car. She
10 didn't care that she didn't have money. She didn't
11 care that she couldn't fit, you know, a fourth
12 person safely in her truck. These were not worries
13 to her. She was happy. She said, hey, we'll just
14 try to make it to Pickens. We'll go to this
15 birthday party as unsafe and irrational as that was.

16 They didn't make it all the way. She wasn't
17 deterred. She says that she walked to this party in
18 the park. Able to carry two small children, walk
19 with two small children to this party undeterred.
20 She is not worried about the fact that they get to
21 McDonald's and don't have gas money. She doesn't
22 have a care in the world. They get some gas. They
23 are driving back. They are chatting happily about
24 their day, all factors that would indicate that her
25 mind is not clear. She is impaired by something for

1 her to not have any concerns to doing all these
2 things.

3 Furthermore, we heard testimony from Ms. Reece
4 before people were able to fill in the blanks for
5 her. We heard her testimony, her statement to
6 Trooper Andis on May 24th. On May 24th, she did not
7 remember whether she'd been to the party or not.
8 She was unclear about so much that had happened
9 prior to the accident.

10 Meanwhile, you heard from Kimberly Medgysey.
11 Kimberly who remembered everything that had
12 happened. She remembered they were going to a
13 birthday party for her nephew Owen who was turning
14 11 that she made monkey bread. She remembered who
15 helped her out of the car. She remembered
16 immediately knowing that her ankle was broken. She
17 remembered the hospital personnel thinking that
18 she'd become sick because the cake had fallen on her
19 body. Kimberly had documented severe head trauma.
20 She had hemorrhages and then a stroke. Yet,
21 everything before that wreck was clear to her
22 because she was clearheaded going into that wreck.

23 Compare that with Ms. Reece who, when
24 interviewed a month later, didn't remember a thing.
25 She didn't remember the party. She didn't remember

1 McDonald's. She didn't remember the walk. She was
2 asked questions and didn't remember because her mind
3 was impaired before the wreck.

4 Your Honor, the State did have the burden in
5 this case to prove beyond a reasonable doubt that
6 Christina Reece was materially and appreciably
7 impaired on April 30th. We have done so. There
8 were no mechanical issues with her car. There were
9 no other reasons for her to cross that center line
10 than by the fact that she was impaired by
11 methamphetamine, by a significant quantity of
12 methamphetamine that was in her blood.

13 We ask that you review the evidence, review the
14 statements that Ms. Reece made to law enforcement
15 and that you reflect back on the testimony given by
16 everyone else in this case. We believe that we have
17 proven beyond a reasonable doubt the reason this
18 wreck occurred is that Christina Reece was impaired
19 by methamphetamine. Thank you.

20 **THE COURT:** Thank you. All right. We'll be
21 in recess while I consider a verdict. If you will
22 give me both -- give the clerk or my clerk numbers
23 where I can reach you. I would anticipate rendering
24 a verdict some time within the next hour. Okay.
25 Thank you.

1 **(WHEREUPON,** the deliberation of the Court began at
2 approximately 11:03 a.m.)

3 **(WHEREUPON,** the Court resumed at approximately
4 12:04 a.m.)

5 **THE COURT:** First of all, I want to commend
6 all three attorneys for what an excellent job
7 they've done trying this case. I don't think either
8 side could walk away and feel like they did not
9 adequately or fully represented either the State or
10 the defendant in this case.

11 I've taken time to carefully review the
12 evidence and, of course, I've listened throughout
13 the trial and taken notes throughout the trial and
14 I've reviewed my notes fully. Of course, the
15 offense of Felony DUI with Great Bodily Injury,
16 resulting in great bodily injury requires a person
17 who, while under the influence of alcohol, drugs or
18 a combination of alcohol and drugs, drives a motor
19 vehicle and when driving a motor vehicle does any
20 act forbidden or neglects any duty imposed by law in
21 the driving of the motor vehicle which act or
22 neglect proximately results in great bodily injury
23 or death to a person other than themselves or herself
24 is guilty of the offense of Felony DUI, Driving
25 under the Influence.

1 In considering what I have to find, it was all
2 but conceded at the beginning of this trial, and I
3 think there can be no question that the State has
4 proven beyond a reasonable doubt that the result of
5 this accident was great bodily injury on all three
6 accounts. I think all of our hearts go out to the
7 victims in this case. This was a horrible, horrible
8 situation and a horrible, horrible tragedy.

9 Next, I must find that a person who is under
10 the influence of alcohol, drugs or a combination of
11 alcohol and drugs drives a motor vehicle. There's
12 no question that Ms. Reece was driving a motor
13 vehicle. I also find that the State has proved
14 beyond a reasonable doubt that she was under the
15 influence. I rely on these facts, uh, that her
16 blood test revealed that she had over five times the
17 maximum therapeutic use of, uh, methamphetamine in
18 her system, that it was in its unmetabolized form,
19 meaning it had been more recently ingested than if
20 it had been in its metabolized form of amphetamine.

21 There was no other apparently reason for the
22 wreck, although Ms. Reece does give an explanation
23 of what she believes was going on at the time of the
24 wreck that she was turned around to speak to
25 someone. Those circumstances support that she was,

1 in fact, under the influence at the time that this
2 wreck occurred and that is because it appears that
3 her faculties were impaired to drive that she would
4 make such a decision on a two-lane road going in, as
5 we said, no other circumstances or reasons that
6 would seem to contribute to the wreck in any way,
7 and that that act proximately caused the accident,
8 which resulted in the injuries. I think there was
9 no question about that. Even Ms. Reece admits that
10 her turning around or whatever else was -- the cause
11 of this is what resulted in the injury to all three
12 victims.

13 As such, I find that the State has met their
14 burden and has proved Ms. Reece's guilt beyond a
15 reasonable doubt on each count of Felony DUI, docket
16 number 2012-GS-20 -- excuse me -- GS-39-950, 949 and
17 948.

18 Next, we need to move to the sentencing phase.
19 Mr. Warder, do you need a few minutes before moving
20 to the sentencing phase or would you like to do that
21 now?

22 **MR. WARDER:** I think we'd like to do it now.

23 **THE COURT:** Okay. All right. Let's move
24 directly to that. Y'all want to approach and do it
25 as we do -- we do normally a guilty plea?

1 (WHEREUPON, the counsel and the defendant approach
2 the bench.)

3 **THE COURT:** Let me also just state for the
4 record that I specifically did not consider three
5 things in my deliberations. First, was the warrant
6 that was found in your bag. I also did not consider
7 the methamphetamine pipe that was found in your bag.
8 I felt like those had no relevance in any event.
9 But furthermore, I found that those items should
10 have been excluded due to the search. Finally, I
11 did -- well, I'll say three things. I guess I was
12 talking about the bag. The third thing, I did not
13 consider any contents of the bag. But I think that
14 was actually it. So I specifically did not consider
15 those things whatsoever. However, I did consider
16 them in my probable cause determination in my
17 ruling.

18 All right. Yes, ma'am.

19 **MS. BENTLEY:** Your Honor, you've heard all
20 the facts as they are relevant to this case.
21 Additionally though, it is important to know that
22 the victims in this case will never be the same.
23 The great bodily injury suffered, especially by Mrs.
24 Medgysey is unfathomable.

25 They were insured. However, all of the rehab

1 over the year at Roger C. Peace, they had to pay
2 entirely out of pocket. It was not covered. They
3 spent 10's of 1000's of dollars, which we know Ms.
4 Reece can not reimburse them for. They have been so
5 strong throughout this. All three of their family
6 members, they have represented by numerous family
7 members and friends today to support them and have
8 supported them and have kept them afloat through
9 this two-year process and ordeal.

10 We also think it's important to know that we
11 are here today at the end of a trial. We last
12 attempted a plea in August. Ms. Reece was going to
13 plead guilty. We came up here. We had agreed on,
14 uh, a negotiation or recommendation of a sentence.
15 The victims came up here. They brought over 30
16 family and friends. And she backed out at the last
17 minute.

18 We have since gone to trial on her Possession
19 of Meth charge. We have now gone to trial on these
20 three charges. There were two additional Felony DUI
21 counts in this case. One was for her son and one
22 was for the woman in the back of the truck. We did
23 not go forward on those today or this week for a
24 couple of reasons. But we do believe that she
25 deserves a maximum sentence. Consecutive time would

1 not be inappropriate, we don't believe. Her
2 decision to use methamphetamine, continue to use
3 methamphetamine and operate a vehicle, you know,
4 it's just -- it's inexcusable.

5 **THE COURT:** What's her prior record?

6 **MS. BENTLEY:** She has one Possession of
7 Methamphetamine charge, Your Honor. It was from
8 four days prior to this event. She was convicted in
9 December.

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

11 **MR. WARDER:** Your Honor, people's lives are
12 changed by events. My client, since the day of
13 this, had been through treatment plans by DSS,
14 obeyed every Family Court order. She's appreciably
15 changed. She has metal appliances in her legs that
16 she can't afford to remove. Her life is profoundly
17 changed. But she took this and did her best to
18 rehabilitate and starting down that path. She did
19 everything to regain her four-year-old son.

20 The act can not be changed. Whatever the
21 degree of the culpability of using methamphetamine
22 was -- she certainly didn't ever intend for the
23 results to hurt herself or her child. She's done
24 everything she can to change her life. I really
25 submit that that incarceration is not going to

1 change the past. Uh, this is just (inaudible).

2 She's got Craig Caruso standing at the bench.
3 He's involved in the same church. He does drug
4 counseling. Some of the church members wanted him
5 to come up here with her. Obviously, we intend to
6 stay and she intends to stay. He's greatly involved
7 in her life.

8 Your Honor, I submit that a lengthy punishment
9 serves no real benefit in this case. Certainly, I
10 think no great deal of benefit would be served for a
11 long period of time. This is a person that's
12 already made the decision to try and point to
13 society that she could make out for the long run.
14 She's done it so far.

15 I urge the Court not to be persuaded by the
16 arguments of the State to lock her up and throw away
17 the key but to look at the person that remains today
18 and to give a sentence that provides justice for the
19 victim, that provides a chance to earn her way back
20 to society to start to repay for the wrong.

21 **THE COURT:** Ms. Reece, is there anything you
22 would like to say?

23 **MS. REECE:** I'm so sorry for everything that
24 happened that day and for what that family's went
25 through. That was certainly not my intentions that

1 day. I only wanted to go to a party with the kids
2 and have a good day and have fun. That's what we
3 were doing. I never meant for anyone to get hurt.
4 I almost killed myself and my child. This family's
5 life is destroyed. Everybody's life has been
6 destroyed. My family's life is destroyed.

7 I don't know where to go from here. I don't
8 know why I lived through this accident. I'm just
9 here. I'm trying -- I will never, ever -- my kid
10 and everything that's happened is more important to
11 me than ever using again. I only want to just try
12 to make my future better. I can't change what
13 happened. I'm very sorry. I do -- my son needs me
14 home.

15 **THE COURT:** I will agree with that. He does
16 need you home.

17 **MS. REECE:** He's been through so much.

18 **THE COURT:** He does need his mother.

19 **MS. REECE:** We've been a year apart already.

20 **THE COURT:** I take into account several
21 things, the seriousness of the crime that's charged
22 -- this is a very serious crime that you've been
23 charged with and the accounts of which you have now
24 been convicted. I take into account, uh, your
25 conduct, which was, uh, terrible. I take into

1 account the affect that your conduct had on other
2 folks who lived good and decent lives and were doing
3 what they were supposed to be doing. I can't --
4 there's just not -- if that was the sole deciding
5 factor, there's not a punishment I can give you
6 really that would make up for what you've done to
7 these people ---

8 **MS. REECE:** I understand.

9 **THE COURT:** --- and to this family. I take
10 into account your very limited prior record. It is
11 very limited. I take all those things into account.
12 And the sentence of the court, concurrent on each of
13 them, is 10 years. Good luck to you. Thank you.
14 I wish you all the best of luck.

15
16 **(WHEREUPON, the proceedings conclude at**
17 approximately 12:18 p.m.)

18
19
20
21

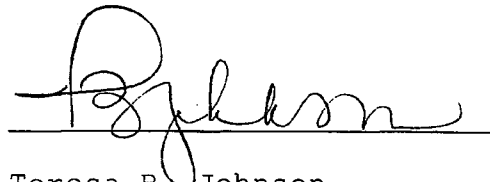
CERTIFICATE

325
264

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, the undersigned, Teresa B. Johnson, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville, South Carolina, on this 18th day of November, 2013.

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

A handwritten signature in cursive script, appearing to read 'T. B. Johnson', is written over a horizontal line.

Teresa B. Johnson

Circuit Court Reporter

**CHAIN OF CUSTODY
GREENVILLE HOSPITAL SYSTEM LABORATORIES**

This form must accompany all specimens which have medico-legal implications (drug screens, blood alcohol, rape cases, bullets, etc.). Submit a separate form for each specimen type.

ABMH ☐ MMOB ☐
CHOS ☐ UTCWH ☐
GMMC ☒ NGH ☐
HH ☐

Other (please specify) _____

Name	080090003674 970778222	JOB	
	REECE, CHRISTINA LEE		
	MD, ER		
SS#	EMS	Admit Date - 04/30/11 Date of Birth - 12/13/1975	Sex
Account		Physician	

Test to be performed blood alcohol level Patient Status alive

STATEMENT OF ORIGIN

Type of Specimen: Urine ☐ Blood ☒ Vitreous Fluid ☐ Bile ☐ Other (please specify) _____

Site from which obtained: Left Hand

Technique used for obtaining: used non-ethanol prep to clean site; blood collected in unused vial

Specimen obtained by: Sign Heather Carroll, RN Print Heather Carroll, RN

DESCRIPTION OF SPECIMEN

Include model #, identifying marks, condition, etc. when appropriate.

red blood collected in gray-topped tube

Urine temperature within range: ☐ Yes, 90 - 100°F / 32 - 38°C ☐ No, record temperature here: _____ N/A

Specimen described by: Sign Heather Carroll, RN Print Heather Carroll, RN

CHAIN OF CUSTODY

Each person signing below certified that the above described specimen was transferred to him / her in the condition described (unless otherwise noted) and he / she holds themselves responsible for the specimen until relinquished to the next person.

DATE	TIME	SPECIMEN RECEIVED / RELINQUISHED BY:		REMARKS
4/30/11	2010	SIGN	<u>Heather Carroll, RN</u>	blood drawn and given to Trooper Baldwin
		PRINT	<u>Heather Carroll, RN</u>	
		SIGN	_____	
		PRINT	_____	
		SIGN	_____	
		PRINT	_____	
		SIGN	_____	
		PRINT	_____	
		SIGN	_____	
		PRINT	_____	



STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINAIN THE COURT OF
GENERAL SESSIONS
2012-GS-39-00946-0950

STATE OF SOUTH CAROLINA MAR -4 3 2: 50

v.

ORDER

CHRISTINA REECE

Defendant.

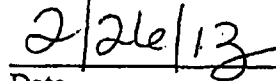
This matter came before me on the motion of Assistant Solicitor Lisa Bentley, moving for a finding of probable cause to conduct a legal blood draw in the above-captioned case. The defendant was present and represented by her attorney Richard Warder. Upon hearing testimony from Eric Patterson and Brad West from Pickens County EMS and Troopers James Greer, Joey Baldwin and Brian Mayfield from the South Carolina Highway Patrol and hearing the arguments of counsel I ruled that probable cause did exist at the time of the blood draw. I find that based on the circumstances of the collision on April 30, 2011 combined with the presence of the arrest warrants for the Defendant along with beer cans and pipe used for smoking drugs that a reasonable officer in Trooper Baldwin's position would have requested a blood sample for further analysis.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT probable cause to obtain a blood sample from the Defendant in this case existed at the time the sample was requested.

IT IS SO ORDERED.



Signature of Judge



Date

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS) IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

The State of South Carolina,)
)
)

Vs.)

Christina Reece,)
)

Defendant.)

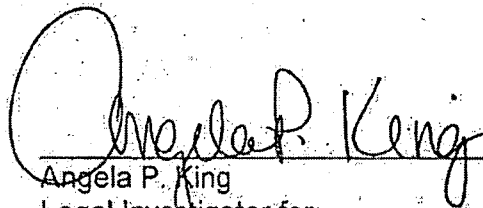
CERTIFICATE OF SERVICE

Indictment No. 2012GS3900946 - 00950

Due and legal service of the within Order regarding legal blood draw was served upon counsel for the Defendant as follows:

Richard Warder, Esquire

By service upon Teresa Pilgrim at the Pickens County Court House, 214 E. Main Street, Pickens, South Carolina on the 12th day of March, 2014.



Angela P. King
Legal Investigator for
Lisa Bentley, Asst. Solicitor
Office of the Thirteenth Circuit Solicitor
Pickens County Court House
214 E. Main Street
Pickens, South Carolina 29671

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM PICKENS COUNTY
COURT OF GENERAL SESSIONS

HONORABLE LETITIA H. VERDIN, CIRCUIT COURT JUDGE
WARRANT NUMBERS: I677722, I677723, I677724

State of South Carolina Respondent

v.

CHRISTINA REECE.....Appellant

RECEIVED

MAR 28 2013

NOTICE OF INTENT TO APPEAL

S.C. SUPREME COURT Christina Reece, appeals her sentence in the above captioned case. The sentence was imposed by the Honorable Letitia H. Verdin, on March 19-20, 2013.

Respectfully Submitted

March 26, 2013

Richard H. Warder
Richard H. Warder
Attorney at Law
P.O. Box 26133
Greenville, SC 29676
(864) 271-9955

Other counsel of record:
Lisa Bentley
Pickens County Solicitors Office
214 Main Street
Pickens, South Carolina 29671

Greenville County Solicitors Office
305 E. North Street
Greenville, South Carolina 29601

RECEIVED

MAR 29 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

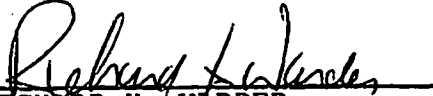
Warrant Numbers: I677722, I677723, I677724

STATE OF SOUTH CAROLINA	)	
	)	
RESPONDENT	)	
-vs-	)	CERTIFICATE OF MAILING
CHRISTINA REECE	)	
APPELLANT	)	

This is to certify that the undersigned attorney Richard H. Warder, attorney for the Appellant did cause a Notice of Intent to Appeal to be served upon the Respondent, by mailing a copy of the same in an envelope addressed as shown below and depositing same in the United States Mail, proper postage affixed thereto, on the 20th day of March, 2013.

Lisa Bentley
Pickens County Solicitors Office
214 Main Street
Pickens, South Carolina 29671

Lisa Bentley
Greenville County Solicitors Office
305 E. North Street
Greenville, South Carolina 29601


RICHARD H. WARDER
POST OFFICE BOX 26133
GREENVILLE, S.C. 29616
ATTORNEY FOR APPELLANT

SWORN to before me this
20th day of March, 2013


NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES:

The Supreme Court of South Carolina

The State, Respondent,

v.

Christine Reece, Appellant.

Appellate Case No: 2013-000537

ORDER

Appellant has served and filed a notice of appeal from an order finding that there was probable cause to take a blood sample from her. Since appellant has not been sentenced on any of the indictments listed in the notice of appeal, any appeal is premature.¹ State v. Miller, 289 S.C. 426, 346 S.E.2d 705 (1986) (a criminal defendant may not appeal until sentenced); Parsons v. State, 289 S.C. 542, 347 S.E.2d 504 (1986) (same); State v. Washington, 285 S.C. 457, 330 S.E.2d 289 (1985) (same).

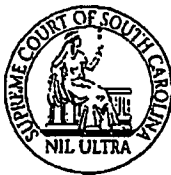
Accordingly, the notice of appeal is dismissed without prejudice. The remittitur will be sent as provided by Rule 221, SCACR.

 C.J.
FOR THE COURT

Columbia, South Carolina
March 19, 2013

cc: Richard Harold Warder, Esquire
Office of the Attorney General
Lisa Ann Bentley, Esquire

¹ According to the public case index for Pickens County, Indictment Numbers 2012-GS-39-000946 and 2012-GS-329-000947 were disposed in August 2012 based on pleas to other charges. For Indictment Numbers 2012-GS-000948, 2012-GS-39-39-000949 and 2012-GS-39-000950, the public index shows that these indictments are pending and no sentence has been imposed on any of these indictments.



RICHARD WARDER

APR - 8 2013

RECEIVED

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

April 4, 2013

The Honorable Harold P. Welborn, Jr.
Clerk of Court, Pickens County
PO Box 215
Pickens SC 29671-0215

REMITTITUR

Re: The State v. Christine Reece
Lower Court Case No. 2012GS3900946, 2012GS3900947,
2012GS3900948, 2012GS3900949, 2012GS3900950
Appellate Case No. 2013-000537

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc:

Richard Harold Warder, Esquire
Lisa Ann Bentley, Esquire
Office of the Attorney General

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County
Honorable Letitia H. Verdin, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

CHRISTINA REECE,

APPELLANT.

APPELLATE CASE NO. 2013-000656

MOTION TO VACATE CONVICTIONS, REMAND FOR A NEW TRIAL
AND
TO DISMISS THE APPEAL

1. Appellant Christina Reece was indicted on June 19, 2012 for three counts of felony DUI resulting in great bodily injury.

2. A suppression hearing was held before Judge Letitia H. Verdin on January 28, 2013. Richard Warder represented appellant, and Lisa Bentley was the assistant solicitor. Counsel Warder argued that the results of the blood evidence ordered taken from appellant had to be suppressed. Counsel noted that the probable cause determination had been made by Officer James Greer and not a neutral and detached Magistrate. Counsel reminded the judge that he had urged her to defer ruling on this right to a drug draw without a warrant in a felony DUI case because the United States Supreme Court had heard arguments on the issue on January 13, 2013. See Missouri v. McNeely, 133 S.Ct. 1552 (April 17, 2013). The judge ruled “under the law as it is today

[January 28, 2013], I find there was probable cause that a reasonable officer would have in that circumstance believe[d] that a blood draw was necessary.” Tr. 39, ll. 5-9; tr. 53-57. (See Exhibit A). The judge issued a written order dated February 26, 2013 denying the Motion to Suppress (Exhibit B).

3. Defense counsel then filed a Notice of Intent to Appeal from the judge’s pre-trial refusal to suppress the results of appellant’s seized blood by the police which was served on counsel’s paralegal, Teresa Pilgrim, on March 12, 2013. Counsel filed that notice of intent to appeal to the Supreme Court on March 13, 2013. (See Exhibit B certificate of service and Exhibit C).

4. On March 19, 2013 the Supreme Court issued an order dismissing the appeal without prejudice as interlocutory since appellant had not been sentenced. (Exhibit D).

5. Appellant’s trial started the same day the Supreme Court dismissed the appeal, March 19, 2013. Defense counsel Warder objected to the trial going forward since he had filed a notice of intent to appeal the judge’s refusal to suppress appellant’s blood sample. The judge noted that appellant argued the case was stayed while it was on appeal, but that she concluded the appeal was interlocutory. “In fact, this case is not concluded until there’s either – there’s some – either a finding of guilty or not guilty in this case. But your record is protected that you certainly did make that motion.” Supp. Tr. 8, l. 16 – 10, l. 1). (Exhibit E). Defense counsel then moved for the judge to find the felony DUI statute unconstitutional inasmuch as it allows a police officer and not a neutral and detached Magistrate to make a determination of probable cause to order a defendant’s blood drawn from her. The judge denied the motion. Appellant then waived her right to a jury trial, and she was convicted of three counts of felony DUI resulting in great bodily harm on March 20, 2013. She was sentenced to ten years imprisonment. Supp. Tr. 1-11; tr. 14; tr. 257; tr. 263. (Exhibit E).

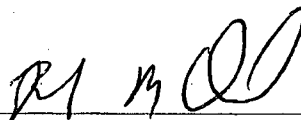
6. However, it was not until April 4, 2013 that the remittitur in this case was sent from the Supreme Court to Pickens County returning jurisdiction to the trial court. (Exhibit F).

7. Undersigned appellate counsel this week discovered the trial court's lack of jurisdiction during appellant's March 19-20, 2013 trial while working on this case to file the brief and designation of matter this week.

8. Since the trial court was without jurisdiction because the remittitur had not been issued by the appellate court until April 4, 2013, the March 19-20, 2013 trial in this case was a nullity and appellant's convictions are void. See Rule 205 & Rule 221 (b), SCACR; Bunkum v. Manor Properties, 321 S.C. 95, 98-99, 467 S.E.2d 758, 760 (Ct.App. 1996). Although defense counsel timely objected to the trial going forward, the trial court overruled the objection. Regardless, lack of subject matter jurisdiction can be raised at any time as undersigned counsel has again done upon this discovery as noted above in paragraph seven. See State v. Sheppard, 391 S.C. 415, 422, 706 S.E.2d 16, 19 (2011).

WHEREFORE, appellant respectfully requests that this Court issue an order vacating her convictions, remanding her case to the Pickens County Court of General Sessions for a new trial, and dismissing her appeal without prejudice. Counsel also requests that the time limits in this appeal be held in abeyance pending this Court's ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, SC 29211-1589
(803) 734-1343
ATTORNEY FOR APPELLANT

This 3rd day of July, 2014

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County
Honorable Letitia H. Verdin, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

CHRISTINA REECE,

APPELLANT.

APPELLATE CASE NO. 2013-000656

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to Vacate Convictions, Remand for a New Trial and to Dismiss the Appeal in the above-referenced case has been served upon opposing counsel, Salley W. Elliott, Esquire at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and upon Christina Reece, #354812 at Leath Correctional Institution, 2809 Airport Road, Greenwood, SC 29649, this 3rd day of July, 2014.



Robert M. Dudek
Chief Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me
this 3rd day of July, 2014.

Rhonda Denise Foxworth (L.S.)
Notary Public for South Carolina
My Commission Expires: October 17, 2021

EXHIBIT A

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF PICKENS	)	Case No(s) : 2012GS3900946,
	)	2012GS3900947,
State of South Carolina,	)	2012GS3900948,
	)	2012GS3900949,
Plaintiff,	)	2012GS3900950
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
Christina Reece,	)	
	)	
Defendant.	)	

January 28, 2013
Pickens, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

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

LISA A. BENTLEY, Esquire
Assistant Solicitor

RICHARD WARDER, Esquire
Attorney for the Defendant

Teresa B. Johnson
Certified Verbatim Reporter
P.O. Box 2812
Greenville, S.C. 29602

Records are
taken and
produced via



1 some arrest warrants in the vehicle. I think the
2 warrants for -- I got them right here. Referring off of
3 memory, I think they were three days prior to the
4 collision for Possession of Methamphetamine and
5 Possession of a Substance of Methamphetamine. Based off
6 of that, the beer cans and the methamphetamine pipe,
7 based off the accident itself by the way I testified to
8 earlier, that was my determining factor right there that
9 I felt gave me probable cause to do a blood draw.

10 Q Okay. No testimony at all about her condition?
11 Anybody seen her under the influence? She acted under
12 the influence? She said anything under the influence?

13 A I never had any conversation with her. She
14 was, like I said earlier, unconscious, sedated, something
15 to that effect, in the trauma bay.

16 Q I'm just trying to narrow down if there was
17 nobody anywhere that gave you information that they seen
18 her and she appeared to be under the influence.

19 A I can only testify to what I've seen. I didn't
20 see that.

21 Q You made the decision and my question is that
22 you didn't have information that anybody had seen her
23 under the influence? The information you had is what I'm
24 asking you about.

25 A Nobody had gave any kind of call to dispatch

1 **THE COURT:** Anything else?

2 **MS. BENTLEY:** No redirect, Your Honor.

3 **THE COURT:** Sir, you can step down.

4 **THE WITNESS:** Thank you.

5 **MS. BENTLEY:** Your Honor, that conclude the
6 State's -- the evidence the State would present in
7 supporting a determination for probable cause for
8 the blood draw in this case.

9 **THE COURT:** All right. Anything you want to
10 say in support of that? Any argument you want to
11 make?

12 **MS. BENTLEY:** Essentially, Your Honor, I
13 believe the State has met the burden for proving
14 that there was probable cause in this case. Both
15 Trooper Baldwin and Corporal Mayfield testified that
16 they had knowledge of what happened at the scene.
17 Trooper Baldwin was the very first law enforcement
18 to arrive from the Highway Patrol investigating the
19 scene. He sees a head-on collision where a vehicle
20 driven, later determined by Ms. Reece, has crossed
21 the center line. It's a clear day. No impediments
22 in the road. Sun to her back. Uh, there's no
23 explainable reason that he can find for this wreck.

24 As law enforcement searches the scene, they
25 find used beer cans, they find methamphetamine pipe

1 or a pipe used to smoke drugs. And they also find
2 fairly recent arrest warrants with her name in close
3 proximity to those things. Based on all those, I
4 believe that they had probable cause to draw her
5 blood and to investigate further. The probable
6 cause standard is what a reasonable person would do,
7 law enforcement in that situation. Here, they have
8 a horrible wreck, they have bodily injury and I
9 believe that they had probable cause to investigate
10 further by drawing her blood.

11 **THE COURT:** All right. Thank you, ma'am.

12 Yes, sir.

13 **MR. WARDER:** I take it we are now limited and
14 we are addressing probable cause as defined in the
15 statute, is that right?

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

17 **MR. WARDER:** Now, this is a case where the
18 legislature has changed the probable cause that
19 normally would be found through a magistrate. To do
20 away with that, the officer could make a probable
21 cause determination. Now, this is a case that has
22 four days prior, I believe, three or four days
23 prior, an arrest warrant. I think those papers also
24 indicated that she was not incarcerated. They found
25 trash on the road, trash in the truck and three

1 squished, crushed beer cans that we have no reason
2 to believe are cold or anything like that.

3 So based upon that, they ordered an evasive
4 test of probably the thing we have the most
5 expectation of privacy, which is what's in our
6 bodies. I think if there's anybody -- any place we
7 don't expect to be through the peering eyes of the
8 police, it's, uh, what an analysis of our body
9 shows. And that is ordered on the basis of nothing
10 to indicate the person is under the influence. Only
11 that transporting with her was a prior piece of
12 paper that said on another time, at another place on
13 another occasion, she may have violated the drug law
14 and a pipe that there was no reason to believe was
15 used involved. In fact, it was wrapped up in paper
16 in her purse. No reason to believe it hadn't been
17 there for some time.

18 You have the warrants, the beer cans and the
19 pipe. That's what this probable cause to search is
20 about. And the mere speculation adds nothing more
21 to it that we don't know the cause of this accident
22 some 20 minutes after it's happened. It's
23 unexplainable to us at this -- I mean, every
24 accident is that way. I can't imagine the accidents
25 that they know what caused them 20 minutes before

1 they've even had chance to interview her or
2 anything. So I mean, I don't think the unexpected
3 nature makes a bigger probable cause.

4 The question is do those three factors add up
5 to anything that could amount to probable cause for
6 a search of your body. I think, no question in my
7 mind, that if it went before a neutral and detached
8 magistrate, we'd have a different result. So the
9 question is in the hearing today, can we now go back
10 and say, well, that was a decision that met the
11 statutory burden for the officer. I submit it
12 doesn't and the State's failed to do it.

13 I'll be honest. What bothers me about this
14 case when we were rushing it through is that the
15 issue is before the United States Supreme Court
16 right now. It was argued orally on the 13th of
17 January. Uh, they were going to address this whole
18 issue, I think, of what relevancy Schmerber would
19 have in today's world and whether or not you can
20 ever take a blood sample.

21 But I think in this case, it's just
22 speculation. We don't know what happened. People
23 were hurt bad. What we're going to do is we're
24 going to take her blood and send it down and if it
25 comes back, we'll charge her. That is improper.

1 **THE COURT:** I appreciate your argument on
2 behalf of your client and you've argued vigorously
3 on her behalf. I do not know if in my ruling today
4 does not reflect what it might have been in prior
5 law. But under the law as it is today, I find that
6 there was probable cause that a reasonable officer
7 would have in that circumstance believe that a blood
8 draw was necessary.

9 I base that not on the arrest warrants,
10 although that might have given an officer some more
11 confirmation about suspicions. But a meth pipe in
12 personal belongings of the defendant as well as --
13 who was the driver, as well as beer cans in the
14 truck, I believe do give probable cause to draw
15 blood in the circumstance. All right. Anything
16 else we need to take up?

17 **MS. BENTLEY:** Nothing from the State at this
18 time.

19 **THE COURT:** All right. You want to do me an
20 order, a proposed order, and you can send it to Mr.
21 Warder to see if it complies with my oral ruling
22 here today?

23 **MS. BENTLEY:** Yes.

24 **THE COURT:** Thank you.

25 **MS. BENTLEY:** Thank you.

EXHIBIT B

STATE OF SOUTH CAROLINA)

COUNTY OF PICKENS)

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA)IN THE COURT OF
GENERAL SESSIONS
2012-GS-39-00946—0950

STATE OF SOUTH CAROLINA) MAR -4 5 2:50

v.)

ORDER

CHRISTINA REECE)

Defendant.)

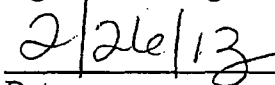
This matter came before me on the motion of Assistant Solicitor Lisa Bentley, moving for a finding of probable cause to conduct a legal blood draw in the above-captioned case. The defendant was present and represented by her attorney Richard Warder. Upon hearing testimony from Eric Patterson and Brad West from Pickens County EMS and Troopers James Greer, Joey Baldwin and Brian Mayfield from the South Carolina Highway Patrol and hearing the arguments of counsel I ruled that probable cause did exist at the time of the blood draw. I find that based on the circumstances of the collision on April 30, 2011 combined with the presence of the arrest warrants for the Defendant along with beer cans and pipe used for smoking drugs that a reasonable officer in Trooper Baldwin's position would have requested a blood sample for further analysis.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT probable cause to obtain a blood sample from the Defendant in this case existed at the time the sample was requested.

IT IS SO ORDERED.



Signature of Judge



Date

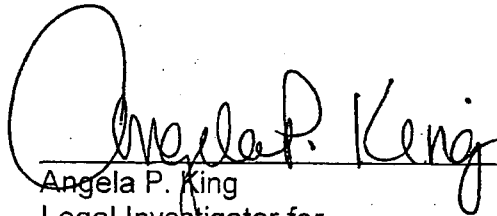
STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF PICKENS) THIRTEENTH JUDICIAL CIRCUIT

The State of South Carolina,)
)
)
 Vs.) CERTIFICATE OF SERVICE
) Indictment No. 2012GS3900946 - 00950
 Christina Reece,)
)
 Defendant.)

Due and legal service of the within Order regarding legal blood draw was served upon counsel for the Defendant as follows:

Richard Warder, Esquire

By service upon Teresa Pilgrim at the Pickens County Court House, 214 E. Main Street, Pickens, South Carolina on the 12th day of March, 2014.



Angela P. King
 Legal Investigator for
 Lisa Bentley, Asst. Solicitor
 Office of the Thirteenth Circuit Solicitor
 Pickens County Court House
 214 E. Main Street
 Pickens, South Carolina 29671

EXHIBIT C

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM PICKENS COUNTY
COURT OF GENERAL SESSIONS

HONORABLE LETITIA H. VERDIN, CIRCUIT COURT JUDGE
CASE NUMBER: 2012-GS-39-00946-0950

State of South Carolina Respondent

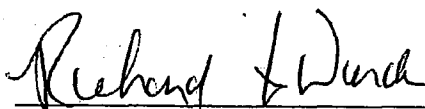
v.

CHRISTINA REECE.....Appellant

NOTICE OF INTENT TO APPEAL

Christina Reece, appeals the Order signed by the Honorable
Letitia H. Verdin signed, on February 26, 2013.

Respectfully Submitted



Richard H. Warder
Attorney at Law
P.O. Box 26133
Greenville, SC 29676
(864) 271-9955

March 13, 2013

Other counsel of record:
Lisa Bentley
Pickens County Solicitors Office
214 Main Street
Pickens, South Carolina 29671

Greenville County Solicitors Office
305 E. North Street
Greenville, South Carolina 29601

RECEIVED
MAR 18 2013
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Case Number: 2012-GS-39-00946-0950

STATE OF SOUTH CAROLINA)
)
RESPONDENT)
-vs-)
CHRISTINA REECE)
APPELLANT)

CERTIFICATE OF MAILING

This is to certify that the undersigned attorney Richard H. Warder, attorney for the Appellant did cause a Notice of Intent to Appeal to be served upon the Respondent, by mailing a copy of the same in an envelope addressed as shown below and depositing same in the United States Mail, proper postage affixed thereto, on the day of March, 2013.

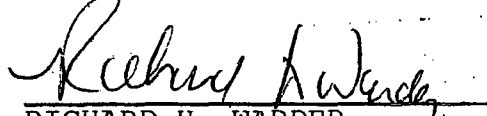
Lisa Bentley
Pickens County Solicitors Office
214 Main Street
Pickens, South Carolina 29671

RECEIVED

MAR 18 2013

Lisa Bentley
Greenville County Solicitors Office
305 E. North Street
Greenville, South Carolina 29601

S.C. SUPREME COURT


RICHARD H. WARDER
POST OFFICE BOX 26133
GREENVILLE, S.C. 29616
ATTORNEY FOR APPELLANT

SWORN to before me this
13th day of March, 2013


NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 10-31-13

EXHIBIT D

The Supreme Court of South Carolina

The State, Respondent,

v.

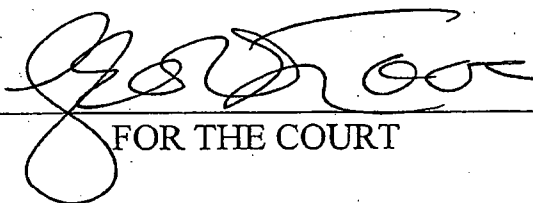
Christine Reece, Appellant.

Appellate Case No. 2013-000537

ORDER

Appellant has served and filed a notice of appeal from an order finding that there was probable cause to take a blood sample from her. Since appellant has not been sentenced on any of the indictments listed in the notice of appeal, any appeal is premature.¹ State v. Miller, 289 S.C. 426, 346 S.E.2d 705 (1986) (a criminal defendant may not appeal until sentenced); Parsons v. State, 289 S.C. 542, 347 S.E.2d 504 (1986) (same); State v. Washington, 285 S.C. 457, 330 S.E.2d 289 (1985) (same).

Accordingly, the notice of appeal is dismissed without prejudice. The remittitur will be sent as provided by Rule 221, SCACR.


C.J.
FOR THE COURT

Columbia, South Carolina
March 19, 2013

cc: Richard Harold Warder, Esquire
Office of the Attorney General
Lisa Ann Bentley, Esquire

¹ According to the public case index for Pickens County, Indictment Numbers 2012-GS-39-000946 and 2012-GS-329-000947 were disposed in August 2012 based on pleas to other charges. For Indictment Numbers 2012-GS-000948, 2012-GS-39-39-000949 and 2012-GS-39-000950, the public index shows that these indictments are pending and no sentence has been imposed on any of these indictments.

EXHIBIT E

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF PICKENS	)	Case No(s) : 2012GS3900948,
	)	2012GS3900949,
State of South Carolina,	)	2012GS3900950
	)	
Plaintiff,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
Christina Reece,	)	
	)	
Defendant.	)	
	)	

March 19 - 20, 2013
Pickens, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

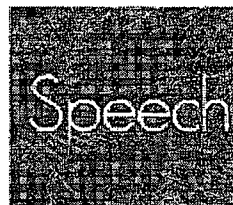
A P P E A R A N C E S:

LISA A. BENTLEY, Esquire
D. GRAHAM BUCKNER, Esquire
Assistant Solicitors

RICHARD WARDER, Esquire
Attorney for Defendant

Teresa B. Johnson
Certified Verbatim Reporter
P.O. Box 2812
Greenville, S.C. 29602

Records are
taken and
produced via



Speech CAT 7[™]

I N D E XDIRECT CROSS REDIRECT RECROSS

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Brad West

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Amy Stephens

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by Ms. Bentley 136

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S-1	Photo	27	35
S-2	Photo	27	35
S-3	Photo	27	35
S-4	Photo	27	35
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S-12	Consent form	27	50
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EXHIBITS PAGE (con't)

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
STATE EXHIBITS (con't)			
S-23	Photo	27	214
S-24	Arrest Warrant	27	

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D-1	Chain of Custody	75	77
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D-3	Chain of Custody	101	101
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COURT EXHIBITS

(No exhibits offered.)

P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 19th day of March, 2013 at approximately 9:38 a.m.)

THE COURT: All right. And it's my understanding that the State is ready to call the State of South Carolina versus Christina Ann Reece on three counts of Felony DUI resulting in Great Bodily Injury, 2012-GS-39-950, 949 and 948. Is that correct?

MS. BENTLEY: Yes, Your Honor.

THE COURT: All right. Yes, sir. Anything we need to take up before we get started?

MR. WARDER: Yes, Your Honor. At least, we need to put some stuff on the record.

THE COURT: Sure.

MR. WARDER: If it please the Court, Your Honor. Uh, we had a proceeding last, I guess it was last week, wherein you made a finding that the officer's determination of probable cause under 15-5-2946 was, I guess, either reasonable or proper. We presented testimony of that in a hearing that was held and the officers testified and Your Honor issued a written order. We had filed Notice of Intent to Appeal from that order.

THE COURT: Yes, sir.

1 **MR. WARDER:** I think it was maybe Monday
2 afternoon that Your Honor decided that we could go
3 ahead with the hearing today and we should proceed
4 today despite the fact that I've appealed.

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

6 **MR. WARDER:** I wanted to put on the record
7 that that had happened. We object to going
8 forward ---

9 **THE COURT:** Certainly.

10 **MR. WARDER:** --- still under the same
11 original ground ---

12 **THE COURT:** And let's just --

13 **MR. WARDER:** --- that we filed on appeal.

14 **THE COURT:** Sure. Let's just say that for
15 the record that you made a motion to stay this
16 pending your appeal. Defense counsel argued that,
17 uh, -- defense counsel argued that this order was,
18 in fact, somewhat dispositive of this case and,
19 therefore, it was immediately appealable.

20 However, after reviewing the case law on this
21 area, I find that it was an interlocutory order
22 that was not subject to immediate appeal. In fact,
23 this case is not concluded until there's either --
24 there's some -- either a finding of guilty or not
25 guilty in this case. But your record is protected

1 that you certainly did make that motion.

2 **MR. WARDER:** Thank you. And, uh, I don't
3 know. When do you want to proceed -- this case, as
4 Your Honor is well aware of, is a result of a
5 warrant that was searched wherein the blood of my
6 client was seized. Whenever that's offered, we
7 want to be heard upon the, uh, --

8 **THE COURT:** Certainly. Certainly. We'll
9 make sure we take the time to put any objection you
10 have to anything and preserve that issue. All
11 right.

12 **MR. WARDER:** I also want to move that Your
13 Honor find that the statute 56-5-2926 is
14 unconstitutional and that that statute attempts to
15 shift the burden of finding probable cause to the
16 discretion of the officer as it quotes to a neutral
17 detached magistrate. I think because of that, uh,
18 vesting in the officer under the statute of that
19 that that ultimately renders that statute
20 unconstitutional. We would ask Your Honor to rule
21 upon that at some time.

22 **THE COURT:** All right. And your motion on
23 that ground is respectfully denied as well. I
24 think we took that up at the hearing, but I think
25 we needed to revisit it for trial. It is

1 respectfully denied.

2 MR. WARDER: Okay.

3 THE COURT: All right. Anything else we
4 need to take up?

5 MR. WARDER: Probably for housekeeping, we
6 should note on the record that I discussed the
7 rights of a jury trial with my client. I discussed
8 the rights she gives up when she waives them to
9 have Your Honor be the decider of fact and the
10 decider of the law. She freely, voluntarily does
11 that. We've talked. She's not under the influence
12 of any coercion or anything like that.

13 THE COURT: Why don't we question her on the
14 record? I have no doubt that you've talked to her
15 at length about it.

16 Ma'am, will you raise your right hand please.

17 (WHEREUPON, Christina Ann Reece is first duly
18 sworn.)

19 THE COURT: Okay. You can put your hand
20 down. Would you tell your full name please?

21 MR. FIELD: Christina Ann Reece.

22 THE COURT: All right. Ms. Reece, you
23 understand we were here today for a jury trial on
24 this matter. Do you know that?

25 MR. FIELD: Yes, ma'am.

1 **MR. WARDER:** No, Your Honor. I think that
2 would put it in the record.

3 **THE COURT:** All right. I find that she is
4 freely and voluntarily waiving her right to a jury
5 trial and she's doing so with the advice of
6 extremely competent counsel with whom she's real
7 satisfied. All right. Thank you so much.

8 Yes, ma'am.

9 **MS. BENTLEY:** Your Honor, there are a few
10 housekeeping matters for the State. We have two
11 statements from the defendant that we need to have
12 a Jackson v. Deno hearing on.

13 **THE COURT:** All right.

14 **MS. BENTLEY:** We also have one evidentiary
15 issue that we'll take up after those if it pleases
16 the Court.

17 **THE COURT:** All right. All right then.
18 Proceed.

19 **MS. BENTLEY:** The State would first call
20 D.C. Andis.

21 **THE COURT:** Before we proceed, let me just
22 say that the cameras in the courtroom, unless it's
23 a member of the media, I can't allow -- I have to
24 sign a consent for there to be a camera in the
25 courtroom. I'm not going to be able to allow you

1 in fact, under the influence at the time that this
2 wreck occurred and that is because it appears that
3 her faculties were impaired to drive that she would
4 make such a decision on a two-lane road going in, as
5 we said, no other circumstances or reasons that
6 would seem to contribute to the wreck in any way,
7 and that that act proximately caused the accident,
8 which resulted in the injuries. I think there was
9 no question about that. Even Ms. Reece admits that
10 her turning around or whatever else was -- the cause
11 of this is what resulted in the injury to all three
12 victims.

13 As such, I find that the State has met their
14 burden and has proved Ms. Reece's guilt beyond a
15 reasonable doubt on each count of Felony DUI, docket
16 number 2012-GS-20 -- excuse me -- GS-39-950, 949 and
17 948.

18 Next, we need to move to the sentencing phase.
19 Mr. Warder, do you need a few minutes before moving
20 to the sentencing phase or would you like to do that
21 now?

22 **MR. WARDER:** I think we'd like to do it now.

23 **THE COURT:** Okay. All right. Let's move
24 directly to that. Y'all want to approach and do it
25 as we do -- we do normally a guilty plea?

1 account the affect that your conduct had on other
2 folks who lived good and decent lives and were doing
3 what they were supposed to be doing. I can't --
4 there's just not -- if that was the sole deciding
5 factor, there's not a punishment I can give you
6 really that would make up for what you've done to
7 these people ---

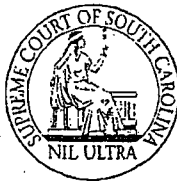
8 **MS. REECE:** I understand.

9 **THE COURT:** --- and to this family. I take
10 into account your very limited prior record. It is
11 very limited. I take all those things into account.
12 And the sentence of the court, concurrent on each of
13 them, is 10 years. Good luck to you. Thank you.

14 I wish you all the best of luck.

15
16 **(WHEREUPON, the proceedings conclude at**
17 approximately 12:18 p.m.)
18
19
20
21

EXHIBIT F



RICHARD WARDER

APR - 8 2013

RECEIVED

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

April 4, 2013

The Honorable Harold P. Welborn, Jr.
Clerk of Court, Pickens County
PO Box 215
Pickens SC 29671-0215

REMITTITUR

Re: The State v. Christine Reece
Lower Court Case No. 2012GS3900946, 2012GS3900947,
2012GS3900948, 2012GS3900949, 2012GS3900950
Appellate Case No. 2013-000537

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc:

Richard Harold Warder, Esquire

Lisa Ann Bentley, Esquire

Office of the Attorney General

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Pickens County
The Honorable Letitia H. Verdin, Circuit Court Judge

Appellate Case No: 2013-000656

THE STATE,

Respondent,

v.

CHRISTINA REECE,

Appellant.

**RETURN TO MOTION TO VACATE CONVICTIONS, REMAND FOR A
NEW TRIAL AND TO DISMISS THE APPEAL**

Respondent, by and through undersigned counsel, and making Return to Appellant's Motion to Vacate Convictions, Remand for a New Trial and to Dismiss the Appeal would respectfully show unto this Court:

I.

Appellant was indicted at the June 2012 term of the Court of General Sessions for Pickens County for three counts of felony driving under the influence, great bodily injury (2012-GS-39-0948; -0949; & -0950). After a pretrial hearing held on January 28, 2013, the Honorable Letitia H. Verdin issued a **pretrial** order dated February 26, 2013, finding probable cause to obtain a blood sample from Appellant existed at the time the sample

was requested. (See Exhibits A and B attached to Appellant's Motion). On March 13, 2013, Appellant appealed from the pretrial order to the South Carolina Supreme Court. The Notice of Appeal was received by the South Carolina Supreme Court on March 18, 2013. (See Exhibit C attached to Appellant's Motion). The following day, the South Carolina Supreme Court issued an order dated March 19, 2013, dismissing the appeal without prejudice on the ground the appeal was premature and the pretrial order was not subject to immediate appeal. In effect, the South Carolina Supreme Court determined that Appellant pursued an improper, interlocutory appeal. (See Exhibit D attached to Appellant's Motion). Appellant proceeded to trial on March 19 – 20, 2013, was convicted of the three charges and was sentenced on March 20, 2013, to imprisonment for a period of ten (10) years. (See Exhibit E attached to Appellant's Motion). Appellant thereafter filed and served Notice of Appeal from the convictions and sentences on March 26, 2013. The South Carolina Supreme Court issued a remittitur respecting the premature appeal on April 4, 2013.

II.

Appellant moves this Court for an order declaring her convictions and sentences null and void and remanding the matter to the circuit court for a new trial. Appellant asserts that her improper, interlocutory appeal from the pretrial order finding probable cause existed to obtain a blood sample deprived the Pickens County Court of General Sessions of jurisdiction to proceed with trial and that the convictions and sentences are null and void because they were obtained without jurisdiction of the circuit court. Specifically, Appellant contends that because the remittitur from the premature appeal of

the pretrial order was not issued until after the convictions were obtained and sentences pronounced, jurisdiction was not vested in the circuit court. Respondent submits that Appellant's argument is wholly without merit and the motion must be denied.

III.

In South Carolina, the right to appeal is conferred by S.C. Code Ann. § 14-3-330. State v. Miller, 289 S.C. 426, 426, 346 S.E.2d 705, 705 (1986). Generally, a judgment or order must be final or otherwise satisfy the terms of Section 14-3-330 before it can be appealed. State v. Wilson, 387 S.C. 597, 599, 693 S.E.2d 923, 924 (2010); see State v. Miller, 289 S.C. at 426, 346 S.E.2d at 705 ("In order to exercise his statutory right to appeal, a defendant must come within the terms of the applicable statute."); see also Rule 201, SCACR (stating "[a]ppeal may be taken, as provided by law, from any final judgment, appealable order or decision."). It is axiomatic that in criminal cases, a criminal defendant may not appeal until the judgment becomes final which occurs when a sentence is imposed. State v. Robinson, 287 S.C. 173, 174, 337 S.E.2d 204, 204 (1985); see Berman v. United States, 302 U.S. 211, 212 (1937) ("Final judgment in a criminal case means sentence. The sentence is the judgment."). Thus, a criminal defendant may not appeal until after a sentence has been imposed. Parsons v. State, 289 S.C. 542, 542, 347 S.E.2d 504, 504 (1986). Moreover, the determination whether an appeal may be immediately taken from an order issued before or during trial is governed by S.C. Code Ann. Section 14-3-330. State v. Wilson, 387 S.C. at 597, 693 S.E.2d at 923; State v. Hill, 314 S.C. 330, 444 S.E.2d 255 (1994).

It is clear that the appellate court may determine the question of appealability as a matter of law. "Even if not raised by the parties, [the appellate court] may address the issue of appealability *ex mero motu*. 'The right to appeal is a jurisdictional matter and, even if the parties do not raise the issue of appealability, [the appellate court] must dismiss the appeal on [its] own motion.'" Levi v. Northern Anderson Co. EMS, and Berkshire Hathaway Homestate Ins. Co., Op. No. 5243 (S.C.Ct.App. filed June 30, 2014).

In this case, our Supreme Court has already determined that Appellant's appeal from the pretrial order was an improper, interlocutory appeal and was not a matter from which appeal could be immediately taken. Appellant did not dispute the correctness of the Supreme Court's conclusion that the appeal was an improper interlocutory appeal. The ruling is binding on this Court. Nevertheless, our decisions indicate that orders involving pretrial discovery and refusal to suppress evidence are not immediately appealable. Ferguson v. Charleston Lincoln/Mercury, Inc., 344 S.C. 502, 544 S.E.2d 285 (Ct. App. 2001); Hamm v. South Carolina Pub. Serv. Comm'n, 312 S.C. 238, 439 S.E.2d 852 (1994); Ex parte Whetstone, 289 S.C. 580, 347 S.E.2d 881 (1986); Kemmerlin v. Bloom, 251 S.C. 49, 159 S.E.2d 910 (1968); State v. Hubbard, 277 S.C. 568, 290 S.E.2d 817 (1982). Our Supreme Court has also specifically recognized that pretrial orders requiring an individual to provide blood or other samples are not immediately appealable absent an exceptional circumstance such as the presentation of a novel issue or a matter involving the rights of a minor. State v. Register, 308 S.C. 534, 536 FN1, 419 S.E.2d 771, 772 FN1 (1992).

As our Supreme Court properly concluded in this case, the pretrial order Appellant appealed presented no exceptional circumstance rendering it immediately appealable. Similar to a pretrial order committing a person to the custody of the South Carolina Department of Mental Health, the pretrial order in the appeal which was dismissed may be appealed after Appellant's conviction and sentence. See State v. Dingle, 279 S.C. 278, 306 S.E.2d 223 (1983) (stating that an order committing a defendant to the Department of Mental Health for a pretrial evaluation may not be appealed until the final judgment is rendered). Other jurisdictions have considered this issue and determined that orders such as is being presented to this Court are not appealable until the final judgment of sentencing. Robinson v. Com., 440 Mass. 1034, 800 N.E.2d 1044 (2004); Butler v. State, 311 Ark. 334, 842 S.W.2d 435 (1992); State v. Marut, 63 Ohio App. 487, 579 N.E.2d 281 (1989); In re Soloman, 465 F.3d 114 (3rd Cir 2006). Accordingly, the order of the South Carolina Supreme Court dismissing Appellant's appeal of the pretrial order as an improper interlocutory appeal was correct. See State v. Hubbard, 277 S.C. 568, 569, 290 S.E.2d 817, 817 (1982) ("No final judgment has occurred in this case and the order appealed from is interlocutory. Therefore, we dismiss the appeal and remand the case for trial." (citation omitted)).

Because Appellant could not yet pursue the appeal from the pretrial order, our Supreme Court never had proper appellate jurisdiction over Appellant's appeal. See Hagood v. Sommerville, 362 S.C. 191, 194, 607 S.E.2d 707, 708 (2005) ("An appeal ordinarily may be pursued only after a party has obtained a final judgment."); Tatnall v. Gardner, 350 S.C. 135, 137-138, 564 S.E.2d 377, 378-379 (Ct. App. 2002) (instructing

that the appellate court did not have proper jurisdiction over an appeal that was interlocutory); see Miller, 289 S.C. at 426, 346 S.E.2d at 705 (“In order to exercise his statutory right to appeal, a defendant must come within the terms of the applicable statute.”); see also North Carolina Fed. Sav. & Loan Ass’n v. Twin States Dev. Corp., 289 S.C. 480, 481, 347 S.E.2d 97, 97 (1986) (“The right of appeal arises from and is controlled by statutory law. The jurisdiction of appellate courts is prescribed by S.C. Code Ann. § 14-3-330.”). Because Appellant’s appeal was an improper interlocutory appeal, jurisdiction never transferred from the circuit court to the Supreme Court but remained in the circuit court. See Tatnall, 350 S.C. at 137-138, 564 S.E.2d at 378-379 (recognizing that the appellate court did not have jurisdiction because the appeal was an improper interlocutory appeal).

When the order appealed is interlocutory and not immediately appealable, the service and filing of a notice of appeal does not transfer jurisdiction of the case to the appellate court and does not stay the proceedings in the trial court. South Carolina Pub. Serv. Auth. v. Arnold, 287 S.C. 584, 340 S.E.2d 535 (1986); State v. Dingle, 279 S.C. 278, 306 S.E.2d 223 (1983); Muckenfuss v. Fishburne, 68 S.C. 41, 46 S.E.2d 537 (1903). Because Appellant appealed a pretrial order that was not immediately appealable, the proceedings in the circuit court could proceed as scheduled despite the fact the remittitur had not been sent. The remittitur issued from the premature appeal merely forwarded the order dismissing the appeal as premature. It did not return jurisdiction to the circuit court because the circuit court never lost jurisdiction of the case. Because the circuit court had

jurisdiction over Appellant's case when it was called for trial, the convictions and sentences are valid and Appellant's motion must be denied.

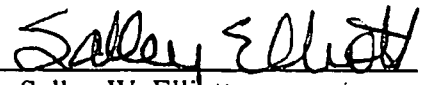
IV.

WHEREFORE, Respondent prays that this Court will deny Appellant's Motion and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney
General

By: 
Salley W. Elliott
S.C. Bar No. 1871

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

July 11, 2014

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Pickens County
The Honorable Letitia H. Verdin, Circuit Court Judge

Appellate Case No: 2013-000656

THE STATE,

Respondent,

v.

CHRISTINA REECE.

Appellant.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the Return to Motion to Vacate Convictions, Remand for a New Trial and to Dismiss the Appeal on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record Robert M. Dudek, Esquire, S.C. Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211-1589.

I further certify that all parties required by Rule to be served have been served.

This 14th day of July, 2014.


ANGELA BENNETT
Administrative Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

CHRISTINA REECE,

APPELLANT.

APPELLATE CASE NO. 2013-000656

Appeal from Pickens County
Letitia H. Verdin, Circuit Court Judge

Order dated August 28, 2014

PETITION FOR REHEARING

Pursuant to Rule 221(1), SCACR, appellant requests rehearing because this Court may have overlooked the fact that the circuit court did not have jurisdiction to try appellant because her case was still on appeal in the Supreme Court, and the remittitur was not returned to the Circuit Court until after appellant was tried and convicted. State v. Dicapua, 383 S.C. 394, 397, 680 S.E.2d 292, 294, n. 2 (2009)(*Because the filing of the appeal deprived the trial court of jurisdiction, we may not consider the trial court's post-appeal explanation*). Rule 205, SCACR ("Upon the service of the notice of appeal, the appellate court shall have *exclusive jurisdiction over the appeal . . .*") & Rule 221 (b), SCACR ("The remittitur shall contain a copy of the judgment of the appellate court . . .

[and] shall not be sent to the lower court until (15) days have elapsed . . . If a petition for rehearing is received before the remittitur is sent, the remittitur shall not be sent pending disposition of the petition by the court.”). Bunkum v. Manor Properties, 321 S.C. 95, 98-99, 467 S.E.2d 758, 760 (Ct.App. 1996)(“The appellate court retained jurisdiction of the case until the remittitur was issued and the proceedings were returned to the circuit court”). (emphasis added).

The failure to follow these jurisdictional rules, most respectfully, would result in chaos in our judicial system. Appellant offers the following case history in support of her motion to dismiss the appeal and remand for a new trial:

1. Appellant Christina Reece was indicted on June 19, 2012 for three counts of felony DUI resulting in great bodily injury.
2. A suppression hearing was held before Judge Letitia H. Verdin on January 28, 2013. Richard Warder represented appellant, and Lisa Bentley was the assistant solicitor. Counsel Warder argued that the results of the blood evidence ordered taken from appellant had to be suppressed. Counsel noted that the probable cause determination had been made by Officer James Greer and not a neutral and detached Magistrate. Counsel reminded the judge that he had urged her to defer ruling on this right to a drug draw without a warrant in a felony DUI case because the United States Supreme Court had heard arguments on the issue on January 13, 2013. See Missouri v. McNeely, 133 S.Ct. 1552 (April 17, 2013). The judge ruled “under the law as it is today [January 28, 2013], I find there was probable cause that a reasonable officer would have in that circumstance believe[d] that a blood draw was necessary.” Tr. 39, ll. 5-9; tr. 53-57. (See Exhibit A). The judge issued a written order dated February 26, 2013 denying the Motion to Suppress (Exhibit B).

3. Defense counsel then filed a Notice of Intent to Appeal from the judge's pre-trial refusal to suppress the results of appellant's seized blood by the police which was served on counsel's paralegal, Teresa Pilgrim, on March 12, 2013. Counsel filed that notice of intent to appeal to the Supreme Court on March 13, 2013. (See Exhibit B certificate of service and Exhibit C).

4. On March 19, 2013 the Supreme Court issued an order dismissing the appeal without prejudice as interlocutory since appellant had not been sentenced. (Exhibit D).

5. Appellant's trial started *the same day* the Supreme Court dismissed the appeal, March 19, 2013. Defense counsel Warder *objected* to the trial going forward since he had filed a notice of intent to appeal the judge's refusal to suppress appellant's blood sample. The judge noted that appellant argued the case was stayed while it was on appeal, that she concluded the appeal was interlocutory. "In fact, this case is not concluded until there's either – there's some – either a finding of guilty or not guilty in this case. But your record is protected that you certainly did make that motion." Supp. Tr. 8, l. 16 – 10, l. 1). (Exhibit E). Defense counsel then moved for the judge to find the felony DUI statute unconstitutional inasmuch as it allows a police officer and not a neutral and detached Magistrate to make a determination of probable cause to order a defendant's blood drawn from her. The judge denied the motion. Appellant then waived her right to a jury trial, and she was convicted of three counts of felony DUI resulting in great bodily harm on March 20, 2013. She was sentenced to ten years imprisonment. Supp. Tr. 1-11; tr. 14; tr. 257; tr. 263. (Exhibit E).

6. However, it was not until April 4, 2013 that the remittitur in this case was sent from the Supreme Court to Pickens County returning jurisdiction to the trial court. (Exhibit F).

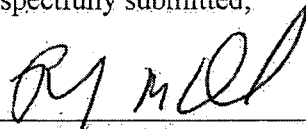
7. Undersigned appellate counsel discovered the trial court's lack of jurisdiction to conduct appellant's March 19-20, 2013 trial while working on this case to file the brief and

designation of matter, and filed a motion to remand the case for a new trial and to dismiss the appeal.

8. Counsel argued since the trial court was without jurisdiction because the remittitur had not been issued by the appellate court until April 4, 2013, the March 19-20, 2013 trial in this case was a nullity and appellant's convictions were void. He further argued that although defense counsel timely objected to the trial going forward, the trial court overruled the objection. Finally, he noted that the lack of subject matter jurisdiction could be raised at any time as undersigned counsel had again done upon this discovery as noted above in paragraph seven. See State v. Sheppard, 391 S.C. 415, 422, 706 S.E.2d 16, 19 (2011).

Appellant respectfully requests that this Court now reconsider, and grant this rehearing petition as to its order denying the motion to vacate her convictions, to remand her case to the Pickens County Court of General Sessions for a new trial, and to dismiss her appeal without prejudice. See State v. Dicapua, 383 S.C. 394, 397, 680 S.E.2d 292, 294, n. 2 (2009); Rule 205 & Rule 221, SCACR; Bunkum v. Manor Properties, 321 S.C. 95, 98-99, 467 S.E.2d 758, 760 (Ct.App. 1996). Counsel also requests that the time limits in this appeal be held in abeyance pending this Court's ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

This 12th day of September, 2014.

EXHIBIT A

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF PICKENS	)	Case No(s) : 2012GS3900946,
	)	2012GS3900947,
State of South Carolina,	)	2012GS3900948,
	)	2012GS3900949,
Plaintiff,	)	2012GS3900950
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
Christina Reece,	)	
	)	
Defendant.	)	

January 28, 2013
Pickens, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

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

LISA A. BENTLEY, Esquire
Assistant Solicitor

RICHARD WARDER, Esquire
Attorney for the Defendant

Teresa B. Johnson
Certified Verbatim Reporter
P.O. Box 2812
Greenville, S.C. 29602

Records are
taken and
produced via

Speech CAT 7™

1 some arrest warrants in the vehicle. I think the
2 warrants for -- I got them right here. Referring off of
3 memory, I think they were three days prior to the
4 collision for Possession of Methamphetamine and
5 Possession of a Substance of Methamphetamine. Based off
6 of that, the beer cans and the methamphetamine pipe,
7 based off the accident itself by the way I testified to
8 earlier, that was my determining factor right there that
9 I felt gave me probable cause to do a blood draw.

10 Q Okay. No testimony at all about her condition?
11 Anybody seen her under the influence? She acted under
12 the influence? She said anything under the influence?

13 A I never had any conversation with her. She
14 was, like I said earlier, unconscious, sedated, something
15 to that effect, in the trauma bay.

16 Q I'm just trying to narrow down if there was
17 nobody anywhere that gave you information that they seen
18 her and she appeared to be under the influence.

19 A I can only testify to what I've seen. I didn't
20 see that.

21 Q You made the decision and my question is that
22 you didn't have information that anybody had seen her
23 under the influence? The information you had is what I'm
24 asking you about.

25 A Nobody had gave any kind of call to dispatch

1 **THE COURT:** Anything else?

2 **MS. BENTLEY:** No redirect, Your Honor.

3 **THE COURT:** Sir, you can step down.

4 **THE WITNESS:** Thank you.

5 **MS. BENTLEY:** Your Honor, that conclude the
6 State's -- the evidence the State would present in
7 supporting a determination for probable cause for
8 the blood draw in this case.

9 **THE COURT:** All right. Anything you want to
10 say in support of that? Any argument you want to
11 make?

12 **MS. BENTLEY:** Essentially, Your Honor, I
13 believe the State has met the burden for proving
14 that there was probable cause in this case. Both
15 Trooper Baldwin and Corporal Mayfield testified that
16 they had knowledge of what happened at the scene.
17 Trooper Baldwin was the very first law enforcement
18 to arrive from the Highway Patrol investigating the
19 scene. He sees a head-on collision where a vehicle
20 driven, later determined by Ms. Reece, has crossed
21 the center line. It's a clear day. No impediments
22 in the road. Sun to her back. Uh, there's no
23 explainable reason that he can find for this wreck.

24 As law enforcement searches the scene, they
25 find used beer cans, they find methamphetamine pipe

1 or a pipe used to smoke drugs. And they also find
2 fairly recent arrest warrants with her name in close
3 proximity to those things. Based on all those, I
4 believe that they had probable cause to draw her
5 blood and to investigate further. The probable
6 cause standard is what a reasonable person would do,
7 law enforcement in that situation. Here, they have
8 a horrible wreck, they have bodily injury and I
9 believe that they had probable cause to investigate
10 further by drawing her blood.

11 **THE COURT:** All right. Thank you, ma'am.

12 Yes, sir.

13 **MR. WARDER:** I take it we are now limited and
14 we are addressing probable cause as defined in the
15 statute, is that right?

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

17 **MR. WARDER:** Now, this is a case where the
18 legislature has changed the probable cause that
19 normally would be found through a magistrate. To do
20 away with that, the officer could make a probable
21 cause determination. Now, this is a case that has
22 four days prior, I believe, three or four days
23 prior, an arrest warrant. I think those papers also
24 indicated that she was not incarcerated. They found
25 trash on the road, trash in the truck and three

1 squished, crushed beer cans that we have no reason
2 to believe are cold or anything like that.

3 So based upon that, they ordered an evasive
4 test of probably the thing we have the most
5 expectation of privacy, which is what's in our
6 bodies. I think if there's anybody -- any place we
7 don't expect to be through the peering eyes of the
8 police, it's, uh, what an analysis of our body
9 shows. And that is ordered on the basis of nothing
10 to indicate the person is under the influence. Only
11 that transporting with her was a prior piece of
12 paper that said on another time, at another place on
13 another occasion, she may have violated the drug law
14 and a pipe that there was no reason to believe was
15 used involved. In fact, it was wrapped up in paper
16 in her purse. No reason to believe it hadn't been
17 there for some time.

18 You have the warrants, the beer cans and the
19 pipe. That's what this probable cause to search is
20 about. And the mere speculation adds nothing more
21 to it that we don't know the cause of this accident
22 some 20 minutes after it's happened. It's
23 unexplainable to us at this -- I mean, every
24 accident is that way. I can't imagine the accidents
25 that they know what caused them 20 minutes before

1 they've even had chance to interview her or
2 anything. So I mean, I don't think the unexpected
3 nature makes a bigger probable cause.

4 The question is do those three factors add up
5 to anything that could amount to probable cause for
6 a search of your body. I think, no question in my
7 mind, that if it went before a neutral and detached
8 magistrate, we'd have a different result. So the
9 question is in the hearing today, can we now go back
10 and say, well, that was a decision that met the
11 statutory burden for the officer. I submit it
12 doesn't and the State's failed to do it.

13 I'll be honest. What bothers me about this
14 case when we were rushing it through is that the
15 issue is before the United States Supreme Court
16 right now. It was argued orally on the 13th of
17 January. Uh, they were going to address this whole
18 issue, I think, of what relevancy Schmerber would
19 have in today's world and whether or not you can
20 ever take a blood sample.

21 But I think in this case, it's just
22 speculation. We don't know what happened. People
23 were hurt bad. What we're going to do is we're
24 going to take her blood and send it down and if it
25 comes back, we'll charge her. That is improper.

1 **THE COURT:** I appreciate your argument on
2 behalf of your client and you've argued vigorously
3 on her behalf. I do not know if in my ruling today
4 does not reflect what it might have been in prior
5 law. But under the law as it is today, I find that
6 there was probable cause that a reasonable officer
7 would have in that circumstance believe that a blood
8 draw was necessary.

9 I base that not on the arrest warrants,
10 although that might have given an officer some more
11 confirmation about suspicions. But a meth pipe in
12 personal belongings of the defendant as well as --
13 who was the driver, as well as beer cans in the
14 truck, I believe do give probable cause to draw
15 blood in the circumstance. All right. Anything
16 else we need to take up?

17 **MS. BENTLEY:** Nothing from the State at this
18 time.

19 **THE COURT:** All right. You want to do me an
20 order, a proposed order, and you can send it to Mr.
21 Warder to see if it complies with my oral ruling
22 here today?

23 **MS. BENTLEY:** Yes.

24 **THE COURT:** Thank you.

25 **MS. BENTLEY:** Thank you.

EXHIBIT B

STATE OF SOUTH CAROLINA)

COUNTY OF PICKENS)

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA)IN THE COURT OF
GENERAL SESSIONS
2012-GS-39-00946-0950

STATE OF SOUTH CAROLINA) MAR -4 2: 50

v.)

ORDER)

CHRISTINA REECE)

Defendant.)

This matter came before me on the motion of Assistant Solicitor Lisa Bentley, moving for a finding of probable cause to conduct a legal blood draw in the above-captioned case. The defendant was present and represented by her attorney Richard Warder. Upon hearing testimony from Eric Patterson and Brad West from Pickens County EMS and Troopers James Greer, Joey Baldwin and Brian Mayfield from the South Carolina Highway Patrol and hearing the arguments of counsel I ruled that probable cause did exist at the time of the blood draw. I find that based on the circumstances of the collision on April 30, 2011 combined with the presence of the arrest warrants for the Defendant along with beer cans and pipe used for smoking drugs that a reasonable officer in Trooper Baldwin's position would have requested a blood sample for further analysis.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT probable cause to obtain a blood sample from the Defendant in this case existed at the time the sample was requested.

IT IS SO ORDERED.



Signature of Judge

2/26/13

Date

STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF PICKENS) THIRTEENTH JUDICIAL CIRCUIT

The State of South Carolina,)

Vs.)

Christina Reece,)

Defendant.)

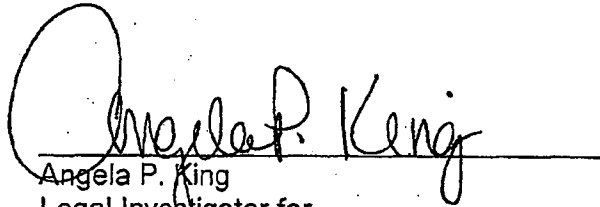
CERTIFICATE OF SERVICE

Indictment No. 2012GS3900946 - 00950

Due and legal service of the within Order regarding legal blood draw was served upon counsel for the Defendant as follows:

Richard Warder, Esquire

By service upon Teresa Pilgrim at the Pickens County Court House, 214 E. Main Street, Pickens, South Carolina on the 12th day of March, 2014.



Angela P. King
 Legal Investigator for
 Lisa Bentley, Asst. Solicitor
 Office of the Thirteenth Circuit Solicitor
 Pickens County Court House
 214 E. Main Street
 Pickens, South Carolina 29671

EXHIBIT C

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM PICKENS COUNTY
COURT OF GENERAL SESSIONS

HONORABLE LETITIA H. VERDIN, CIRCUIT COURT JUDGE
CASE NUMBER: 2012-GS-39-00946-0950

State of South Carolina Respondent

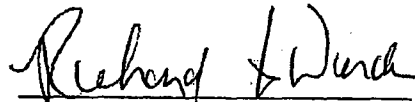
v.

CHRISTINA REECE.....Appellant

NOTICE OF INTENT TO APPEAL

Christina Reece, appeals the Order signed by the Honorable
Letitia H. Verdin signed, on February 26, 2013.

Respectfully Submitted



Richard H. Warder
Attorney at Law
P.O. Box 26133
Greenville, SC 29676
(864) 271-9955

March 13, 2013

Other counsel of record:
Lisa Bentley
Pickens County Solicitors Office
214 Main Street
Pickens, South Carolina 29671

Greenville County Solicitors Office
305 E. North Street
Greenville, South Carolina 29601

RECEIVED
MAR 18 2013
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Case Number: 2012-GS-39-00946-0950

STATE OF SOUTH CAROLINA)
)
RESPONDENT)
-vs-)
CHRISTINA REECE)
APPELLANT)

CERTIFICATE OF MAILING

This is to certify that the undersigned attorney Richard H. Warder, attorney for the Appellant did cause a Notice of Intent to Appeal to be served upon the Respondent, by mailing a copy of the same in an envelope addressed as shown below and depositing same in the United States Mail, proper postage affixed thereto, on the day of March, 2013.

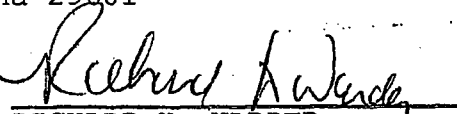
Lisa Bentley
Pickens County Solicitors Office
214 Main Street
Pickens, South Carolina 29671

RECEIVED

MAR 18 2013

Lisa Bentley
Greenville County Solicitors Office
305 E. North Street
Greenville, South Carolina 29601

S.C. SUPREME COURT


RICHARD H. WARDER
POST OFFICE BOX 26133
GREENVILLE, S.C. 29616
ATTORNEY FOR APPELLANT

SWORN to before me this
13th day of March, 2013

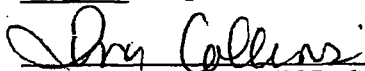

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 10-31-13

EXHIBIT D

The Supreme Court of South Carolina

The State, Respondent,

v.

Christine Reece, Appellant.

Appellate Case No: 2013-000537

ORDER

Appellant has served and filed a notice of appeal from an order finding that there was probable cause to take a blood sample from her. Since appellant has not been sentenced on any of the indictments listed in the notice of appeal, any appeal is premature.¹ State v. Miller, 289 S.C. 426, 346 S.E.2d 705 (1986) (a criminal defendant may not appeal until sentenced); Parsons v. State, 289 S.C. 542, 347 S.E.2d 504 (1986) (same); State v. Washington, 285 S.C. 457, 330 S.E.2d 289 (1985) (same).

Accordingly, the notice of appeal is dismissed without prejudice. The remittitur will be sent as provided by Rule 221, SCACR.


C.J.
FOR THE COURT

Columbia, South Carolina
March 19, 2013

cc: Richard Harold Warder, Esquire
Office of the Attorney General
Lisa Ann Bentley, Esquire

¹ According to the public case index for Pickens County, Indictment Numbers 2012-GS-39-000946 and 2012-GS-329-000947 were disposed in August 2012 based on pleas to other charges. For Indictment Numbers 2012-GS-000948, 2012-GS-39-39-000949 and 2012-GS-39-000950, the public index shows that these indictments are pending and no sentence has been imposed on any of these indictments.

EXHIBIT E

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF PICKENS	)	Case No(s): 2012GS3900948,
	)	2012GS3900949,
State of South Carolina,	)	2012GS3900950
	)	
Plaintiff,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
Christina Reece,	)	
	)	
Defendant.	)	

March 19 - 20, 2013
Pickens, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

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

LISA A. BENTLEY, Esquire
D. GRAHAM BUCKNER, Esquire
Assistant Solicitors

RICHARD WARDER, Esquire
Attorney for Defendant

Teresa B. Johnson
Certified Verbatim Reporter
P.O. Box 2812
Greenville, S.C. 29602

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P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 19th day of March, 2013 at approximately 9:38 a.m.)

THE COURT: All right. And it's my understanding that the State is ready to call the State of South Carolina versus Christina Ann Reece on three counts of Felony DUI resulting in Great Bodily Injury, 2012-GS-39-950, 949 and 948. Is that correct?

MS. BENTLEY: Yes, Your Honor.

THE COURT: All right. Yes, sir. Anything we need to take up before we get started?

MR. WARDER: Yes, Your Honor. At least, we need to put some stuff on the record.

THE COURT: Sure.

MR. WARDER: If it please the Court, Your Honor. Uh, we had a proceeding last, I guess it was last week, wherein you made a finding that the officer's determination of probable cause under 15-5-2946 was, I guess, either reasonable or proper. We presented testimony of that in a hearing that was held and the officers testified and Your Honor issued a written order. We had filed Notice of Intent to Appeal from that order.

THE COURT: Yes, sir.

1 **MR. WARDER:** I think it was maybe Monday
2 afternoon that Your Honor decided that we could go
3 ahead with the hearing today and we should proceed
4 today despite the fact that I've appealed.

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

6 **MR. WARDER:** I wanted to put on the record
7 that that had happened. We object to going
8 forward ---

9 **THE COURT:** Certainly.

10 **MR. WARDER:** --- still under the same
11 original ground ---

12 **THE COURT:** And let's just --

13 **MR. WARDER:** --- that we filed on appeal.

14 **THE COURT:** Sure. Let's just say that for
15 the record that you made a motion to stay this
16 pending your appeal. Defense counsel argued that,
17 uh, -- defense counsel argued that this order was,
18 in fact, somewhat dispositive of this case and,
19 therefore, it was immediately appealable.

20 However, after reviewing the case law on this
21 area, I find that it was an interlocutory order
22 that was not subject to immediate appeal. In fact,
23 this case is not concluded until there's either --
24 there's some -- either a finding of guilty or not
25 guilty in this case. But your record is protected

Motions

10

1 that you certainly did make that motion.

2 **MR. WARDER:** Thank you. And, uh, I don't
3 know. When do you want to proceed -- this case, as
4 Your Honor is well aware of, is a result of a
5 warrant that was searched wherein the blood of my
6 client was seized. Whenever that's offered, we
7 want to be heard upon the, uh, --

8 **THE COURT:** Certainly. Certainly. We'll
9 make sure we take the time to put any objection you
10 have to anything and preserve that issue. All
11 right.

12 **MR. WARDER:** I also want to move that Your
13 Honor find that the statute 56-5-2926 is
14 unconstitutional and that that statute attempts to
15 shift the burden of finding probable cause to the
16 discretion of the officer as it quotes to a neutral
17 detached magistrate. I think because of that, uh,
18 vesting in the officer under the statute of that
19 that that ultimately renders that statute
20 unconstitutional. We would ask Your Honor to rule
21 upon that at some time.

22 **THE COURT:** All right. And your motion on
23 that ground is respectfully denied as well. I
24 think we took that up at the hearing, but I think
25 we needed to revisit it for trial. It is

1 respectfully denied.

2 MR. WARDER: Okay.

3 THE COURT: All right. Anything else we
4 need to take up?

5 MR. WARDER: Probably for housekeeping, we
6 should note on the record that I discussed the
7 rights of a jury trial with my client. I discussed
8 the rights she gives up when she waives them to
9 have Your Honor be the decider of fact and the
10 decider of the law. She freely, voluntarily does
11 that. We've talked. She's not under the influence
12 of any coercion or anything like that.

13 THE COURT: Why don't we question her on the
14 record? I have no doubt that you've talked to her
15 at length about it.

16 Ma'am, will you raise your right hand please.

17 (WHEREUPON, Christina Ann Reece is first duly
18 sworn.)

19 THE COURT: Okay. You can put your hand
20 down. Would you tell your full name please?

21 MR. FIELD: Christina Ann Reece.

22 THE COURT: All right. Ms. Reece, you
23 understand we were here today for a jury trial on
24 this matter. Do you know that?

25 MR. FIELD: Yes, ma'am.

Motions

14

1 **MR. WARDER:** No, Your Honor. I think that
2 would put it in the record.

3 **THE COURT:** All right. I find that she is
4 freely and voluntarily waiving her right to a jury
5 trial and she's doing so with the advice of
6 extremely competent counsel with whom she's real
7 satisfied. All right. Thank you so much.

8 Yes, ma'am.

9 **MS. BENTLEY:** Your Honor, there are a few
10 housekeeping matters for the State. We have two
11 statements from the defendant that we need to have
12 a Jackson v. Deno hearing on.

13 **THE COURT:** All right.

14 **MS. BENTLEY:** We also have one evidentiary
15 issue that we'll take up after those if it pleases
16 the Court.

17 **THE COURT:** All right. All right then.
18 Proceed.

19 **MS. BENTLEY:** The State would first call
20 D.C. Andis.

21 **THE COURT:** Before we proceed, let me just
22 say that the cameras in the courtroom, unless it's
23 a member of the media, I can't allow -- I have to
24 sign a consent for there to be a camera in the
25 courtroom. I'm not going to be able to allow you

1 in fact, under the influence at the time that this
2 wreck occurred and that is because it appears that
3 her faculties were impaired to drive that she would
4 make such a decision on a two-lane road going in, as
5 we said, no other circumstances or reasons that
6 would seem to contribute to the wreck in any way,
7 and that that act proximately caused the accident,
8 which resulted in the injuries. I think there was
9 no question about that. Even Ms. Reece admits that
10 her turning around or whatever else was -- the cause
11 of this is what resulted in the injury to all three
12 victims.

13 As such, I find that the State has met their
14 burden and has proved Ms. Reece's guilt beyond a
15 reasonable doubt on each count of Felony DUI, docket
16 number 2012-GS-20 -- excuse me -- GS-39-950, 949 and
17 948.

18 Next, we need to move to the sentencing phase.
19 Mr. Warder, do you need a few minutes before moving
20 to the sentencing phase or would you like to do that
21 now?

22 **MR. WARDER:** I think we'd like to do it now.

23 **THE COURT:** Okay. All right. Let's move
24 directly to that. Y'all want to approach and do it
25 as we do -- we do normally a guilty plea?

1 account the affect that your conduct had on other
2 folks who lived good and decent lives and were doing
3 what they were supposed to be doing. I can't --
4 there's just not -- if that was the sole deciding
5 factor, there's not a punishment I can give you
6 really that would make up for what you've done to
7 these people ---

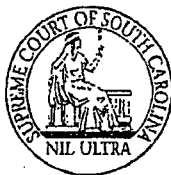
8 MS. REECE: I understand.

9 THE COURT: --- and to this family. I take
10 into account your very limited prior record. It is
11 very limited. I take all those things into account.
12 And the sentence of the court, concurrent on each of
13 them, is 10 years. Good luck to you. Thank you.

14 I wish you all the best of luck.

15
16 (WHEREUPON, the proceedings conclude at
17 approximately 12:18 p.m.)
18
19
20
21

EXHIBIT F



RICHARD WARDER

APR - 8 2013

RECEIVED

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

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April 4, 2013

The Honorable Harold P. Welborn, Jr.
Clerk of Court, Pickens County
PO Box 215
Pickens SC 29671-0215

REMITTITUR

Re: The State v. Christine Reece
Lower Court Case No. 2012GS3900946, 2012GS3900947,
2012GS3900948, 2012GS3900949, 2012GS3900950
Appellate Case No. 2013-000537

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Daniel E. Shearouse
DS

CLERK

cc:

Richard Harold Warder, Esquire

Lisa Ann Bentley, Esquire

Office of the Attorney General

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

CHRISTINA REECE,

APPELLANT.

APPELLATE CASE NO. 2013-000656

Appeal from Pickens County
Letitia H. Verdin, Circuit Court Judge

Order dated August 28, 2014

PETITION FOR REHEARING

Pursuant to Rule 221(1), SCACR, appellant requests rehearing because this Court may have overlooked the fact that the circuit court did not have jurisdiction to try appellant because her case was still on appeal in the Supreme Court, and the remittitur was not returned to the Circuit Court until after appellant was tried and convicted. State v. Dicapua, 383 S.C. 394, 397, 680 S.E.2d 292, 294, n. 2 (2009)(*Because the filing of the appeal deprived the trial court of jurisdiction, we may not consider the trial court's post-appeal explanation*). Rule 205, SCACR ("Upon the service of the notice of appeal, the appellate court shall have *exclusive jurisdiction over the appeal . . .*") & Rule 221 (b), SCACR ("The remittitur shall contain a copy of the judgment of the appellate court . . .

[and] shall not be sent to the lower court until (15) days have elapsed . . . If a petition for rehearing is received before the remittitur is sent, the remittitur shall not be sent pending disposition of the petition by the court.”). Bunkum v. Manor Properties, 321 S.C. 95, 98-99, 467 S.E.2d 758, 760 (Ct.App. 1996)(“The appellate court retained jurisdiction of the case until the remittitur was issued and the proceedings were returned to the circuit court”). (emphasis added).

The failure to follow these jurisdictional rules, most respectfully, would result in chaos in our judicial system. Appellant offers the following case history in support of her motion to dismiss the appeal and remand for a new trial:

1. Appellant Christina Reece was indicted on June 19, 2012 for three counts of felony DUI resulting in great bodily injury.
2. A suppression hearing was held before Judge Letitia H. Verdin on January 28, 2013. Richard Warder represented appellant, and Lisa Bentley was the assistant solicitor. Counsel Warder argued that the results of the blood evidence ordered taken from appellant had to be suppressed. Counsel noted that the probable cause determination had been made by Officer James Greer and not a neutral and detached Magistrate. Counsel reminded the judge that he had urged her to defer ruling on this right to a drug draw without a warrant in a felony DUI case because the United States Supreme Court had heard arguments on the issue on January 13, 2013. See Missouri v. McNeely, 133 S.Ct. 1552 (April 17, 2013). The judge ruled “under the law as it is today [January 28, 2013], I find there was probable cause that a reasonable officer would have in that circumstance believe[d] that a blood draw was necessary.” Tr. 39, ll. 5-9; tr. 53-57. (See Exhibit A). The judge issued a written order dated February 26, 2013 denying the Motion to Suppress (Exhibit B).

3. Defense counsel then filed a Notice of Intent to Appeal from the judge's pre-trial refusal to suppress the results of appellant's seized blood by the police which was served on counsel's paralegal, Teresa Pilgrim, on March 12, 2013. Counsel filed that notice of intent to appeal to the Supreme Court on March 13, 2013. (See Exhibit B certificate of service and Exhibit C).

4. On March 19, 2013 the Supreme Court issued an order dismissing the appeal without prejudice as interlocutory since appellant had not been sentenced. (Exhibit D).

5. Appellant's trial started *the same day* the Supreme Court dismissed the appeal, March 19, 2013. Defense counsel Warder *objected* to the trial going forward since he had filed a notice of intent to appeal the judge's refusal to suppress appellant's blood sample. The judge noted that appellant argued the case was stayed while it was on appeal, that she concluded the appeal was interlocutory. "In fact, this case is not concluded until there's either – there's some – either a finding of guilty or not guilty in this case. But your record is protected that you certainly did make that motion." Supp. Tr. 8, l. 16 – 10, l. 1). (Exhibit E). Defense counsel then moved for the judge to find the felony DUI statute unconstitutional inasmuch as it allows a police officer and not a neutral and detached Magistrate to make a determination of probable cause to order a defendant's blood drawn from her. The judge denied the motion. Appellant then waived her right to a jury trial, and she was convicted of three counts of felony DUI resulting in great bodily harm on March 20, 2013. She was sentenced to ten years imprisonment. Supp. Tr. 1-11; tr. 14; tr. 257; tr. 263. (Exhibit E).

6. However, it was not until April 4, 2013 that the remittitur in this case was sent from the Supreme Court to Pickens County returning jurisdiction to the trial court. (Exhibit F).

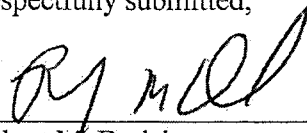
7. Undersigned appellate counsel discovered the trial court's lack of jurisdiction to conduct appellant's March 19-20, 2013 trial while working on this case to file the brief and

designation of matter, and filed a motion to remand the case for a new trial and to dismiss the appeal.

8. Counsel argued since the trial court was without jurisdiction because the remittitur had not been issued by the appellate court until April 4, 2013, the March 19-20, 2013 trial in this case was a nullity and appellant's convictions were void. He further argued that although defense counsel timely objected to the trial going forward, the trial court overruled the objection. Finally, he noted that the lack of subject matter jurisdiction could be raised at any time as undersigned counsel had again done upon this discovery as noted above in paragraph seven: See State v. Sheppard, 391 S.C. 415, 422, 706 S.E.2d 16, 19 (2011).

Appellant respectfully requests that this Court now reconsider, and grant this rehearing petition as to its order denying the motion to vacate her convictions, to remand her case to the Pickens County Court of General Sessions for a new trial, and to dismiss her appeal without prejudice. See State v. Dicapua, 383 S.C. 394, 397, 680 S.E.2d 292, 294, n. 2 (2009); Rule 205 & Rule 221, SCACR; Bunkum v. Manor Properties, 321 S.C. 95, 98-99, 467 S.E.2d 758, 760 (Ct.App. 1996). Counsel also requests that the time limits in this appeal be held in abeyance pending this Court's ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

This 12th day of September, 2014.

EXHIBIT A

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF PICKENS	)	Case No(s) : 2012GS3900946,
	)	2012GS3900947,
State of South Carolina,	)	2012GS3900948,
	)	2012GS3900949,
Plaintiff,	)	2012GS3900950
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
Christina Reece,	)	
	)	
Defendant.	)	

January 28, 2013
Pickens, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

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

LISA A. BENTLEY, Esquire
Assistant Solicitor

RICHARD WARDER, Esquire
Attorney for the Defendant

Teresa B. Johnson
Certified Verbatim Reporter
P.O. Box 2812
Greenville, S.C. 29602

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1 some arrest warrants in the vehicle. I think the
2 warrants for -- I got them right here. Referring off of
3 memory, I think they were three days prior to the
4 collision for Possession of Methamphetamine and
5 Possession of a Substance of Methamphetamine. Based off
6 of that, the beer cans and the methamphetamine pipe,
7 based off the accident itself by the way I testified to
8 earlier, that was my determining factor right there that
9 I felt gave me probable cause to do a blood draw.

10 Q Okay. No testimony at all about her condition?
11 Anybody seen her under the influence? She acted under
12 the influence? She said anything under the influence?

13 A I never had any conversation with her. She
14 was, like I said earlier, unconscious, sedated, something
15 to that effect, in the trauma bay.

16 Q I'm just trying to narrow down if there was
17 nobody anywhere that gave you information that they seen
18 her and she appeared to be under the influence.

19 A I can only testify to what I've seen. I didn't
20 see that.

21 Q You made the decision and my question is that
22 you didn't have information that anybody had seen her
23 under the influence? The information you had is what I'm
24 asking you about.

25 A Nobody had gave any kind of call to dispatch

1 **THE COURT:** Anything else?

2 **MS. BENTLEY:** No redirect, Your Honor.

3 **THE COURT:** Sir, you can step down.

4 **THE WITNESS:** Thank you.

5 **MS. BENTLEY:** Your Honor, that conclude the
6 State's -- the evidence the State would present in
7 supporting a determination for probable cause for
8 the blood draw in this case.

9 **THE COURT:** All right. Anything you want to
10 say in support of that? Any argument you want to
11 make?

12 **MS. BENTLEY:** Essentially, Your Honor, I
13 believe the State has met the burden for proving
14 that there was probable cause in this case. Both
15 Trooper Baldwin and Corporal Mayfield testified that
16 they had knowledge of what happened at the scene.
17 Trooper Baldwin was the very first law enforcement
18 to arrive from the Highway Patrol investigating the
19 scene. He sees a head-on collision where a vehicle
20 driven, later determined by Ms. Reece, has crossed
21 the center line. It's a clear day. No impediments
22 in the road. Sun to her back. Uh, there's no
23 explainable reason that he can find for this wreck.

24 As law enforcement searches the scene, they
25 find used beer cans, they find methamphetamine pipe

1 or a pipe used to smoke drugs. And they also find
2 fairly recent arrest warrants with her name in close
3 proximity to those things. Based on all those, I
4 believe that they had probable cause to draw her
5 blood and to investigate further. The probable
6 cause standard is what a reasonable person would do,
7 law enforcement in that situation. Here, they have
8 a horrible wreck, they have bodily injury and I
9 believe that they had probable cause to investigate
10 further by drawing her blood.

11 **THE COURT:** All right. Thank you, ma'am.
12 Yes, sir.

13 **MR. WARDER:** I take it we are now limited and
14 we are addressing probable cause as defined in the
15 statute, is that right?

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

17 **MR. WARDER:** Now, this is a case where the
18 legislature has changed the probable cause that
19 normally would be found through a magistrate. To do
20 away with that, the officer could make a probable
21 cause determination. Now, this is a case that has
22 four days prior, I believe, three or four days
23 prior, an arrest warrant. I think those papers also
24 indicated that she was not incarcerated. They found
25 trash on the road, trash in the truck and three

1 squished, crushed beer cans that we have no reason
2 to believe are cold or anything like that.

3 So based upon that, they ordered an evasive
4 test of probably the thing we have the most
5 expectation of privacy, which is what's in our
6 bodies. I think if there's anybody -- any place we
7 don't expect to be through the peering eyes of the
8 police, it's, uh, what an analysis of our body
9 shows. And that is ordered on the basis of nothing
10 to indicate the person is under the influence. Only
11 that transporting with her was a prior piece of
12 paper that said on another time, at another place on
13 another occasion, she may have violated the drug law
14 and a pipe that there was no reason to believe was
15 used involved. In fact, it was wrapped up in paper
16 in her purse. No reason to believe it hadn't been
17 there for some time.

18 You have the warrants, the beer cans and the
19 pipe. That's what this probable cause to search is
20 about. And the mere speculation adds nothing more
21 to it that we don't know the cause of this accident
22 some 20 minutes after it's happened. It's
23 unexplainable to us at this -- I mean, every
24 accident is that way. I can't imagine the accidents
25 that they know what caused them 20 minutes before

1 they've even had chance to interview her or
2 anything. So I mean, I don't think the unexpected
3 nature makes a bigger probable cause.

4 The question is do those three factors add up
5 to anything that could amount to probable cause for
6 a search of your body. I think, no question in my
7 mind, that if it went before a neutral and detached
8 magistrate, we'd have a different result. So the
9 question is in the hearing today, can we now go back
10 and say, well, that was a decision that met the
11 statutory burden for the officer. I submit it
12 doesn't and the State's failed to do it.

13 I'll be honest. What bothers me about this
14 case when we were rushing it through is that the
15 issue is before the United States Supreme Court
16 right now. It was argued orally on the 13th of
17 January. Uh, they were going to address this whole
18 issue, I think, of what relevancy Schmerber would
19 have in today's world and whether or not you can
20 ever take a blood sample.

21 But I think in this case, it's just
22 speculation. We don't know what happened. People
23 were hurt bad. What we're going to do is we're
24 going to take her blood and send it down and if it
25 comes back, we'll charge her. That is improper.

1 **THE COURT:** I appreciate your argument on
2 behalf of your client and you've argued vigorously
3 on her behalf. I do not know if in my ruling today
4 does not reflect what it might have been in prior
5 law. But under the law as it is today, I find that
6 there was probable cause that a reasonable officer
7 would have in that circumstance believe that a blood
8 draw was necessary.

9 I base that not on the arrest warrants,
10 although that might have given an officer some more
11 confirmation about suspicions. But a meth pipe in
12 personal belongings of the defendant as well as --
13 who was the driver, as well as beer cans in the
14 truck, I believe do give probable cause to draw
15 blood in the circumstance. All right. Anything
16 else we need to take up?

17 **MS. BENTLEY:** Nothing from the State at this
18 time.

19 **THE COURT:** All right. You want to do me an
20 order, a proposed order, and you can send it to Mr.
21 Warder to see if it complies with my oral ruling
22 here today?

23 **MS. BENTLEY:** Yes.

24 **THE COURT:** Thank you.

25 **MS. BENTLEY:** Thank you.

EXHIBIT B

STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINAIN THE COURT OF
GENERAL SESSIONS
2012-GS-39-00946—0950

STATE OF SOUTH CAROLINA MAR -4 2:50

v.

ORDERCHRISTINA REECE
Defendant.

This matter came before me on the motion of Assistant Solicitor Lisa Bentley, moving for a finding of probable cause to conduct a legal blood draw in the above-captioned case. The defendant was present and represented by her attorney Richard Warder. Upon hearing testimony from Eric Patterson and Brad West from Pickens County EMS and Troopers James Greer, Joey Baldwin and Brian Mayfield from the South Carolina Highway Patrol and hearing the arguments of counsel I ruled that probable cause did exist at the time of the blood draw. I find that based on the circumstances of the collision on April 30, 2011 combined with the presence of the arrest warrants for the Defendant along with beer cans and pipe used for smoking drugs that a reasonable officer in Trooper Baldwin's position would have requested a blood sample for further analysis.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT probable cause to obtain a blood sample from the Defendant in this case existed at the time the sample was requested.

IT IS SO ORDERED.



Signature of Judge

2/26/13

Date

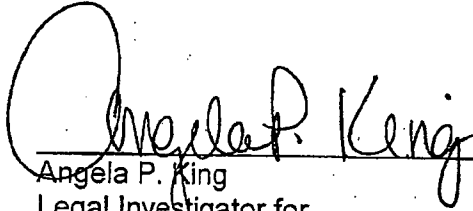
STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF PICKENS) THIRTEENTH JUDICIAL CIRCUIT

The State of South Carolina,)
)
)
 Vs.) CERTIFICATE OF SERVICE
) Indictment No. 2012GS3900946 - 00950
 Christina Reece,)
)
 Defendant.)

Due and legal service of the within Order regarding legal blood draw was served upon counsel for the Defendant as follows:

Richard Warder, Esquire

By service upon Teresa Pilgrim at the Pickens County Court House, 214 E. Main Street, Pickens, South Carolina on the 12th day of March, 2014.



Angela P. King
 Legal Investigator for
 Lisa Bentley, Asst. Solicitor
 Office of the Thirteenth Circuit Solicitor
 Pickens County Court House
 214 E. Main Street
 Pickens, South Carolina 29671

EXHIBIT C

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM PICKENS COUNTY
COURT OF GENERAL SESSIONS

HONORABLE LETITIA H. VERDIN, CIRCUIT COURT JUDGE
CASE NUMBER: 2012-GS-39-00946-0950

State of South Carolina Respondent

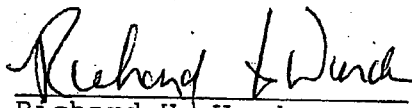
v.

CHRISTINA REECE.....Appellant

NOTICE OF INTENT TO APPEAL

Christina Reece, appeals the Order signed by the Honorable
Letitia H. Verdin signed, on February 26, 2013.

Respectfully Submitted


Richard H. Warder
Attorney at Law
P.O. Box 26133
Greenville, SC 29676
(864) 271-9955

March 13, 2013

Other counsel of record:
Lisa Bentley
Pickens County Solicitors Office
214 Main Street
Pickens, South Carolina 29671

Greenville County Solicitors Office
305 E. North Street
Greenville, South Carolina 29601

RECEIVED
MAR 18 2013
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Case Number: 2012-GS-39-00946-0950

STATE OF SOUTH CAROLINA)
)
RESPONDENT)
-vs-)
CHRISTINA REECE)
APPELLANT)

CERTIFICATE OF MAILING

This is to certify that the undersigned attorney Richard H. Warder, attorney for the Appellant did cause a Notice of Intent to Appeal to be served upon the Respondent, by mailing a copy of the same in an envelope addressed as shown below and depositing same in the United States Mail, proper postage affixed thereto, on the day of March, 2013.

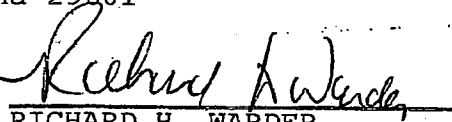
Lisa Bentley
Pickens County Solicitors Office
214 Main Street
Pickens, South Carolina 29671

RECEIVED

MAR 18 2013

Lisa Bentley
Greenville County Solicitors Office
305 E. North Street
Greenville, South Carolina 29601

S.C. SUPREME COURT


RICHARD H. WARDER
POST OFFICE BOX 26133
GREENVILLE, S.C. 29616
ATTORNEY FOR APPELLANT

SWORN to before me this
13th day of March, 2013

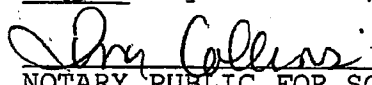

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 10-31-13

EXHIBIT D

The Supreme Court of South Carolina

The State, Respondent,

v.

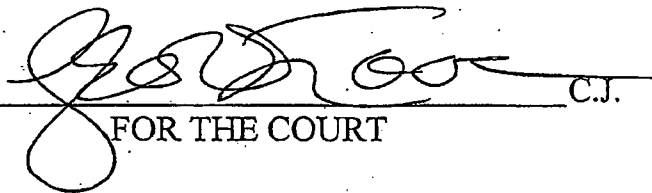
Christine Reece, Appellant.

Appellate Case No. 2013-000537

ORDER

Appellant has served and filed a notice of appeal from an order finding that there was probable cause to take a blood sample from her. Since appellant has not been sentenced on any of the indictments listed in the notice of appeal, any appeal is premature.¹ State v. Miller, 289 S.C. 426, 346 S.E.2d 705 (1986) (a criminal defendant may not appeal until sentenced); Parsons v. State, 289 S.C. 542, 347 S.E.2d 504 (1986) (same); State v. Washington, 285 S.C. 457, 330 S.E.2d 289 (1985) (same).

Accordingly, the notice of appeal is dismissed without prejudice. The remittitur will be sent as provided by Rule 221, SCACR.

 C.J.
FOR THE COURT

Columbia, South Carolina
March 19, 2013

cc: Richard Harold Warder, Esquire
Office of the Attorney General
Lisa Ann Bentley, Esquire

¹ According to the public case index for Pickens County, Indictment Numbers 2012-GS-39-000946 and 2012-GS-329-000947 were disposed in August 2012 based on pleas to other charges. For Indictment Numbers 2012-GS-000948, 2012-GS-39-000949 and 2012-GS-39-000950, the public index shows that these indictments are pending and no sentence has been imposed on any of these indictments.

EXHIBIT E

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
COUNTY OF PICKENS	)	
State of South Carolina,	)	Case No(s) : 2012GS3900948,
	)	2012GS3900949,
Plaintiff,	)	2012GS3900950
	)	
-VS-	)	TRANSCRIPT OF RECORD
Christina Reece,	)	
	)	
Defendant.	)	

March 19 - 20, 2013
Pickens, South Carolina

B E F O R E :

HONORABLE LETITIA H. VERDIN, Judge.

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

LISA A. BENTLEY, Esquire
D. GRAHAM BUCKNER, Esquire
Assistant Solicitors

RICHARD WARDER, Esquire
Attorney for Defendant

Teresa B. Johnson
Certified Verbatim Reporter
P.O. Box 2812
Greenville, S.C. 29602

Records are
taken and
produced via



I N D E X

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March 19, 2013

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COURT EXHIBITS

(No exhibits offered.)

P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 19th day of March, 2013 at approximately 9:38 a.m.)

THE COURT: All right. And it's my understanding that the State is ready to call the State of South Carolina versus Christina Ann Reece on three counts of Felony DUI resulting in Great Bodily Injury, 2012-GS-39-950, 949 and 948. Is that correct?

MS. BENTLEY: Yes, Your Honor.

THE COURT: All right. Yes, sir. Anything we need to take up before we get started?

MR. WARDER: Yes, Your Honor. At least, we need to put some stuff on the record.

THE COURT: Sure.

MR. WARDER: If it please the Court, Your Honor. Uh, we had a proceeding last, I guess it was last week, wherein you made a finding that the officer's determination of probable cause under 15-5-2946 was, I guess, either reasonable or proper. We presented testimony of that in a hearing that was held and the officers testified and Your Honor issued a written order. We had filed Notice of Intent to Appeal from that order.

THE COURT: Yes, sir.

1 **MR. WARDER:** I think it was maybe Monday
2 afternoon that Your Honor decided that we could go
3 ahead with the hearing today and we should proceed
4 today despite the fact that I've appealed.

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

6 **MR. WARDER:** I wanted to put on the record
7 that that had happened. We object to going
8 forward ---

9 **THE COURT:** Certainly.

10 **MR. WARDER:** --- still under the same
11 original ground ---

12 **THE COURT:** And let's just --

13 **MR. WARDER:** --- that we filed on appeal.

14 **THE COURT:** Sure. Let's just say that for
15 the record that you made a motion to stay this
16 pending your appeal. Defense counsel argued that,
17 uh, -- defense counsel argued that this order was,
18 in fact, somewhat dispositive of this case and,
19 therefore, it was immediately appealable.

20 However, after reviewing the case law on this
21 area, I find that it was an interlocutory order
22 that was not subject to immediate appeal. In fact,
23 this case is not concluded until there's either --
24 there's some -- either a finding of guilty or not
25 guilty in this case. But your record is protected

Motions

10

1 that you certainly did make that motion.

2 **MR. WARDER:** Thank you. And, uh, I don't
3 know. When do you want to proceed -- this case, as
4 Your Honor is well aware of, is a result of a
5 warrant that was searched wherein the blood of my
6 client was seized. Whenever that's offered, we
7 want to be heard upon the, uh, --

8 **THE COURT:** Certainly. Certainly. We'll
9 make sure we take the time to put any objection you
10 have to anything and preserve that issue. All
11 right.

12 **MR. WARDER:** I also want to move that Your
13 Honor find that the statute 56-5-2926 is
14 unconstitutional and that that statute attempts to
15 shift the burden of finding probable cause to the
16 discretion of the officer as it quotes to a neutral
17 detached magistrate. I think because of that, uh,
18 vesting in the officer under the statute of that
19 that that ultimately renders that statute
20 unconstitutional. We would ask Your Honor to rule
21 upon that at some time.

22 **THE COURT:** All right. And your motion on
23 that ground is respectfully denied as well. I
24 think we took that up at the hearing, but I think
25 we needed to revisit it for trial. It is

1 respectfully denied.

2 MR. WARDER: Okay.

3 THE COURT: All right. Anything else we
4 need to take up?

5 MR. WARDER: Probably for housekeeping, we
6 should note on the record that I discussed the
7 rights of a jury trial with my client. I discussed
8 the rights she gives up when she waives them to
9 have Your Honor be the decider of fact and the
10 decider of the law. She freely, voluntarily does
11 that. We've talked. She's not under the influence
12 of any coercion or anything like that.

13 THE COURT: Why don't we question her on the
14 record? I have no doubt that you've talked to her
15 at length about it.

16 Ma'am, will you raise your right hand please.

17 (WHEREUPON, Christina Ann Reece is first duly
18 sworn.)

19 THE COURT: Okay. You can put your hand
20 down. Would you tell your full name please?

21 MR. FIELD: Christina Ann Reece.

22 THE COURT: All right. Ms. Reece, you
23 understand we were here today for a jury trial on
24 this matter. Do you know that?

25 MR. FIELD: Yes, ma'am.

Motions

14

1 **MR. WARDER:** No, Your Honor. I think that
2 would put it in the record.

3 **THE COURT:** All right. I find that she is
4 freely and voluntarily waiving her right to a jury
5 trial and she's doing so with the advice of
6 extremely competent counsel with whom she's real
7 satisfied. All right. Thank you so much.

8 Yes, ma'am.

9 **MS. BENTLEY:** Your Honor, there are a few
10 housekeeping matters for the State. We have two
11 statements from the defendant that we need to have
12 a Jackson v. Deno hearing on.

13 **THE COURT:** All right.

14 **MS. BENTLEY:** We also have one evidentiary
15 issue that we'll take up after those if it pleases
16 the Court.

17 **THE COURT:** All right. All right then.
18 Proceed.

19 **MS. BENTLEY:** The State would first call
20 D.C. Andis.

21 **THE COURT:** Before we proceed, let me just
22 say that the cameras in the courtroom, unless it's
23 a member of the media, I can't allow -- I have to
24 sign a consent for there to be a camera in the
25 courtroom. I'm not going to be able to allow you

1 in fact, under the influence at the time that this
2 wreck occurred and that is because it appears that
3 her faculties were impaired to drive that she would
4 make such a decision on a two-lane road going in, as
5 we said, no other circumstances or reasons that
6 would seem to contribute to the wreck in any way,
7 and that that act proximately caused the accident,
8 which resulted in the injuries. I think there was
9 no question about that. Even Ms. Reece admits that
10 her turning around or whatever else was -- the cause
11 of this is what resulted in the injury to all three
12 victims.

13 As such, I find that the State has met their
14 burden and has proved Ms. Reece's guilt beyond a
15 reasonable doubt on each count of Felony DUI, docket
16 number 2012-GS-20 -- excuse me -- GS-39-950, 949 and
17 948.

18 Next, we need to move to the sentencing phase.
19 Mr. Warder, do you need a few minutes before moving
20 to the sentencing phase or would you like to do that
21 now?

22 **MR. WARDER:** I think we'd like to do it now.

23 **THE COURT:** Okay. All right. Let's move
24 directly to that. Y'all want to approach and do it
25 as we do -- we do normally a guilty plea?

1 account the affect that your conduct had on other
2 folks who lived good and decent lives and were doing
3 what they were supposed to be doing. I can't --
4 there's just not -- if that was the sole deciding
5 factor, there's not a punishment I can give you
6 really that would make up for what you've done to
7 these people ---

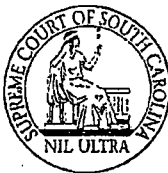
8 MS. REECE: I understand.

9 THE COURT: --- and to this family. I take
10 into account your very limited prior record. It is
11 very limited. I take all those things into account.
12 And the sentence of the court, concurrent on each of
13 them, is 10 years. Good luck to you. Thank you.

14 I wish you all the best of luck.

15
16 (WHEREUPON, the proceedings conclude at
17 approximately 12:18 p.m.)
18
19
20
21

EXHIBIT F



RICHARD WARDER

APR - 8 2013

RECEIVED

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURTBRENDA F. SHEALY
CHIEF DEPUTY CLERKPOST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

April 4, 2013

The Honorable Harold P. Welborn, Jr.
Clerk of Court, Pickens County
PO Box 215
Pickens SC 29671-0215REMITTITURRe: The State v. Christine Reece
Lower Court Case No. 2012GS3900946, 2012GS3900947,
2012GS3900948, 2012GS3900949, 2012GS3900950
Appellate Case No. 2013-000537

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A
copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc:

Richard Harold Warder, Esquire

Lisa Ann Bentley, Esquire

Office of the Attorney General

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

Letitia H. Verdin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

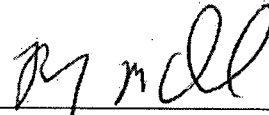
CHRISTINA REECE,

APPELLANT

APPELLATE CASE NO. 2013-000656

CERTIFICATE OF SERVICE

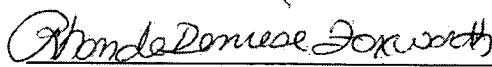
The undersigned attorney hereby certifies that a true copy of the Petition for Rehearing in the above-entitled case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 12th day of September, 2014.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SWORN TO BEFORE ME this 12th day
of September, 2014.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 17, 2021.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 28, 2014

Mr. Robert Michael Dudek, Esquire
PO Box 11589
Columbia SC 29211

Re: The State v. Christina Reece
Appellate Case No. 2013-000656

Dear Counsel:

The following order has been endorsed on your Motion to Vacate Convictions, Remand for a New Trial and to Dismiss the Appeal in the above matter.

"Denied.

s/ John Cannon Few C.J.

August 28, 2014."

Please be advised that the Appellant's initial brief and designation of matter is due to be filed with this office on or before September 27, 2014.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Salley W. Elliott, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 26, 2014

Mr. Robert Michael Dudek, Esquire
PO Box 11589
Columbia SC 29211

Ms. Salley W. Elliott, Esquire
PO Box 11549
Columbia SC 29211

Re: The State v. Christina Reece
Appellate Case No. 2013-000656

Dear Counsel:

Returned herewith is your Petition for Rehearing and Return to Petition for Rehearing filed in this case. SCACR 221(c) states "the appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal." No action will be taken on your Petition for Rehearing.

Very truly yours,

J. A. Kitchings
CLERK

RECEIVED

SEP 26 2014

SC OFFICE OF
APPELLATE DEFENSE

WITNESSES

Baldwin

S. C. Highway Patrol

9/26/2011

ARREST WARRANT NUMBER

1677723

ACTION OF GRAND JURY

TRUE BILL

Date

JUN 19 2012

Cory Ogon
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-39-0949
LAB

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUN 19 2012 TERM 2012

THE STATE

vs.

CHRISTINA ANN REECE

Indictment for

0406

**FELONY DUI (RESULTING IN GREAT BODILY
INJURY)**

VIOLATION § 56-05-2945(A)(1)

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
FELONY DUI (RESULTING IN GREAT BODILY INJURY)

At a Court of General Sessions, convened on

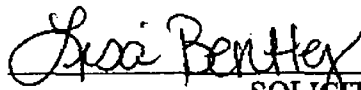
JUN 19 2012

the Grand Jurors of Pickens

County present upon their oath:

That CHRISTINA ANN REECE did in Pickens County, on or about the 30th day of April, 2011, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act forbidden by law and/or neglected a duty imposed by law, to wit: the defendant drove her vehicle left of center and struck victim's vehicle head-on, which acts and/or neglect proximately caused great bodily injury to MATTHEW JOHN MEDGYESY. This is in violation of §56-5-2945 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

63 WITNESSES

Baldwin

S. C. Highway Patrol

9/26/2011

ARREST WARRANT NUMBER
1677724

ACTION OF GRAND JURY

DATE FILE JUN 19 2012

Date

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012-GS-39-0948
LAB

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUN 19 2012 TERM 2012

THE STATE

vs.

CHRISTINA ANN REECE

Indictment for

0406

FELONY DUI (RESULTING IN GREAT BODILY
INJURY)

VIOLATION § 56-05-2945(A)(1)

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
FELONY DUI (RESULTING IN GREAT BODILY INJURY)

At a Court of General Sessions, convened on

JUN 19 2012 the Grand Jurors of Pickens

County present upon their oath:

That CHRISTINA ANN REECE did in Pickens County, on or about the 30th day of April, 2011, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act forbidden by law and/or neglected a duty imposed by law, to wit: the defendant drove her vehicle left of center and struck the vehicle in which the victim was a passenger, head-on, which acts and/or neglect proximately caused great bodily injury to KIMBERLY S. MEDYGYESY. This is in violation of §56-5-2945 of the South Carolina Code of Laws (1976) as amended.

WITNESSES

56
4

Baldwin

S. C. Highway Patrol

9/26/2011

ARREST WARRANT NUMBER

1677722

ACTION OF GRAND JURY

FILED
JUN 19 2012

JUN 19 2012

Amy Gees
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012-GS-39-^{LAB}

0950

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUN 19 2012

TERM 2012

THE STATE

vs.

CHRISTINA ANN REECE

Indictment for

0406

**FELONY DUI (RESULTING IN GREAT BODILY
INJURY)**

VIOLATION § 56-05-2945(A)(1)

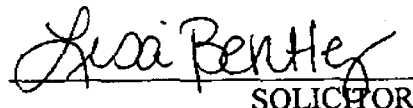
STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

INDICTMENT FOR
FELONY DUI (RESULTING IN GREAT BODILY INJURY)

At a Court of General Sessions, convened on **JUN 19 2012**, the Grand Jurors of Pickens County present upon their oath:

That CHRISTINA ANN REECE did in Pickens County, on or about the 30th day of April, 2011, drive a motor vehicle while under the influence of alcohol, drugs, or a combination of both, and did an act forbidden by law and/or neglected a duty imposed by law, to wit: the defendant drove her vehicle left of center striking the vehicle in which the victim was a passenger, head-on, which acts and/or neglect proximately caused great bodily injury to HAYDEN MEDGYSEY. This is in violation of §56-5-2945 of the South Carolina Code of Laws (1976) as amended.

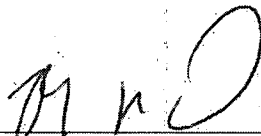
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

September 14, 2015



Robert M. Dudek
Chief Appellate Defender

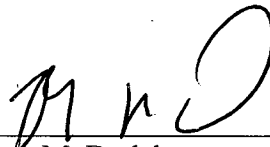
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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ATTORNEY FOR APPELLANT

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SEP 14 2015
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

Letitia H. Verdin, Circuit Court Judge

ORIGINAL

RECEIVED

SEP 14 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHRISTINA REECE,

APPELLANT

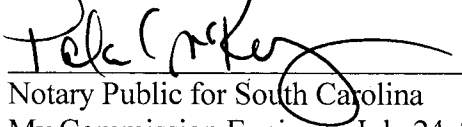
APPELLATE CASE NO. 2013-000656

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Christina C. Bigelow, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 14th day of September, 2015.


Cruise Mitchell
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 14th day of September, 2015.


Notary Public for South Carolina

My Commission Expires: July 24, 2022.

(L.S.)