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VOLUME TWO OF TWO

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
J. Michael Baxley, Circuit Court Judge

THE STATE,

V.

WALKER MANNING HUGHES

APPELLANT

APPELLATE CASE NO.: 2014-000294

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RESPONDENT,

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1 Q Now, also, in jail are a whole bunch of other people,
2 right?

3 A Yes.

4 Q People who rob, steal, people charged with murder?

5 A Yeah.

6 Q Drugs, all sorts of people, right?

7 A Yeah.

8 Q Some people whose victims were adults, right, not
9 children?

10 A Correct.

11 Q You would agree with me?

12 A Yeah, I agree with you.

13 Q Is that right?

14 A (There was no response.)

15 MR. SCALZO: Your Honor, I would like to publish
16 State statute 17-25-65 and I'll put that on the projector.
17 I'll hand it to you if you need to see what it is.

18 THE COURT: Let's let the State look at it and see if
19 they have an objection.

20 MS. PAOLETTI: I have no objection, Your Honor.

21 THE COURT: Very good. You may publish it.

22 MR. SCALZO: Thank you.

23 BY MR. SCALZO:

24 Q All right. If I can figure out how to zoom this
25 thing it will help everybody see it. Sort of maximum zoom

1 there. But you see that this is a State statute?

2 A Yes.

3 Q 17-25-65?

4 A Okay.

5 Q See it?

6 A Yeah, I see it.

7 Q And does it not say a, Upon the State's motion made
8 within one year of sentencing, the Court may reduce a
9 sentence if the defendant after sentencing provides. You
10 see that under A?

11 A I can see it, but I can't read it.

12 Q All right. Let's see if I can -- I'll just read it
13 and I'll hand it to you and then you can tell me if you
14 agree with it. Upon the State's motion made within one
15 year of sentencing, the Court may reduce a sentence if the
16 defendant after sentencing provided. Am I right?

17 A That's what it says.

18 Q Substantial assistance in investigating or
19 prosecuting another person, right? That's one. Upon the
20 State's motion being more than one year after sentencing,
21 the Court may reduce the sentence if the defendant's
22 substantial assistance involved. That's what B says,
23 right?

24 A That's what it says.

25 Q And we'll skip down to one that's relevant to you.

1 Two, Information provided by the defendant to the State
2 within one year of sentencing, but which did not become
3 useful to the State until more than one year after
4 sentencing, right? That applies to you?

5 A Okay.

6 Q Right. You told them about it before you were
7 sentenced?

8 A Yeah, they knew about it.

9 Q Now, they didn't decide to use you until after you
10 were sentenced?

11 A That was a decision they made.

12 Q So?

13 A That's what the paper says, yes.

14 MR. SCALZO: Judge, since it's a statute, I don't
15 know if it needs to be a Defense exhibit. I'll be more
16 than happy to put it in as a Defense exhibit or a Court's
17 exhibit, whichever the Court pleases.

18 THE COURT: All right.

19 MS. PAOLETTI: Without objection from the State, Your
20 Honor.

21 THE COURT: Let's make it a Defendant's Exhibit so
22 the jury will have access to it if they perceive it to be
23 relevant.

24 (WHEREUPON, State's Exhibit No. 3 was admitted into
25 evidence.)

1 THE COURT: And that is in evidence for the Defense
2 without objection.

3 MR. SCALZO: Thank you, Judge.

4 BY MR. SCALZO:

5 Q You said that you were 51 and you were going to be
6 how old when you got out?

7 A Sixty-nine, almost 70 years old.

8 MR. SCALZO: That's all I have right now, Judge.

9 THE COURT: Redirect?

10 MR. ELLIS: Yes, sir, please, Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. ELLIS:

13 Q Mr. Isakson, let me first hand you back this article
14 that Mr. Scalzo asked you about. Now, that article was
15 about Jack, right, the dog?

16 A Yes, sir.

17 Q Is there any information in that article about
18 Ms. Hughes being beaten to death with a hammer?

19 A I don't know. I have never read the article.

20 Q When's the first time you saw that article?

21 A Today.

22 Q When he handed it to you?

23 A Yes, sir.

24 Q Is there anything in that article about the crime
25 scene looking like a staged burglary?

1 THE WITNESS: Your Honor, may I have a moment to read
2 the article?

3 THE COURT: Yes, sir. If you need to look at it, go
4 ahead.

5 BY MR. ELLIS:

6 Q So I'll ask the question again since you had time to
7 review that article. Is there anything in that article
8 about Ms. Hughes being beaten to death with a hammer?

9 A No, sir.

10 Q Is there anything in that article about the crime
11 serve being staged to look like a burglary?

12 A No, sir.

13 Q When did you say the first time you spoke to anyone
14 in our office about this case was?

15 A That would be November of 2013.

16 Q And that was after you were sentenced to 25 years in
17 jail?

18 A Yes, sir.

19 Q Referring to South Carolina code 17-25-65, when was
20 the first time you heard about this statute?

21 A This is -- today is the first time I've seen it on
22 paper. Mr. Silvagio, the private investigator for the
23 defense attorney, mentioned it when he came down and
24 interviewed me a week after you folks talked to me.

25 Q And that's the first time you heard about it when Mr.

1 Silvagio told you?

2 A Yes.

3 MR. ELLIS: Thank you, Mr. Isakson. I don't have any
4 further questions.

5 THE COURT: All right. Sir, we're going to return
6 you to the Department of Corrections. Please watch your
7 step as you exit the witness chair.

8 Please call your next witness.

9 MR. ELLIS: Thank you, Your Honor. The State calls
10 Sergeant Thomas Penland to the stand.

11 THE COURT: Please come forward and take the oath of
12 a witness.

13 THE CLERK: Sergeant, please place your left hand on
14 the Bible and raise your right.

15 THOMAS PENLAND,

16 after having been duly sworn, testified as follows:

17 THE CLERK: Thank you. You may be seated. Would you
18 please state your name for the record?

19 THE WITNESS: Thomas Penland.

20 THE CLERK: Thank you.

21 DIRECT EXAMINATION

22 BY MR. ELLIS:

23 Q Sergeant Penland, where do you work?

24 A Laurens County Sheriff's Office.

25 Q How long have you worked there?

1 A I've work there twice, but the second time, I've been
2 here 17 years.

3 Q How long the first time?

4 A Four years.

5 Q And I notice you're a sergeant, so you got a
6 promotion at some point, is that right?

7 A Yes, sir.

8 Q What are your job responsibilities and duties down
9 there in Laurens?

10 A I'm sergeant of judicial services.

11 Q What does that mean?

12 A That's warrants, Family Court, child support and
13 anything, domestic abuse and stuff related to that.

14 Q And at some point, did you work on the road?

15 A Yes, sir.

16 Q As a road deputy -- what do I mean when I say work on
17 the road? You and I know about that, but, please, explain
18 to the jury what that means?

19 A You talking about answering calls, yes, sir, patrol
20 and answering calls and all.

21 Q Okay. Were you working the night of Monday,
22 April 11th, 2011?

23 A Yes, sir, I was.

24 Q What were you doing that night?

25 A I was out serving child support papers.

1 Q And at some point during working that night, did you
2 learn about a be on the lookout that was issued for a car
3 that might have been involved in a murder investigation in
4 Greenville?

5 A Yes, sir, I did.

6 Q What did you learn about this car?

7 A That it was a silver Volkswagen Jetta and that it was
8 a possible suspect in a murder investigation.

9 Q When you received that kind of information, it might
10 sound odd, it might sound like a silly question, but what
11 do you do?

12 A You're on the lookout for it.

13 Q At some point while you were working that night, did
14 you see a car that might have matched that description?

15 A Yes, sir, I did.

16 Q Where did you see that car?

17 A I saw it on 221 South.

18 Q Is that in Laurens County?

19 A Yes, sir, it is.

20 Q Were you driving on the road?

21 A Yes, sir.

22 Q Where was that car in relation to where you were
23 driving?

24 A There was a car between me and that car. I was a car
25 back.

1 Q Did you -- so when you were a car back behind that
2 car, what did you see that car do?

3 A It turned into the -- made a right turn and turned
4 into the Hot Spot.

5 Q Is that Hot Spot on Highway 221?

6 A Yes, sir, it is.

7 Q And did you follow the car into the parking lot?

8 A Yes, sir. He turned in the first one, I went down to
9 the second one and turned in.

10 Q The second entrance?

11 A Yes, sir.

12 Q What happened -- where did the car go after it turned
13 into the Hot Spot?

14 A He pulled in and he backed up into a parking place.

15 Q Will you describe to the jury where he parked in
16 relation to the Hot Spot and the gas pumps and the parking
17 lot?

18 A Well, it's got a big parking lot, parking here, then
19 parking over here on the side. And he pulled over here
20 and parked over on this side of the store.

21 Q So not under where the gas pumps are?

22 A No.

23 MR. SCALZO: Objection, leading.

24 THE COURT: Please don't -- again, don't testify for
25 your witness.

1 MR. ELLIS: Thank you, Your Honor.

2 BY MR. ELLIS:

3 Q Do you remember approximately what time that was?

4 A Probably, I'd say 6:00, 6:30, 7:00, somewhere around
5 in there.

6 Q I'm going to show you some photographs that have
7 already been admitted into evidence and see if you -- I'll
8 put them up on the big screen so everybody can see. This
9 is State's Exhibit 173 that's already been admitted into
10 evidence. Is this the Hot Spot you're talking about?

11 A Yes, sir, it is.

12 Q Is that the car you're talking about?

13 A Yes, sir, that's it.

14 Q So after you saw the car back into this spot, what
15 did you do -- what did you observe the driver of the car
16 do?

17 A He got out and started walking in the store.

18 Q Do you know -- could you tell if he saw you at that
19 time?

20 A Yes, sir, because he waved at me.

21 Q Looking at this picture, I see some headlights on the
22 left side of the photograph. Whose car -- that's a police
23 car, whose car is that?

24 A That's mine.

25 Q Is that where you parked immediately when you saw the

1 car -- when you saw him park?

2 A Yes, sir.

3 Q Where were you when he waved at you, were you still
4 in your car?

5 A I was still in the car driving over there toward his
6 car.

7 Q What did you do after you parked?

8 A I got out and went into the store.

9 Q At that point, was the driver of the car in the
10 store?

11 A Yes, he was.

12 Q What did you observe him doing?

13 A He was wanting some gas because he was low on gas.

14 Q Did you make contact with the clerk of the store at
15 that time? Did you have any reaction with the person that
16 was working at the store that night?

17 A She looked at me like, you know, what's this guy's
18 problem and I started talking to him.

19 Q Now, do you see the person that you were talking to
20 in the courtroom today?

21 A Yes, sir.

22 Q Where is he?

23 A He's sitting over there at that table.

24 Q What did you do next?

25 A Me and him started talking.

1 Q Did he provide you an ID card or anything?

2 A No, sir. He asked for a ride because he was low on
3 gas.

4 Q Where did he ask to be taken?

5 A To Indian Mound Road.

6 Q About how far away is Indian Mound Road from that Hot
7 Spot?

8 A I would say three to four miles.

9 Q I'm going to show you what's already been admitted
10 into evidence as State's Exhibit 225. I'm going to turn
11 this for the jury in a second, but I just want you to see
12 and get your bearings about --

13 A Yes.

14 Q -- what I'm showing you here?

15 A Yes.

16 Q And is that the same Indian Mound Road you just
17 talked about --

18 A Yes, sir.

19 Q -- that would be in close proximity to the Hot Spot?

20 A Yes, sir.

21 Q At some point -- or did he provide you any ID? Did
22 he have any ID to give you?

23 A Yes, sir.

24 Q At some point, did you do anything with the -- or
25 what step did you take to check on the be on the lookout

1 for that car?

2 A I called dispatch and ran his tag number and it came
3 back as the car.

4 Q When that happened, what did you do next?

5 A Then I was on the phone and the lieutenant, I talked
6 to him and he said they was on the way other there and
7 just stay there with him.

8 Q Did he run away?

9 A No, sir.

10 Q Did your lieutenant eventually come to the scene?

11 A He's the shift lieutenant, not lieutenant.

12 Q Okay.

13 A Yes, sir, he did.

14 Q Okay. Did anybody from Greenville County come down
15 that night?

16 A They did.

17 MR. ELLIS: Sergeant, thank you for your time today.
18 Please answer any questions Mr. Scalzo has for you.

19 THE WITNESS: Okay.

20 THE COURT: Cross-examination.

21 MR. SCALZO: May it please the Court.

22 CROSS-EXAMINATION

23 BY MR. SCALZO:

24 Q Sergeant Penland?

25 A Yes, sir.

1 Q You said that when you were driving -- originally,
2 you were driving behind the Jetta?

3 A Yes, sir.

4 Q There was no car in between?

5 A There was one.

6 Q And, eventually, that car turned into the Hot Spot
7 and you turned in pretty quickly right after?

8 A Yes, sir.

9 Q That car pulls over, you're still coming into the Hot
10 Spot, fair to say he saw you coming?

11 A Yes, sir.

12 Q And you were parking like right in front of where the
13 car was parked, correct?

14 A Yes, sir.

15 Q And then you said he waved?

16 A Yeah. When he got out the car and walked to the
17 store, he did, yes, sir.

18 Q He acknowledged that you were there when he walked
19 into the store?

20 A Yes, sir.

21 Q And as Mr. Ellis asked you, he didn't try to run away
22 from you?

23 A No, sir.

24 Q When you went into the store and you said he was
25 inquiring about getting gas?

1 A Yes, sir.

2 Q He want to trade like cigarettes for gas, is that
3 what was happening?

4 A Yes, sir, I think so.

5 Q And when you walked in, he didn't turn around and
6 walk out?

7 A No, sir.

8 Q He, actually, asked you for a ride?

9 A Yes, sir.

10 Q Did you say yes?

11 A He asked, yes, sir.

12 Q What did you say to him?

13 A I said, Is that your car there? And he said, Yeah.
14 He said -- I said, Where you wanting to go? He said, To
15 Indian Mound Road. And I said, Do you live down there on
16 Indian Mound Road? He said no, he was going to visit down
17 there.

18 Q So then y'all walked from the store out over to the
19 car?

20 A Yes, sir.

21 Q He said -- you asked him for ID and he had ID
22 somewhere in the car and gave it to you?

23 A Yes, sir.

24 Q It was his ID?

25 A Yes, sir.

1 Q He didn't say I'm John Smith or some other name, he
2 told you who he was?

3 A Yes, sir.

4 Q You ended up confirming later on it matched who he
5 is?

6 A Yes, sir.

7 Q You called it in -- you said you called in the tag?

8 A Yes, sir.

9 Q The tag had not been changed?

10 A No, sir.

11 Q Bear with me one moment. I just want to make sure I
12 covered everything.

13 MR. SCALZO: That's all I have, Judge. Thank you.

14 THE COURT: Yes, sir, redirect?

15 MR. ELLIS: No redirect, Your Honor.

16 THE COURT: All right. Any objection to releasing
17 the witness then?

18 MR. SCALZO: No, sir.

19 THE COURT: You're free to return to Laurens. You're
20 free to remain with us if you wish.

21 THE WITNESS: Thank you, sir.

22 THE COURT: Please call your next witness.

23 MS. PAOLETTI: Your Honor, the State calls Donna Marie
24 Summey.

25 THE CLERK: Please come forward to be sworn in.

(Donna Summey - Direct by Ms. Paoletti)

1 DONNA SUMMEY,

2 after having been duly sworn, testified as follows:

3 THE CLERK: Thank you. You may be seated. Please
4 state your name for the record.

5 THE WITNESS: Donna Marie Summey.

6 THE CLERK: Thank you.

7 DIRECT EXAMINATION

8 BY MS. PAOLETTI:

9 Q Ms. Summey, will you tell the jury how you're related
10 to the Defendant, please?

11 A He's my nephew.

12 Q All right. Who is his father to you?

13 A My brother.

14 Q What's his name?

15 A Lewis Douglas Hughes.

16 Q Does he go by Doug?

17 A Doug, uh-huh.

18 Q Does Doug live with you?

19 A Douglas lives with my mother.

20 Q Okay.

21 A And I, at the present time, live with both of them.

22 Q So that's your mom's house?

23 A Yes.

24 Q What's her name?

25 A Harriet Hughes.

1 Q How long has Mr. Hughes lived there with Harriet at
2 that address?

3 A When he came home from the hospital after the
4 accident in '09. He's lived there every since.

5 Q Have you lived there since then?

6 A No. He had a recent seizure related to the brain
7 injury and required somebody at night, so I stay there
8 now.

9 Q When you say recent?

10 A Last year.

11 Q Last year sometime?

12 A Uh-huh.

13 Q Okay. I want to talk to you about Doug's accident in
14 September of 2009?

15 A Okay.

16 Q Okay. What kind of car did Doug drive?

17 A He has a Miata.

18 Q Okay. It is automatic or five speed?

19 A Five speed.

20 Q Does that car run?

21 A Well, it's been sitting. He parked it that morning
22 to go horseback riding with my brother.

23 Q When you say that morning?

24 A Of his accident.

25 Q Okay.

1 A So it's been parked.. We did push it over to the
2 other side of the driveway when momma had to have septic
3 tank work, but it hasn't -- you know, it's not running.
4 It hasn't been started that I know of.

5 Q Has Doug driven a car since his accident?

6 A No, he's not able to drive. I don't think he could
7 even drive a straight drive.

8 Q Let's talk about Doug's condition now, today. Will
9 you tell the jury how he functions on a -- in a physical
10 sense, what his physical abilities are?

11 A His physical abilities today?

12 Q Yes, ma'am.

13 A He has to be assisted. He has to have help sometimes
14 going to the bathroom, getting dressed, eating. He has
15 what is called a familial shake. He's had it most of his
16 life. It comes down through the men in the family. And
17 his hands shake so that he can't get food, drink, can't
18 sign his name some days. Some days are better than
19 others. And then it started going over to the left side.
20 Through medication now, we've kind of stopped the left
21 side, but the right side is really, really bad.

22 Q And did that get worse after his accident?

23 A Yes.

24 Q All right. Can he walk unassisted?

25 A He's walking with a walker. He has walked, but not

1 since the accident.

2 Q Okay.

3 A Not since the seizure last year, he hasn't walked
4 without a walker.

5 Q There was a time after his accident that he could
6 walk unassisted?

7 A Very slowly, yes, but that was one of the things he
8 stayed upset about, so slow.

9 Q Did he ever like to use a walker?

10 A No.

11 Q Can you tell the jury about from a cognitive or a
12 mental or thinking standpoint what his condition is now?

13 A Okay. His permanent disability from this, he had a
14 traumatic brain injury bilateral, which goes all the way
15 across, not right side, left side, but both of them, which
16 takes away his ability to reason and make decisions.

17 Q Okay.

18 A But you can talk -- I mean, he lives and talks and
19 watches television, you know.

20 Q Does he handle his own finances?

21 A No, I have to do that.

22 Q Are you, in fact, his custodian or conservator?

23 A Conservator, yes, ma'am.

24 Q Is he under a doctor's care at this time?

25 A Yes, ma'am.

1 Q All right. Let me ask you this, I want to go back
2 and talk to you about the time that Karen was killed in
3 April of 2011. Where was Mr. Hughes living then?

4 A With my mother at her house.

5 Q And when he -- is there an alarm on your mom's house?

6 A Yes, there is. The front door, every time the front
7 door opens, the back door, side door.

8 Q What does it do?

9 A Every time you open the door, it says front door,
10 side door, back door.

11 Q A voice says that?

12 A Yes.

13 Q You acted like you were a little put out with that?

14 A Because I've tried to sneak in and out and it's not
15 possible. And she has a little Poodle dog and it just
16 sets off the yapping and then out comes mother, you know.
17 So no, it's not possible.

18 Q You've tried to turn it off?

19 A Uh-huh.

20 Q Has that been in place for some time?

21 A Yes.

22 Q Back in April of 2011, was there ever a time period
23 when Mr. Hughes could be left alone for some periods of
24 time in the home?

25 A Well, yeah, I mean, he could always function and he

1 functions now, but he can't -- if it requires lifting,
2 with the shakes, he can't do it.

3 Q When you say lifting, what do you mean?

4 A If he were to take a glass, by the time it got to his
5 mouth, it wouldn't be anything in it.

6 Q I want to talk about September -- let's talk about
7 the best he ever got after his head injury, okay. Before
8 -- I know he has declined since then. Would he be left
9 alone for long periods of time even at the height of his
10 recovery?

11 A No.

12 Q Will you tell the jury about when you found out that
13 Karen had been killed?

14 A My daughter called me and told me.

15 Q Okay.

16 A I was working at the time.

17 Q All right. And what was the first thing that went
18 through your mind when you found out about what happened
19 to Karen?

20 A I have to get to Douglas before he hears it
21 somewhere.

22 Q Why did you think that?

23 A Because I knew that it was going to upset him because
24 he loved her. After all was said and done, he loved her.

25 MS. PAOLETTI: All right. Please answer any

1 questions that Mr. Scalzo might have for you.

2 THE COURT: Cross-examination.

3 MR. SCALZO: Just one moment, Judge. I don't have
4 anything, Judge.

5 THE COURT: Ma'am, please watch your step as you
6 exit. You're free to leave or you're free to remain.
7 Have a good day.

8 Counsel, let's step up a moment and talk about
9 scheduling for a moment.

10 (WHEREUPON, a bench conference was held.)

11 THE COURT: Ladies and gentlemen, let's take a break
12 before we go all the way through to lunch. Let's take
13 about a 10-minute break at this time. We'll let you just
14 enjoy your break. Return to your jury room and have a
15 good break.

16 (WHEREUPON, the jury left the courtroom at
17 approximately 11:15 a.m.)

18 THE COURT: All right. We'll be in recess about 10
19 minutes.

20 (WHEREUPON, a short break was taken.)

21 THE COURT: It appears we're back in place.
22 Please bring in the jury.

23 (WHEREUPON, the jury entered the courtroom at
24 approximately 11:32 a.m.)

25 THE COURT: All right. Ladies and gentlemen, Court

1 will come to order, please. The jury has returned.

2 Welcome back, ladies and gentlemen.

3 Please call your next witness.

4 MS. PAOLETTI: Yes, sir, Your Honor. The State calls
5 Max Few.

6 THE COURT: Please come forward to take the oath of a
7 witness.

8 THE CLERK: Please come forward to be sworn in.
9 Please place your left hand on the Bible and raise your
10 right.

11 MAX FEW,

12 after having been duly sworn, testified as follows:

13 THE CLERK: Thank you. You may be seated. Would you
14 please state your name for the record.

15 THE WITNESS: Max Few.

16 DIRECT EXAMINATION

17 BY MS. PAOLETTI:

18 Q Mr. Few, can you hear me?

19 A No.

20 Q Okay. I should have thought to put the microphone on
21 first. Will you tell the jury where you live?

22 A Beg your pardon?

23 Q Will you tell the jury where you live?

24 A [REDACTED] in Greer.

25 Q How long have you lived there?

1 A Thirty something years.

2 Q Who do you live with?

3 A My wife, Jeanette.

4 Q Are you still working?

5 A Part time.

6 Q What do you do?

7 A I'm what they call a transfer -- dealer transfer
8 driver. I drive cars for dealers and auctions and what
9 have you from one point to the other.

10 Q All right. Is that work that you've done your whole
11 life?

12 A No. I worked for about 18 years at
13 Oldsmobile/Cadillac dealer in Greer. Then I worked
14 another 18 to 20 for a company out of Ohio traveling
15 calling on industrial plants.

16 Q All right. Did you know Karen Hughes?

17 A Yes, I did.

18 Q Will you tell the jury where your house is in
19 relation to Karen's house?

20 A We were both on the corner. She was on one corner in
21 200 and I'm on the other corner and the last house on the
22 100 block.

23 Q So if you look out your front door, which direction
24 is Karen's house?

25 A Would be to the left. I see her house better from my

1 back door.

2 Q Okay.

3 A Our driveways almost meet?

4 Q So where her's goes out into the street, your's come
5 out in the street?

6 A Absolutely.

7 Q Okay. Did you know Karen before she moved in on
8 Montclair?

9 A Yes, I did.

10 Q All right. Did you know her parents?

11 A I knew them well, yes.

12 Q What did Mr. Dillard do?

13 A He was a retired building contractor. He built
14 houses along with a partner that he had. Then they both
15 retired and the partner died and, eventually, Whitt died.

16 Q And that's what y'all called him, Whitt?

17 A Yes, Wilson Dillard is his name, but everyone who
18 knew him called him Whitt.

19 Q Did he build Karen's house, that house?

20 A He built the house and moved in it in the early 60's.

21 Q All right. I want to talk to you now about the
22 Defendant. Do you know the Defendant, Walker Hughes?

23 A I do.

24 Q All right. Before today, do you remember the last
25 time that you saw him?

(Max Few - Direct by Ms. Paoletti)

1 A Not exactly. It had been a while. Well, let me
2 rephrase that. Yeah, I don't remember what the date was,
3 but I saw him in Karen's front yard on three different
4 occasions.

5 Q Okay.

6 A At night.

7 Q And let me talk to you about was there a time when
8 the police came?

9 A That was the last time.

10 Q Okay. Let's talk about that, okay?

11 A All right.

12 Q Did you get a phone call from Karen?

13 A My wife took the phone call and told -- and Karen
14 told her what was transpiring and asked me to come over.

15 Q What did you do?

16 A I got out the house and walked over to the yard.

17 Q Okay. What --

18 MR. SCALZO: Your Honor, I'm sorry. I'm going to
19 object because we don't have any time frame or anything to
20 go off whether this is too remote or close in time or not.

21 MS. PAOLETTI: Your Honor, I'll tie it in if --

22 THE COURT: See if you can establish time frame,
23 please, if you would.

24 MS. PAOLETTI: Okay.

25 BY MS. PAOLETTI:

1 Q Do you remember when in relation to --did a police
2 officer come out there?

3 A Eventually, yeah.

4 Q Okay.

5 MS. PAOLETTI: Your Honor, if I can develop that
6 portion of the story. There's already been testimony
7 about this incident in the record that includes the date
8 of that.

9 THE COURT: Well, first, let me ask what is your
10 objection, Counsel? You say proximity, but what is your
11 objection?

12 MR. SCALZO: Well, my objection is Your Honor can't
13 determine relevance. I can't determine relevance unless
14 we have some kind of idea of when it happened.

15 THE COURT: I'll sustain that, Counsel. Please ask
16 the approximate time.

17 BY MS. PAOLETTI:

18 Q This incident we're talking about, did Doug Hughes
19 still live at the house?

20 A No, he didn't.

21 Q Do you know about how long he had been gone from the
22 house?

23 A Several months. I'm not sure exactly how many.

24 Q Do you remember when Doug Hughes moved out of Karen's
25 house?

1 A Yes, ma'am, I remember approximately the time he
2 moved out. It was about sometime in 2010, I believe it
3 was. Now, it might have been '09, I'm not sure exactly.

4 Q And this incident that you're referring to with the
5 Defendant was several months after that, is that correct?
6 Is that what you're telling us?

7 A I'm sorry, would you repeat it?

8 Q This incident that we're talking about when the
9 police came out to Karen's house, you said it was several
10 months after Doug moved out?

11 A Yeah, Doug had already left the house at that time,
12 yes.

13 MS. PAOLETTI: Your Honor, then I would ask to
14 continue?

15 THE COURT: Yes, I'll overrule the objection at this
16 point. You may proceed.

17 BY MS. PAOLETTI:

18 Q All right. Mr. Few, you went over into Karen's yard,
19 is that correct?

20 A I did.

21 Q What did you see?

22 A I saw -- well, we all called him Chip at that time.
23 And I walked over and he introduced himself as Walker. I
24 said, Yeah, I know who you are. And we have a
25 conversation. I said, Why are you here? He said, I want

1 to see my momma.

2 Q All right. And did the police arrive at some point?

3 A Sometime later, yes.

4 Q Did you stay out there the entire time?

5 A I stayed out there the entire time. Chip left and
6 went -- he said, I'm thirsty. He went around to the
7 house, the back side, got him a drink of water out of the
8 hosepipe and then he went off down the back side of the
9 property and stood behind a pecan tree. Eventually, two
10 officers arrived and said, Are you the one we're looking
11 for? I said, No, sir, he's behind the tree down there.

12 Q Okay. And do you remember about what time of day it
13 was?

14 A It was after dark, somewhere between 7:00 and 8:00,
15 8:30, somewhere in that neighborhood.

16 Q Okay. And did Karen eventually come out of the
17 house?

18 A No, ma'am, she never came out.

19 Q Okay. Did the officers talk to her?

20 A Not at that time not that we know of.

21 Q Not while you were there?

22 A Not while I was there. The officers left, then I
23 left. But they didn't have any conversation with her at
24 that time.

25 Q That you saw? Where did the Defendant go?

(Max Few - Direct by Ms. Paoletti)

1 A In the car with the officers.

2 Q Okay. Now, I want to forward your attention to the
3 days just before Karen was found dead in her home, okay,
4 so I'm talking about early April of 2011?

5 A Yes, ma'am.

6 Q Okay. Do you remember the last time that you talked
7 today to Karen?

8 A Yes, I do.

9 Q All right. Do you remember -- tell us when that was.

10 A I talked to her briefly on Friday, which would have
11 been the ninth, but the last time I spoke to her in person
12 was on the eighth. On Thursday.

13 Q Okay. Tell us about that.

14 A She told me -- she came to me and told me, said,
15 You're going to have to watch out for me. She said, I
16 found out that Chip is out of jail. And she said, I want
17 you to be watching out for me.

18 Q What was she acting like during this conversation?

19 A She was frustrated, very scared.

20 Q You said she was frustrated. Did she tell you what
21 she was frustrated about?

22 A Yes, ma'am.

23 Q And it's okay -- what was she frustrated about?

24 A She was afraid that Chip was going to come in and
25 kill her. That's her words.

1 Q All right. You said you talked to her on Friday?

2 A Briefly on the phone, yes.

3 Q Okay.

4 A And she said she was leaving work early that day to
5 do something out of -- I don't remember what that was.

6 But then I never did talk to her anymore after that Friday
7 morning.

8 Q Okay. I want to talk to you about Friday evening?

9 A Yes, ma'am.

10 Q What did you do Friday evening?

11 A My wife and I went out with some friends Friday
12 evening to a restaurant. We came back home about 10:00,
13 10:30. And my wife said at the same time that I noticed
14 it, Karen's light is not on.

15 Q What was unusual about that?

16 A It was unusual because she never let darkness come
17 until she had lights on. That porch light was always on.

18 Q Did it stay on all night?

19 A All night long. And it was not on.

20 Q Did you see Karen on Saturday?

21 A No, ma'am.

22 Q What about the porch lights on Saturday?

23 A Still off.

24 Q What about Sunday?

25 A Didn't see her and the porch light was still off.

(Max Few - Direct by Ms. Paoletti)

1 Q All right. I want to talk to you now about Monday
2 morning.

3 A Okay.

4 Q April 11th?

5 A Yes, ma'am.

6 Q Did you get a phone call that prompted you to go
7 check on Karen?

8 A Yes, ma'am. Along about nine or shortly after, one
9 of her co-workers, Ms. Kim Jones, called me and asked me
10 if I had seen Karen. I said, Well, no, I haven't. She
11 said, Well, we've tried to get her on the phone. She
12 won't answer the phone. She had not come to work.

13 Q What did you do?

14 A I immediately went out, went across the street,
15 looked in the garage, the car was gone. I went around the
16 fence --

17 Q Let me stop you right there. Were the garage doors
18 opened or closed?

19 A They were closed, both of them.

20 Q Did you see throughout the weekend whether or not
21 they were opened or closed?

22 A I never did see them opened.

23 Q Okay. What happened next after you looked in the
24 garage?

25 A After I looked in the garage, I turned and went

1 around the back of the fence. And there's a double gate
2 back there where we could run lawn mowers in and out. And
3 I had a combination to that lock. And, evidently, I was
4 shook up and couldn't get it to work or she had changed
5 the combination. But as I was there, I saw Jack, her dog,
6 on the back porch and he was jittery. He was jumping up
7 and down and whining and carrying on. I immediately went
8 on around the fence to where I could look straight across
9 to the back side where the screen door was at.

10 Q Yes, sir.

11 A And I saw a slit in the screen door.

12 Q Had you ever seen that before?

13 A It was not there before.

14 Q Okay. What did you do next?

15 A I immediately called the sheriff's department.

16 Q Okay. Did you ever go inside the fence before the
17 sheriff's department got there?

18 A Not before. It was a little padlock on both gates.

19 Q Was there anything unusual about the fact that Jack
20 was outside on the porch?

21 A Yes, there was. She would never leave Jack out on
22 that back porch. As a matter of fact, if she left in that
23 car and didn't go to work, Jack was in that car with her.

24 Q Did he have a car seat that went in her car?

25 A Pardon?

1 Q Did she have a seat that went in her car for him?

2 A Yes.

3 Q All right. What happened next? Did the deputies
4 arrive?

5 A I called the sheriff's department and told them that
6 they needed to have someone come out, that I felt that
7 they would find a body in the house. Eventually, a young
8 officer came up and he walked around the house, made his
9 outside checks.

10 Q Did they eventually cut the padlock? Were you there
11 when they cut the lock?

12 A I was, but that was later.

13 Q Okay.

14 A He didn't know what to do. I said well, call your
15 supervisor and tell him to get out here. He did. The
16 supervisor came, it was a sergeant, I believe, and he
17 viewed the scene. Turned around and went and got his bolt
18 cutters out of his car and cut the lock. And he and
19 another officer walked towards the screen door that had
20 been cut and I walked behind them.

21 Q Okay. Did you get on the porch?

22 A I did not get on the porch. I got right to the steps
23 and he said, That's far enough. He said, We've got to go
24 back. And he turned and told one of the officers to put
25 the tape up. I said, Well, let me have Jack, the dog. He

1 reached and got the dog and handed him to me. And I got
2 out of the fence and never did go back in it until much
3 later.

4 MS. PAOLETTI: All right. Mr. Few, will you answer
5 any questions that Mr. Scalzo might have for you.

6 THE COURT: Cross-examination.

7 MR. SCALZO: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. SCALZO:

10 Q Good morning, Mr. Few?

11 A Good morning.

12 Q When you were talking with the prosecutor -- can you
13 hear me? I'll come closer. When you were talking to the
14 prosecutor about the incident where the police had come
15 out and you were on the front yard with Walker, remember
16 that?

17 A The front yard, yes, sir.

18 Q You mentioned that Walker had walked over, gotten a
19 drink from the hose and gone over by a pecan tree?

20 A Went down back of the house and got behind a pecan
21 tree.

22 Q At that time, there was no fence around the yard?

23 A Yes, there was a fence around it, but he was beyond
24 the fence.

25 Q Is it the same fence? Was it the same fence that was

1 there?

2 A Same fence that's there now, yes. But the yard is
3 very deep back through there and Mr. Dillard had his
4 garden back there beyond the pecan tree. And he walked on
5 down out of sight for a little bit, then he came back to
6 the pecan tree and stood there.

7 Q But he wouldn't have been able to get near the house?
8 That would have kept him further away from the house,
9 right?

10 A Yeah, he was further away form the house at that
11 time.

12 Q Okay. You mentioned that you talked to Ms. Hughes on
13 the phone in April of 2011 on -- you said the ninth, but
14 you said Thursday?

15 A Well, that -- I talked to her in person on Thursday.

16 Q Okay.

17 A And then on Friday morning, the ninth, I talked to
18 her briefly on the phone. And she said something about --
19 again, being worried.

20 Q Right.

21 A And said, I'm getting off of work early today. And I
22 forgot now what she said she was getting off for, but she
23 did.

24 Q All right. And it was from that point forward you
25 didn't have any conversations with her?

1 A No contact with her whatsoever after that.

2 Q And you didn't get a call from her?

3 A No. No conversation with her after Friday morning.

4 Q All right. And then up until the point where y'all
5 were driving and saw the lights, you didn't see anybody
6 going or coming into the house?

7 A No, sir. I didn't visualize anyone. The house is on
8 each corner. Their house on one corner and our's on the
9 other. Pine Forest Drive separates the two. And we
10 turned onto Pine Forest Drive and my wife said, Karen's
11 light is not on, there's something wrong.

12 Q Uh-huh.

13 A As we turned in our driveway, we could see lights on
14 upstairs. And I said, Well, I'm not going to bother her
15 tonight. She just forgot it. My mistake.

16 Q Okay. And that was the extent of your involvement?

17 A Sir?

18 Q That was the extent of your involvement at that
19 point?

20 A At that point.

21 Q Okay. Give me one moment.

22 A Yes, sir.

23 MR. SCALZO: That's all I have, Judge.

24 THE COURT: Is there redirect?

25 MS. PAOLETTI: No, sir, Your Honor. May this witness

1 be excused?

2 THE COURT: Yes, sir, you're free to leave if you
3 wish to leave, sir.

4 THE WITNESS: Thank you, sir.

5 THE COURT: Call your next witness.

6 MS. PAOLETTI: Your Honor, the State calls Kim Jones.

7 THE CLERK: Ms. Jones, please come forward to be
8 sworn in. Please place your left hand on the Bible and
9 raise your right.

10 KIM JONES,

11 after having been duly sworn, testified as follows:

12 THE CLERK: Thank you. You may be seated. Please
13 state your name for the record.

14 THE WITNESS: Kim Jones.

15 THE CLERK: Thank you.

16 DIRECT EXAMINATION

17 BY MS. PAOLETTI:

18 Q Would you pull the microphone down?

19 A (Witness complies.)

20 Q Kim, will you tell the jury what you do?

21 A I work for the City of Greenville in the planning and
22 development office.

23 Q How long have you been there?

24 A Twenty-five years.

25 Q All right. Are you from Greenville?

1 A No, but I've been here since '79.

2 Q Okay. Do you have family here in town?

3 A Yes.

4 Q Did you know Karen Hughes?

5 A Yes, I did.

6 Q Will you tell the jury how you knew Karen Hughes?

7 A When I came to the city in 1988, she was working in
8 the HR department and I was in -- just starting the
9 building permit office. We went to the same church,
10 that's how I knew of her, but later, when she went to the
11 fire department, the building and zoning office was under
12 the fire department, so we interacted a lot. So that's
13 how we got to know each other.

14 Q So y'all worked in proximity to each other for a long
15 time?

16 A Yes.

17 Q Okay. Was there a time when you got to be better
18 friends with her than originally?

19 A Yes. She ended up in one of the little small fire
20 buildings that were on Broad Street when they were
21 demolished and the claiming office separated from the
22 building permits. I ended up on the fifth floor in a new
23 office and the fire marshal's office was literally just
24 from here to that door.

25 Q Okay. Were y'all friends?

1 A We are already friends before that, so we were
2 thrilled that we were going to be right next to each
3 other.

4 Q Did Karen talk with you about things that were going
5 on in her family?

6 A Yes.

7 Q Did y'all do things together outside of the office?

8 A Yes.

9 Q Did she confide in you?

10 A Yes.

11 Q I want to talk to you about Karen and her children.

12 A Yes.

13 Q Did she speak to you about her children?

14 A There was a time when the kids weren't mentioned very
15 much. And then later, when she began to confide in me and
16 I sort of know now the time and it was after Doug's father
17 passed away, that's when she began to open up more about
18 things that had gone on with her kids and her husband?

19 Q Okay. And I want to talk to you about starting in
20 2009, okay? Where y'all good friends at this point?

21 A Yes.

22 Q So your relationship had developed passed just being
23 co-workers?

24 A Oh, yes.

25 Q Did she talk to you about her divorce from Doug?

1 A Yes.

2 Q All right. Do you know whether or not there was a
3 time when she had her car rekeyed for any reason?

4 A Yes.

5 Q Okay. Did she have her car rekeyed?

6 A Yes.

7 Q Do you remember when that was?

8 A It was after she and Doug had had an argument. There
9 was a truck that belonged to her father that had been
10 sitting for the while and she sold the truck. And in
11 retaliation for selling the truck, Doug came in late in
12 the evening and brought Chip with him and they took her
13 car and drove it. I know now that it was stored at Doug's
14 mother's house.

15 Q Did you have to come and get her --

16 A I had to come and get her the next morning for work.

17 Q Okay. And as a result of that, did she have her car
18 rekeyed?

19 A Yes, when she finally got the car back, she had the
20 keys all changed.

21 Q And you mentioned that you knew that she was
22 divorcing her husband, Doug, is that right?

23 A Yes.

24 Q Okay. And then after that started, was Doug in the
25 horseback riding accident?

1 A Yes.

2 Q All right. I want to focus your attention on early
3 April of 2011?

4 A Okay.

5 Q I want to talk to you about, specifically, Thursday,
6 which would have been April 7th, 2011. Did Karen come and
7 speak to you in your office that morning?

8 A Yes.

9 Q Tell the jury how she was acting.

10 A She was very agitated and frustrated because she had
11 found out that Doug had been released --

12 Q Who had been released?

13 A Sorry.

14 Q That's okay.

15 A That Chip had been released from jail and that she
16 was not notified.

17 Q Okay. And tell the jury more about that.

18 A That he had been incarcerated and -- I can't
19 remember, I think it was for the forgery of the checks.
20 And she had been in contact with the police officer and
21 knew that's what the charges were. And she would say,
22 Thank goodness, he's in jail because I can sleep tonight.

23 Q Okay. Then when she found out that he had been
24 released, she responded to that? That's what I'm talking
25 about, that Thursday. What did she tell you about that?

1 A That she was -- now she was fearful and that she was
2 going to call about finding out -- or that she had found
3 out that she had to go apply for a new restraining order.

4 Q So she told you that she had to go get another
5 restraining order?

6 A Well, that's what she thought, that it was another
7 order.

8 Q All I'm asking you about is what she was talking to
9 you about that morning on Thursday?

10 A Yes.

11 Q Not about whether it was right or wrong or any of
12 that. I just want you to tell them the way that she was
13 acting.

14 A Yes.

15 Q Okay. You said she was agitated?

16 A Yes.

17 Q Okay. Did she tell you, specifically, with whom she
18 was agitated?

19 A I don't think she said specifically. I think she
20 said that she was just mad that the jail didn't let her
21 know.

22 Q Okay. And that was on Thursday?

23 A That was on Thursday.

24 Q Okay. Did she leave work early on Thursday?

25 A She did leave work early on Thursday. She was

1 supposed to meet some heating and air repair or something
2 at her home on Thursday.

3 Q Okay. And then what about on Friday, did she come to
4 work on Friday?

5 A She did come to work on Friday. She came in and said
6 the guy didn't meet her for the heating and air and that
7 she was going to go ahead and leave early to meet him
8 again, she had rescheduled that, but that she would have
9 to go to the magistrate's office and do another
10 restraining order.

11 Q Okay.

12 A The other thing that we discussed on Friday was just
13 something -- it was something that we had talked about for
14 a couple of weeks, that we were going to -- I was going to
15 help her. We were going to repaint the little shed out
16 back. And the Sherman Williams paint was on sale and she
17 was going to go buy that on Saturday and call me Sunday
18 afternoon.

19 Q When you say shed out back?

20 A It was just a little tool shed that was her dad's.
21 And -- outside the fence. And we were going to spiff it
22 up. She had had a little gal helping her decorate with
23 colors and stuff and that was just something fun that we
24 did. And she already had her paint color picked out, so
25 that's what we were going to do.

1 Q Okay.

2 A It was not unusual that I didn't hear from her on
3 Sunday.

4 Q Okay. And you never heard from her about painting
5 the shed?

6 A No.

7 Q How did she find out the Defendant has been released
8 from jail?

9 MR. SCALZO: Objection, Your Honor. She's not going
10 to know that without it being hearsay.

11 THE COURT: You have to lay a foundation for that,
12 Counsel.

13 BY MS. PAOLETTI:

14 Q Let me ask you some more questions about that, okay?

15 A Okay.

16 Q When she was in your office that Thursday morning
17 when you described her as being agitated. And I know it's
18 sometimes hard to do, but can you tell the jury why you
19 knew she was agitated?

20 A Because she was not notified. I don't remember how
21 she found out.

22 Q I'm asking you what about the way that she was
23 peaking to you let you know that she was agitated?

24 A Short and choppy. She was usually pretty easygoing,
25 but it was, you know, shaking her head and holding papers

1 in her hands and saying, you know, that she just couldn't
2 believe that nobody even bothered to tell her.

3 Q Do you know when in time when you had this
4 conversation she found out that he had been released from
5 jail?

6 A That one more time.

7 Q She came in your office and was agitated, do you know
8 how much sooner she found out that he had been released
9 from jail.

10 A When she came in Thursday morning, I think she
11 thought he had just gotten out that morning.

12 Q Okay. And she found out that morning?

13 A Uh-huh.

14 MS. PAOLETTI: And, Your Honor, at this time, I would
15 offer it as an excited utterance.

16 MR. SCALZO: What is it that's being offered?

17 MS. PAOLETTI: My question for her was how she found
18 out that the Defendant got out of jail.

19 THE COURT: I believe the witness answered that she
20 didn't know that, but in any event, I'm going to overrule
21 your assertion that it's an excited utterance and sustain
22 the objection. Please move to your next question.

23 BY MS. PAOLETTI:

24 Q Kim, let me ask you about Karen's desk. Did she keep
25 a weapon at her desk?

1 A She did, actually. She had a large stick under her
2 desk.

3 Q All right. Let me talk to you about Monday morning,
4 April 11th?

5 A Uh-huh.

6 Q Do you remember that day?

7 A Yes.

8 Q Tell the jury what happened Monday morning,
9 April 11th.

10 A Monday morning, I was in regular staff meeting. I
11 can't remember if it started at 8:30 or 9:00. The Fire
12 Marshall -- like I said, I'm on the fifth floor, there's
13 only three offices, ours, the Fire Marshall's and the
14 health department. So, literally, our doors are that
15 close. And he came into the staff meeting and said had I
16 heard from Karen, that she hadn't shown up for work. And
17 I said -- lots of us knew that there was already a
18 situation. So I was quickly excused and I ran called her
19 phone. There was no answer, so I called Max and said,
20 Karen hasn't shown up for work, go over there and knock on
21 the door and see if her car is in the garage, you know,
22 see if maybe she's left. And I went back in the staffing
23 -- and there was another time that Karen didn't show up
24 for work and I called her cell phone straight away and she
25 said, Oh, I'm so sorry, I forgot to let you know I had a

1 dentist appointment.

2 Q So was it unusual for her not to show up for work and
3 not have told anyone?

4 A Well, not really, that was the only other time I
5 think it happened.

6 Q So it only happened one other time?

7 A Yes, and that was dentist appointment.

8 Q Okay.

9 A So I called -- went back in the staff meeting and
10 took my phone with me and Max called back and said that
11 her car was gone and that Jack was on the back porch. And
12 by that time, the Fire Marshall, Jimmy Davis, had come
13 back around and I said, Take me up there. So I got in the
14 car with him. Max said he had already called the police.

15 Q Okay. Did you go to her house?

16 A I did go to her house.

17 Q Were you there when the police were there?

18 A Yes. When I got there, the two detectives were
19 there. And I jumped out of the car and talked as fast as
20 I could letting them know things that I had information on
21 already from Karen.

22 Q All right. I'm showing you what's been marked as
23 State's Exhibit 255. Do you recognize that picture?

24 A Yes.

25 Q Okay.

1 MS. PAOLETTI: Your Honor, at this time, the State
2 moves Exhibit 255 into evidence.

3 THE COURT: Is there an objection?

4 MR. SCALZO: No, sir.

5 THE COURT: Without objection then 255 in evidence
6 for the State.

7 (WHEREUPON, State's Exhibit No. 255 was admitted into
8 evidence.)

9 BY MR. PAOLETTI:

10 Q Did Karen have a dog, Kim?

11 A Yes.

12 Q I'm showing you State's 255 that I just showed you
13 and is in evidence. What's that a picture of?

14 A Karen and her dog, Jack.

15 Q What are they doing?

16 A This is a the blessing of the pets at Good Shepard
17 Episcopal Church in Greer.

18 Q What happened to Jack?

19 A I have Jack.

20 Q Okay. You took him after Karen died?

21 A Yes.

22 Q Okay. Why did you take him after Karen died?

23 A Well, one of our afternoon conversations sitting at
24 either one of each other's desk --

25 MR. SCALZO: Objection, Your Honor. This is not

1 relevant.

2 THE COURT: Sustained.

3 BY MS. PAOLETTI:

4 Q What time did Karen leave work on Friday, do you
5 remember?

6 A She left before 3:00 on Friday, prior to 3:00.
7 Because I think I saw her right after lunch.

8 MS. PAOLETTI: Answer any questions that Mr. Scalzo
9 may have for you.

10 THE COURT: Cross-examination.

11 MR. SCALZO: Thank you, Judge.

12 CROSS-EXAMINATION

13 BY MR. SCALZO:

14 Q Ms. Jones, it might be a little bit obvious, but I
15 want to clear it up for everybody. You, obviously, were
16 friends with Karen, right?

17 A Yes, sir.

18 Q And I understand that you talked about having
19 conversations with her the ways friends would, right?

20 A Yes.

21 Q I know you know and knew about Walker?

22 A Uh-huh.

23 Q But you weren't friends with Walker?

24 A I was not friends with Walker.

25 Q Your relationship with was Karen?

1 A Uh-huh.

2 Q Am I right?

3 A (Witness nods head.)

4 Q You've got to say yes or no so she can take it down?

5 A Yes.

6 Q Thank you. You were talking about the April 7th
7 Thursday with the prosecutor?

8 A Uh-huh.

9 Q Let's talk about that. You used the word agitated,
10 correct?

11 A Yes.

12 Q And at one point, you described her sort of holding
13 papers and shaking them around and that's how you knew she
14 was agitated?

15 A Yes.

16 Q And you said -- I want to make sure I use your word
17 not mine. No one bothered to tell her that he had gotten
18 out, right?

19 A Yes.

20 Q To describe what she was agitated about, is that
21 right?

22 A Yes.

23 Q Okay. And then you left off with the prosecutor
24 about 3:00 p.m. on Friday was the last that you had had
25 contact with her?

1 A Well, it was prior to that. I just remember it was
2 after lunch.

3 Q Okay. But at some point, it was just after lunch and
4 that was the last communication?

5 A Yes.

6 Q All right. And just to be clear because it wasn't
7 really mentioned, but the picture, when was that? That
8 wasn't the same time frame as far as April 2011, was it?

9 A No, that was probably the fall before.

10 Q Okay. You were talking about in -- well, I'm not
11 sure if you said when it was, but you were talking about
12 the time when Doug brought Walker over to pick up the
13 Jetta?

14 A Uh-huh.

15 Q I guess you mean yes?

16 A I'm sorry, yes.

17 Q Okay. And is it your understanding that the Jetta
18 was in Doug's name?

19 A I don't remember.

20 Q Okay. Did you get an impression from your
21 conversation that that was really Doug coming to get the
22 car and he brought Walker with him?

23 A Say that one more time.

24 Q Did you not get the impression from Karen that it was
25 really Doug coming to take the car from her in retaliation

1 for that pickup truck issue?

2 A Yes.

3 Q Okay. I'm sorry. Bear with me one moment. The HVAC
4 thing, did the police or anything ask you about that and
5 provide you any information about who it was or anything
6 like that?

7 A I'm not sure what you're referring to.

8 Q You mentioned there was two scheduled HVAC
9 appointments? Let me say that differently, I'm sorry.

10 A Okay.

11 Q The air conditioning and heating person that you
12 talked about, I guess, one was Thursday and the other
13 might have been a rescheduling?

14 A Yes.

15 Q So now you -- that was my fault. Am I clearer now
16 about it?

17 A What were you asking?

18 Q Let's start with you had mentioned that she talked
19 about having an appointment for the heating and air
20 person?

21 A Yes.

22 Q Did you provide or did the police ask you about --

23 A Who it was?

24 Q Yes. Do you recall?

25 A I don't recall.

1 Q Okay..

2 MR. SCALZO: That's all I have right now, Judge.

3 THE COURT: Is there redirect?

4 MS. PAOLETTI: No, sir, Your Honor. May Ms. Jones be
5 excused?

6 THE COURT: Certainly.

7 Ma'am, you may leave if you wish or you may remain if
8 you wish.

9 THE COURT: Please call your next witness.

10 MS. PAOLETTI: Your Honor, may we approach?

11 THE COURT: You may.

12 (WHEREUPON, a bench conference was held.)

13 THE COURT: Ladies and gentlemen, the next witness is
14 coming from the magistrate's court. Let's just remain
15 where we are for a moment and see what response we have.

16 (Pause.)

17 THE COURT: All right. Ladies and gentlemen, the
18 prosecution tells me that as they were trying to line up
19 their final witnesses for the case, perhaps, three or four
20 remaining, due to a miscommunication, the witness that was
21 anticipated to be here now to be called is not present. Not
22 immediately available, not here on the premises for which we
23 can just have her come in. So there's not a witness here
24 for the State to call. So what we're going to do is we'll
25 just stand. Your lunch is supposed to be here at 12:30. So

1 what's admissible, what's not admissible with regard to
2 his record and, obviously, see what the witnesses
3 presented and I would be able to have, obviously, the full
4 conversation with him. But I don't have a problem with
5 Your Honor, obviously, advising him what his rights are,
6 but we wouldn't be prepared for him to answer that right
7 this minute.

8 THE COURT: You mean to answer whether or not he
9 intends to testify?

10 MR. SCALZO: Right. Right.

11 THE COURT: Well, let's do this, we'll just simply
12 have a discussion about his rights without insisting to
13 know at this juncture.

14 MR. SCALZO: Okay.

15 THE COURT: All right. Very good.

16 Mr. Hughes, follow our clerk's instruction. We're
17 going to place you under oath, sir.

18 THE CLERK: Raise you right hand, please.

19 WALKER HUGHES,

20 after having been duly sworn, testified as follows:

21 EXAMINATION

22 BY THE COURT:

23 Q Mr. Hughes, as you are aware, we are now in the
24 fourth day of this trial and the State is reaching the end
25 of their case. And when they rest, it then becomes your

1 turn to either defend the case or decide not to defend the
2 case by calling other witnesses as well as potentially
3 calling you as a witness. And you've discussed this fact
4 with your lawyers?

5 A Yes, sir.

6 Q And have they discussed with you the fact that in
7 this proceeding, you have a right to remain silent as well
8 as you have a right to testify?

9 A Yes, sir.

10 Q All right. Now, let's discuss those right with you.
11 First of all, if you decide not to testify because you
12 have the right to remain silent in this proceeding and you
13 have no burden of proof, then the Court will advise the
14 jury they may not hold that against you. They should not
15 even consider it in their deliberations because, again,
16 you have the right to remain silent and you have no burden
17 of proof. Do you understand that, sir?

18 A Yes, sir, Your Honor.

19 Q Is what I just told you about your right to remain
20 silent the same thing that your lawyers have discussed
21 with you?

22 A Exactly, yes, sir.

23 Q Do you have any questions about your right to remain
24 silent?

25 A No, sir, I don't.

1 Q By the same token, you can take the stand and
2 testify. And if you do that, then you'll be subject not
3 only to direct examination by your own lawyers, but also
4 cross-examination by the State. Do you understand that?

5 A Yes, sir, I do.

6 Q And that will occur in the presence of the jury. So
7 your testimony, because they're the judges of the facts,
8 may be used either for you or against you by the jury as
9 they determine it to be. Do you understand that?

10 A Yes, Your Honor.

11 Q And if you take the stand and testify and if you have
12 criminal charges in your background, then some of these
13 charges -- or convictions, I should say, may come into
14 evidence on the issue of whether you are a credible and
15 believable witness. And do you understand that, sir?

16 A Is that the only issue that they would be allowed to
17 come into evidence?

18 Q That's correct.

19 A It's credibility.

20 Q It's not character evidence. It's to whether you are
21 a credible and believable witness. And do you understand
22 that, sir?

23 A Yes.

24 Q Now, is that the same thing that your lawyers have
25 discussed with you about your right to testify?

1 A Yes, sir.

2 Q About what I just told you?

3 A Yes, sir, it is.

4 Q Have you understood what I've explained to you about
5 your right to testify?

6 A Yes, Your Honor, I do.

7 Q Now, do you have any questions about your right to
8 testify and your right to remain silent?

9 A No, I don't, Your Honor.

10 Q All right, sir. Now, what we will do is wait until
11 the close of the State's case, let you have a full
12 discussion with Counsel and, perhaps, at that time, even
13 by agreement between the lawyers be aware of what charges,
14 if any, will come in against you on the issue of
15 credibility and believability. And at some point prior to
16 that, we will discuss with you further whether you wish to
17 testify and whether you don't and whether or not this is
18 your decision. Because I want to make sure that you
19 understand this is not your lawyer's decision, there is
20 your decision. Do you understand, sir?

21 A Yes, Your Honor.

22 THE COURT: All right. Very good.

23 Now, is there anything further at this point you
24 would like me to discuss with Mr. Hughes about his right
25 to testify or his right to remain silent, Mr. Scalzo?

1 MR. SCALZO: No, sir.

2 THE COURT: And Ms. Paoletti?

3 MS. PAOLETTI: No, sir, Your Honor.

4 THE COURT: All right. Very good.

5 You may be seated, sir.

6 All right. Ladies and gentlemen, we simply at this
7 point will stand down. I would suspect we would be
8 reconvening sometime close to the one o'clock hour.
9 There's some uncertainty to that because it depends on
10 when lunch arrives and when the jury finishes. So if you
11 would please be back in proximity to the courtroom around
12 one, we will take up this case some time shortly
13 thereafter if not one o'clock.

14 Court's in recess now until that time.

15 (WHEREUPON, a lunch break was taken.)

16 THE COURT: Is there anything we need to discuss
17 before we bring the jury in?

18 MS. PAOLETTI: Yes, sir, Your Honor. And I,
19 actually, just drafted a quick Word document and e-mailed
20 it to your law clerk and co-counsel with the language that
21 we've agreed on.

22 THE COURT: I have. Do you want me to announce the
23 situation or does one of the parties want to do that?

24 MR. SCALZO: I would prefer that you announce it.

25 THE COURT: Okay. Very good. Do we need to do that as

1 pulled off of the United States Government Census Bureau
2 website.

3 THE COURT: All right. Before I engage, I'll let you
4 let counsel take a look at that and see in there can be an
5 agreement, if not we'll take it up at the bench.

6 Is the jury standing in the hall?

7 THE BAILIFF: They're still getting in line. I won't
8 let them in until you tell me.

9 THE COURT: Well, I understand that, but they're
10 outside that door?

11 THE BAILIFF: Yes, sir.

12 THE COURT: I don't want to be disrespectful. Let's
13 bring them in, please, and we will continue with the trial.

14 (WHEREUPON, the jury entered the courtroom at
15 approximately 1:27 p.m.)

16 THE COURT: Welcome back, ladies and gentlemen. We
17 trust you had a nice lunch. I will tell you that from
18 time to time to avoid calling a witness that may be a
19 lengthy presentation and to make the trial more efficient,
20 sometimes counsel on both sides and the parties will agree
21 to a stipulation. A stipulation is a fact that you should
22 accept as true because it is agreed between the parties
23 that it is, indeed, true.

24 I wish to tell you that a stipulation has been
25 entered into between the parties during the lunch hour,

1 which will avoid calling an additional witness to put this
2 evidence into testimony through a witness. And the
3 stipulation is this. State's Exhibit 219 is a photo of
4 the porch door at Karen Hughes' house. Caleb Gamble,
5 formerly with the Department of Public Safety forensics
6 division, testified he lifted a fingerprint from this
7 door. The State and Defense stipulate that this
8 fingerprint lifted from the porch door at Karen Hughes'
9 house was not the Defendants. That's the stipulation
10 agreed to between the parties.

11 Now, we will proceed to call the next witness.

12 MS. PAOLETTI: Yes, sir, Your Honor. The State calls
13 Brian Browning.

14 THE CLERK: Mr. Browning, if you would come forward
15 to be sworn in, please. Please place your left hand on
16 the Bible and raise your right.

17 BRIAN BROWNING,

18 after having been duly sworn, testified as follows:

19 THE CLERK: Thank you. You may be seated. Please
20 state your name for the record.

21 THE WITNESS: Brian Browning.

22 THE CLERK: Thank you, sir.

23 DIRECT EXAMINATION

24 BY MS. PAOLETTI:

25 Q Mr. Browning, by whom are you employed?

1 A I'm employed at the Greenville County Department of
2 Public Safety forensic division.

3 Q All right. What do you do in the forensic division?

4 A DNA analyst.

5 Q How long have you been DNA analyst with DPS?

6 A Since November 2009.

7 Q All right. I want to take you back and let you talk
8 to us about your undergraduate education. Start there and
9 go forward, please?

10 A I was -- I got a Bachelor of Science from the
11 University of Alabama in Tuscaloosa, a Master's in
12 molecular and cellular biology from the University of New
13 Haven in Connecticut.

14 Q All right. Do you have any special training to
15 analyze DNA?

16 A I was trained under my DNA technical leader for nine
17 months, including mock cases and other testing, including
18 verbal and written.

19 Q All right. Do you hold any certifications or
20 specific qualifications for DNA analysis?

21 A I'm certified as an DNA expert as of August of 2010.

22 Q Do you have any continuing education requirements?

23 A We're required eight hours of continuing education
24 per year.

25 Q All right. Are you up to date on that?

1 A Yes.

2 Q All right. Have you had experience in doing DNA
3 analysis and comparison?

4 A I have.

5 Q Since when?

6 A Since I was -- I've been in DNA in the biotech field
7 before I moved over to forensics in 2009.

8 Q Will you tell us about that?

9 A DNA Sequencing, Genotyping, DNA Marker Rays, a lot of
10 different companies that I worked for.

11 Q And then in 2009 is when you started doing forensic
12 DNA analysis, is that correct?

13 A That's correct.

14 Q And will you tell the jury just, specifically, what
15 the difference is between forensic DNA analysis and what
16 you were doing before?

17 A Forensic DNA analysis, mainly, is about exonerating
18 or excluding a defendant in a crime or a suspect in a
19 crime, also, paternity testing in criminal cases as well
20 as identifying missing persons.

21 Q Have you previously been qualified as an expert in
22 DNA comparison?

23 A Yes, I have.

24 Q All right. In which courts have you been qualified
25 as an DNA analyst?

1 A General sessions, 13th circuit.

2 MS. PAOLETTI: Your Honor, at this time, the State
3 moves to admit Mr. Browning as an expert in forensic DNA
4 analysis.

5 THE COURT: Is there objection?

6 MR. SCALZO: No, sir.

7 THE COURT: Then without objection, the witness is so
8 admitted.

9 BY MS. PAOLETTI:

10 Q All right. I want to talk a little bit about DNA
11 analysis in general. How long has the field of forensic
12 DNA analysis been around?

13 A The first criminal case was in 1986 that DNA testing
14 was used.

15 Q All right. And are there specific methods that are
16 used in forensic DNA analysis that are universally held to
17 be reliable?

18 A Yes.

19 Q Okay. And are the -- let's talk specifically about
20 the methods that you used in this case. All right. Are
21 those generally accepted methods in the field of forensic
22 DNA analysis?

23 A Yes, they are.

24 Q All right. Will you tell the jury a little bit about
25 the DPS lab's certification and accreditation?

1 A Our lab, including all other DNA labs, must be
2 accredited by a third party internationally recognized
3 organization. In our case, it was called Forensic Quality
4 Services. This organization's sole purpose is to come in
5 and audit your lab to see if you meet the requirements set
6 forth by the FBI and the international community to do DNA
7 case work.

8 Q And when they -- you said they do audits?

9 A They will look at all of our manuals, our
10 documentation. They will, also, look at the
11 qualifications of all the DNA analysts involved, that they
12 meet the minimum requirements for training and they also
13 have been fully trained, and at all the lab facilities
14 themselves, that they are up to speed and clean and no
15 contamination issues and things like that.

16 Q They do an audit of all of your equipment?

17 A Yes.

18 Q How many times has the lab at the Department of
19 Public Safety been audited in the recent past?

20 A There's several different types of audits that we go
21 through. They have Forensic Quality Service I mentioned
22 before. They audit us every other year, not only just to
23 make sure our manuals are up to date, but, also, that we
24 are following what the manuals say and that we're
25 continuing to show the same standards that we were

1 originally accredited under. I would say we've had two of
2 those -- actually, three or four -- four, excuse me, four
3 of those audits. We also have internal audits that we do
4 ourselves. I'm, actually, a DNA quality assurance manager
5 for the lab. And myself, plus the forensic division
6 quality assurance manager will internally audit using the
7 same checklist that the auditors themselves that come in
8 third party do.

9 Q Does part of that audit include pulling out the
10 testing that you've done like in a case like this and
11 reviewing that?

12 A That's correct. The auditors will ask us to pull as
13 much as three to five cases per analysts so that they can
14 go through and see through an actual case that we are
15 following the standards set forth.

16 Q Will you tell the jury what DNA interpretation means?

17 A DNA interpretation is based on the knowledge of DNA
18 itself in the field of forensic science as well as using
19 the standards that have been set forth by the community to
20 make an analysis of the data that's provided. It's meant
21 to ensure that all results are objective science reasoning
22 results.

23 Q Okay. And let me ask you this, in the context of a
24 criminal investigation, would you characterize
25 interpretations of DNA as being more liberal or

1 conservative?

2 A Conservative.

3 Q Okay. Would that mean less likely to get conclusive
4 results or more likely?

5 A Less likely.

6 Q Let me ask it to you this way, if there's an
7 interpretation of DNA that might benefit the person who's
8 been accused, is that the interpretation a forensic
9 analyst would default to?

10 A We, actually, base it, specifically, on the knowledge
11 of DNA and the standards that are provided through our
12 accreditation through the international community and FBI.
13 Whoever it benefits is not of concern to us.

14 Q You read the numbers and the data and report?

15 A Uh-huh.

16 Q During any part of your forensic DNA analysis, would
17 you be called on or would you be offering an opinion as to
18 how DNA got where it got?

19 A No.

20 Q Just what it is?

21 A Yes.

22 Q All right. Let me talk to you specifically about how
23 you start DNA analysis on a case like this. Would you
24 tell the jury what's the first thing that you would do?

25 A The first thing we would do is be receive the actual

1 evidence itself from our property and evidence department,
2 which I signed out personally. And I would transport it
3 to the DNA lab to be stored until it's time for
4 processing, maybe a day or two later, and then we would
5 process it from there.

6 Q Do you have a secure place to store those pieces of
7 evidence in the lab?

8 A Yes. Our lab itself is secured with an alarm system
9 as well as key cards in order to get in. And within the
10 lab itself, the refrigerators and other cabinets are
11 secured.

12 Q All right. What you collect from property and
13 evidence and bring to the lab, would that include what we
14 call known and unknown DNA samples?

15 A That's correct.

16 Q All right. Would you explain to the jury what's the
17 difference between known and unknown DNA samples are?

18 A A known DNA sample is a sample that has been
19 retrieved from a known individual to be used as comparison
20 to the unknown possible DNA results that you would get
21 from evidence. Examples of that may be a blood sample or
22 what will call a buccal swab, which is inside the mouth,
23 and it's labeled as such from which individual it came
24 from.

25 Q And that would be a known sample?

1 A Uh-huh.

2 Q Okay. And then unknown would be something that comes
3 from the scene?

4 A That's correct, yes.

5 Q Okay. All right. Did you generate known DNA
6 profiles in this case?

7 A Yes, I did.

8 Q All right. Would you tell the jury the names of the
9 people from whom you developed known DNA samples?

10 A Okay. Let me refer to my notes. The reference
11 samples from report number one were for the victim, Karen
12 Hughes, which I labeled as item 11. Item 12 is from
13 Walker Manning Hughes. Do you wish for me to list the
14 rest of the ones?

15 Q Yes, all the known samples.

16 A Okay.

17 Q Profiles, sorry.

18 A From report number two, I have a reference sample of
19 Lawrence Douglas Hughes. And for report number three, I
20 have a reference sample from Lewis Douglas Hughes.

21 Q Okay. Did you also retrieve from property and
22 evidence for processing in this case a number of items of
23 evidence that included unknown DNA samples?

24 A Yes, I did.

25 Q And we'll go back and talk about all those in just a

1 second. You've got four known samples; and then numerous
2 unknown samples, is that correct?

3 A That's correct.

4 Q Okay. Will you explain to the jury how you prevent
5 against any cross-contamination, either among and between
6 known samples or among and between unknown samples?

7 A Within the lab, when it's time to process samples for
8 DNA analysis, the first thing we do is we always clean off
9 the area that we're going to be doing the work on with 10
10 percent bleach. Also, any utensils or anything that are
11 used that need to be sterilized are sterilized before use.
12 At the time of analysis, all unknown samples are all
13 samples first individually and then repackaged and sealed
14 up. And then at that point, only after all the unknown
15 samples have been completed, separately, the known samples
16 are then processed.

17 Q Okay.

18 A And we, also, for any contamination issues include a
19 blank, what we call a blank that goes through the entire
20 DNA analysis process to ensure that no contamination
21 occurs.

22 Q You do that between every sample?

23 A Set of samples at one time.

24 Q Set of samples. Okay. All right. I'm going to take
25 you directly now to the results that you reached in your

1 DNA analysis of the items in this case. Okay. And we're
2 going to start with the items that were tested from the
3 car. All right. For all of those samples that you
4 tested, whose DNA did you find?

5 A From the car?

6 Q Yes.

7 A I'm sorry, just let me find it.

8 Q Sure.

9 A Found it matched to Walker Manning Hughes.

10 Q Everything in the car that you tested?

11 A Uh-huh.

12 Q All right. Let's talk about now from the samples
13 that you retrieved from autopsy of the victim, okay? Do
14 you have that? Okay. Whose DNA was located at autopsy?

15 A The victim, Karen Hughes.

16 Q And that's everything that you tested from autopsy?

17 A That's correct.

18 Q Did that include fingernail scrapings?

19 A Yes.

20 Q All right. Now, I want to take you to the results of
21 your testing from the items in the home at the scene of
22 the murder. And let's talk about all of the items that
23 you tested with the exception of two. With the exception
24 of 16 and 20, all of the items that you tested at the
25 home, whose DNA did you find?

1 A The victim, Karen Hughes.

2 Q Okay. Now, let's go to item 16. Will you tell the
3 jury what item 16 is?

4 A It is a swab of suspected blood from upstairs bedroom
5 closet.

6 Q All right. Will you tell the jury what your
7 conclusion was or what the results of your DNA comparison
8 and analysis was on item 16?

9 A Okay. I'm going to read my report. The DNA results
10 obtained from the above item is consistent with a mixture
11 of three individuals, a major female contributor and two
12 minor contributors. The DNA from the major donor in this
13 mixture matches the DNA of the victim, Karen Hughes.
14 Excluding an identical twin, Karen Hughes is the source of
15 the DNA to a reasonable degree of scientific certainty.
16 The non-victim alleles in this mixture include Walking
17 Manning Hughes and another unknown individual.

18 Q All right. Let's talk about this another unknown
19 individual. Can you explain to the jury what led you to
20 conclude that there was another unknown individual in this
21 mixture?

22 A With mixtures, especially the minor contributor,
23 there is a couple of different factors that we have to
24 take in. One is the limitations of our instrument to
25 detect the individual pieces of a DNA profile, which we

1 call alleles, and the possible masking of certain alleles
2 due to a mixture sample where several contributors can
3 overlap each other.

4 Q Okay. Explain to the jury what you mean by that,
5 overlapping?

6 A Overlapping. When it comes to DNA, it's from our
7 chromosomes and we get part of it -- half of it from our
8 mother and half of it from our father. So we get a pair.
9 We end up with a pair of chromosomes. Each one of those
10 individually are what we call alleles in our DNA testing.
11 So it is possible that one of the two can -- or both can,
12 actually, be masked by a separate DNA profile that has
13 either the similar or the same actual alleles.

14 Q And would that be the situation in a mother/son
15 mixture of DNA?

16 A Yes, it would be.

17 Q Now, let's talk about the effect that the volume of
18 DNA in your sample has on your results. How much of each
19 of the contributors? What does that have to do with
20 anything?

21 A The amount of DNA for a mixture for a minor --

22 Q For a minor, what do you mean?

23 A For the minor contributors is limited based on the
24 detectible limit of our system. So there's a background
25 noise, if you will, that can happen, almost like trying to

1 hear notes in a song with a lot of static in the
2 background. You're only going to hear certain notes at
3 certain times. And because of that reasoning, we also
4 believe there can be what we call allelic drop outs, so
5 not all of the alleles or all these pieces from the DNA
6 profile are present -- or can be present when it's at a
7 low level.

8 Q And you used the analogy of notes in a song and some
9 static, let me make sure I understand that correctly, does
10 that mean that the minor contributor was just turned down
11 and the major contributor is really loud?

12 A Yes, that would be correct.

13 Q And then for the result of item 16, you said it is --
14 major contributor is the victim. And then the nonvictim
15 alleles, so the alleles that do not belong to Karen
16 include this Defendant's?

17 A I'm speaking specifically about the alleles.

18 Q Right. Okay.

19 A I'm not speaking about a profile or anything like
20 that. I'm only speaking about the alleles themselves.
21 I'm making a statement about the inclusion of a possible
22 -- that these alleles are present and some of them match
23 up to --

24 Q To the Defendant?

25 A To Walker.

1 Q Okay. And then there's another unknown individual?

2 A Uh-huh.

3 Q Did you have enough of that unknown to determine
4 whether it X or Y?

5 A No.

6 Q Meaning male or female?

7 A No.

8 Q All right. Let's go to item 20. Will you describe
9 what item 20 is?

10 A It's a swab of suspected blood from the living room
11 door/curtain.

12 Q From your original analysis and comparison on item
13 20, what were your results?

14 A My results -- and, again, I'll be reading from my
15 report. The DNA results obtained from the item is
16 consistent with a mixture of two individual, a major
17 female contributor and a minor male contributor. The DNA
18 from the major donor in this mixture matches the DNA of
19 the victim, Karen Hughes. Excluding an identical twin,
20 Karen Hughes is the source of his DNA to a reasonable
21 degree of scientific certainty. Walking Manning Hughes
22 cannot be excluded as a minor contributor to this DNA
23 mixture. The probability of including an individual at
24 random as a minor contributor to this mixture at D7S820,
25 CSF1PO, D3S1358, D13S317, TPOX and FGA loci is: One is

1 241 in the Caucasian population, 1 in 446 in the
2 African-American population and 1 in 559 in the Hispanic
3 population.

4 Q Okay. Let's go back to that list of letters and
5 numbers that you read off and tell us what those are.

6 A Those are specific locations on the chromosome.
7 Remember, I told you about the chromosome. The chromosome
8 has -- a way that scientist use to identify locations on
9 the chromosome are these letters and numbers combinations
10 that I just mentioned.

11 Q Okay. And you gave some statistics, correct, that
12 followed that list of letters and numbers. Now, I want to
13 talk to you about the language that you use when you're
14 doing mixtures. Can you explain to the jury about the
15 language that you use for your conclusions when you're
16 analyzing mixtures of DNA?

17 A Yes. In this case, the words cannot be excluded are
18 specifically weighted by the statistics of 1 in 241, 1 in
19 446 and 1 in 559.

20 Q And those are low statistics?

21 A Uh-huh.

22 Q Like with Karen's DNA and you matched it and you
23 matched it from the single source samples, tell the jury
24 what an example of that statistic sample is like?

25 A When we use the terminology match when we're talking

1 about DNA profiles matching each other, we're specifically
2 talking about in our case of 15 different areas on the
3 DNA, the chromosomes I told you about, so those numbers
4 and letters. There's 15 of those, plus the X and Y, which
5 tells us the sex. In these cases, when we say match,
6 we're, actually, using a FBI standard of 1 in 300 billion.
7 So the statistic that we have already put to that is above
8 that number.

9 Q So you're not going to call it a match unless it is
10 above that 1 in 300 --

11 A Billion.

12 Q -- billion. Okay. And, obviously, the statistics
13 that you recorded when you concluded that this Defendant
14 couldn't be excluded as a contributor are much lower than
15 that?

16 A That's correct.

17 Q All right. Did you do -- let me ask you this, let's
18 look at item 24. We did not talk about item 24. What is
19 that?

20 A That was a swab from between the subject's toes on
21 the right foot.

22 Q And whose DNA was that?

23 A It matches the DNA of Walker Manning Hughes at all of
24 the loci that were found. It was only a partial profile
25 in this case.

1 Q Okay. Now, let's go back to item 20. And this is
2 the swab of suspected blood from the living room
3 door/curtain. Did you do additional testing on that item
4 number?

5 A Additional testing on that item number?

6 Q Well, let me ask you this, you said that you later
7 got known samples of Larry Hughes and Doug Hughes?

8 A Uh-huh.

9 Q Okay. Will you tell the jury why you got those
10 samples and what you did with those?

11 A The indication in item 20, because I mentioned before
12 how the -- a parent/child, they usually -- they will have
13 a shared allele. Remember, we said that they have pairs
14 of alleles. So that one is coming from the mother and you
15 have a mixture of a parent and a child or, let's say,
16 mother or father, and you have a mixture of a parent or a
17 child together, then you should only expect to see at
18 maximum three alleles per locus for that to be the two
19 number that I mentioned before per those numbers.

20 Q Because they're going to share, at least, one?

21 A Exactly. And in the case of item 20, in all loci,
22 only three or less alleles were present.

23 Q Okay. What's the significance?

24 A That led me to believe that there is, at least, a
25 possibility of a parent/child, or in this case, the mother

1 and since I got a Y chromosome in the minor, I believe it
2 to be a mother/son mixture.

3 Q Okay. And that you were able to tell from the minor
4 contributor to item 20 that the minor contributor was
5 male?

6 A That's correct.

7 Q Did you develop a profile for Larry Hughes?

8 A I did, yes.

9 Q Okay.

10 A Or Lawrence Douglas Hughes.

11 Q Yes. We have known him as Larry. Lawrence Douglas
12 Hughes. Did you compare, do a comparison with Lawrence
13 Douglas Hughes' DNA with the minor contributor you found
14 in item 20?

15 A I did.

16 Q What did you find?

17 A Let me report number two.

18 Q Yes.

19 A The DNA profile obtained from Lawrence Douglas Hughes
20 does not match any of the questioned samples analyzed
21 previously (see Report 1). Lawrence Douglas Hughes is
22 excluded as a donor for all questioned samples in Report
23 1.

24 Q And then you did a third report?

25 A That's correct.

1 Q And tell the jury why you did a third report?

2 A We want to get as complete an answer as we can to
3 exclude all possible suspects. Since we had determined
4 there was a high possibility of it being a mother/son
5 mixture, the next step is, if possible, to get the
6 father's DNA to ensure that it was truly who the son was
7 and if it matched up to the -- if there was any way to
8 exclude out the sons in this case.

9 So we were able to obtain the father's DNA. And we
10 do what's called a comparison to show what we call
11 obligate paternal alleles, which is, basically, if we know
12 the mother's alleles have been shared, then we can look at
13 what the father alleles and how they match up to the
14 samples and, also, to establish paternity of any
15 relatives.

16 Q And were you able to do that, to establish paternity?

17 A In this case, Based on the DNA profiles from
18 reference samples (items 12-1, 30-1, and 31), the
19 relationship of Lewis Douglas Hughes is father to both
20 Walker Manning Hughes and Lawrence Douglas Hughes.

21 Q All right. So you had already eliminated Lawrence
22 Douglas Hughes as a contributor, the minor contributor,
23 correct?

24 A That's correct.

25 Q And then based on the further paternity testing, were

1 you able to eliminate the Defendant as the possible
2 contributor to that sample?

3 A At this time, no.

4 MS. PAOLETTI: Answer any questions Mr. Scalzo might
5 have.

6 THE COURT: Cross-examination.

7 MR. SCALZO: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. SCALZO:

10 Q All right. Mr. Brown, let me talk a little bit about
11 where you started with regard to what you do in the lab
12 when you're doing -- you're, essentially, doing test,
13 right?

14 A Yes, sir.

15 Q You're taking samples and mixing chemicals and doing
16 a variety of things, but, ultimately, it's really like a
17 DNA test, right?

18 A Yes, we do tests, yes, sir.

19 Q And another way of saying it, it's kind of like a
20 little mini experiment?

21 A Not -- what we do is based on -- experimentation is
22 more about meeting a hypothesis.

23 Q Okay.

24 A This is more -- this has been accepted by the
25 scientific community and more established.

1 Q Okay. What you talked about was you would do certain
2 things to ensure the quality and no contamination, that's
3 what you were using, no contamination of your tests or
4 your -- you did certain things. And one of the things you
5 did, you said you cleaned the surface area you're working
6 on?

7 A That's right.

8 Q And let's talk about the surface area you're working
9 on. You're working on a table or what are you working on?

10 A At each stage, we have different levels of the way
11 we're doing the DNA analysis. We start with the
12 processing of the evidence, that's in one room that is
13 separated out from the other areas. It is sterilized. We
14 clean everything down. So that's one work area. A second
15 work area is where we, actually, do what we call DNA
16 extraction and purification. So in that area, we have
17 even more bench area that we clean off. And the items
18 that we use that are sterilized are purchased what they
19 call DNA free.

20 Q You mentioned area, are you talking about like a big
21 table or what is the actual physical structure that you're
22 working off of?

23 A We work off a table for the initial serology. And
24 then we work off bench space for the DNA extraction and
25 purification. And then we work on the instruments

1 themselves.

2 Q You mentioned serology, tell the jury what that is.

3 A Serology is a biological screen of any biological
4 samples that may show up, like blood, skin, things of that
5 nature. Sometimes, we can even identify a little bit of
6 indicators of is it blood, is it saliva. Those kind of
7 tests are done at that point.

8 Q All right. And the -- you described the work area.
9 Is there anything like a hood or anything like that that
10 you work above?

11 A At certain steps where the contamination is even more
12 of a possibility, we work under what we call hoods. We,
13 actually, wear masks -- we wear a masks at every stage,
14 especially the serology stage. We have gloves on at all
15 times.

16 Q Latex gloves like surgical gloves?

17 A Sure.

18 Q Like a surgical-type mask?

19 A That's right.

20 Q You've got the hood, and I'm assuming the hood I'm
21 picture in my head is kind of like a salad bar where
22 you're standing at the salad bar and you can see through
23 it so you can work your hands?

24 A That's not too far from the truth.

25 Q Okay. Okay. And then you mentioned cleaning the

1 area with, I think you said 10 percent bleach?

2 A Some areas are cleaned with 10 percent bleach.

3 Others are -- we, actually, use a technique called a
4 septic technique, which we, actually, will -- say, for
5 instance, scissors will be dipped into ethenol and
6 inflamed to burn off any DNA that may have previously been
7 on it. And then we will use those for something new.

8 Q And you go through all that because -- or I guess for
9 several reasons. One, DNA is pretty small?

10 A That's right.

11 Q Or a cell would probably be more accurate. The human
12 cell is pretty small?

13 A Uh-huh.

14 Q And just sort of wiping it isn't necessarily going to
15 make it go away?

16 A That's right.

17 Q And the other thing would be that your -- whether
18 it's the samples you're using or you, yourself, could end
19 up leaving DNA samples on that table or on that
20 instrument, correct?

21 A That's right. And that's why we stay to the
22 adherence of those standards and such to make sure that
23 doesn't happen.

24 Q And you, actually, might even clean an area that you
25 never, actually, physically touch in your test?

1 A That's true. We'll clean off any area we will
2 possibly get in the way.

3 Q Now, you do all that because, I think in your report
4 you it's called PCR. What's PCR? Explain to the jury
5 what PCR is?

6 A PCR is Polymerase Chain Reaction. The easy way to
7 say it is it's like carbon copying a piece of DNA. And
8 it's a technology that literally allows us to amplify up
9 to millions and millions of copies specific areas of the
10 DNA. In our case, those 15 areas I told you about plus
11 the XY.

12 Q And am I correct that, essentially, what happens is
13 you get, whether it's a known sample or unknown sample,
14 put it in a test tube, add some chemicals and it just
15 starts breaking apart the DNA, the alleles and then
16 manufactures more and more copies of what you had, right?

17 A That's correct.

18 Q And you need enough copies to begin to get as
19 accurate a profile as you can, is that fair?

20 A Yes..

21 Q All right. But that technology is pretty sensitive
22 technology, which is way you're doing all the latex
23 gloves, the masks and all the cleaning?

24 A Well, the technology itself is just an amplification
25 of what's already there. It doesn't change normally with

1 the -- that's why with modern nature contributing, it just
2 amplifies what's already there. So if it's at the low
3 level here, it will just bring it up at the same
4 proportions at a higher level.

5 Q As you said, it is amplifying what's already there
6 and the reason you're cleaning it is you don't want there
7 to be something there you put on top and then think that
8 the thing was there first was, actually, in the sample,
9 correct?

10 A And that's why we always do the unknown samples first
11 before we ever move on to working on the known samples.

12 Q So the idea of cross-contaminating two different
13 samples?

14 A That's right.

15 Q All right. So that sort of gives us the procedures
16 and why you might do those procedures. Okay. The items
17 that really are kind of in question here or the focus with
18 us are item 16 and item 20?

19 A That's correct.

20 Q And item 16 is a swab from the drawer up in the
21 master bedroom, is that right?

22 A That's what it was labeled as for me.

23 Q And you labeled that in your report item 16?

24 A Uh-huh.

25 Q And that, actually, was labeled by -- when you got

1 it, it's DCG-4, correct?

2 A That's correct.

3 Q From Mr. Gamble, is that what your understanding is?

4 A Yes.

5 Q He took this swab and wrote down DCG-4. I'm sorry,
6 I'm not getting my hand on DCG-4 as quickly as I need to.
7 But while I'm looking, DCG-4, we heard from Mr. Gamble
8 yesterday, on the drawer was a little sort of circular
9 spot of blood.

10 A Okay.

11 Q And he swabbed just the area that is that blood.

12 A Okay.

13 Q So he didn't swab the whole drawer. He went right to
14 that area and took the swab, sealed it and then passes it
15 on. That's what you end up testing, correct?

16 A I test the swab, that's correct.

17 Q You, I guess, cut off the tip, do your chemicals and
18 then get --

19 A (Witness nods head.)

20 Q All right. Now, what Investigator -- or Forensic
21 Investigator Gamble described was on that drawer, he only
22 took a sample, one sample, DCG-4, because he only wrote
23 down one mark. I'm going to put it up here to help orient
24 what we're talking about, okay?

25 A Okay.

1 Q Can you see that?

2 A I can.

3 Q I know it's a little hard. But our understanding
4 from Mr. Gamble's testimony was that right where I'm
5 holding it, that second drawer from the top is DCG-4. And
6 right where I've got it right next to the knob is the
7 actual blood spot.

8 A Okay.

9 Q You got me?

10 A Yes.

11 Q And he took the swab and did what we just talked
12 about before, okay?

13 A Okay.

14 Q And what he testified to was that there are no other
15 initials on that drawer, so there are no other samples
16 from the area of that drawer.

17 A Okay.

18 Q All right. So we're all on the same page, one sample
19 from the face of the drawer from the blood area, all
20 right?

21 A Uh-huh.

22 Q And when you're doing your tests, you're just testing
23 that one blood area sample, correct?

24 A That's correct.

25 Q All right. When you get your results, isn't it true

1 that that result is only telling you what would have been
2 in that area from that swab?

3 A I think that's a fair assessment, yes.

4 Q And, for instance, I'll see if I can do it so
5 everybody can see. If he had tested or given you swabs of
6 various areas around that on the face of the drawer and
7 then you ran a test, it would tell you if there is or
8 isn't and if their profiles are those samples, you would
9 be able to develop them, correct?

10 A Sure, yeah.

11 Q Well, what's a substraight control?

12 A A substraight control is what I mentioned earlier is
13 a blank. It's, basically, where all of the same steps
14 that the sample is taken through, including the reagents
15 that are used, any water or anything that we use to break
16 open the cells, to purify the sample, we have this blank.
17 that, basically, has everything but DNA in it. And it
18 goes through the entire process, including the PCR, and
19 goes into the machine itself. And if any profile or any
20 alleles show up in that blank, then we know there's a
21 possible contamination issue and we can address it.

22 Q And that contamination issue would come from like the
23 whole solution, the whole set of --

24 A It's in what we call a tube. It's just a small,
25 little tube and it's run with all the other samples. And

1 we have a separate blank for the unknown samples that are
2 all processed together in a single day and all the known
3 samples that are processed.

4 Q Now, when you're talking about -- because I want to
5 make sure we're talking about the same thing, ultimately.
6 The blank you talked about, that's just something you're
7 developing in the lab? That's not from the scene, right?

8 A No, that's not from the scene.

9 Q Let's talk about substraight, it's sort of a fancy
10 biological word, chemistry word to say it's like a surface
11 of something, isn't that right?

12 A Sure, yes.

13 Q Is that a fair way to say it?

14 A That's a fair way to say it.

15 Q And the control is what you're describing, which is
16 you want to know what is your base level before you then
17 go do your test so that you can understand what your test
18 means?

19 A Sure.

20 Q The results of your tests?

21 A Okay.

22 Q So follow me and tell me if I'm being accurate. If
23 yet today, these little dots are my DNA or a person's DNA
24 because they touched this sheet, okay, and you come back
25 tomorrow and you say you spilled blood or some other

1 biological fluid, but it only got here -- and now, of
2 course, we can't see the little DNA spots, but for our
3 purposes, we need to know where they are. We on the same
4 page?

5 A Yeah.

6 Q When you test this, you're going to get a result that
7 would have whatever's there and whatever fell on it the
8 day after, right?

9 A In that example, yes.

10 Q If it picked up everything in that example?

11 A Uh-huh.

12 Q In order for you to know about these DNA that were
13 left the day before, you'd have to get a sample that would
14 pick up those pieces of DNA, correct?

15 A That's correct. But, also, depending on where the
16 previous had touched and so forth.

17 Q Sure. And we can clear that up in a second. So that
18 we're on the same page, if I said day one, you've got the
19 sample just of the blood and that captured DNA, and then
20 on day two, you've got the other ones, you couldn't see
21 them, you'd have to go find them, what that would tell you
22 is these samples were not necessarily there -- or let me
23 say it this way, these samples could very likely have been
24 there before that drop of blood fell?

25 A Again, in this example, yes.

1 Q Yes, sir. And you talked about serology. One of the
2 things about serology is sort of trying to figure out
3 what's the source of the DNA. That's just got more basic
4 English language the way I'm saying it --

5 A Yes, yes, that's correct.

6 Q And one of the things you're doing, sort of if you've
7 got a mixture of samples, you're going to try to figure
8 out what maybe the contributors are. Is it a skin cell, I
9 think you mentioned, as well as blood, that kind of thing,
10 correct?

11 A Uh-huh.

12 Q But you can't always figure that out?

13 A Again, my particular expertise is analyzing it once
14 it comes into the lab. How it got there originally is
15 beyond my scope.

16 Q Right. And I guess that the point I'm trying to get
17 to, is that your test is not saying -- the test result is
18 the DNA profile is what you're saying, right?

19 A That's right.

20 Q The test result isn't if I have profile, one -- your
21 test isn't saying profile one equals blood and then
22 profile two is skin? You're not able to tell blood, skin,
23 but what you're able to do is say I have two profiles?

24 A That's correct, yes.

25 Q And would it be a fair description to say in using my

1 example up here, that on the first time, when the four DNA
2 samples are left, and then the blood comes afterwards on
3 just one of those samples, that one way to try to figure
4 out whether or not the DNA that was previously there
5 before the blood got there might be to look at the space
6 around it?

7 A Again, that's -- that's out of my scope. I can't
8 really tell you specifically because, normally, we only
9 get what the officer -- or the crime scene processes.
10 And, normally, they're processing based off biologicals
11 that they see at the scene.

12 Q Okay. Because they're using their naked eye, they're
13 not doing some kind of test to see what's there already?

14 A That's correct.

15 Q And in most cases, what happens is the blood sort of
16 highlights it, for lack of a better way of saying it,
17 correct?

18 A That's correct.

19 Q For thoroughness sake, I'm going to show you DCG-8.
20 Mr. Gamble testified yesterday that DCG-8 was likely the
21 largest blood splatter where there where I'm holding the
22 laser pointer. Do you see that?

23 A I do.

24 Q And that he wasn't saying that he got a sample from
25 each blood spot, but that he thought what he had done was

1 took the largest blood spot and gotten that?

2 A I see.

3 Q Okay. And it's my understanding from your report
4 that DCG-8 is item 20?

5 A That's correct.

6 Q And just like with DCG-4, there's only one DCG number
7 on that item, on that what looks like a paper curtain,
8 right?

9 A Yes.

10 Q And so that means that, just like with DCG-4, you
11 would only have tested that one swab from DCG-8?

12 A I tested the swabs so whatever the previous witness
13 said is what I tested from.

14 Q All right. You were talking with Ms. Paoletti, the
15 prosecutor, about the statistics was the reference?

16 A Yes, that's how we weight our matches.

17 Q And one of the things you talked about was this item
18 20, there was statistics you gave for item 20, correct?

19 A That's correct.

20 Q One in 241 Caucasians, 1 in 446 African-Americans, 1
21 in 559 Hispanics?

22 A That's correct.

23 Q And you had said that in order to get a credible
24 number according to your accrediting agencies, you've got
25 to get to 1 in like 300 billion?

1 A That's correct, for a match.

2 Q So that's --

3 A To use the terminology match.

4 Q Match. Okay?

5 A For DNA profiles specifically.

6 Q In item 16 in your report, you don't have any -- is
7 that called population genetics, is that the right term?

8 A Population statistics.

9 Q Statistics, okay. There aren't population statistics
10 for item 16, is that right?

11 A That is correct. For the major.

12 Q Well, are there for any?

13 A I'm sorry?

14 Q Are there for any in item 16?

15 A The major profile that we say matches to the DNA
16 victim, Karen Hughes, we say the word matches the victim
17 because of the fact it's above that 1 in 300 billion
18 number.

19 Q All right. And, again, I don't want to misread your
20 report. You have a line that says item 16, describes what
21 it is, right, on your report. Then you have the paragraph
22 that you read?

23 A That's correct.

24 Q And then the very next line is this item 20, right,
25 in your report?

1 A There's a separate statement in there for the
2 non-victim alleles.

3 Q Right.

4 A There are on statistics with that.

5 Q And that's what I was trying to get at, that you
6 didn't put statistics in relation to the non-victim
7 alleles?

8 A And in that case, we're talking about alleles, so
9 we're, basically, just trying to provide information that
10 these alleles were detected and that they included some of
11 the alleles of Walker Manning Hughes as well as unknown
12 individual.

13 Q Okay. Another thing that your testing cannot do, and
14 I think you alluded to this, is DNA testing doesn't tell
15 you time, when a certain -- the DNA profile, whether it's
16 one, two, three, five, doesn't matter, whatever DNA
17 profile you determine, you cannot tell the time that it
18 was left?

19 A That's correct.

20 Q And I think you even said you, in the test that you
21 did, can't tell the manner in which it was left?

22 A We don't do that, no. We don't test for that, no.

23 Q And by manner, I mean, is it touch, is it just a drop
24 of blood, things like that?

25 A That's correct.

1 Q Okay. This may be obvious, but I want to be clear,
2 if you have multiple DNA profiles, your tests can't tell
3 profile one was left Saturday, profile two was left
4 Sunday, profile was left Monday?

5 A That's correct.

6 Q Or any combination of those three dates?

7 A The only thing we could possibly get to is based off
8 the crime scene report and if blood was not there one day
9 and blood showed up the next day, then we could possibly
10 -- if there's a large amount of it, the major profile
11 would usually be indicative of the blood left behind.

12 Q Right. But that is not because of your tests, that
13 is a result of having to look at other evidence --

14 A That's right.

15 Q -- in addition to your tests?

16 A That's correct.

17 Q You, also, were talking to the prosecutor about --
18 there was test two and then there was test three, so I
19 want to be sure I'm talking about the right one. I think
20 it's test three where you talked about Doug Hughes and
21 looking at the alleles for Doug Hughes and excluding Larry
22 --

23 A Is that Lawrence Douglas Hughes?

24 Q No, the father, Douglas.

25 A Okay.

1 Q In that report, you said Larry was excluded?

2 A Let me make sure I have the names right, they're so
3 close.

4 Q Yes. And that you simply had to say that Walker
5 could not be excluded, but you did not say it was a match?

6 A I cannot say it's a match.

7 Q Right. And therefore, there aren't the population
8 statistics that we talked about? Even for that report, it
9 doesn't have population statistics either?

10 A That's correct. Our results are very similar.

11 Q Bear with me one moment, please.

12 MR. SCALZO: One moment, Judge.

13 THE COURT: Yes, sir.

14 BY MR. SCALZO:

15 Q On item 16, which is DCG-4, let's go back to that for
16 one second so that we, again, are talking about the same
17 things. DCG-4, on the drawer, the blood spot, that is the
18 sample that turned into your sample item 16, correct?

19 A DCG-4 is item 16, yes.

20 Q And in item 16, there are three DNA profiles. They
21 may not be full profiles, but they are -- you're able to
22 say there's three different profiles?

23 A We were able to say that there was a major profile
24 that we matched to the victim and then we had two possible
25 minor trace alleles.

1 Q And one of those is what you labeled as unknown?

2 A That's correct.

3 MR. SCALZO: That's all I have right now, Judge.

4 THE COURT: And redirect?

5 MS. PAOLETTI: Briefly, Judge.

6 REDIRECT EXAMINATION

7 BY MS. PAOLETTI:

8 Q Mr. Brown, you said that you were able to eliminate
9 Lawrence Douglas Hughes as a contributor to the items that
10 you analyzed in the house, is that correct? And I know
11 the names are similar.

12 A Yeah, that's why I'm checking my reports. Yes,
13 that's correct.

14 Q And you, also, had the known profile of Lewis Douglas
15 Hughes?

16 A That's correct.

17 Q Who we call Doug. You were also able to eliminate
18 him as a contributor?

19 A I was.

20 MS. PAOLETTI: Thank you.

21 THE COURT: All right. Sir, you may step down.

22 Any objection to releasing the witness?

23 MS. PAOLETTI: None from the State, Your Honor.

24 THE COURT: Hearing none, you're free to leave if you
25 wish.

1 Counsel, how long do you think your next witness will
2 be?

3 MR. ELLIS: About 20 or 30 minutes, Your Honor.

4 THE COURT: Let's take a brief break, ladies and
5 gentlemen. Take about a 10-minute break. Go back to the
6 jury room. We'll resume when you're ready to return.

7 (WHEREUPON, the jury left the courtroom at
8 approximately 2:22 p.m.)

9 (WHEREUPON, a short break was taken.)

10 THE COURT: Please bring in the jury.

11 (WHEREUPON, the jury entered the courtroom at
12 approximately 2:36 p.m.)

13 THE COURT: Please call your next witness.

14 MR. ELLIS: Thank you, Your Honor. The State calls
15 Dr. Michael Ward to the stand.

16 THE CLERK: Dr. Ward, please come forward to be sworn
17 in. Please place your left hand on the Bible and raise
18 your right.

19 MICHAEL EUGENE WARD, M.D.,
20 after having been duly sworn, testified as follows:

21 THE CLERK: Thank you. You may be seated. Please
22 state your name for the record.

23 THE WITNESS: Michael Eugene Ward.

24 THE CLERK: Thank you.

25 DIRECT EXAMINATION

1 BY MR. ELLIS:

2 Q Dr. Ward, what do you do for a living?

3 A I'm a forensic pathologist and I'm employed as the
4 chief medical examiner for Greenville County.

5 Q Are you a licensed medical doctor in the State of
6 South Carolina?

7 A Yes, I am.

8 Q Tell the Judge and jury a little bit about your
9 educational background?

10 A I received my Bachelor's Degree in biology from the
11 University of Alabama, a Master's Degree in forensic
12 science from the University of Alabama at Birmingham, and
13 my medical degree is from the University of South Alabama,
14 which is in Mobile. I did a four-year anatomic pathology
15 residency at the Medical University of South Carolina in
16 Charleston and one-year fellowship in forensic pathology
17 at the University of New Mexico, which is in Albuquerque.
18 I'm Board certified by the American Board of Pathology in
19 both anatomic and forensic pathology.

20 Q Will you tell the Judge and jury about your
21 professional work experience?

22 A Following my fellowship, I stayed in New Mexico as
23 the -- as one of the medical examiners there for two years
24 and then moved here in 1995 as a medical examiner for the
25 first years and then became the chief medical examiner, I

1 believe, in 1998.

2 Q Will you please tell the jury what forensic pathology
3 is?

4 A Well, pathology is the study of disease and disease
5 processes and how they affect that. Forensic pathology
6 takes that one step further, disease, disease processes,
7 trauma, how people die and the presentation of that
8 information in the court of law.

9 Q What's the American Board of Pathology?

10 A American Board of Pathology is a governing body that
11 oversees education and training of pathologists in the
12 United States.

13 Q Are you certified by the American Board of Pathology?

14 A I am.

15 Q Are you Board certified?

16 A Yes, I am.

17 Q Are you a member of any other professional
18 associations that we haven't discussed already?

19 A Yes, I'm a member of the College of American
20 Pathologists, the American Academy of Forensic Sciences
21 and the National Association of Medical Examiners.

22 Q What are your duties as the forensic pathologist for
23 Greenville County?

24 A My responsibilities are to investigate deaths that
25 occur in the County to determine cause and manner of

1 death.

2 Q Will you please the jury the difference between cause
3 and manner of death?

4 A Cause of death is, basically, a disease process or an
5 injury that results in a person dying. It can be coronary
6 artery disease. It can pneumonia. It could be a gunshot
7 wound or blunt trauma. Manner of death has to do with how
8 that death came about. So it can be a natural death as in
9 heart disease or pneumonia. It can be an accidental
10 death, motor vehicle accident. It can be a suicide or a
11 homicide.

12 Q What is an autopsy?

13 A An autopsy is a detailed physical examination
14 performed by of a person after they have died.

15 Q About how many autopsies have you performed?

16 A Well, over 2000.

17 Q And what's the purpose of an autopsy?

18 A An autopsy can be performed for several reasons, but
19 the primary reason is to determine cause and manner of
20 death.

21 Q And have you ever testified in court before?

22 A Yes, I have.

23 Q Have you ever been qualified as an expert in forensic
24 pathology?

25 A Yes.

1 Q Which courts have you testified in and been so
2 qualified in?

3 A In the state and federal court in New Mexico and
4 district and federal courts in South Carolina.

5 Q And about husband many times?

6 A Well over 100 times.

7 MR. ELLIS: Your Honor, at this point, the State
8 moves to qualify Dr. Ward as an expert in the field of
9 forensic pathology.

10 THE COURT: Any questions on expertise?

11 MR. SCALZO: No, sir.

12 THE COURT: Without objection, so ordered.

13 MR. ELLIS: Thank you, Your Honor.

14 BY MR. ELLIS:

15 Q Dr. Ward, were you serving as a forensic pathologist
16 for Greenville County in April of 2011?

17 A Yes, I was.

18 Q Generally speaking, will you please tell the jury how
19 an autopsy is performed?

20 A An autopsy encompasses not only examination of the
21 body, but interpretation of information that may be
22 presented both before and after the autopsy. So,
23 generally, for medical legal autopsies that we perform in
24 the medical examiner's office, we have some historical
25 information that we're provided before the autopsy. At

1 the time of autopsy, we do an examination of the outer
2 portion of the body documenting any injury or evidence of
3 disease that may be present, then perform an internal
4 examination looking at the underlying organs within the
5 body, again, documenting any natural disease that may be
6 present or continuation of trauma from the outside to the
7 inside of the body. We perform a microscopic examination,
8 which includes looking at small pieces of tissues under
9 the microscope and we, also, toxicological analysis of
10 blood or body tissues that are removed at autopsy.

11 Q Is an autopsy performed the same way, using the same
12 protocol in each case no matter what?

13 A In each medical legal case that we do, yes.

14 Q Did you perform the autopsy on the body of
15 Ms. Hughes?

16 A Yes, I did.

17 Q When was that autopsy performed?

18 A It was performed on April 12th, 2011 and was begun at
19 9:00 a.m.

20 Q Who else was present during that autopsy?

21 A There was Detective Chris Miller from the Greenville
22 County Sheriff's Office and Officer Mike Hamilton of the
23 Greenville County forensics and Greenville County Deputy
24 Coroner Tom Selfridge. Also, present was my autopsy
25 assistant Sharon Knight.

1 Q How did you know the identity of Ms. Hughes that day?

2 A She was identified to me by Deputy Coroner Tom
3 Selfridge.

4 Q Getting into the autopsy, did you conduct a
5 toxicology test on Ms. Hughes at some point?

6 A Yes, I did.

7 Q What is a toxicology test?

8 A It's, basically, a testing of blood, in this
9 instance, for commonly used drugs of abuse, alcohol and
10 some of the more major prescription medications.

11 Q What were the results of the toxicology tests that
12 you performed on Ms. Hughes?

13 A The results of the toxicological exam that there were
14 one detected, so it was negative.

15 Q At some point during the autopsy, did you also take a
16 blood sample from Ms. Hughes to be used for DNA analysis?

17 A Yes, I did.

18 Q What did you do with that blood sample?

19 A That blood sample was turned over to -- I apologize,
20 I should have been prepared for that question.

21 Q That's okay. Would it have been someone with the
22 sheriff's office?

23 A It most, certainly, would have been. And I have the
24 receipt here now, I apologize. It was turned over to
25 Detective Chris Miller at the Greenville County Sheriff's

1 Office.

2 Q Okay. Dr. Ward, I'm going to ask you some questions
3 about Ms. Hughes's injuries. First of all, I'm going to
4 ask overview questions and then I'm going to ask about
5 specifics. First of all, please tell the jury what
6 injuries you observed to Ms. Hughes hands and arms, if
7 any?

8 A Beginning with Ms. Hughes' left hand, there were
9 roughly six separate wounds present to the left hand. On
10 the back side of her left hand overlying the base of her
11 fourth finger, within this region here, was a roughly one
12 inch in length incised wound or cut of the skin. There
13 was abrasions to the middle portion of the back hand.
14 There was an abrasion to the back of the hand near the
15 thumb. There was a bruise to the palm surface of the hand
16 within the region of the fourth finger. There was an
17 incised wound or a cut to the tip of the left middle
18 finger and a near complete amputation or a cut nearly
19 through the tip of the fifth finger.

20 Q I'm going to show you what's been marked as State's
21 Exhibit 45. Do you recognize that, Dr. Ward?

22 A Yes, I do.

23 Q How do you recognize that?

24 A It's a photograph that has the unique autopsy number
25 of Ms. Hughes, which would be A11-138.

1 Q And this appears to be her left hand that you were
2 just talking about?

3 A That's correct. This is a photograph of the back
4 side of Ms. Hughes's left hand.

5 Q I believe you have a laser pointer up there in front
6 of you, but when you were talking about the incised wound
7 on the top of her hand, is that what we see on her would
8 be ring finger?

9 A This is the cut or incised wound to the left of --
10 the base of the left ring finger. There's an abrasion or
11 a scratch of the skin here at the base of the middle
12 finger. And, also, an abrasion at the webspace between
13 the thumb and the first finger. There's a superficial
14 abrasion here and here on the base of the index finger and
15 on the thumb.

16 Q And I also note that it appears that the tip of her
17 pinky finger is missing in this photograph?

18 A That's correct. It's better in another view, but
19 this is the fifth finger. And there are three components
20 to our fingers, the closest to your hand, the middle
21 portion and then the one where the nail is. So here's the
22 one closest to the hand, the middle portion, but the one
23 where the nail is is absent. It was traumatically removed
24 with a cut. It's a sharp force injury that amputated the
25 tip of her left fifth finger.

1 Q Will you please tell your jury in your expert opinion
2 what level of force would it take to cause such an
3 amputation?

4 A Well, it's a significant injury. This is not
5 brandishing a knife and making threaten-type actions
6 towards somebody and accidentally cutting this. This is a
7 purposeful movement that would require contact with the
8 skin, cutting through a joint space with some portion of
9 bone being cut. So this would take some considerable
10 effort to make this cut. It's not an accidental injury.

11 Q Dr. Ward, I'm going to show you what's been marked
12 now as State's Exhibit 47. Can you identify what that's a
13 photograph of?

14 A This is a photograph of the back portion of the right
15 hand and right wrist of Ms. Hughes. Again, the unique
16 autopsy number. This is the hand and the arm begins here
17 and goes up this way. At the base of the wrist at the
18 junction with the hand are these two areas of blunt force
19 trauma, this being a deep laceration of the skin with
20 removal of the skin from the underlying soft tissues and a
21 somewhat more superficial, but similar blunt force injury
22 here.

23 Q Do you have any opinion as to what as to what type of
24 instrument could have made that injury?

25 A Well, the pattern of this injury is consistent with

(Michael Ward, M.D. - Direct by Mr. Ellis)

1 other injuries that we saw on Ms. Hughes, which were very
2 distinctive of the claw portion of a hammer.

3 Q I'm going to show you State's Exhibit 44. Do you
4 recognize what that is?

5 A Yes, I do. Again, this is a side view of the right
6 hand of Ms. Hughes. Again, the unique autopsy number.
7 The two injuries that we were looking at before were
8 roughly in this area here and now, towards the -- what
9 would be the outside of her hand in the anatomic position,
10 but in this photograph looks like the inside of her wrist
11 is a superficial incised wound here and then another deep
12 abrasion of the skin here. And this is at the base of the
13 right thumb.

14 Q Dr. Ward, did Ms. Hughes also sustain injuries to her
15 head that you observed during your autopsy?

16 A Yes, she did.

17 Q Would you please -- well, let's do this. Was a
18 digital injury representation computer -- generated by a
19 computer based on your autopsy report and some photographs
20 that you took during autopsy?

21 A Yes, there was one created.

22 Q Let me show you what's been previously marked as
23 State's Exhibit 227. Have you reviewed this, Dr. Ward?

24 A Yes, I have.

25 Q What is this?

1 A These are seven views of the face, head of Ms. --
2 representing Ms. Hughes, two views that are of the skull
3 with the overlying skin and front and back views of both
4 the left and right hand.

5 MR. ELLIS: Your Honor, the State moves to admit
6 Exhibit 227 into evidence, Your Honor.

7 THE COURT: Is there an objection?

8 MR. SCALZO: No, sir.

9 THE COURT: Without objection, in evidence, 227.

10 (WHEREUPON, State's Exhibit No. 227 was admitted into
11 evidence.)

12 BY MR. ELLIS:

13 Q Dr. Ward, please come down off the witness stand and
14 talk about this exhibit with me.

15 A (The witness complies.)

16 Q We previously had a discussion using the actual
17 photographs of her hands. Are these digital
18 representations of the same?

19 A Yes, they are. Again, this is the left hand. The
20 incised wound to the base of the ring finger, abrasion to
21 the base of the middle finger, amputation of the tip of
22 the left fifth finger. I don't see it on here, there's an
23 incised wound to the tip of the right middle finger -- I'm
24 sorry, to the left middle finger, bruise to the palm of
25 the hand. And then the pattern injury, which is a deep

1 abrasion, almost a gouge of the skin of the posterior
2 right wrist and then superficial incised wounds to the
3 outer aspect of the right wrist.

4 Q Discussing specifically the incised wounds you're
5 referring to, I'm going to show you what's been marked as
6 State's Exhibit 243, which has previously been identified
7 as a knife that was found at the crime scene. Is this
8 instrument consistent with the type of instrument it would
9 take to create some of the incised wounds that we've been
10 discussing?

11 A Yes, it is.

12 Q I'm also going to show you what's been previously
13 admitted as State's Exhibit 245, which is identified as a
14 claw hammer found at the crime scene. Is this hammer
15 consistent with the type of instrument that would have
16 been necessary to create the gouge wounds that you
17 discussed?

18 A Yes, the claw portion of this hammer would be an
19 instrument that could create this type of wound.

20 Q Now, I'm going to turn our attention to the
21 representations of Ms. Hughes' face. I'm going to start
22 with this photograph. Would you please explain to the
23 jury the extent of the injuries that we see on her face
24 and that you saw on her face during autopsy?

25 A This is a representation of the front portion of the

1 face of Ms. Hughes. In this region here, which is,
2 basically, the space between the eyes, this is the base of
3 the forehead is a laceration or tear of the skin. This is
4 a full thickness laceration, so the tear goes all the way
5 through the skin to the underlying bone. There's a
6 fracture of the nasal bone. There's fracture of the
7 underlying bones that cover the sinuses. So this wound
8 communicated from the outside into the full sinuses of Ms.
9 Hughes' face. There is an associated bruise that's
10 extending through her right eyelid and, also, involves
11 this area on the right side of her face where there are
12 two separate abrasions of the skin, which would have
13 resulted from some sort of blunt impact. She's got this
14 primary impact or a large impact to the front portion of
15 the face, breaking the bones of the face and communicating
16 with the underlying sinus cavity.

17 Q And, again, going back to State's 245, is this hammer
18 consistent with the type of instrument it would have taken
19 to create this injury that you just discussed?

20 A Yes, it is.

21 Q Dr. Ward, I'm going to move now to the representation
22 of the side of Ms. Hughes' head. When you observed the
23 side of her head during autopsy, please, use this as a
24 reference and, like you did before, please tell the jury
25 what injuries she sustained to the side of her head?

1 A Well, as you can see, there were multiple blunt force
2 injuries to Ms. Hughes. The first one that I'll describe
3 is this one here. It is to the, what I would consider
4 being the right frontal portion of her scalp. This was
5 right at the hairline, so it was right at the extent of
6 where her hair was growing. This, actually, consist of
7 two separate wounds. They're rectangular-shaped wounds
8 with a separate space in between, much like you would
9 expect if you were impacted with the claw portion of this
10 hammer. So this creates a wound, this creates a wound and
11 then there's a space in between. So this is located
12 roughly here within the hairline. This is a full
13 thickness penetration through the skin and impacted the
14 underlying bone with removal of portions of bone creating,
15 if you will, a divot within the bone, so that there was a
16 portion of the bone that was scooped out beneath each one
17 of these areas of laceration of the skin or each one of
18 these areas of impact..

19 This is a very similar injury pattern. Just behind
20 the first one is a second one. Again, two separate areas
21 of injury parallel with a skipped space in between. And,
22 also, beneath that area was an area of trauma to the bone,
23 again, those small divots that were created.

24 Q Is that also consistent with the hammer?

25 A Absolutely. This appears as one continuous wound on

1 the representation, but, in actuality, this was a separate
2 area of impact. So this is, again, a laceration of the
3 skin with some bruising of the wound margins. This one
4 did not cause fracture of the underlying bone. This is a
5 larger area of impact to the skin of the right side of Ms.
6 Hughes' face. This caused a full thickness tearing of the
7 skin and fracture of the underlying bone. In a depressed
8 type of skull fracture, in that this is a full thickness
9 fracture of the temporal bone, so the bone within this
10 region of her face, the side of her head, with compression
11 of that bone into the underlying substance of the brain,
12 causing tearing of the tissues of the brain itself.

13 Q And let me ask you about -- you mentioned the brain.
14 There is a representation below this that appears to be
15 the side of the skull with some brain matter underneath.
16 What is this showing the jury?

17 A This representation here represents the divots caused
18 in the bone with this wound, this wound and this large
19 wound here was associated with this trauma that's
20 represented around the ear. There's, at least, one large
21 wound and a separate impact within the ear, creating this
22 large representation of a depressed skull fracture. So
23 the bony fragments in this instance have been removed and
24 there's exposure of the underlying substance of the brain.
25 In Ms. Hughes case, this portion of the brain had been

1 traumatized. It had been torn by penetrating pieces of
2 bone that were fractured at the time of impact.

3 Q And I notice that this appears to be sort of a
4 representation of a healthy brain. That's not -- is that
5 how Ms. Hughes' brain looked during autopsy or did her
6 brain look different than that representation?

7 A Her brain looked different from that representation.
8 It was traumatized. There was hemorrhage, in other words,
9 there was bleeding within the brain. There was tearing of
10 the brain substance. In fact, there was diffuse bleeding
11 around the entire surface of the brain. We call that
12 subarachnoid hemorrhage. But it's present over,
13 basically, both sides of the brain.

14 Q Now, I cut you off when you were describing the
15 injury around what appears to be her ear. Please
16 continue.

17 A So this was one impact, a separate impact, a separate
18 impact here, separate impact here and then we were to the
19 level here, which is, basically, within the right ear.
20 There's a laceration of the skin involving this region
21 here. Again, associated with this depressed skull
22 fracture.

23 There's a separate impact behind the right ear with a
24 laceration or tearing of the skin which did not have its
25 own separate and distinct area of skull fracture, but may

1 well be associated with this large depressed skull
2 fracture. Because once you break a bone, it's left easier
3 to continue to break it, much like an eggshell. So this
4 wound may be in association with this depressed skull
5 fracture.

6 Moving towards the back side of the head, still on
7 the right side is this area of laceration of the skin.
8 Full thickness laceration, however, there's no associated
9 skull fracture.

10 Q What is this right here on her neck?

11 A These wounds are considered to be blunt force
12 injuries, in that the impacting object is considered not
13 to be in the category of a sharp injury. It's not a
14 knife, it's not an ax or machete. It leaves certain
15 distinctive marks, which are these abrasions along the
16 wound edges.

17 This wound is a separate category of wound. This is
18 an incised wound or a cut of the skin, not created by
19 something blunt, but created by something sharp where it
20 has cut the skin and leaving very sharp skin margins, much
21 like you've got a cut on your hand or something like that.
22 So this is incised wound or cut to the skin of her right
23 neck.

24 Q Let's move on to the final representation, which
25 appears to be the back of her head. Please tell the jury

1 about those injuries.

2 A To avoid confusion, this wound and this wound are the
3 same. So we've already discussed this wound when talking
4 about this one. So if you're counting, don't be like I
5 got confused because that one is already here. So there
6 are four separate impacts that we have not described to
7 the back portion of the head. The first is on the left
8 side of the midline. Again, is that pattern injury that
9 looks very much like two rectangular perforations of the
10 skin with trauma to the underlying bone from the clawed
11 portion of the hammer. A separate impact here, which is
12 only one. It's rectangular, but it has the same sort of
13 divot-like trauma to the bone. And I suspect that is an
14 impact with only one of the claws as opposed to two.
15 Somehow the hammer got twisted a little bit and only one
16 of the claw portions came in contact with the skin.

17 And there are two separate areas of impact to the --
18 near the base of the skull, here and here. And these
19 don't have the classic pattern of the claw portion, so
20 probably represent either the head portion of the hammer
21 or, possibly, the side portion of the hammer. Possibly ly
22 side portion to hammer. This one extends through the skin
23 to the bone. This one extends a little bit different from
24 the rest of them in that it has some downward direction.
25 So there's tearing of the skin away from the bone going

1 this way, indicating a direction of force. These injuries
2 appear to have been going almost straight back. And this
3 one would have some more downward direction to it as
4 manifest by that tearing of the skin as it went towards
5 her neck.

6 Q The injuries to the arms and hands, how would you
7 characterize those injuries?

8 A When there is trauma to what we consider to be vital
9 regions, head, neck or around the chest, especially with
10 an object that's going to result in repetitive blows, very
11 often, we very naturally put our hands up to protect
12 ourselves in a defensive-type posture. So these wounds,
13 when seen around the hands and the arms, especially in
14 individuals who have trauma to the face or to the neck, we
15 categorize those as defensive-type wounds, in that they
16 put their hands to protect themselves, to ward off blows
17 or to ward off the attack.

18 Q Dr. Ward, please have a seat back on the witness
19 stand. Thank you for doing that.

20 A (The witness complies.)

21 Q Dr. Ward, you testified that the purpose of an
22 autopsy is to determine the cause and manner of a person's
23 death. Were you able to determine the cause of
24 Ms. Hughes' death?

25 A Yes, I was.

1 Q What was the cause of her death?

2 A Ms. Hughes died as a result of blunt force trauma of
3 the head.

4 Q Were you able to determine the manner of her death?

5 A Yes.

6 Q What was that?

7 A Her manner of death was homicide.

8 Q Were you able to make a determination as to how many
9 separate impacts there were to her head?

10 A There were, at least, 11 separate and distinct
11 impacts to the head.

12 Q Would any of those 11 separate impacts be enough to
13 cause her death on its own?

14 A Certainly, the impact to the right side of the head
15 that caused the depressed skull fracture, be that one or,
16 possibly, two combined would, certainly, be fatal.
17 Depressed skull fracture that traumatizes the underlying
18 brain lacerating the substance of the brain with
19 associated bleeding would be a fatal wound.

20 MR. ELLIS: Dr. Ward, thank you for your testimony
21 today. Please answer any questions Mr. Scalzo has for
22 you.

23 THE COURT: Cross-examination.

24 MR. SCALZO: Thank you, Your Honor.

25 CROSS-EXAMINATION

1 BY MR. SCALZO:

2 Q Dr. Ward, I don't think there's much question as to
3 how she died, but I do want to clarify something that may
4 have come across differently in your testimony than it did
5 earlier in the trial, okay, so that's what I want to talk
6 about. With regard to the hands and the defensive
7 injuries, when you were testifying, you talked about the
8 finger being amputated, correct?

9 A Correct.

10 Q And you mentioned that it would take a lot of force
11 to do that?

12 A Yes.

13 Q With regard to Ms. Hughes' left pinky, is that right?

14 A That's correct.

15 Q And is it your opinion that that was a result of the
16 defensive posture she took, the severing or the almost
17 sever, complete sever of the pinky?

18 A Well, it's possible that it occurred during the
19 assault and these are defensive-type injuries. It's,
20 also, possible that once she's incapacitated her finger
21 was cut off.

22 Q Okay. All the other injuries to her hands and
23 fingers appear -- besides that one appear to be defensive
24 to you, that's my understanding of your testimony?

25 A Would fit into the category of defensive-type wounds,

1 yes.

2 Q And as you were saying, at least, the force to the
3 ear, the right ear, that you believed, at least, that
4 fracture would have been fatal in and of itself?

5 A That's correct.

6 Q And with regard to the injuries to the head, that
7 would have pretty much incapacitated her pretty quickly?

8 A Several of these blows could have either
9 incapacitated her or rendered her unconscious. It,
10 certainly, doesn't mean all of them occurred while she was
11 standing upright. So one blow may have caused her to be
12 down on the ground and receiving the rest of the blows
13 after that, or she may have been able to maintain her
14 posture after several blows and then become unconscious,
15 but, certainly, the significant blows to the right side of
16 her head would have been incapacitating.

17 Q Okay. I think this might be last question, but you
18 covered with the prosecutor -- you may not have to get
19 down, but on the palm of what appears to be her right
20 hand, this hand, do you see it?

21 A Yes.

22 Q There's sort of a round bruise. You didn't testify
23 about this, but it appears to be consistent with the head
24 of the hammer, it's large?

25 A Yes, it would be continue with that, yes.

1 Q Bear with me one moment.

2 A Certainly.

3 MR. SCALZO: That's all I have

4 THE COURT: Is there redirect?

5 MR. ELLIS: No redirect, Your Honor.

6 THE COURT: Any objection to the release of our
7 witness?

8 MR. ELLIS: No, sir, Your Honor.

9 THE COURT: Hearing none, you're free to leave if you
10 wish. Have a good day.

11 THE COURT: Please call your next witness.

12 MS. PAOLETTI: Yes, sir, Your Honor, the State calls
13 Sheryl Slavensky.

14 THE CLERK: Ma'am, would you please come forward for
15 the oath. Please place your left hand on the Bible and
16 raise your right.

17 SHERYL SLAVENSKY,

18 after having been duly sworn, testified as follows:

19 THE CLERK: Thank you. You may be seated. Please
20 state your name for the record.

21 THE WITNESS: Sheryl Slavensky.

22 THE CLERK: Thank you.

23 DIRECT EXAMINATION

24 BY MS. PAOLETTI:

25 Q Ms. Slavensky, where are you from?

1 A Morgantown, West Virginia.

2 Q How long have you lived in Morgantown?

3 A Since 2008.

4 Q Okay. Where did you grow up?

5 A Myrtle Beach, South Carolina.

6 Q Are you married?

7 A I am.

8 Q Do you work?

9 A Yes.

10 Q What do you do?

11 A I'm a register nurse.

12 Q What kind nurse do you do?

13 A Emergency department and triage.

14 Q Do you know the Defendant?

15 A I do.

16 Q How long have you known him?

17 A Almost 30 years.

18 Q And will you tell the jury how you know them and what
19 your relationship is with him?

20 A We have been best friends, engaged off and on, lived
21 together off and on during that time.

22 Q Dated?

23 A Yes.

24 Q Okay. But throughout the time period that you've
25 known him, y'all remained friends, is that right?

1 A Yes.

2 Q Did you know his mother, Karen?

3 A I did.

4 Q Did you know his father, Doug?

5 A I do.

6 Q I want to talk to you about the time period in 2009
7 and 2010, okay. Did you have a chance to talk to the
8 Defendant about his parents' divorce?

9 A Yes.

10 Q All right. Did you have a chance to talk to the
11 Defendant about what was going on with the trust account?

12 A Yes.

13 Q Okay. And over the course of the years even prior to
14 that, did the Defendant talk to you about the trust
15 account?

16 A Yes, he did.

17 Q Okay. And in those conversations that you had with
18 the Defendant about the trust account, who did he think
19 that that money was for?

20 A Himself and Larry.

21 Q All right. I want to talk to you specifically about
22 a conversation you had with the Defendant that was around
23 the time of his parents' divorce. Do you remember having
24 a conversation with him in which he spoke about his
25 mother?

1 A Yes.

2 Q Do you remember if this was before or after
3 Mr. Hughes' horseback riding accident?

4 A It was after the horseback riding accident.

5 Q And I want to talk to you about the Defendant's
6 demeanor during that conversation. Do you understand what
7 I mean when I say his demeanor?

8 A Yes, ma'am.

9 Q I just wanted to make sure. Can you describe to the
10 jury what his demeanor was?

11 A He was furious, very angry.

12 Q Did he tell you who he blamed for his parents'
13 divorce?

14 A Yes, he blamed his mother.

15 Q Did he talk to you about who he blamed for his
16 father's condition?

17 A His mother.

18 Q Did he say anything about what he wanted to do about
19 that?

20 A Yes, he did say that he wanted to kill her.

21 Q Okay. Did he tell you anything more specifically
22 about that.

23 A He said he wanted to bash her head in.

24 Q All right. Did he tell you why he wanted to bash her
25 head in.

1 A He said he wanted it to be slow and he wanted to be
2 able to watch her face.

3 Q Did he say why he wanted to look her in the face?

4 A He said he wanted to watch her understand.

5 Q Sheryl, you said that you and the Defendant have
6 dated off and on, is that correct?

7 A Yes, ma'am.

8 Q Okay. You said you're married?

9 A Yes.

10 Q Okay. Was there a time period back in 2009 when you
11 were talking to the Defendant about getting back together?

12 A Yes.

13 Q Was it around that same time period that you had this
14 conversation?

15 A Yes.

16 Q Okay. Tell the jury what happened with you and the
17 Defendant after this phone conversation?

18 A We did not continue talking much after that.

19 Q Okay. Did you get back together?

20 A No.

21 Q Did you tell Karen Hughes?

22 A I did. I called her at work and told her about the
23 threat.

24 MS. PAOLETTI: Answer any questions Mr. Scalzo might
25 have for you, please.

CROSS-EXAMINATION

BY MR. SCALZO:

Q You said this was 2009?

A Yes, sir.

Q And he was furious, is the word you used?

A Yes.

Q Okay. And did you take him seriously at that point?

A I did.

Q At some point, did you take him less serious?

A I'm not sure what you mean.

Q Well, you took him serious at the point you were having the conversation is what you just said?

A Correct.

Q That was in 2009?

A Correct.

Q Was there a period of time where you didn't think it was as serious as you might have thought at the moment?

A Honestly, after a period of time, I stopped thinking about it.

Q Okay. And what is the time frame that you had the conversation with Karen Hughes about that?

A It was immediately after I spoke with Walker Hughes.

Q Okay. And after that, did you have any telephone conversations with her after that?

A We e-mailed back and forth a couple of times after

1 that.

2 Q In the same time frame as what we're talking about?

3 A In the same time frame.

4 Q Then no communication since that time?

5 A No.

6 Q All right. You lived in West Virginia at the time
7 this took place or you didn't?

8 A I did.

9 Q Even when this conversation took place?

10 A Yes.

11 Q All right. And you said 2009?

12 A Yes.

13 Q You've known Walker, you said, 30 years?

14 A Yes.

15 Q Okay. At some point -- you said you're from Myrtle
16 Beach?

17 A Well, I was born in Morgantown, but I grew up in
18 Myrtle Beach.

19 Q Grew up in Myrtle Beach. Is that where y'all met
20 each other?

21 A Yes.

22 Q Did they live in Myrtle Beach at some point?

23 A They did.

24 Q All right. Obviously, over that period of time, you
25 stayed in touch on and off, I think you described?

1 A On and off.

2 Q He, obviously, confided in you and talked to you
3 about various things about his life and his family,
4 correct?

5 A He did.

6 Q Did he talk to you about a child?

7 A He did.

8 Q When did he have that conversation with you?

9 A The initial conversation was towards the ends of
10 2009, when he was, actually, supposed to come and see me
11 and he didn't. And he said that he had a baby coming and
12 that was one of the reasons that he wasn't coming.

13 Q Was this before y'all stopped seeing each other or
14 dating or whatever?

15 A It was around the same time.

16 Q Around the same time. And was this before or after
17 the conversation you just talking about regarding
18 Ms. Hughes?

19 A It was before.

20 Q It was before. Had you talked about that child with
21 him after that time?

22 A Yes.

23 Q How many times would you say you talked about that?

24 A A few. He called me around the time the baby would
25 have been born and talked to me about it then.

1 Q Okay. Was there a point in time where you had a
2 conversation with him about either -- I don't know if
3 problem is the right word, you tell me if I'm using the
4 right word, but either a problem or a dispute about who
5 may have been the father?

6 A Yes. He told me he wasn't sure if he was the baby's
7 father.

8 Q At what point, was the child born, was the child not
9 born yet, what time are we talked about?

10 A The child had been born at that point..

11 Q And was it your impression that he was getting that
12 from himself or somebody else?

13 A He didn't leave me an impression either way. He just
14 expressed doubt about not being sure whether or not he was
15 the father.

16 Q Did you think he wanted to be the father in terms of
17 the conversation?

18 A Yes.

19 Q Why?

20 A Because he always wanted a baby. There was nothing
21 he wanted more than that.

22 Q Okay. Did you know whether or not his mother knew
23 about this child?

24 A I do not.

25 Q Did you ever have a conversation with --

(Sheryl Slavensky - Redirect by Ms. Paoletti)

1 A I did not.

2 MR. SCALZO: That's all I have right now, Judge.

3 THE COURT: Redirect?

4 REDIRECT EXAMINATION

5 BY MS. PAOLETTI:

6 Q Did you ever see a picture of this baby?

7 A No, ma'am.

8 Q Do you know a name?

9 A I know her name.

10 Q Okay. You know what he told you her name was?

11 A Correct.

12 Q And what's that?

13 A Kaley Marie, I believe.

14 Q And who the mother was?

15 A I knew roughly who she was. I don't recall her name.

16 Q Who was she?

17 A Just another one of the women he was dating at the
18 time. He told me her name then, but I don't recall it.

19 Q You've never seen a picture of this child?

20 A No, ma'am.

21 MS. PAOLETTI: I have nothing further, Judge.

22 THE COURT: All right. Ma'am, you may step down and
23 you're free to leave or free to remain.

24 Please call your next witness.

25 MR. ELLIS: Thank you, Your Honor. The State calls

1 Marion Beachum to the stand.

2 THE CLERK: Please come forward to be sworn. Please
3 place your left hand on the Bible and raise your right.

4 MARION BEACHUM,

5 after having been duly sworn, testified as follows:

6 THE CLERK: Thank you. You may be seated. Please
7 state your name for the record.

8 THE WITNESS: Marion W. Beachum.

9 DIRECT EXAMINATION

10 BY MR. ELLIS:

11 Q Mr. Beachum, what name do you go by? What do your
12 friends call you?

13 A Buster.

14 Q Where are you employed?

15 A At Palmetto Trust.

16 Q What is Palmetto Trust?

17 A We are a trust company serving trust accounts in
18 Greenville and in the upstate, Greenville, Spartanburg,
19 Laurens.

20 Q How long have you worked there?

21 A I have been with Palmetto Trust, which was formally
22 Palmetto Bank, since July of 2000.

23 Q What did you do before July of 2000?

24 A I was in the -- still in the trust business with Bank
25 of America and its predecessors, primarily in Greenville.

1 Q Please tell the jury about how trust administration
2 works and what services you provide.

3 A Essentially, you have two different types of trust.
4 One's what you call a living trust and the other is a
5 testamentary trust. When we serve as a trustee, we're
6 managing assets for the benefit of someone else. That
7 person may have been the one that set up the trust or it
8 could have been managing assets for other people that are
9 involved that didn't set the trust up. But, you know,
10 those are our two primary services. We also serve as
11 managing agent and managing assets for individuals.

12 Q By the way of an example, if a grandfather set up a
13 trust for his granddaughter to pay for her education,
14 would you be the person that writes the checks to Clemson
15 University in that case?

16 A That is correct.

17 Q Do you know the victim in this case, Karen Hughes?

18 A Yes, I did.

19 Q Do you remember when you met her?

20 A I probably met Karen sometimes during the summer of
21 2009.

22 Q How did you come to meet and know Karen?

23 A Her attorney, Ben Leaphart, is a good friend of mine
24 and refers a good bit of business to our bank. And he had
25 made arrangements for Karen to meet with myself at

1 Palmetto.

2 Q Was the purpose of that meeting something to do with
3 a trust that may have been in existence?

4 A Yes. There was -- as I understand it, there was a
5 trust -- or two trusts that were -- Hillard Lyons was
6 involved, I think, as the custodian. But we were -- she
7 was looking for a successor trustee.

8 Q When was Palmetto Bank officially appointed as
9 trustee?

10 A I believe the date was July the 1st, 2009.

11 Q And at some point during those initial meetings and
12 conversations with Karen, did you learn more about the
13 trust that her parents had set up?

14 A Yes, I did.

15 Q Please tell the jury about how those two trusts were
16 initially established?

17 A These were trusts that were created under the Wills
18 of her parents. Her father's name was Wilson Dillard and
19 her mother's name was Inez Dillard. And I think Wilson
20 died about a month before Inez did. And that's how the
21 trusts came into existence.

22 Q And based on your review of the documents that formed
23 those two trusts, what did Mr. and Mrs. Dillard dictate as
24 the terms of those trusts?

25 A Under the terms of those trusts, Karen was to receive

1 the net income during her lifetime. I think it said
2 quarterly.

3 Q What does that mean?

4 A The trusts has -- the assets of the trusts are called
5 the corpus and they produce income. And she was the
6 income beneficiary and she was entitled to the income from
7 those trusts. There were two trusts.

8 Q And did the -- pursuant to the terms of the two
9 trusts, did the trustee have any further discretion about
10 what to do with the money?

11 A We could invade or invade the corpus of the trusts
12 for purposes of health, support, education, maintenance,
13 that sort of thing if she needed it.

14 Q And what was to happen -- according to the documents
15 that set up the trust, what was to happen with the
16 remainder of the money if there was any money left over at
17 Karen's death?

18 A Under the terms of each of those trusts, at Karen's
19 death, the assets remaining at that time were to be
20 distributed to her two sons, Larry and Walker, free of
21 trust if they were over 35 years of age at that time.

22 Q Now, is it possible that there would be no money left
23 at all when Karen died?

24 A There was, certainly, a possibility. If she had a
25 serious illness and unreimbursed medical expenses and

1 lived to 90, 95, having to go into a nursing home, there
2 was a possibility that all the assets could have been
3 expended.

4 Q And would you have invaded the corpus of the trusts
5 to pay a nursing home bill?

6 A Yes.

7 Q What about to pay an extended hospital bill?

8 A Yes.

9 Q Did Karen have the ability to change the terms of the
10 trusts?

11 A No.

12 Q Why not?

13 A Because they were -- the trusts were created by her
14 parents and there was no provision in there that she could
15 change any part of them. I mean, we are bound by the
16 terms of each document. She couldn't -- essentially, she
17 couldn't make any changes to either document.

18 Q From the time that Palmetto Bank was appointed as
19 trustee, on or about July 1st, 2009, until Karen was
20 murdered on April the 8th of 2011, did you interact with
21 Karen on a regular basis?

22 A Yes, I probably -- we probably met face to face four
23 or five times. We e-mailed, phone calls, this sort of
24 thing.

25 Q And during that time, did you pay Karen the quarterly

(Marion Beachum - Direct by Mr. Ellis)

1 income from the trusts?

2 A Yes.

3 Q During those meetings with Karen, did you ever
4 discuss anything about her family with her?

5 A We did talk -- I mean, she was going through the
6 divorce and, you know, I would ask her questions about
7 Larry and Walker and Doug and this sort of thing just to
8 get to know her better.

9 Q And during those conversations, do you remember
10 anything she said to you about this Defendant?

11 A Yes.

12 Q What did she say?

13 A She told me she was --

14 MR. SCALZO: Your Honor, objection --

15 THE WITNESS: -- deathly afraid of him.

16 MR. ELLIS: Your Honor, the same, State vs. Westin.

17 THE COURT: Tell me again your objection.

18 MR. SCALZO: Well, my objection was going to be
19 that's a wide open set, not necessarily narrowed, but I
20 guess he answered the question.

21 THE COURT: Well, I'm going to overrule your
22 objection because he's already established the time
23 proximity. The Court feels it's sufficient.

24 you may proceed.

25 BY MR. ELLIS:

1 Q There was some talking over you, what was your answer
2 to that last question, Mr. Beachum? I'm sorry.

3 A Karen told me she was deathly afraid of Walker. That
4 if he ever got her alone, he would kill her.

5 Q Did she ever express that level of fear about Doug?

6 A No.

7 Q What about Larry?

8 A No.

9 Q Mr. Beachum, I want to switch gears a little bit and
10 talk to you about some numbers. You said there were two
11 trusts?

12 A Yes.

13 Q What was Karen's mom's name again?

14 A Inez.

15 Q What was her dad's name?

16 A Wilson.

17 Q And on April 8th, 2011, what was the value of the
18 Inez Dillard trust?

19 A It was \$492,325.55.

20 Q And was the home that Karen lived in also included in
21 that trust?

22 A Yes. There was a -- each trust had a one-half
23 interest in the home.

24 Q And what was the value of Ms. Dillard's half interest
25 in the home?

1 A That was \$97,750.00.

2 Q Forgive me, I'm a lawyer, I'm not good with numbers.
3 Is the total of the Inez Dillard trust with the corpus of
4 the trust and the value of the house, does it sound like
5 \$492,435.51? Is that about right or did I mess something
6 up?

7 A Are you asking me what was the value of the trust on
8 the date of Karen's death?

9 Q The Inez Dillard trust, the 492, plus the value of
10 the house?

11 A On the date of Karen's date of death?

12 Q Yes, sir.

13 A The total value was 492,325.55, that included the
14 value --

15 Q I see.

16 A -- one-half of the house.

17 Q Let me cross that out. Okay. I'm going to ask the
18 same question about the Wilson Dillard trust. The total
19 value of the trust, the money in the bank, including the
20 value of the house, what is that number?

21 A It's \$321,000 -- wait a minute, let me back up.
22 \$379,338.68.

23 Q And so the total value of the trust, two trusts would
24 be these two numbers added together?

25 A Correct.

1 Q Let me hand you a calculator. Do you have the total
2 value calculated or do I need to hand you a calculator?

3 A I've got it written down, \$871,774.19.

4 Q 874?

5 A Seven seventy-four nineteen.

6 Q And because of Karen's death, how much of that was
7 the Defendant entitled to?

8 A Four hundred thirty-five thousand eight hundred
9 eighty-seven dollars and nine cents.

10 Q The day we're talking about is April the 8th, 2011?

11 A Correct.

12 Q Okay. Mr. Beachum, I'm not going to bore everyone
13 with going through all of those numbers again for today.
14 However, I'm going to ask your testimony, as of today's
15 date, what is the value of the Inez Dillard trust?

16 A It's \$492,325.55.

17 Q What about the Wilson Dillard trust?

18 A It's \$321,689.59.

19 Q What is the total value today of the trust?

20 A It's \$814,015.14.

21 Q And what is the Defendant's share of that?

22 A It's \$407,007.57.

23 MR. ELLIS: Mr. Beachum, thank you for being here
24 today. Please answer questions Mr. Scalzo has for you.

25 THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. SCALZO:

Q Good afternoon, Mr. Beachum. Just to be clear, the reasons these two numbers, the 435,887.09 is half of that is because it's not just Chip, but Larry, correct?

A Correct.

Q It's an equal amount?

A Larry was entitled to half and Walker the other half.

Q I don't write as neat as Mr. Ellis does. Same thing on the 407 today, correct?

A Correct.

Q Larry would have that portion or his heirs?

A That's correct.

Q And Mr. Beachum, you were talking about the corpus, the body of the assets, there were rules set up in the Will about getting to the actual body of it, the assets, correct?

A That is correct.

Q You described them as sort of like special circumstances, health, things of that nature?

A That is correct.

Q In that Ms. Hughes was receiving payments not on the corpus of it, but on the money that was making?

A That's correct.

Q Sort of like interest when you have a bank account?

1 A That's correct.

2 Q You haven't testified to this, but is there any
3 evidence she was sort of bleeding out the trust, trying to
4 get large portions of that money out of the body of the
5 trust?

6 A Absolutely not.

7 Q So she's not running it down and getting all the
8 money out?

9 A No.

10 Q Okay. I would assume that part of your role as the
11 trustee is to help support the corpus?

12 A Correct.

13 Q And keep it going for as long as possible, keep it as
14 high as possible, isn't that right?

15 A Correct.

16 Q Sort of your job is to look out for the body or the
17 trust or both trusts?

18 A Right. If she needed more income for whatever reason
19 to try to arrange the assets to produce more income or,
20 you know, add more equity assets in the trust for growth
21 purposes.

22 Q And with it boiling down to the main purposes as
23 being you want to keep the body of the trust as stable as
24 -- maybe increase it, but you don't want to decrease it?

25 A That's correct. That's correct.

1 Q Okay. Mr. Beachum, there was some discussion with
2 different witnesses about Mr. Walker Hughes asking or
3 making a request for money from the trust account, so I
4 want to ask you about that, okay?

5 A Okay.

6 Q Isn't it true that the request came after he was put
7 in jail and charged with this murder?

8 A That's correct.

9 Q And that the request was for the purpose of hiring an
10 attorney, is that your understanding?

11 A I assumed that that was what the request was for.

12 Q Okay.

13 A I never had any district contact with Walker.

14 Q I understand that. Was it that either an attorney or
15 a representative of an attorney kind of came to you and
16 said this is what we're trying to do?

17 A I had a telephone conversation with -- the
18 gentleman's name was Wayne Shures, I believe.

19 Q And in the court documents that Mr. Leaphart was
20 talking about yesterday, there was a complaint that talked
21 about that as one of the either allegations --

22 A Correct.

23 Q -- or facts?

24 A Correct.

25 Q Same thing, right? That's the same conversation?

1 A Essentially.

2 Q He didn't ask for \$435,000, correct?

3 A No.

4 MR. SCALZO: That's all I have, Judge.

5 THE COURT: Any objection to the release of our
6 witness? Hearing none, sir, you're free to go. You're
7 not required to leave, but you're free to go.

8 THE WITNESS: Thank you.

9 MR. ELLIS: Your Honor, if we could have just a
10 moment, please.

11 THE COURT: You may.

12 (Pause.)

13 THE COURT: Please call your next witness.

14 MS. PAOLETTI: Your Honor, that's the State's case.

15 THE COURT: All right. The State rest.

16 Ladies and gentlemen, at this point in every case,
17 the Court has certain matters that I need to review and
18 take up potentially with counsel, so this is probably a
19 good time to take an afternoon break. We'll give you an
20 extended break. If you need to take a smoke break, we'll
21 make that available to you. And we will reconvene when
22 we're ready to go forward.

23 We'll remain where we are while you depart the
24 courtroom.

25 (WHEREUPON, the jury left the courtroom at

1 a little bit before 9:30 this morning.

2 Tell me, Mr. Scalzo, what do we have?

3 MR. SCALZO: The first issue, we did take it up in
4 Chambers, but, we, obviously, need to put it on the
5 record. I do have a motion to require the State to open
6 in full on the law and the facts. And it is a written
7 motion, so I would like to present that to the Court as
8 part of the record.

9 THE COURT: Let's take a moment and let's make that a
10 Court's Exhibit.

11 MR. SCALZO: Thank you, Judge.

12 (WHEREUPON, Court's Exhibit No. 1 was marked for
13 identification.)

14 THE COURT: Court's Exhibit 1 then preserved for the
15 record.

16 MR. SCALZO: And, Judge, the basis of our request is
17 that despite the fact that the Defense has put in some
18 evidence and though it's been what we would characterize
19 as the Defense would lose the right to a last argument,
20 our request and motion is that the State open in full, we
21 respond and then the State can then rebut to our response
22 as not argument that they made in their first closing.

23 THE COURT: And upon what rule or precedent do you
24 rely in asserting that position?

25 MR. SCALZO: Our position is that the nature of that

1 order or that procedure is, at the end of the day, a
2 violation of due process and the right to present a
3 defense because what it does is it allows the State, in
4 essence, sandbag the Defense with arguments that the
5 Defense does not have the ability to rebut. I think
6 that's particularly highlighted in this case in the fact
7 that the State's opening statement, not that they've done
8 anything wrong about it, but the nature of their opening
9 statement was not to outline theories and arguments about
10 how things happened or what exactly happened, it was very
11 broad stroked. Then when you get to the closing argument,
12 the Defense goes up there and makes arguments based on
13 evidence, the State then gets to make arguments that may
14 not have actually taken place in the trial and the Defense
15 doesn't have a fair opportunity to rebut those arguments.
16 So that's the nature of the motion, Judge.

17 THE COURT: Respectfully, I didn't hear a rule or a
18 precedent in that, I heard a constituting a principle.
19 May we agree then that there is no rule or precedent on
20 that point in your favor?

21 MR. SCALZO: Well, the rule simply says that it's up
22 to the Court's discretion. It doesn't say that it has to
23 be that closing arguments have to be in the order that we
24 normally, as I call, traditionally do it. That's in the
25 Court's discretion to do that. And I'm suggesting based

1 on the due process and the right of a complete defense
2 that the Court should use its discretion to do the order
3 that we're proposing.

4 THE COURT: And, again, what rule are you relying upon,
5 please?

6 MR. SCALZO: I'll have to find it.

7 THE COURT: Well, while you do that, let's hear from
8 the State.

9 MR. ELLIS: Thank you, Your Honor. This is more than
10 just mere tradition. As late as 1997, the South Carolina
11 Supreme Court says -- and this is State vs. Mozon, 326 S.C.
12 199, in a criminal prosecution where a defendant introduces
13 no testimony, he is entitled to the closing argument to the
14 jury. So what that's saying is when he introduces testimony
15 or exhibits, he is not entitled to a final closing argument
16 to the jury. So this is established throughout case law in
17 South Carolina. It's not just mere tradition, but the
18 Supreme Court took our position that we are entitled to the
19 final closing argument since they have introduced evidence
20 in this case.

21 THE COURT: And what's your position on how you would
22 intend to structure your argument?

23 MR. ELLIS: Beg the Court's indulgence. Your Honor, we
24 intend to waive opening on the law and just make the
25 argument after their closing argument.

1 THE COURT: Very good.

2 And what say you to that, Mr. Scalzo? I know you've
3 already made a motion for one type of structure, but what do
4 you say to the response?

5 MR. SCALZO: One, I think there are several cases cited
6 in the motion, the written motion that we put up to Your
7 Honor with regard to the case that was cited by Mr. Ellis.
8 The rule -- Your Honor asked me about the rule. The isn't a
9 rule that says what the order is and absent the rule, I
10 think that's what makes it in the discretion of the Court to
11 do it or to determine what the order should be. With regard
12 to waiver, I think the cases say that if it's requested,
13 they should have to open on the law.

14 THE COURT: Are you saying then that you are invoking
15 what you perceive to be your prerogative to require them
16 to open on the law?

17 MR. SCALZO: Yes, sir.

18 THE COURT: All right. Just a moment, please. While
19 we consider this, let's take up another issue.
20 Apparently, there's a dispute about whether one particular
21 charge would come in against the Defendant if he took the
22 stand.

23 Mr. Crangle, what is that issue?

24 MR. CRANGLE: Your Honor, the issue for the Court is
25 a grand larceny conviction from October of 1993. It would

1 be the Defense's understanding that the State intends to
2 introduce that as a rule 609(b) or a crime of dishonesty.
3 I presented to the Court the case of the State vs.
4 Broadnax, that is 401 S.C. 238. This is a South Carolina
5 Appellate case.

6 In that case, the State intended to introduce a
7 conviction for armed robbery. And they were successful
8 and the Court allowed that under the fact that the Court
9 considered -- the trial Court considered that to be a
10 609(b) or dishonest crime. When the appellate court
11 looked at that, the appellate court noted the trial court
12 was incorrect. And I turn your attention to page three of
13 five. It talks about, first, prior convictions that,
14 Broadnax argued to the trial court erred in admitting the
15 prior armed robbery conviction. So the Court introduced a
16 conviction in and of itself. There was no statements of
17 the facts or anything about the case.

18 THE COURT: May I shortened this? You kindly have
19 provided me that in advance. I reviewed that decision,
20 reviewed the holding of State vs. Bryant. And that argument
21 is sufficient. Thank you.

22 What says the State?

23 MR. ELLIS: Thank you, Your Honor. The crime in issue
24 is not an armed robbery, it's a grand larceny, which is,
25 clearly, a crime of dishonesty. Regarding State vs. Bryant,

1 in particular, the Court there says a conviction for
2 robbery, burglary, theft, drug possession beyond the crime
3 itself is not probative of the truthfulness. The way the
4 State interprets the phrase "beyond the crime itself" means
5 we can't get into the details of the act that was committed.
6 Much like, Your Honor, sustained the State's objection
7 during Mr. Isakson's testimony yesterday when the Defense
8 started questioning Mr. Isakson about the specifics of the
9 crimes that he committed. The State doesn't intend to
10 discuss those specifics, we just intend to use that he was
11 convicted of that grand larceny.

12 THE COURT: Very good. Of course, 609(b), and the
13 Court's prepared to rule at this time, gives the Judge some
14 latitude and instructs the Judge to determine whether the
15 probative value of the conviction outweighs it's prejudicial
16 effect. Here, we have a grand larceny prosecution. The
17 State has decided in addition to a murder charge, and, of
18 course, it's a greater charge, to charge grand larceny. And
19 to put in a grand larceny conviction, the Court finds the
20 prejudice of that is greater than the probative value. And,
21 also, that the age of that 1993 conviction also in the
22 consideration, the Court is going to grant the motion of the
23 Defense to exclude it.

24 MR. SCALZO: Thank you, Your Honor.

25 THE COURT: All right. Now, just one moment and

1 let's rule on the issue of closing arguments.

2 MS. PAOLETTI: Your Honor, on the issue of the
3 argument and the order of argument, I just want to for the
4 record cite State vs. Rogers, 269 S.C. 22. And, Your
5 Honor, that case holds that the State is entitled, but not
6 required to open the closing argument to the jury unless
7 the Defendant has offered no evidence.

8 THE COURT: Yes, I have State vs. Rogers before me
9 now.

10 MS. PAOLETTI: Yes, sir. And goes on to say that's a
11 substantial right of the State to have last argument.

12 MR. SCALZO: Your Honor, I'm sorry to interrupt, but
13 we are not suggesting the State doesn't have final
14 argument. Our suggestion to the Court is that they have a
15 rebuttal, that's completely consistent with what was just
16 cited. What we're saying is the order of the opening of
17 the closing, that they should argue first, the Defense
18 argues second and then they have rebuttal. That's
19 consistent with what was just even argued to you.

20 THE COURT: Thank you. I follow it.

21 Counsel, would you step up just a moment, please.

22 (WHEREUPON, a bench conference was held.)

23 THE COURT: Ladies and gentlemen, here at the bench,
24 we made a decision that the State will -- and I'll let you
25 characterize whether it's by consent or just simply after

1 discussion -- open on the law only. The Defendant will
2 argue fully and then you will close on the facts and the
3 law if you wish.

4 MS. PAOLETTI: Your Honor, just for the record, for
5 the purposes of eliminating a potential on appeal and in
6 light of the Defendant's motion and request, the State
7 will open on the law.

8 THE COURT: All right. Very good.

9 MR. SCALZO: Your Honor, for the record, we object.
10 I don't want the record to seem like we consented to it.
11 We maintain the request as originally made that the State
12 open in full on facts and the law, the Defense argue in
13 full and then the State gets a right to rebut. We, also,
14 take the position that they should have to open on the law
15 when we request it. And I understand from the Court that
16 I will not have to renew my objection once we start
17 closing arguments because we want to continue the flow for
18 the jury.

19 THE COURT: Yes, that objection is protected in the
20 record as if it were made at the point when counsel stands
21 up to give the State's closing arguments and, thus, it's
22 not necessary.

23 But let me just say in response to what you're
24 asking. I can find no rule. I can find no precedent that
25 would let the State -- excuse me, the Defense force the

1 State to structure its arguments in a particular way. The
2 State has the burden of proof and it's a difficult burden
3 of proof and the reason closing arguments are set up the
4 way they are by rule and by precedent. And because you
5 put evidence in, the State gets final argument. I just
6 simply would decline to require the State somehow to
7 structure that argument. They have by their own agreement
8 agreed to open on the law. The Court's had to make no
9 ruling on that, but they will open on the law. And that's
10 all the Court will require or ask them to do.

11 With that decided, now, let's bring in the jury. We
12 probably will take a break after our last witness, but
13 then shortly go into closing arguments.

14 And for those who are here with the media, if you
15 have a click camera, please, do not use your click camera
16 while the jury is in the courtroom. It's very distracting
17 to the jury. If you have a silent camera, you may use it,
18 but not the click option.

19 Anything further now as the jury is coming in before
20 we bring the jury from the State or Defense?

21 MS. PAOLETTI: No, sir.

22 MR. SCALZO: No, sir.

23 THE COURT: Thank you.

24 (WHEREUPON, the jury enters the courtroom at
25 approximately 9:40 a.m.)

1 THE COURT: Good morning, ladies and gentlemen.
2 Welcome back to the courtroom. We trust you had a nice
3 evening. Let me ask, since we were last together is there
4 any member of the jury panel who has had a discussion
5 about this case with any person th any person or who may
6 have seen a media report, if there are such reports,
7 concerning this case? If that applies, would you please
8 raise your hand.

9 (There was no response.)

10 THE COURT: Let the record reflect no one has
11 responded to the Court's question. Thank you again for
12 complying with our request in that regard.

13 You will recall at the end of the day after the State
14 had rested, we determined that the Defense would call what
15 appears to be one witness first thing this morning and
16 then we will go into closings and then give you the charge
17 on the law. We are at that point this morning.

18 Defense, please call your first witness.

19 MR. SCALZO: May it please the Court, Your Honor. We
20 would call Walker Hughes to the stand.

21 THE CLERK: Please come forward to be sworn in.
22 Place your left hand on the Bible and raise your right.

23 WALKER HUGHES,

24 after having been duly sworn, testified as follows:

25 THE CLERK: Thank you. You may be seated.

DIRECT EXAMINATION

BY MR. SCALZO:

Q Good morning, Walker.

A Good morning.

Q Let's start right off. Do you understand what you're charged with?

A Yes, I do.

Q What is it?

A Murdering my mother.

Q Did you do it?

A No, I did not.

Q Walker, how old are you?

A I'm 42.

Q Where did you grow up?

A I lived in seven states before I was seven years old. I moved to Myrtle Beach when I was 10 and have been in South Carolina pretty much ever since except for a couple of short periods.

Q When did you move to Greenville?

A I believe it was about 1987 or '88. After my sophomore year in high school.

Q Why did you move to Greenville?

A Daddy had work up here and he wanted to come home.

Q What did he do for a living?

A He was in the garment industry most of his life,

1 manufacturing jeans and hats and things of that nature.

2 He started out as an engineer, move to that and ended up
3 consulting, but that's the main business.

4 Q Where did you live in Greenville?

5 A We, actually, lived in Mauldin to start with. Later,
6 Broken Mountain Road. They had a townhouse in Taylors for
7 a while.

8 Q What kind of work have you done?

9 A I'm an electrician by trade, specialized in low
10 voltage control work.

11 Q Did you go to school for that?

12 A On-the-job training.

13 Q How old were you when you started to do electrical
14 work?

15 A I was 25.

16 Q Let's talk about -- we've heard about Larry, your
17 brother, Larry?

18 A Yes, sir.

19 Q Was Larry your older brother, your younger brother?

20 A He's 22 months older than me.

21 Q Are there any other brothers and sisters?

22 A No, just us two.

23 Q Do you have other family?

24 A Other family? I have a very large family, yes, sir.

25 Q How about family in the Greenville area?

1 A My entire family is from Greer. I've got one cousin
2 in Atlanta and one in California and other than that,
3 everybody's in Greer.

4 Q Is that both your dad's and mom's side of the family?

5 A Yes.

6 Q Okay. I think you mentioned this, as an adult, have
7 you lived outside of South Carolina?

8 A Yes, I attended college in Atlanta for a while, a
9 couple of years.

10 Q Where did you go to school at?

11 A At the Art Institute of Atlanta.

12 Q How long did you go?

13 A About 18 months.

14 Q Did you graduate?

15 A No, I did not.

16 Q After the 18 months, where did you go after that?

17 A I came back to Greenville.

18 Q The issue -- Kaley's name has come up, a child,
19 Kaley, so I want to talk to you about that?

20 A Okay.

21 Q Do you have a child?

22 A Yes. I have a child. When she was born, my
23 daughter, she was mine. Some issues were raised by the
24 mother later that she had some doubts. I already told her
25 that doesn't matter to me, she's my daughter. And there

1 are some doubts raised.

2 Q What's the name of the mother, just the first name?

3 A Her name is Lauren.

4 Q You and Lauren together now?

5 A No.

6 Q And is Lauren with somebody else?

7 A I don't know. I haven't spoken with her.

8 Q Was there a time that you were aware that she was
9 with somebody else after Kaley was born?

10 A Yes. Not after she was born, about the time she was
11 conceived. The math doesn't matter to me, but -- I don't
12 know. I'm not a medical --

13 Q I understand.

14 A I don't know the exact time.

15 Q Has there been a paternity test?

16 A No, there hasn't.

17 Q And Sheryl, who testified yesterday, mentioned that
18 you had told her about Kaley. Is that accurate?

19 A Yeah, I told her when Lauren was pregnant and then
20 when Kaley was born and how -- different stages of
21 development, what we were going through.

22 Q Did you tell your family about Kaley?

23 A My family is -- my immediate -- my mother, my father
24 and my brother?

25 Q Yes, that's what I'm talking about.

1 A No, they weren't aware of Kaley, no.

2 Q Now, let's talk about -- and we'll probably come back
3 and talk about Kaley in a minute, but let's talk about [REDACTED]

4 [REDACTED] That's, obviously, been a big subject of
5 this case, okay?

6 A Yes.

7 Q That was your grandparents' house that's been
8 testified to?

9 A Yes, he built it for my grandmother, my grandfather
10 did.

11 Q When's the first time you remember being in that
12 house?

13 A It may be my very first memory of all. I remember
14 being on the back of a couch and looking out a window at
15 the street. I may have been two or three years old at
16 that time.

17 Q Did you visit your grandparents, obviously, when they
18 lived in the house?

19 A Oh, yes, all the time.

20 Q Did you stay over?

21 A Yes, all the time.

22 Q What about -- at some point, we know your mom moved
23 into the house. Did your father move in as well?

24 A He did.

25 Q When was that?

1 A That was late 2006, I believe.

2 Q Was that after your grandparents had passed away?

3 A About a year later, yes.

4 Q And your mother and father were not yet going through
5 the divorce?

6 A Oh, no.

7 Q Was there a time where you stayed in that house when
8 your parents were living in the house?

9 A Yes, there was.

10 Q Was it just one time or was it more than one time?

11 A When my parents were there, only one time.

12 Q How long would you say you lived there?

13 A About two weeks.

14 Q Was there a time where -- were there times when you
15 visited even though you didn't live there?

16 A Oh, yeah, all the time, yes, sir.

17 Q Still talking about 201 Montclair, had you ever done
18 any work in the house?

19 A Work as in improvements or help or?

20 Q Yeah.

21 A Sure, yeah.

22 Q Can you tell us a little bit about any kind of work
23 you've ever done in the house?

24 A I -- momma would have me do various things for her,
25 clean the ceiling fans, hang pictures, move furniture off

1 the wall so the maids could clean behind it and move it
2 back. I did things like set up the router for the
3 wireless network and it wasn't strong enough, so we got
4 another one and then had to find the right place for it,
5 things like that. I painted a couple of areas for momma
6 and daddy.

7 Q What time period are we talking about you would have
8 been doing these things?

9 A This was mostly -- this was 2008, maybe a little in
10 2009, but not very far.

11 Q Would this be before any problems between your mother
12 and father with regard to the divorce?

13 A No, it was before I knew there was a problem. They
14 hid it from me to begin with. And then after I found out,
15 we were all sort of trying to find a common peace. And it
16 was during that time. And then when it started to fall
17 apart, it was during that time. And then when it all
18 finally -- we were divided, that's when it ceased.

19 Q You talk about the divorce as sort of being divided.
20 Let's talk the opportunity to talk about that in your
21 life. When did you find out that your parents, actually,
22 were going through the legal process of a divorce?

23 A March 10th, 2009.

24 Q How do you know the specific date?

25 A I know it now because I reviewed it since just to

1 refresh it in my mind. At the time, I didn't know the
2 exact date, but I remember that date very, very clearly.

3 Q Let's take it step by step. Where were you when you
4 found out?

5 A I was in Columbia at my friend, Jack's house.

6 Q What had you been doing at Jack's house?

7 A If I was with Jack, then I was getting high.

8 Q Okay. How exactly did you find out?

9 A Daddy called me on the phone.

10 Q And what did you do after you spoke to your father on
11 the phone?

12 A I immediately got in the car and drove to the house
13 at Montclair.

14 Q And who were you going to see?

15 A Daddy.

16 Q Did you see him?

17 A I did.

18 Q And at some point, did you talk to anyone else?

19 A That day?

20 Q Yes.

21 A Yes, I left the house. I gave daddy a hug and tried
22 to help sooth him some. I told him I'm going some, don't
23 worry, I'll be home, because he worries when I'm out
24 running around in Columbia and things like that. And I
25 got home and I called Sheryl, my best friend, at the time,

1 my confidant, I guess you'd say.

2 Q And Sheryl talked about a phone conversation
3 yesterday, is that the same conversation?

4 A It is.

5 Q All right. She described you as being furious or
6 upset, is that accurate?

7 A Yes. I was very angry, yes.

8 Q Were you angry at your mother?

9 A Yes.

10 Q Okay. Why?

11 A It had been -- our family was -- I was raised in
12 love, bathed and swabbed in it. Their marriage was just
13 so strong and so solid. I knew it as my definition of
14 marriage and I told them that every anniversary. Every
15 anniversary, that was in the card. And I wasn't prepared
16 for the problems between them. Like I said, they tried to
17 hide it from me in the beginning and then it was sort of
18 sudden to me that it was happening. I couldn't believe
19 it. And we would ask daddy about it and he would say,
20 There's two sides to every story, ask your mom. And I
21 would ask mom and she would just say -- she wouldn't give
22 us any answers. She would say, What's he telling you
23 about me? I'm sorry, I may be rambling a little bit.

24 Q I understand: Right now, let's talk about in a time
25 frame. Once again, what time, what year are we talking

1 about with this conversation?

2 A As far as the divorce or?

3 Q You learning about the divorce and the conversation
4 with Sheryl?

5 A That was March 10th, 2009.

6 Q Okay. Now, at some point -- well, before we move on
7 from the conversation with Sheryl, she said you said some
8 pretty strong hurtful, nasty things about your mother.
9 Did you say those things?

10 A I don't remember saying those things. I remember
11 being very angry and venting and feeling much better
12 afterwards and being able to lay down and relax and get
13 some rest.

14 Q Okay.

15 A I can't believe that I would say those things, but
16 the fact that she says I did, I don't dispute that. I
17 wouldn't argue with her about that.

18 Q Okay. You mentioned getting high with your friend,
19 Jack, you said?

20 A Yes.

21 Q Let's talk about for a couple of minutes, I'll just
22 call it drug abuse, okay?

23 A Okay.

24 Q And you abused drugs?

25 A Yes.

1 Q Tell us what?

2 A What kind of drugs?

3 Q Uh-huh.

4 A Marijuana, cocaine, methamphetamines, prescription
5 pills.

6 Q Okay. Anything else?

7 A Pretty much anything that came my way, I, at least,
8 tried it. Some things, I used for different periods of
9 time.

10 Q When did that start? When did you start using drugs?

11 A When I was about 13.

12 Q What affect in your observation did your abuse have
13 on your family?

14 A Well, it -- directly, it caused -- momma was the
15 first to find out and it caused mistrust and division,
16 problems.

17 Q Mistrust --

18 A It affected most areas of your live.

19 Q Mistrust, how? Who was mistrustful?

20 A Well, I would -- in the begining, I you would do
21 things like I started taking money out of daddy's wallet.
22 And I'm sure he noticing and didn't want to believe it.
23 Then he confronted me about it and I denied it. Later, I
24 admitted it. I would pick things up around the house and
25 sell them to pay for drugs.

1 Q And that started -- how old were you when that
2 started?

3 A When I --

4 Q When you started doing those things, taking things,
5 taking the money?

6 A Thirteen, fourteen.

7 Q All right. Then you continued as you got older?

8 A Yes, sir.

9 Q This would include being in the Montclair house?

10 A Yes, sir.

11 Q What affect does marijuana have on you?

12 A It calms me, soothes me, but it makes me extremely
13 lazy. It makes me not want to go to work.

14 Q You said you used cocaine, what affect does cocaine
15 have on you?

16 A Cocaine, it makes me want to get away from others.
17 It last -- euphoria for a while and then afterwards, it's
18 just why did I do that? Terrible, terrible feeling
19 afterwards, withdrawal, depression. I'm not sure what the
20 word for it is.

21 Q What about methamphetamine, what affect does it have
22 on you?

23 A Methamphetamines, it -- it amps me up, it speeds me
24 up. It makes me focus my mind and it allows me to do more
25 work. I could probably do three days work in a day's

1 time.

2 Q Okay.

3 A Without pause.

4 Q All right. Let's talk about -- we've heard about
5 some forgeries in the course of this trial, so I want to
6 talk about any criminal history you have, okay?

7 A Okay.

8 Q And 1993, were you convicted of eight forgeries?

9 A Yes, that sounds about right.

10 THE COURT: Let me stop you there, if I may, Counsel.

11 And tell the jury at this time that, again, we've
12 discussed this evidence before. This evidence is not
13 offered to show character or conformity with a particular
14 trait of character. This is simply put into evidence on
15 the issue of whether this witness is credible or
16 believable. You should use it for that purpose only.

17 You may proceed.

18 MR. SCALZO: Thank you, Your Honor.

19 BY MR. SCALZO:

20 Q In 1994, were you convicted of two more forgeries?

21 A I believe so, yes.

22 Q In 1999, were you convicted of two more forgeries?

23 A Yes.

24 Q And in 2002, were you convicted of five more
25 forgeries?

1 A Yes, I believe so.

2 Q And then we've talked about the April 6th of 2011,
3 two forgeries, you were convicted of those, is that
4 correct?

5 A Yes, sir. Yes.

6 Q While we're talking about convictions, let's get
7 something out of the way. Did you try to hire Michael
8 Isakson to kill your mother?

9 A No.

10 Q Let's talk about 2009. Were you in the hospital in
11 2009?

12 A Yeah, on two separate case, yes.

13 Q Were you in there for a day, more than a day?

14 A I think two days the first time and three the second.

15 Q Decide you require surgery or --

16 A The second time was for surgery. The first time was
17 emergency care and recovery.

18 Q What kind of injuries did you have basically?

19 A I had very extreme laceration on my left leg inside
20 my knee, lower area of my thigh. I had some lacerations
21 on my right leg and my right clavicle was dislocated.

22 Q It was from what?

23 A An automobile accident.

24 Q While you were in the hospital, did anyone come to
25 visit you?

1 A Yes.

2 Q Who?

3 A My mother and Josephine came the first time.

4 Q Who's Josephine?

5 A Josephine was one of the caregivers that stayed with
6 my grandparents during their final times and a good friend
7 of my mother's.

8 Q That was the first time?

9 A Yes.

10 Q Did anybody come the second time?

11 A Momma came the second time by herself.

12 Q Were these long visits?

13 A I mean, 15 minutes, I guess you would say.

14 Q And that was in 2009?

15 A Yeah. First time in June, second time in December,
16 yes.

17 Q Let me talk to you about -- at some point -- 2009
18 seems to be a very pivotal year for your family, so let's
19 kind of talk a little bit about --

20 A You said 2009?

21 Q Yes, sir. We've talked about the divorce becoming
22 official in 2009?

23 A Right.

24 Q During 2009, is there a time where you either stopped
25 talking to your mother or were not allowed to go over to

1 the house?

2 A About the time of the divorce is when we stopped --
3 when the divorce was final is when we stopped trying to
4 find common peace I said before.

5 Q Okay. In 2010?

6 A Yes.

7 Q Did you talk to your mother on the phone in 2010?

8 A Yes. I would call her at work.

9 Q All right. And about how times did you talk her?

10 A I think four times.

11 Q Were these long conversations?

12 A Not -- no, not long, no. Maybe three to five
13 minutes, I would say.

14 Q And she took your call for, at least, that long?

15 A Yes.

16 Q Now, I want to talk about -- beginning with
17 April 6th, 2011, let's talk about what happens upon your
18 release from jail, okay?

19 A Okay.

20 Q When you got out of jail, what time of day is it?

21 A I believe it was about 2:00 in the afternoon.

22 Q Where did you go?

23 A I went to the lobby of the jail. There's some phones
24 where you were allowed to make free local calls there and
25 I started making some calls to try to get a ride.

1 Q All right. And before we get too far out, there was
2 a record that was put in -- I don't have my hands on it
3 right now, but there was some talk about what you -- your
4 personal items, what you had when you left the jail?

5 A Yes.

6 Q We saw some pictures of the rings. I'm going to show
7 you Defendant's Exhibit 1 -- well, I'll put it up here so
8 everybody can see what we're talking about. All right.
9 You recognize this form?

10 A I do.

11 Q What is it?

12 A It's a form that stay with you pretty much all the
13 way through a period of incarceration at the jail. They
14 -- when you initially come in, what they call booking or
15 intake, they begin to fill this form out where they log
16 everything they have with you that they take. And then
17 there's a couple of places on there you sign and get you
18 to acknowledge a couple of things. And then when you
19 leave, you have to sign it to affirm that you received
20 back everything that you gave them.

21 Q So that's why up at the top right-hand corner it says
22 2/23/11?

23 A That's the date I got to the jail.

24 Q And then at the bottom it says 4/6?

25 A Right, I left that day.

1 Q We went through -- we won't go into too much detail,
2 but as a reminder, that top box on the right, it's circled
3 there's four rings, right?

4 A Right.

5 Q Were those the rings that you wore when you went in?

6 A Yes.

7 Q And when you got out?

8 A The same four rings.

9 Q And do you remember the picture that was shown
10 earlier in the trial where your hands are cuffed and
11 showing the rings?

12 A I do.

13 Q Were those the rings that are referred to on that
14 sheet?

15 A Yeah, same four rings.

16 Q And the rest of the clothing items, shoes, pants,
17 whatever, that's what you had on when you left?

18 A Yes.

19 Q All right. So you said you made some phone calls to
20 try to get a ride. Did you get a ride?

21 A No, I didn't.

22 Q All right. Where did you go from there?

23 A I started walking.

24 Q Where were you going?

25 A I headed down the hill to -- well, it's Stone Avenue

1 right there, but it's immediately Laurens Road. I was
2 going to Laurens to Indian Mound Road.

3 Q Laurens County?

4 A Yes.

5 Q Why?

6 A I wanted to see Kaley.

7 Q How were you planning to get there?

8 A I was going to walk if I had to. But I got friends
9 along the way that I checked on to see. I intended to
10 walk it until I couldn't do it, then I would try from
11 there.

12 Q How far did you get?

13 A I made it to West Georgia Road in Simpsonville.

14 Q What happened at West Georgia Road?

15 A A Greenville County deputy on third shift night
16 patrol drove by and observed me walking and turned around
17 and came back.

18 Q What happened in that encounter?

19 A He asked me what's going on, what are you doing. I
20 told him I was just released from jail and trying to get
21 to Laurens. And he sat me in the car and he said, Well,
22 that's -- he said, That's out of the county, I can't take
23 you there. He started calling around. He didn't know
24 what to do with me. He called around and eventually --
25 maybe the second call or I don't know, he started calling

1 -- he called the Salvation Army in Greenville and they had
2 a bed and he drove me all the way back to Greenville.

3 Q Did you stay at -- go to the Salvation Army?

4 A Yeah, they took me in that night.

5 Q Is that where you stayed that night?

6 A I did.

7 Q All right. Did you eventually leave the Salvation
8 Army?

9 A The next morning, yes, sir.

10 Q Anything happen at the Salvation Army?

11 A They fed me when I got there. It was late, it was
12 maybe 1:00 or 1:30 in the morning. There was only a
13 couple of guys awake, the guys that sort of handled the
14 desk. They're long term. They live there extended
15 periods of time. They fed me and gave me a bed. I slept.
16 And the next morning, they fed me breakfast and they -- I
17 didn't have a shirt. They gave me a shirt. I didn't have
18 any socks, so my feet had some bad blisters on them and
19 they didn't have any socks to give me because the
20 warehouse wasn't open yet, so they -- the guy gave me a
21 different pair of shoes that wasn't rubbing right on the
22 spot that the blisters were on.

23 Q Anything else?

24 A No.

25 Q Okay. Where did you go from there?

1 A I went to Dick James' Law Firm office.

2 Q Why?

3 A I felt like they owed me some money.

4 Q Were they your lawyers at some point?

5 A Yes.

6 Q And were you trying to get money from them?

7 A Yeah, I wanted -- yes, I was trying to get some money
8 back from them and I also wanted to check on the status of
9 some issues they were handling for me.

10 Q So did you go there?

11 A I did.

12 Q Did you talk to anyone there?

13 A Yeah. They had sort of a turnover there. A lot of
14 people had left and went and formed another law firm. And
15 my lawyer wasn't there anymore, but they kept me in the
16 lobby until they found my file and then they sent me to
17 the back to meet a new lawyer.

18 Q Did you talk with that lawyer?

19 A I did.

20 Q Did you eventually get any money?

21 A So he held me off pretty good.

22 Q What did you do next?

23 A I did manage to get into the office with Dick, with
24 Mr. James and he spent about 45 minutes with me talking.
25 And then I went back downstairs and the original gentleman

1 let me use his office for about 20 or 30 minutes and I
2 made some phone calls.

3 Q What were you trying to do? Who were you calling?

4 A I called my brother first. I was trying -- what I
5 wanted was to get enough money to get a motel for a week.
6 I had some people in town that I felt would hire me back
7 and I wanted to get a job during that time to get on my
8 feet. I called my brother first and he -- their house --
9 he was behind several months on the payments and they were
10 almost in foreclosure and they were packing up. He said
11 he was scrambling to find the money for first and last for
12 him and Teri for somewhere to go. He was worried about
13 that and he couldn't help me, but he wished he could and
14 please call him back and let him know what I was doing.
15 So then I called Sheryl. And I asked her the same thing.
16 Her mother had stage four lung cancer at the time and she
17 hadn't been working very much because she was caring for
18 her mother. And she, also, couldn't help me.

19 Q Did you call anyone else?

20 A No, not from there.

21 Q What did you do after that?

22 A I started walking again.

23 Q Where were you going?

24 A At first, I wasn't sure what to do, which way to
25 head. But the only thing left that I could come up with

1 was I needed to see momma. I needed -- that's the only
2 place I could possibly find help.

3 Q What did you do -- well, first of all, let's make
4 sure, what day are we at?

5 A This is on the seventh.

6 Q Okay. So what did you do?

7 A I started walking. I'm not familiar with that part
8 of town, really. It's North Main Street, I think is Dick
9 James and I started going north. I know the name of the
10 area, but I'm drawing a blank right now. But I went over
11 to 291 -- I got lost for a minute and I eventually found
12 my way to 291. And I walked that way. I was trying to
13 get to Wade Hampton. And I ended up going all the way to
14 Rutherford Road and coming back down Rutherford. On the
15 way, of course, I had to feed myself and I smoked
16 cigarettes, so I was scrounging for cigarettes and things
17 like that. And it took me most of the afternoon into the
18 late evening. I slept in a little patch of woods right at
19 the end of Rutherford Road at Wade Hampton in front of the
20 subdivision. And I woke up the next day and started
21 walking again down Wade Hampton.

22 Q And that would be the eighth?

23 A That was the eighth, yes.

24 Q And tell us what you did. You started walking and
25 where did you go and what did you do?

1 A Same thing, I kept walking and making the same little
2 stops along the way at the store, Wal-Mart and the grocery
3 store. And I walked to Montclair. I walked to the house
4 on Montclair.

5 Q Do you know when you got there, what time of day
6 we're talking about?

7 A It was right at dusk. It's not quite dark, but the
8 sun's not up. It's that time when the lightening bugs
9 just come out, but it's not that time of year yet.

10 Q Okay. What were you doing? You were going to [REDACTED]

11 [REDACTED] --

12 A I walked up the hill -- there's three ways to get to
13 the house. The house is at the highest part of the
14 subdivision right there. Montclair goes like -- there's
15 three ways right there that comes together. And I went
16 the center way, right straight up the hill. And I went
17 right up to the front door and I rang the doorbell.

18 Q All right. Before we talk about what happened at the
19 house after you rang the doorbell, I mean, you understood
20 it wasn't probably a good idea to go there, did you?

21 A In what sense?

22 Q Well, you weren't allowed to go there, right?
23 Probation, remember, we talked about probation?

24 A You mean the no contact order?

25 Q Yes, sir.

1 A I understood I had a no contact order, yes.

2 Q Why were you going there?

3 A I mean, this is maybe the third or fourth time I had
4 a no contact order like that. It's -- not to say I was
5 disregarding it, but it's something between me and the
6 probation office, not between me and my family. In a
7 sense, but --

8 Q What was your purpose in going there? What were you
9 trying to accomplish?

10 A I wanted to see my momma and talk to her, ask her for
11 some help and tell her what's going on.

12 Q All right. So you said you rang the bell?

13 A I did.

14 Q What happens after that point?

15 A Nobody came to the door.

16 Q Okay.

17 A So I went back and -- I went down the steps and sat
18 on the bench that's right there in front of the steps.
19 The same bench I believe was testified earlier that I sat
20 on when Mr. Few came over. I sat right there.

21 Q All right. We'll talk about -- may be going off on a
22 tangent, but you brought it up. When the incident that
23 Mr. Few described yesterday, let's talk about this for a
24 second.

25 A Right.

1 Q Why were you there back then? Why were you at the
2 house back when Mr. Few saw you?

3 A I was trying to see momma.

4 Q Did you -- at that time, did you know whether she was
5 home or not home?

6 A No, I came to see if she was, but later, after
7 everything happened, I thought she hadn't been there is
8 what I thought.

9 Q Did you do what Mr. Few described, which was go on
10 the side of the house and go --

11 A Very close to exactly what he described. There's
12 some little things that are different.

13 Q Why did you kind of go off to the side?

14 A Well, like he said, I wanted to get a drink of water,
15 and I did, because I had walked there from Taylors that
16 day and my mouth was parched. I went and got some water
17 out of the hose. I let him know I was doing that first so
18 he wouldn't think that something -- you know, anything. I
19 got the water and then -- like he described, granddaddy's
20 garden -- it's, actually, two lots. The other lot is
21 fairly large. And granddaddy's garden was down there. I
22 stepped right there just to see how it looked. Some trees
23 had been removed that I hadn't seen yet. And there's some
24 rose bushes right there when it was my grandmother's. One
25 I planted for her and one I planted for my momma. And I

1 stood there and sort of looked at those. There's another
2 bench exactly like the one that's by the entry that I sat
3 on. That's why I was right there by the tree.

4 Q And then the police showed up?

5 A They did.

6 Q And did you end up leaving with them?

7 A Yeah, they pulled up out front. From the back, it
8 would be the -- it's the right side of the house from the
9 front, but I saw it as the left. They pulled up right
10 there and it took them a while. I guess they were talking
11 to Mr. Few. And they walked all the way around and sat
12 there. It was dark by now and they shined the light in my
13 face. I just sort of sat there and waited. And they took
14 my ID and asked me why I was there. And then they walked
15 me all the way back up to the car.

16 Q Okay.

17 A They instructed me that I was being placed on
18 trespass notice. I said, By who? He said, I don't know,
19 whoever's on the phone. I said, Okay. He said, Do you
20 understand that you're not allowed to set foot back on
21 this property or you could be arrested for trespassing? I
22 said, Yes, sir, I do. And they asked me what was I going
23 to do. And I said I was head back to Taylors. And they
24 said, How you getting there? I said, I'm walking. He
25 said, We can't allow you to just be walking down the road.

1 He gave me a ride to the store.

2 Q All right. I'm sorry to take that tangent, but let's
3 head back to rung the bell and you're sitting on the bench
4 and it's dusk and what's happening next?

5 A I sat there, it wasn't very long, maybe 10 to 15
6 minutes, wasn't quite 15 minutes, I'm sure. And I heard
7 momma's voice behind me talking to Jack. Jack's a
8 handful. And you're constantly Jack this and Jack that to
9 keep track of him. And I heard her talking to Jack.

10 Q And at some point, did she see you?

11 A Yeah, she saw me about the time she was crossing in
12 from the neighbor's yard into her yard.

13 Q All right. And what did she do?

14 A I stood up and she said -- she sort of -- she stopped
15 and she said, What are you doing here? And I said -- I
16 said, Mom, I walked two days and spent the night in the
17 woods to get here to see you. You said we'd talk again
18 when the issues were resolved and the issues are resolved.
19 And for the first time in my life, I'd rather be housed
20 and fed and clean than I would be on drugs.

21 Q You referenced her telling you -- talking about
22 resolving. Explain to the jury what you meant by that,
23 resolving the issues?

24 A During the phone calls, the three, four or five phone
25 calls we talked about earlier that you asked me about in

1 2010?

2 Q Yes.

3 A That's one of the things -- when we talked, I would
4 say, When am I going to see you again? She'd say, Well,
5 when these issues are resolved. As far as the forgeries
6 and -- the forgeries, mainly. When these issues are
7 resolved, we'll talk.

8 Q Okay.

9 A That's what she said.

10 Q All right. So you told her -- we're back on the
11 eighth of 2011, and you've told her why you were there.
12 What happens?

13 A She stopped and I said, you know, I -- I know I'm on
14 trespass notice, if you want to, momma, you can call the
15 police right now and they'll come arrest me or we can talk
16 like you said, either way. I'll sit back down or I'll
17 leave, however you feel better. She said, Just hold on.
18 And she went through the gate at the side of the house.
19 And it was a little while, I'm not sure how long, maybe --
20 I know now she had put Jack in the little carrier inside.
21 It was about seven to ten minutes and she came to the
22 front door.

23 Q Finish what you were saying about Jack.

24 A I realize now -- I didn't know at the time what she
25 was doing, but she -- there's a crate, I guess you'd call

1 it, it's a wire crate that you put Jack in if you have to
2 do other things. She had to put him in the crate.

3 Q Where was the crate?

4 A It's in the den at the edge of the fireplace over on
5 that corner.

6 Q In relation to the front door, where's the den?

7 A When you come in the front door, the steps, as we saw
8 earlier, is straight right there. The den is directly to
9 your right. It's two steps down. It's a sunken den.

10 Q You said you knew later on, how did you know that she
11 had put Jack in the crate?

12 A Later when we were in the den, Jack was in the crate.

13 Q So tell us what happens when she comes back out?

14 A When momma came to the door, she opened the door and
15 she stood there. I walked to the first step and stopped.
16 I said, Momma, you've got a granddaughter. She's 14
17 months old. Her name's Kaley Ann and I call her KK and
18 KK, Jr., and I think you need to know her. I need you to
19 know her.

20 Q Okay. What was her reaction?

21 A She sat down on the top step and she asked me
22 questions. She asked me -- she asked me again, she said,
23 How old? And where is she? Who's the mother?

24 Q Did you tell her?

25 A Oh, yes, we talked for a little while right there.

1 Q What did you tell her?

2 A I, basically, started pouring things out. I had been
3 waiting for that moment for a long time.

4 Q And what happened after that conversation?

5 A She said, Well, we can't sit here and sort of looks
6 around. She doesn't like people to know her business, you
7 know. I think she was worried about -- she didn't want
8 everybody to see what was going on. I don't know how to
9 explain it. She doesn't like people to know her business.
10 And she kind of looked around and said, We can't sit here.
11 Come on in. And we went inside and went in the den.

12 Q Okay.

13 A I sat down and she went in the kitchen and came back.
14 She got some water with lemon. We both had a glass of
15 water with lemon and sat down and talked some more.

16 Q All right. You talked, about how long did you talk
17 in the den?

18 A We sat in the den and talked for -- it's hard to say.
19 There's so much -- 10 to 20 minutes.

20 Q Okay.

21 A I know that's a large range, but it's hard to --

22 Q Okay. At some point, did you leave the den?

23 A Yes. Yes.

24 Q All right.

25 A She did first. She went upstairs. She went upstairs

1 for a little while, not very long, seven to ten minutes
2 and she came back down with some things and gave them to
3 me.

4 Q What did she give you?

5 A Things that she would pick up. I don't know how long
6 she had them. She shops, if she sees something she thinks
7 the boys, me and Larry -- that's what she calls us, the
8 boys, might need, she gets it. She gave me a -- I think
9 it's a Conair haircut kit. It's the same one that's in
10 evidence that we've seen the pictures of.

11 Q State's 257? This?

12 A That's the one.

13 Q All right.

14 A She gave me that. She gave me a pack, I believe
15 there was three in the pack, colored tee-shirts, three
16 different colors, black, blue and a light blue or
17 something. She gave me a pack of new underwear. She gave
18 me a bag of Three Musketeers with marshmallow centers.

19 Q Okay.

20 A There may be something else.

21 Q So what happens after she gives you these things?

22 A We had been talking about what I -- something about
23 me getting a motel for a week and -- see, the work I do,
24 like I said, I do low voltage control work, fire
25 suppression, she is the officer manager at -- she was the

1 officer manager at the City of Greenville Fire Department
2 for years. And any time you need a permit to do any of
3 that type of that work in Greenville, you have to get it
4 from her. So all the people that I work with, as far as
5 my bosses, all dealt with her on a regular basis. And I
6 was asking her about where they were, what they were
7 doing. And she said, Oh, I know where they're at. We'll
8 find them. We'll talk about that. And I assumed -- she
9 hadn't agreed to it yet, but I assumed that what she was
10 going to do was pay for a motel for a week and we were
11 going to go from there and try to find me work. I assumed
12 that she was agreeable to it.

13 Q Okay.

14 A And that's she was giving me these things. At that
15 moment, I thought well, she's about to take me to the
16 motel, you know.

17 Q So what happens after that?

18 A After that, I said, Momma, I want to smoke a
19 cigarette. I want to walk outside. Can we go out on the
20 porch? So we went out on the porch, the back porch, the
21 screened-in porch. And I stepped on the patio, which
22 that's the porch, outside of the porch, outside the screen
23 is the patio, actually. I stepped there and smoked a
24 cigarette. And then we sat -- we sat out there for a
25 little bit. We didn't stay long. It was a warm evening,

1 but it wasn't -- we didn't stay long.

2 Q Okay.

3 A We kept talking.

4 Q All right. And then where did you go from there?

5 A When we were -- while we were sitting there talking,
6 I told momma that Lauren was trying -- had told me that
7 she had doubts about me being the father. And that I had
8 talked to Lauren -- that I had told Kaley that it didn't
9 so much matter, that she was my daughter in my heart. I
10 don't believe that she's not.

11 Q Okay.

12 A They have to prove it to me and I don't want it to be
13 proven, you understand what I'm saying. And that I had
14 talked to Lauren about still bringing her to see my momma.

15 Q What do you mean still bringing her to see your
16 momma?

17 A I had discussed it with Lauren in that I was letting
18 Lauren think that we were going to present her to my
19 mother as my daughter anyway. And I wasn't going to let
20 Lauren know that that's not exactly the case. Do you
21 follow me?

22 Q No.

23 A I had talked to her about --

24 Q Let's break it down. Did you have a conversation
25 with Lauren about telling your family about Kaley?

1 A Yes.

2 Q What was the result of that conversation? Did Lauren
3 agree, did she not agree?

4 A At first, she was real agreeable, but it wasn't the
5 time for it. Our family was -- we weren't talking to each
6 other at the time.

7 Q All right. Did there come a time when she changed
8 her mind?

9 A There came a time when -- I tried to force the issue
10 a little bit. And I said well, get in the car, come on,
11 let's go now. And she wouldn't get in the car.

12 Q All right. Did she change that position once she
13 decided she really didn't want to tell your family?
14 Lauren I'm talking about?

15 A She never decided she didn't want to tell them, it
16 was more of what are we going to tell them. I didn't want
17 to go to them -- I'm sorry, I'm stumbling.

18 Q Well, just say it. Just say it.

19 A I feel like she thought we were going to trick my
20 mother into thinking this was my child and it wasn't, but
21 it wasn't my intention to trick my mother. It was my
22 intention to trick Lauren into bringing Kaley to see my
23 mother. That's what --

24 Q That's what you were trying to say before?

25 A Yes.

1 Q So when you're telling -- talking to your mother
2 about -- she's asking about where Kaley is, I think that's
3 where you sort of ended up. Move from there. What
4 happens in the conversation?

5 A Well, as soon as I told her there were doubts about
6 paternity, I guess you would say, as soon as I said that,
7 she said, Go get her. Go get her, I'll know. And when
8 she said it, it was just the perfect solution. I realized
9 that she knew me as a baby. She'd see Kaley and we would
10 -- if we needed to we could do a paternity test. She
11 said, Go get her, I'll know.

12 Q And what happened?

13 A I said, What do you mean go get her? She said, Go
14 get her. I said, You mean right now? And she said, Yes.
15 I said, Well -- we talked about how long I'd be gone, when
16 I thought I'd be back, when she needed me to be back.

17 Q Okay.

18 A She went inside and she -- we stepped inside together
19 and I -- I guess we shut -- I locked the door. And she
20 went upstairs and she came back and gave me a key to the
21 car and gave me \$140 and said, This \$40, use that for gas
22 and stuff and this hundred is for Kaley and her mother,
23 anything they might need. She didn't want me to show up
24 empty handed and say come on, you know.

25 Q Did you stay longer or did you leave?

1 A It was about five minutes after that, we walked --
2 maybe three minutes, we talked to the door down to the
3 garage and we walked down to the car together. And she
4 opened the driver's side door and she leaned in and
5 reached across and undid the seatbelt that holds the dog
6 seat in and she took it out and set it in the center to
7 the left of the car, which was pulled in straight to the
8 garage.

9 Q I think we saw that in, I think, the video?

10 A Yeah, I saw it. Nobody said anything about, but I
11 saw it sitting there.

12 Q Is that where it was in the video?

13 A Yeah, that's where she sat it.

14 Q All right. Then what happens?

15 A She opened the door, the garage door. There's a
16 button beside it you push. She opened that. And I pulled
17 out and I drove directly -- headed towards -- to Indian
18 Mound Road to see Lauren and Kaley.

19 Q In Laurens County?

20 A Yes.

21 Q And this is still April 8th?

22 A Yes. The night of the eighth.

23 Q And where did you go from there, how far did you get
24 that night?

25 A I went to the house on Indian Mound Road.

1 Q Was anyone there?

2 A Nobody was there.

3 Q Now, let's talk about the house on Indian Mound Road
4 for a second?

5 A All right.

6 Q Did you live there, who lived there? What was it
7 about that house?

8 A I had been there -- I don't want to say off and on,
9 but I spent -- I had lived there for about a year and
10 three months.

11 Q When?

12 A Late 2009 until January of 2011.

13 Q Okay.

14 A Before that, I was there all the time.

15 Q Okay.

16 A Pretty much.

17 Q All right. And so who were you there with, who lived
18 in the house with you, if anybody lived there?

19 A Lauren and her stepdaddy, Mike Harrison and Lauren's
20 mom, Teresa.

21 Q All right.

22 A And Kaley.

23 Q So the reason you were doing there -- what was the
24 reason you were going to --

25 A I wanted to see my daughter.

1 Q Is that where you believed she was?

2 A Yes.

3 Q Okay. All right. So when you got there, what did
4 you see?

5 A There wasn't anybody there. I checked the -- the
6 house was locked up. It was grown up and things, but it
7 stayed that way a lot anyway. I was checking to see how
8 long I thought it had been since anybody had been there.
9 It seemed to have been a while.

10 Q All right. And --

11 A There's a shop -- there's a house and there's a shop
12 that's, actually, bigger than the house and I went in
13 there. I was trying to figure out how long --

14 Q When you say shop, what do you mean?

15 A It's just a concrete slab with a wood frame with --
16 it's just a building with shop tools in there and tools
17 and storage area.

18 Q Is it connected to the house?

19 A No, it's separate, but it's right at the house.

20 Q On this property?

21 A Yes.

22 Q So what did you do in there?

23 A Well, I had a lot of stuff in there. But I kind of
24 got an idea of who had been there and what they had taken
25 with them when they left. It wasn't anybody living there

1 is what I determined. I sat down in the shop and sat
2 there and tried to think about what to do, what to do
3 next.

4 Q All right.

5 A I left there and went -- there's a motel in
6 downtown --

7 Q Before we get there, I'm sorry to interrupt you, but
8 before you left, did you do anything?

9 A Not then, not at that time, no.

10 Q Okay. Did you take anything with you? Did you leave
11 anything there?

12 A Not at that time, no.

13 Q So I'm sorry to interrupt you. You left and went
14 where?

15 A I went -- there's a motel in downtown Laurens. It's
16 like two. There's a motel there. The day I got arrested
17 on the 23rd of February, that's where I was. And there
18 was some friends there that I was staying with and I
19 wanted to see if they were still there.

20 Q Is this Laurens area a place where you hung out, for
21 lack of a better word?

22 A Yes.

23 Q So you went there. Did you find anybody there?

24 A No, they weren't there anymore. I went in the office
25 and there was some Indian people that owned the place,

1 from India, the country.

2 Q Okay.

3 A They owned the place. And I rang the little bell.
4 It was silent, but they could hear it upstairs where they
5 stayed. The son came down and he remembered me. I told
6 him I was looking for Jimmy, a friend of mine. James
7 King, I said. He said, Oh, King James. You know, he
8 called him King James. And he checked on the computer.
9 And I was arrested on the 23rd, he told me they had left
10 on the 27th was the last night they had stayed.

11 Q So what did you do at that point?

12 A Then I drove back to the house on Indian Mound Road.

13 Q Why?

14 A Because the only other person I could think of to --
15 immediately to find out where Lauren and Kaley might be
16 was a friend of hers named Page Skates. And she lived
17 near -- couple miles -- she lived off of Indian Mound Road
18 a little further down. But her father, daddy wasn't
19 really fond of me and I didn't want to do there at that
20 time of night.

21 Q Okay. So what did you do?

22 A I went back in the shop and sat down.

23 Q Then how long were you there?

24 A I tried to get comfortable. It's not real easy to
25 get comfortable in the shop. There's nowhere -- I mean,

1 there's nothing very comfortable to sit on or lay on.

2 It's dirty. So I got the idea that I wanted to find Mike,
3 who was Lauren's stepdaddy. And the only way I knew to
4 find him was Jack, who was in Columbia. So I loaded up
5 some things from the shop and I went towards Columbia.

6 Q Let's stop there for a second --

7 A It was about three in the morning, maybe about three
8 or four. I'm not sure exactly the time. It was late
9 morning, almost sunrise.

10 Q All right. What things did you take out of the shop?

11 A There was just a bunch of stuff there that -- there
12 was a bunch of stuff there that belonged to Ali Mell we
13 talked about. She lives in Lugoff near Columbia. It was
14 stuff I thought she might like to have back because some
15 of it belonged to her son. And it was mostly stuff, her
16 stuff.

17 Q Was some of it stuff that was presented by the State
18 that was shown, was that some of the items that you picked
19 up?

20 A Yes. And there's also some things in there that were
21 mine that I picked up, thought, I thought I might need.

22 Q Like what?

23 A I'm not sure. Clothes and things.

24 Q All right. The blue nylon back that had old tools in
25 it, did you pick that up from the Indian Mound Road?

1 A Yes.

2 Q And was that yours?

3 A No, that's her stuff.

4 Q All right. And recall anything else that you
5 specifically took out of there?

6 A I remember a lot of the stuff. We seen it already.
7 I mean, I remember all that stuff.

8 Q Okay. Was that --

9 A It's more stuff than what we've looked at that was in
10 that trunk. There was a lot of stuff in there. There's
11 clothes baskets that had a lot of her books and candles
12 and a couple more things that belonged to her son. I
13 would recognize all of it if I saw it now.

14 Q I guess my question is what was the whole purpose of
15 getting all that stuff?

16 A I just thought she would like to have it back and
17 there was a chance that I would see her. I planned to try
18 to see her while I was there.

19 Q And you're talking about who?

20 A Ali.

21 Q And this is somebody you've known for how long?

22 A I met her through Jack in 2009, I think.

23 Q Okay. And so where did you go from there after you
24 got the stuff?

25 A I drove towards Columbia to Cayce.

1 Q South Carolina?

2 A Yes.

3 Q And did you make it there?

4 A I did.

5 Q About when?

6 A About sunrise.

7 Q Of the ninth, the next day?

8 A Of the ninth, yes, sir.

9 Q Where did you go --

10 A Saturday.

11 Q Where did you go and what did you do?

12 A Well, I went and got a biscuit at Hardee's or
13 Bojangles. That's one of the two places I would have went
14 to, I don't know which. And I decided that -- there's a
15 house in Cayce -- there's a guy named Chris who lives in
16 Cayce that I wanted to check and see if Jack was up there.
17 But it was pretty early in the morning, so I waited about
18 an hour and then I went there.

19 Q All right. And what did you do?

20 A As soon as I pulled in, Jack's girlfriend, Katie
21 Childs, I believe her last name is Childs, was walking out
22 the door getting in Chris' car. I got out and I said hey.
23 And she told me that Jack had been arrested -- he had
24 already been arrested for DUI with bodily injury, felony
25 DUI with injury, and he was out on bond, but they had

1 sentenced him to three years. He was currently serving
2 that time.

3 Q Okay. So what did you do with that information?

4 A Well, that stumped me again. I didn't expect that.
5 You know, I went a long out of the way just to find him
6 just to try to find Mike to try to find Lauren to get
7 Kaley. So I stayed there and talked with Katie for a
8 while. We stayed an hour and a half together, maybe. And
9 I decided I'm going to get a motel room and try to find
10 Mike who's down here. She said she would help me find
11 Mike. I figured out later she was bragging, just -- I
12 don't know. She said it, but she couldn't deliver.

13 Q All right.

14 A So I went to the Masters Inn on Knox Abbot Drive and
15 got a room. She rode over there with me and I got a room.
16 I took her back to the house. She showed me where it was.
17 I took her back to the house. I went to the room, then
18 her and another girl showed up a little while later and
19 stayed for a little while.

20 Q What did y'all do?

21 A I bought a half gram of methamphetamines and we
22 divided it three ways.

23 Q All right. And did you use it up?

24 A We did.

25 Q Okay. What happened after that?

1 A They didn't stay long because the drugs were gone. I
2 didn't let them know I had any more money. I stayed there
3 that afternoon waiting on her because she said she was
4 going to find Mike for me. I was continuously calling and
5 she was like hold on, so and so's going to call me back
6 and things of that nature. She was putting me off I
7 figured later. I don't know what she was doing, but she
8 never delivered on any of the promises she made. So,
9 eventually, I decided to go to Ali's in Lugoff to look for
10 her because she knows Mike, too. Mike used to stay out
11 there with her.

12 Q How far away was that?

13 A From where I was, it's -- I don't know exactly. It's
14 30 miles, I guess.

15 Q So you went there?

16 A I did.

17 Q What did you do there?

18 A I pulled in and it's -- it's a lot like it was
19 described, but that place was like when she was leaving
20 there, I mean, as far as grown up. But this time, the
21 fence -- there used to be a fence around the front. It
22 had been taken up. I guess they had taken to the scrap
23 yard or something. I pulled around back. The water
24 heater was done. It was a very large water heater and it
25 was immediately noticeable that it was gone. The back

1 door, they said standing open, but I believe it was
2 removed completely. There was mentioned the back porch
3 was caving in, it's always been like that. I stepped up
4 into the trailer and looked around a little bit and it was
5 obvious that nobody was living.

6 Q So what did you do?

7 A The washer and dryer was gone. Everything that was
8 worth any kind of money was gone.

9 Q And what did you do?

10 A I got back in the car and went back to the motel.

11 Q How long did you stay there?

12 A At the motel, until 11:00 checkout the next morning.

13 Q So we're at the 10th, April 10th? What day are we
14 talking about?

15 A Yes, it's the 10th now.

16 Q That's when you checked out?

17 A Yes.

18 Q Where did you go from there?

19 A I went back to Chris's house in Cayce where Katie
20 was.

21 Q What did you do?

22 A I had been up all night and I sat -- I talked to
23 Chris a little bit. He had to go to work. He didn't mind
24 me staying there a little while, but he didn't want me in
25 the house. There's two shops behind his house, little

1 buildings. There's a recliner out there, he let me sit in
2 it and just wait. I was still hoping that Katie was going
3 to be able to -- the only other thing I could think of was
4 to see Paige and that was all the way back in Laurens and
5 I was -- I wasn't ready to do that yet because of her
6 daddy. I was still trying to find Mike.

7 Q How long were you at Chris's this time?

8 A I stayed there. I dosed off some. I stayed there
9 until about two in the morning.

10 Q Then where did you go?

11 A I went to -- I went to -- I went back to the motel in
12 Laurens. I, actually, went to the house on Indian Mound
13 first and then I went straight to the motel.

14 Q What did you do there?

15 A I looked around to see who else was staying there. A
16 girl named Nikki that I only met one time at the house on
17 Indian Mound came out of one of the doors and I saw her
18 and I talked to her.

19 Q All right. About what?

20 A I asked her where Lauren might be. She said she
21 heard Lauren got a job working at Wal-Mart. She didn't
22 know where, but she knew it wasn't the one in Laurens.

23 Q What did you do?

24 A So I left there and I went to the Wal-Mart in
25 Simpsonville. And it's still early morning, it's not

1 light yet. And I parked around the right side of Wal-Mart
2 over, I guess it's the horticulture section, it's on the
3 right front when you go to Wal-Mart. I parked to the side
4 of it. There was a couple tractor trailers waiting to be
5 unloaded. I parked over there. I was waiting for what I
6 thought would be the morning shift.

7 Q And how long were you there and what did you do
8 there?

9 A I sat there a while. I tried to get comfortable.
10 Something that was missing earlier that happened, maybe
11 clarify something. I cut my finger while I was sitting
12 there on a piece of glass that was in the car.

13 Q How did that happen?

14 A It's a -- smoking methamphetamine, it's called a bowl
15 or shaley, it's just a stem of glass with a bowl on the
16 end. And I had one that the end where you put your mouth,
17 the end of the stem had been broken. I had a piece of
18 rubber over it. And I had taken that piece of rubber off
19 -- I had a little hangnail on my finger and I used it to
20 get it off of there. And I guess my brushed my finger --
21 I somehow cut my finger with that jagged glass.

22 Q All right.

23 A I tried to --

24 Q What part of your finger?

25 A The way I remembered it -- I remembered it was right

1 here on the middle finger, but when I saw the pictures, it
2 was on the index finger right there. I just remember
3 there was a cut.

4 Q You said here, the jury can't see your finger from
5 that far away. Was it cut? Describe the finger, the
6 location on your finger.

7 A Right on the fingerprint part of my index finger
8 towards my middle finger, I believe.

9 Q All right.

10 A Just a mall cut, but it was sharp glass and they tend
11 to bleed, I guess.

12 Q Okay.

13 A I tried to stop the bleeding. I looked around for
14 something clean to do it with. And I eventually -- I
15 hadn't opened the pack of underwear my mother gave me yet.
16 Anyway, there was a pair of clean underwear. I used that
17 to try to stop the blood.

18 Q All right.

19 A And it didn't stop immediately. I eventually found a
20 piece of tissue or something and used that.

21 Q So after you do all this with your finger, you're
22 still at Wal-Mart, what happens?

23 A I put the seat all the way back and tried to get
24 comfortable and smoked a cigarette. I couldn't get
25 comfortable. I put the seat all the way back up and got

1 in the back seat and laid down. It was too short. I got
2 back in the front seat, put the seat back a little ways
3 again, smoked another cigarette and sat and waited and,
4 eventually, the sun came up. And it was a little while
5 after that, it was probably after 7:00. I didn't know
6 what time they start shifts at Wal-Mart. I went inside.
7 By this time, I had spent all the money I had. I went
8 back to the car stereo section and I found something -- I
9 think it's like an adapter that you put in the dashboard
10 of a car that allows you to put in an after-market stereo
11 that sizes it. I believe that's what it was. It cost
12 about \$60. I walked back up front. I got an empty bag.
13 I walked outside. I put that in the empty bag, walked in
14 the other door, went to the customer section and told them
15 I had bought it and didn't have a receipt. When you do
16 that, they allow you to return it and they give you a gift
17 card. And while I was there, I asked them about Lauren,
18 did they know anything about her working there. And they
19 didn't. But they did give me the gift card for about \$60.

20 Q What did you do?

21 A I used it to get gas. I believe there's a Murphy USA
22 right there in the parking lot. I used it to put some gas
23 in the car and I bought some more cigarettes and I bought
24 some breakfast to eat, a honey bun or something, and some
25 chocolate milk. I'm not sure what, but something surely.

1 And I drove to the Wal-Mart in Greenwood.

2 Q Okay. What did you do when you got to the Wal-Mart
3 in Greenwood?

4 A I went in and asked about Lauren, if they knew about
5 her working there or anything like that and they did not.

6 Q What did you do from there?

7 A I left there and I decided I'm going to Anderson to
8 check the Wal-Mart in Anderson. And I'd never been this
9 way before, but I saw signs to go through the country. I
10 don't remember the number of the road, but I went that
11 way. It kept saying Anderson, Highway 28. I don't know
12 how far it is, but I went that way to Anderson.

13 Q All right.

14 A And I'm not familiar with Anderson. I've been there
15 two or three times and I've gotten lost every time I've
16 been there. It was busy -- it was the time of the morning
17 it was busy. There was a lot of people -- it was a lot of
18 traffic and there was a lot of people walking around.

19 There was a young man standing on the corner. He was
20 listening to -- he had earbuds in his ear listening to an
21 MP3 player or something, an Ipod or something. And I
22 rolled the window down and I said, Hey, hey, is there a
23 Wal-Mart around here? Do you know where a Wal-Mart's at?
24 He was like, What? I said, Wal-Mart, do you know where
25 there's a Wal-Mart? He said, There ain't one. So I

1 thought well, that struck me as kind of odd. There's not
2 a Wal-Mart in Anderson. But I kept going and I went to
3 the Wal-Mart in Easley.

4 Q All right.. And what did you do there?

5 A I went to the customer service and I -- first, I
6 asked her if there was any way that she could take money
7 off of a gift card and give me cash for it. I don't know
8 why I asked her that. I wanted something that I couldn't
9 get at a Murphy USA. I don't remember what it was, but I
10 had to have cash.

11 Q All right.

12 A And I asked about Lauren, if they knew anything about
13 her working there. They didn't.

14 Q Did you stay there?

15 A Did I say there, no.

16 Q Where did you go from there?

17 A I asked them where was the next closest Wal-Mart and
18 they said Central. I never heard of Central, I never been
19 that way. It was away from Greenville, about 10 to 15
20 miles, so I went there.

21 Q All right. You asked about Lauren there?

22 A I did.

23 Q Was she there?

24 A No.

25 Q Where did you go --

1 A But there is a -- there's a Murphy USA -- there's
2 either a gas station -- there's not one at both. There's
3 either one at the one in Easley or the one at Central,
4 whichever one it was, I put the rest of the money off the
5 card in gas.

6 Q And then where did you go?

7 A And I bought a Cherry Dr. Pepper as well, I remember
8 that.

9 Q Okay.

10 A From there, I went -- I decided -- I mean, this is
11 crazy. I'm going to see Paige, regardless, you know,
12 whatever happens, I've got to find out.

13 Q And that's where?

14 A Where Paige is?

15 Q Yes.

16 A Back to Indian Mound Road in Laurens.

17 Q So did you go there?

18 A I ran out of gas in Fountain Inn.

19 Q Okay.

20 A If you know where 418 is, 385 -- or 418 crosses 385.
21 I was getting very low and I pulled into the store right
22 there, right there at the Interstate. And I waited to see
23 if I see anybody I knew. I didn't want to panhandle. I
24 waited to see if I saw anybody I know and I would
25 panhandle from them. I didn't. I stayed there a while.

1 And I said, well, I'm going to try to get to a girl named
2 Leanne Taylor's house, which is a couple of exits down
3 towards Laurens. And I started heading that way and as
4 soon as I got on and tried to get up to speed and get on
5 the Interstate, it choked down and it cut off and I pulled
6 off into the grass off onto the side as far off the road
7 as I could get without going into the ditch.

8 Q Then what happened?

9 A I walked to -- there's a frontage road right here
10 with houses on it. I went over there and I was asking
11 people about gas or any help. They weren't very helpful.
12 But I can't say -- they didn't have the means to help me,
13 they said, so. I asked a couple. I walked up the road --
14 I talked to people at one or two houses and a little
15 business that was up the road, none of them offered any
16 help. So I crossed the interstate, I ran across the
17 interstate. And there's a big church on the frontage road
18 on that side. This is right there if you know where
19 Dispozio is at?

20 Q No. Let's quicken up. Did you, actually, get gas
21 from somewhere?

22 A Yeah, the man at the church helped me. He took me
23 and got me a gallon gas and asked me did I need anymore
24 money and I said I should be all right to get where I was
25 going.

1 Q All right. So did you drive off?

2 A I went to Leanne's house, yes, sir.

3 Q And what did you do at Leanne's house?

4 A Her car was there. I knocked on the door and nobody
5 came to the door.

6 Q All right.

7 A The house is -- she's leasing it, but it's on a very
8 large piece of property, 60 or 70 acres, and there's a
9 couple of fishing ponds on it. And I walked around back,
10 sort of walked around for a minute and sat down and
11 rested. I figured they were gone somewhere. So,
12 eventually, I came back in maybe 20 or 30 minutes and her
13 sister's car was in the driveway. And I went back to the
14 door and knocked on the door again and I heard talking and
15 it stopped and nobody came to the door again. So I
16 figured out they know I'm here, but they don't care.
17 They're not coming to the door. I guess I need to get out
18 of here.

19 Q So what did you do?

20 A I left there, and I drove -- I drove to Laurens. I
21 was trying to get to Paige's. I didn't think that gallon
22 of gas was going to do it, so I -- it was getting right to
23 the point -- it's hard to tell by the meter, but it was
24 getting right to the point again it was about to cut off I
25 felt like, about the time I got to the Hot Spot on 221.

1 Q And we heard Sergeant Penland talking about that. Is
2 that the same --

3 A That's the exact same time, yes.

4 Q Did you see him behind you?

5 A No, I saw two county cars that were at another store
6 that -- I drove by them and -- if he was behind me, I
7 didn't see him.

8 Q At what point did you see him?

9 A I got to the store and I pulled in and -- my
10 intention was -- I knew I would see somebody there that I
11 know to give me some money for gas. It probably wouldn't
12 take long at all, five to twenty minutes, I would
13 definitely see somebody there. So I didn't -- I didn't
14 know how long it would take, so I didn't want to -- when I
15 pulled in, I backed into a spot so I could observe
16 everything that was going on. I was the only one in the
17 parking lot. There was no one else there, which was very
18 unusual. I sat there and waited and smoked a cigarette.
19 In my recollection -- and in my mind, I remember this very
20 clearly. I don't want to seem like I'm disagreeing with
21 Sergeant Penland, but he's got a very hard job to do and
22 he's probably had a lot of incidents happen since then,
23 but I believe our memory of the incident is a little bit
24 different --

25 Q What do you mean?

1 A It's in essence the same.

2 Q What do you remember?

3 A He pulled in, it had probably been three or four
4 minutes after I was sitting there. He pulled in and as he
5 pulled in, he looked at me, observed me. He looked over
6 at me and saw me. And he went in the store and he was
7 standing at the desk talking to the young lady that was
8 working there. And the front of the store faces the road
9 and I was on this side. If this was the front of the
10 store -- does this work? Can everybody --

11 Q Well, don't worry about that. We saw the picture.
12 Where do you go from the car --

13 A On the far side of the store from where I was at,
14 there's a little covering for a pay phone. There used to
15 be a pay phone. And I figured there wasn't a pay phone
16 there anymore, but I wanted to check. It was facing the
17 other way, I couldn't tell. I wanted to make sure. So I
18 walked that way. And as I was walking, Sergeant Penland
19 sort of looked out at me and I waved at him to let him
20 know just hey. And I looked, there was no pay phone, so I
21 walked inside the store.

22 And I had a pack of cigarettes I was smoking and I
23 had another pack that was unopened. And I asked the young
24 lady if there was any way I could trade this for three
25 dollars gas. They cost 550 and the next person that comes

1 in to buy them, you know, could make the money. And she
2 said no. I said, Is there any way I could use your phone?
3 And she said, Well, we don't normally let people do that.
4 I said, It would really help me out. She said, Well, is
5 it a local call? And it was.

6 My intention was -- the pay phone was to make a
7 collect call on. I needed to call momma. When I went in
8 the store and she handed me the phone, I didn't feel like
9 it was the time to inform -- I didn't feel like explaining
10 what I was doing right then to momma, so I didn't call
11 her, I called Paige's number and it went to voice mail.
12 So I gave her back the phone. And I said to Sergeant
13 Penland, because he was standing there observing part of
14 our conversation, I said to him, I said, Just so you know,
15 I'm on fumes, about out of gas. I'm sitting out here
16 waiting to see if I know somebody -- when somebody I know
17 comes, if they'll loan me some money for gas, I expect
18 that will be very soon. Just so you know what's going on.
19 And I went back outside and I sat back in the car.

20 Q Okay.

21 A And I sat there with the window down. And he came
22 out and he came to the window and asked, Well, do you have
23 ID? I said, Yes, sir, here's my driver's license. And I
24 don't remember if he asked me for anything else, like
25 proof of insurance or registration. He asked me, he said,

1 Whose car is this? I said, It's my momma's. I said, It's
2 in my dad's name, but it's my momma's car. And he walked
3 off towards the front of the car to the right a little bit
4 and turned around and faced me, maybe 10 or 12 feet, and
5 he was on the phone looked at my ID. He didn't call it in
6 by radio. He used a cell phone. And I heard a couple of
7 things he said if you're interested in that.

8 Q Well, what happened? Does he put you in cuffs, what
9 does he do?

10 A No, he -- I heard him tell them, Well, when you come,
11 come from the Laurens side of town. So I knew somebody
12 was coming, another car. And not very long, about five
13 minutes, four minutes, two or three Laurens County cars
14 whipped in real quick, pulled over straight to the car.
15 And then they approached the car and asked me to get out
16 and asked me to move over towards the hood of the car and
17 to place my hands behind my back for his protection while
18 he patted me down and cuffed me and removed everything
19 that I had on my person and sat it on the hood of the car.
20 And they looked through the car a little bit and took some
21 things out.

22 And, eventually, they said, Well, we're going to set
23 you in the back of the car for now. They put me in the
24 back of one of their patrol cars. The one in the picture
25 with the Jetta sitting like this, it was pulled up

1 directly to it with the headlights on, they put me in the
2 back of that car.

3 Q All right. And then, eventually, did you get taken
4 from there to a police department?

5 A Yeah, it was a long time later. It was two and a
6 half, three hours later I sat in the back of that car.

7 Q And does anything happen at the police department?

8 A Yes. They took me upstairs and they brought me in
9 and -- I had figured that -- I had contacted momma -- all
10 I could figure by then is that she was extremely angry and
11 she had reported the car stolen and that's what this was
12 about. That's why they had arrested me. And they brought
13 me in and they sat me down and they said to me, they said,
14 We want to talk about this car that's stolen. And I just
15 sort of looked at them. And I believe it was Investigator
16 Miller, he sort of leaned in and he said, And we also want
17 to talk about the murder of your mother. And that hit me
18 extremely hard. I don't think there's words to describe
19 what I went through at that moment. We can try if you
20 want to. Do you want to?

21 Q Tell me what you did or what else they did after they
22 said that.

23 A It hurt me deeply. And I choked up immediately. I
24 was angry at them because it had been almost three hours.
25 And I kept asking them, What's this about? What's going

1. on? And they said, We'll let you know. We'll let you
2 know. I kept saying, There's no drugs in the car. They
3 said, Oh, just hold tight, we'll tell you. And then the
4 news showed up -- this is back at the Hot Spot on 221.
5 The news showed up behind us and was set up and was
6 filming. And I saw that and I could not -- by that time,
7 I figured mom must have reported the car stolen and
8 they're looking for drugs and stuff. But when the news
9 showed up, it was -- I could not figure that out. I could
10 --

11 Q And you said you were mad at the police because of
12 the way they told you?

13 A I kept asking them what's going on and they kept
14 telling me -- eventually, Greenville County showed up,
15 investigators. There was two cars, I believe. And they
16 just stood there looking at me and talking and looking and
17 walking around. It was just so long and they wouldn't
18 tell me what was going on and I was cramped up. Sergeant
19 Penland had -- he couldn't get the seatbelt to snap, so he
20 put the one from this side over this way and took one from
21 that side and put it this way and it was pulling on my
22 neck. Everything about it was making me angry.

23 But when he told me that, when he said what he said
24 to me about my momma dying, like I say, it hurt me. But I
25 stopped, I didn't want them to see that. And I

1 immediately got -- I was angry and I said, That's how you
2 tell me that my momma's dead or, as you say, murdered?
3 What happened? He said, Well, hold on, hold on, we've got
4 to do some things. He read me my rights. And they wanted
5 me to sign a form that said I waived my rights and --
6 well, it says I waive my rights. I don't want my right to
7 remain silent and I don't want my right to a counselor. I
8 waive all my rights. I said, Well, I'm not signing that.

9 Q What did you think the point of that was?

10 A He told me -- I mean, this is not my first time
11 dealing with investigators, you understand? I never sign
12 those forms because I know what the purpose of it is. The
13 purpose of it is to -- it opens the door for them to be
14 able to treat me any way they want to as far as saying
15 anything they want, elicit any information they want, use
16 -- they can just handle me in any way they want from then
17 on. I don't have any more rights.

18 Q Did you take that to mean that you were a suspect?

19 A Yes.

20 Q And did they, eventually, take you back to
21 Greenville?

22 A Well, I said -- after I wouldn't sign the form, they
23 said, Well, it just -- all it means is you've been read
24 your rights and -- you're acknowledging you've been read
25 your rights and understand them. I said, Why doesn't it

1 say on there I've been read my rights and I understand my
2 rights as read to me. Why does it say I'm waiving
3 everything? He said, Just sign it, that's all it means.
4 I wouldn't sign it.

5 And at that point, they said, Well, just put refused.
6 And they wrote refused on there. And I said, Now, what
7 happened? He said, Oh -- no, he said, Well, do you want a
8 lawyer? I said, Am I being accused of a crime? He said,
9 Well, you're a suspect. I said, Well, yeah, I guess I
10 want a lawyer then, yes, sir.

11 Q Okay.

12 A And I said, Now, tell me what happened, that's my
13 momma. He said, Oh, if you don't want to talk, we can't
14 talk to you. This is what I said, I said, Mother Fucker,
15 that's my momma, tell me what happened.

16 Q Okay. Did they tell you?

17 A No, they refused.

18 Q And did you end up having any other conversations
19 with them?

20 A The next thing happened is everybody left, except
21 myself and Investigator Campbell. He was sort of -- t hey
22 took some pictures of me and all.

23 Q Are those the pictures that we saw?

24 A Yes. They came to take pictures. I said, Are you
25 allowed to do this? Am I required to do this? If I

1 don't, are you going to physically force me to allow this?

2 I said, Okay, it's fine. Go ahead. And I cooperated.

3 Q What happened after the pictures were taken?

4 A Like I said, everybody left except Investigator
5 Campbell. And we sat there -- he sat in front of me and
6 he had a computer. I couldn't see what he was doing, but
7 he was just on the computer. It was a long time, maybe 45
8 minutes.

9 Q Well, did you, eventually, get back to Greenville?
10 Did they, eventually, bring you back to Greenville?

11 A They took me from there -- the same deputy, the young
12 deputy that brought me from the Hot Spot to the -- the
13 place they took me is, actually, at the courthouse, I
14 think. The jail is a separate building down the road.
15 They took me from there to the jail in Laurens.

16 Q Okay.

17 A And they brought me in there. And when I walked in
18 -- earlier, we were talking about booking and intake.
19 They have a -- it's a lot smaller jail, but it's the same
20 concept. They had an intake and booking. You have to go
21 through some gates and some locked doors to get there.
22 When we got there, they took the cuffs off of me and they
23 took everything that I had on me still, which was -- I
24 think all I had left at that time was jewelry on. They
25 already kept my driver's license and everything that was

1 in my pockets.

2 Q All right.

3 A But the media -- there was somebody from the media in
4 booking behind the desk and they were taking pictures of
5 me and writing. And I asked -- Ms. Champagne was working
6 that night, that's her name, she was doing the booking.
7 She's a lieutenant, I believe. And I asked her, I said,
8 Who's that? And said, Well, they're from the media. And
9 I said, From where? And she said, I don't know, the
10 newspaper or something. I said, What are they doing in
11 here? She said, Well, we can't keep them out. I said,
12 Well, you keep people in here pretty well, why can't you
13 keep them out? But anyway, they were there --

14 Q Did they put you in the jail there?

15 A They put me in a holding cell. And in that holding
16 cell -- I don't remember the gentleman's name, but the
17 forensics investigator, was it Lendway? Is that his name?

18 Q You're talking about the person who testified
19 earlier?

20 A From Greenville, yeah.

21 Q Okay.

22 A The same one that took the pictures, he came and he
23 took all my clothes that I had on, the shirt and pants and
24 underwear, everything I had on, shoes. And he took swabs
25 of my feet from where the blisters were. The blisters had

1 dried up blood. They swabbed that, those areas on my
2 feet. They kept me in a holding cell in booking. They
3 kept me in there overnight to the next day.

4 Q Okay.

5 A And that day -- I mentioned Ms. Champagne. She's not
6 what you call -- she's not real friendly to the inmates.
7 She's strictly by the book. And the next day, morning
8 when they changed shifts, we ate breakfast, maybe nine or
9 ten o'clock, a different shift was there and I asked -- I
10 think her name's Ms. Woodberry, I'm almost sure. She's
11 extremely nice. I asked her could I make a phone call.
12 Because they regularly in Laurens County jail let you come
13 up to the front and make phone calls, long distance or
14 whatever, straight through. So she let me out. She got
15 up to the desk and the phone's behind the desk, so she
16 asked me what number. And I told her my brother's number.
17 And she called Larry on the phone.

18 Q All right.

19 THE COURT: Counsel, I'm going to stop you there.
20 We're going to take our morning break at this time.

21 Ladies and gentlemen, we'll be on break approximately
22 15 minutes or so. So enjoy your break. Please don't
23 discuss the case, but we'll let you return to the jury
24 room.

25 (WHEREUPON, the jury left the courtroom at

1 approximately 11:10 a.m.)

2 THE COURT: Mr. Hughes, during the break, sir, I'm
3 going to instruct you not to speak to the lawyers on your
4 side or the other side of the case. You're under
5 testimony still.

6 THE DEFENDANT: I understand.

7 THE COURT: All right. Ladies and gentlemen, we'll
8 be in recess 10 to 15 minutes.

9 (WHEREUPON, a short break was taken.)

10 THE COURT: The jury is back from their break, so we
11 will bring in the jury.

12 Mr. Hughes, we'll let you return to the stand.

13 THE DEFENDANT: Thank you, Your Honor.

14 THE COURT: As just as an estimate, how much more
15 time do you believe direct will take?

16 MR. SCALZO: Not very long, as couple of minutes.

17 THE COURT: And cross?

18 MS. PAOLETTI: I'm not sure yet, Your Honor, but we
19 can get done before lunch.

20 THE COURT: Okay. Very good.

21 Ms. Pierce, if you will be sure to let us know when
22 the lunch arrives.

23 MS. PIERCE: It should be here right at 12:30.

24 THE COURT: Just let us know so we can feed the jury.

25 (WHEREUPON, the jury enters the courtroom at

1 approximately 11:30 a.m.)

2 THE COURT: Welcome back, ladies and gentlemen. You
3 will recall, we were nearing the end of direct
4 examination.

5 Mr. Scalzo, please proceed.

6 MR. SCALZO: Thank you, Your Honor.

7 BY MR. SCALZO:

8 Q Walker, we're at the end. At some point, you got to
9 Greenville County and were charged with a crime, right?

10 A On the 13th, they picked me up and took me to
11 Greenville County.

12 Q You were charged with murder?

13 A Yes. They charged me with murder and possession of a
14 weapon during the commission of a violent crime.

15 Q Let me ask you, did you want your mother dead?

16 A No.

17 Q Did you kill her?

18 A No.

19 MR. SCALZO: Please answer any questions the
20 prosecutor has.

21 THE COURT: Any cross-examination?

22 MS. PAOLETTI: Yes, sir, Your Honor.

23 CROSS-EXAMINATION

24 BY MS. PAOLETTI:

25 Q Mr. Hughes, you've been thinking about this day for a

1 long time, haven't you?

2 A The day right now?

3 Q Yes.

4 A Yes.

5 MS. PAOLETTI: That's all I've got, Judge.

6 THE COURT: All right.

7 Redirect on that issue?

8 MR. SCALZO: No, sir.

9 THE COURT: Very good.

10 Then, ladies and gentlemen, at the close of all the
11 evidence, there's certain things the Court must do, which
12 would be to make sure that the evidence is in order, talk
13 to the parties and structure of closing arguments. It's a
14 little bit like a ping-pong ball, but I'm going to send
15 you right back to the jury room for a brief break. Then
16 we will come in and resume the proceedings. So enjoy your
17 break. Please don't discuss the case. We will be with
18 your shortly.

19 (WHEREUPON, the jury left the courtroom at
20 approximately 11:33 a.m.)

21 THE COURT: Mr. Hughes, I'm going to let you step
22 down. You may return to your seat.

23 THE DEFENDANT: Thank you, Your Honor.

24 THE COURT: All right. Are there any further
25 witnesses for the Defense?

1 MR. SCALZO: Hearing none, then are there motions --
2 or is there reply?

3 MS. PAOLETTI: No, sir, Your Honor.

4 THE COURT: Are there any motions for which the Court
5 must respond?

6 MR. SCALZO: I renew all my prior motions, Judge, at
7 this time.

8 THE COURT: Very good. For the same reasons given at
9 the close of the State's evidence, I'm denying your
10 motions that were made for directed verdict or other
11 summary end to this case. The matter is one for the jury.

12 Now, that was a little unexpected that we would end
13 this early. I would ask Counsel, we're ready to argue and
14 charge, is the State and Defense ready?

15 MS. PAOLETTI: Your Honor, I need a moment to just
16 prepare and make sure I've got all the exhibits I need, if
17 I may do that, but other than that, we're ready to go.

18 THE COURT: All right. Again, as I mentioned
19 earlier, Mr. Scalzo, do you wish for the court to charge
20 first or do you wish for you to go first.

21 MR. SCALZO: I would like the Court to charge after
22 all the arguments are in.

23 THE COURT: Very good. Then it's possible, depending
24 on what the length of the arguments are, we may take the
25 arguments, then break for lunch and then charge. It just

1 depends on the time. We don't know how that will go,
2 that's up to you.

3 Let's just stand down a moment. Ladies and
4 gentlemen, I'm just going to stay right here and let you
5 review the evidence and make sure you believe you have what
6 you need. So we'll be in recess now for approximate five
7 minutes.

8 MS. PAOLETTI: Yes, sir.

9 (WHEREUPON, a short break was taken.)

10 THE COURT: Counsel, let's make sure we have our
11 order in agreement. The order is the State will open on
12 the law. The Defendant will then argue in full and the
13 State will close.

14 MR. SCALZO: Just note my objection.

15 THE COURT: With your objection noted and I
16 overruled.

17 Now, are we ready for the jury?

18 MS. PAOLETTI: Yes, sir.

19 THE COURT: Please bring in the jury.

20 (WHEREUPON, the jury entered the courtroom at
21 approximately 11:40 a.m.)

22 THE COURT: Ladies and gentlemen, welcome back. We
23 are now at the point in the trial where the lawyers come
24 before you in closing argument, which you will recall as
25 we discussed at the beginning, this is an opportunity for

1 the lawyers to argue persuasively to you what they believe
2 the evidence has shown or, perhaps, not shown and what
3 they believe that the law is on this case.

4 I will tell you that the way closing arguments are
5 structured is the State, because they have the burden of
6 proof, is allowed to go first and last. Both sides have
7 the same amount of time, but the State is allowed to open
8 on the law, that's on the law only. Then the Defendant
9 argues in full and then the State argues in full. So we
10 will proceed in that way. Again, that's because the State
11 bears the burden of proof that they are given final
12 argument to the jury.

13 With that, the Court recognizes the prosecution for
14 closing statement, closing argument on the law.

15 CLOSING ARGUMENTS

16 MS. PAOLETTI: Yes, sir, Your Honor. May it please the
17 Court.

18 THE COURT: Yes, Ms. Paoletti.

19 MS. PAOLETTI: Gentlemen.

20 Y'all know at this point that the Defendant is here
21 charged with four crimes. He's charged with murder,
22 possession of a weapon during the commission of that murder,
23 a burglary in the first degree and of grand larceny.

24 The evidence in this case has proved the Defendant
25 guilty beyond a reasonable doubt of each and every element

1 of those offenses. In just a minute, I'm going to come back
2 up and we'll continue our walk through that evidence.

3 THE COURT: And now for the Defense, closing
4 argument.

5 MR. SCALZO: May it please the Court, Your Honor.

6 THE COURT: Yes, sir, Mr. Scalzo.

7 MR. SCALZO: All right. I need to finish my story
8 about Einstein and Hubble. How did Hubble figure out that
9 the universe was expanding and not static? Well, he was
10 looking at his evidence and, literally, what he did was he
11 listened to the light the way I'm going to describe it.

12 And what happened was you know how a car driving past
13 you is really high pitched when it's in front of you and
14 then gets a lower pitch as it goes away from you? It's
15 almost like a siren and then it distances out? Well,
16 that's because what happens when it's coming at you, all
17 those sounds waves are all bunched up and tight and it
18 makes it high pitched. But when it goes away, it gets a
19 little stretched out and it sounds like a lower pitch.
20 Well, the thing is light out is the same way. So when
21 light's coming at you, it's all bunched up and it,
22 actually, looks blue if you look at the wave length. And
23 when it goes away, it's stretched out and it's red.

24 So Hubble is looking at the universe, he's looking at
25 his evidence and he sees light from this way out in the

1. universe that's red. He goes -- that's how he figures it
2. out. He figures out by looking at the evidence and
3. realizing it and then operates in a way that he expected,
4. which was red.

5. Well, that was all available to Einstein, like we
6. talked about, except Einstein assumed the universe only
7. stayed one size. Hubble didn't say the universe couldn't
8. expand, it couldn't get smaller, could only stay the same
9. size. He just looked at the evidence. And like I said at
10. the opening statement, that's important to y'all and what
11. you're doing, that's important. Because you're either
12. going to approach this evidence assuming Walker Hughes did
13. it or you're not.

14. Now, the law says your duty is not to assume that he
15. did. In fact, you assume the opposite. And so again,
16. like I said in opening, in this situation don't be
17. Einstein, you've got to be Hubble because you've got to
18. look at the evidence and where it's going.

19. So let me do my best to help you see it the way I
20. think the law is recommending you to go. I've been
21. thinking about this case, obviously, a lot in the last
22. five days. And motive has been talked a lot about in this
23. case. Motive may, actually, have been talked about more
24. in this case than anything else if you kind of break down
25. the various parts of the case. You're going to hear the

1 charge on the law from Judge Baxley. Motive is not an
2 element of the crime. It's sort of part of the story, but
3 it's not. It doesn't define murder. And my view is that
4 the motive in this case is a lot like Einstein saying it's
5 static. It couldn't be expanded. It has to be this one
6 size. And the reason I think it's that way is because the
7 motive is all wrapped up in the assumption of what he did.

8 Remember, we talked about throughout the trial, but
9 it started out with Investigator Miller when I was asking
10 him about Doug Hughes. There was a point in time where
11 they determined that Doug Hughes didn't do it. They
12 didn't believe he did it. The evidence didn't support it.
13 We heard about that, because of his injury. His motive
14 never changed. They didn't determine he didn't do it
15 because his motive changed. His motive was the same
16 before, his motive was the same during and his motive was
17 the same after. Motive didn't prove it or disprove it.
18 In a lot of ways, it was irrelevant.

19 The same thing applies to Larry. Larry had a
20 different form of motive, Doug had a different form of
21 motive. But in the same way, at some point, the
22 investigation made an assumption that he did not do it,
23 but Larry's motive didn't change. As far as the trust
24 money, he was entitled to half of it the same way that
25 Walker was entitled to half on the way the structure of

1 the trusts. That didn't establish that Larry did it.

2 They assumed he didn't do it.

3 So a lot of effort has been put into the motive. You
4 can either come into it and say I accept that motive and
5 that's how I'm going to go. I think Ms. Paoletti used a
6 path in her opening statement to describe it, which you
7 would then be doing what Einstein did. The path was the
8 universe was static and then I'm going to figure out how
9 it all fits in with the universe being static. And
10 that's, by the definition you're going to get of the law
11 from Judge Baxley, not the way it works. And I guess in
12 science of the universe and here in the courtroom. So let
13 me try to bring you through the data points, the pieces of
14 evidence and see if we can't talk about that.

15 No particular order that I'm going to start in. I'm
16 just going to try to go through everything. DNA is a
17 decent place to start. The DNA analyst testified
18 yesterday. There's a lot of blood on this scene. There's
19 a lot of -- well, not a lot, but there are places of blood
20 in the car. And there are two spots in the house that is
21 a mixture. We talked about it yesterday. Item 16 and
22 item 20 has been the reference. Item 16 is that back
23 door -- I'm sorry, item 20, the back door with the paper
24 screen and where the handle is, there's some blood. And
25 they swabbed one area, which Investigator Gamble described

1 was the biggest one, to be profiled. That profile comes
2 back with a match to Karen Hughes as the major contributor
3 and the minor contributor being walker Hughes. So there's
4 DNA there.

5 You go upstairs, item 16 is that drawer and there is
6 a spot of blood. And that is that mixture. And that
7 mixture is of three people, three profiles. Karen Hughes,
8 again, being the major contributor, Walker and the unknown
9 person being the minor contributor. If you assume Walker
10 did it, then you would line that up and say see, the DNA
11 is there, he did it. The universe is static.

12 But that's not -- taken from the witness, that's not
13 what that evidence tells you. That evidence doesn't tell
14 you those people were there all at the same time. All it
15 tells you that when they took that swab, that was what was
16 there. I spent a while talking to the DNA analyst about
17 the other areas around where they took the swabs. We
18 talked about control or things that -- what you're going
19 to do is you're going to say I want to know what is on
20 this drawer, for instance, before any blood got there,
21 then you don't test the area that's bloody, you test the
22 area that is not bloody. Because when you swab that and
23 the DNA comes back, then you know this is the universe of
24 who may have touched this or who did, in fact, touch this
25 and leave DNA.

1 The interesting thing about the drawer is this, it
2 doesn't prove the time that it was put there. All it
3 proves is that it was there at the same time. The other
4 thing is Walker's DNA should be in the house. He's been
5 in the house. It's his grandparents' house. It's his
6 parents' house. There's no disputing that he was in the
7 house over a course of years. So if the State wants to
8 say, and it seemed like that's where it was going with its
9 evidence, wants to say DNA in this house and being there
10 because the blood and the DNA of Walker are there in the
11 same spot, it therefore proves that he was the one that
12 left the bloody mark. It can't say that because that's
13 not what the evidence says.

14 It can argue that if it assumes that Walker did it,
15 but that wouldn't be consistent with the evidence. If you
16 want to prove that his DNA could only have been left there
17 when the blood was left there, then you've got to test the
18 whole drawer and then you've got to establish that there
19 could not have been a possibility that DNA was there like
20 an unknown person or a stranger. I mean, in a normal case
21 where a stranger has killed someone and you find their DNA
22 at the scene, part of what places them there is not that
23 it's just DNA, it's the fact that there's no explanation
24 for why that person's DNA is on the scene because they
25 don't know each other.

1 So again, if you make the assumption he did it, the
2 information, the conclusion you draw is entirely
3 different. And in this case, that's not right. That's
4 not what the analyst was telling you was, essentially,
5 science.

6 Same thing applies at the back door. That back door,
7 CSI Gamble, he said he tested just the largest area of
8 blood. But he didn't test the areas, again, that didn't
9 appear to have blood to determine whether or not the DNA
10 was already on there. So the DNA is not consistent with
11 Walker's DNA and the blood being put there at the same
12 time.

13 Do you remember, and I know you do, that there was a
14 big deal made about gloves. Right? For two reasons. You
15 have the gloves that CSI wore and all the people going in
16 and they were touching everything. They made a big deal
17 about gloves and that's appropriately so. We don't expect
18 for them to go in there and touch things with their bare
19 hands and contaminate the scene, so gloves are important.
20 But they have the glove pattern that was identified by, I
21 believe, Lieutenant Lendway. The blood, the blood left
22 patterns and that said we think the person was wearing
23 gloves. Then what's the thing with the DNA evidence? Why
24 bring the DNA evidence? The guy's wearing gloves, why
25 bring the DNA evidence? Because it's Einstein. Because

1 the assumption is that he did it and his DNA was in there.
2 So you take it and you put it in the pot. Because, of
3 course, he did it, so it seems consistent.

4 But when you step back and you're Hubble and you
5 realize that data point that's not, actually, consistent
6 because when you look deeper into it, you realize no, it
7 wasn't that contemporaneous if you show everything else.
8 Why you think they didn't swab the other area? Because
9 the assumption was that he did it. You swab the other
10 areas when you figure out -- when I'm trying to prove when
11 that DNA got there, I swab the other areas and look and
12 see. No DNA, then how can it be left at the same time.

13 So that's why I say it's not just a funny story or
14 interesting story that I'm telling you, it's an example of
15 what you, actually, have to do. Same thing applies on
16 that back door. DNA is important only -- in this case,
17 only if you're assuming he did it. Because if the killer
18 is wearing gloves, then he's not leaving DNA. And, again,
19 this is a house very bloody, very violent crime. The
20 medical examiner as well as Mr. Doug Hughes' doctor talked
21 about the physical exertion that would take place. If the
22 person is not wearing gloves, then they're leaving DNA.
23 But they're establishing they are wearing gloves because
24 the patterns are all over the place, including upstairs in
25 that drawer. That, actually, is a pattern that they

1 swabbed. So that's important because you've got to look
2 at the evidence as it's presenting itself not how you're
3 assuming it to be.

4 The blood in the car doesn't fit the gloves. And I
5 bet you when they saw the blood in the car, what do you
6 think they thought? We've got him. Look, he must have
7 did it. And none of the blood is Karen Hughes' blood.
8 There's bloody marks of this glove in various parts of the
9 house, including the door going down to the garage. But
10 there's no blood on the car on the outside. There's no
11 blood going down the steps. It's at the door. There's
12 none on the little knob. But it is right there and the
13 person is wearing gloves. That's inconsistent with Walker
14 having done it. And I'm going to talk a little bit more
15 about that in a minute, but that -- in terms of the blood
16 and DNA.

17 The glove marks and all the other things that are
18 touched, you've got the laundry room, you've got the
19 interior of the house and, I guess, what they call the sun
20 room and the living room and the kitchen. You've got the
21 -- I'm going to talk about the shoe marks in a second. It
22 doesn't appear that any of that blood makes its way into
23 the car. That seems to be -- they've never directly said
24 it. They didn't say it in their opening. They didn't
25 give you a theory about what they were trying to prove

1 beyond just saying Walker did it and we'll show you at the
2 end. So we don't know exactly what they're going to
3 argue, but it seems like what they're saying is he killed
4 his mother and he took her car. But if he kills his
5 mother and we have the scene that we have and we've got
6 the blood that is left in many, many places in the house,
7 there isn't a spec of it inside that car.

8 Before I leave that, let's talk about the shoes.
9 Shoes are important in this case. The prints -- you've
10 got prints that were pretty clear and prints that were
11 sort of faded out from the shoe. And it was described,
12 you know, pretty much, obviously, you'll be able to look
13 at the pictures, closer to where most of the blood was,
14 the print was a little bit thicker and clearer and then as
15 you progressed out, it kind of got a little bit more
16 faint. And what they had to do was they sprayed that LCV
17 stuff and it turned it purple and it raised up the shoe
18 imprint. And what kind of shows -- it shows a couple of
19 things, but one of the things it shows is the fading of
20 it, right, so that the person who is wandering around the
21 house realizes it and kind of stops so they're not walking
22 upstairs and visually leaving the prints anymore.

23 But don't you think the blood is still in the tread
24 of the shoe? I mean, a lot of times that what happens.
25 You've the tread and you roll over and the reason you're

1 getting a pattern, it's not because only the tread was in
2 there, but you're stepping in the blood, all of the blood
3 gets up under the tread, but because the tread is lower
4 and the recessed areas are higher and you step on the
5 carpet, they sort of -- they just get back in and continue
6 to dry up. And, you know, it's a good chance the blood
7 was inside the tread. But there isn't any blood inside
8 the car. Particularly, there isn't any blood on the
9 accelerator. Because if you're driving, what are you
10 doing? You're pressing your foot on the brake and the
11 accelerator. And there's a good chance -- we're talking
12 about very small things and it doesn't take -- you don't
13 have to see it to have it be there. But it isn't. And
14 again, that goes back to are you looking at the data
15 points or are you looking at what you believe to be the
16 story? Which one are you looking at? And if you're
17 looking at the data points, that's a missing data point
18 that you have to factor in that you would expect to be
19 there, but that isn't there. And that's also part of what
20 you're tasked to do. It makes it hard.

21 Another area, we were sort of talking about
22 inconsistencies, I guess is the way to put it, is the
23 taking of the car in and of itself. It doesn't quite make
24 sense in the grand scheme of things. Well, let me say it
25 this way. It doesn't make sense under the State's assumed

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1 theory. It makes sense based on what Walker testified to.
2 It doesn't make sense under the State's theory.

3 And let me go through it with you. First, I guess,
4 from the scene outward, we've talked about anything being
5 inconsistent from a physical evidence standpoint. Well,
6 let's also talk about just being there. What did the
7 police find on the scene when they analyzed it? They
8 found a hammer in the washing machine wrapped in a towel
9 run through a cycle. The found on the outside of the
10 screened-in porch door -- and you'll see it in the
11 picture, it looks like a white, sort of a kind of curved
12 up, like a base of the door, like somebody wiped it. It
13 has the towel on top of the pink sheet on top of the mat.
14 Then -- those are efforts to clean things up.

15 Why do you clean things up? You don't want to get
16 caught? Of course. But that's a plan. That's not I've
17 got this hammer and I don't want to get caught, so I just
18 chuck it in the next yard and run out of there because I'm
19 panicked. You thought about it. You figure I've got to
20 do something to make sure I don't get caught, so I do
21 these things. I'm going to the effort of putting it in
22 the washing machine, putting the soap in it, I'm wiping
23 the back. Those are things that are very planned out so
24 that you don't get caught. You go and get in the car? To
25 be fair, if you've got to get the heck out of there and

1 you don't have a car, that makes sense. We should be fair
2 about that. But three days? You've got a car for three
3 days? Essentially, it's a big sign that says I did it.

4 that doesn't make any sense. He's not unaware of the
5 problems. He might not entirely agree exactly with the
6 degree of dislike or whatever or dealings, but he never
7 disagreed with the idea they there were problems that he
8 screwed up over a period of years. I mean, he didn't
9 appear to be naive about the idea that he was the focus or
10 would be the focus of any questions... You heard about the
11 forgeries. The forgeries related to checks related to the
12 family trust. This is not something that's going to be
13 lost on him. And so for three days, he has the car. And
14 that in and of itself is inconsistent.

15 Another thing -- and there's a lot of talking,
16 somebody says he's drawn it on about a lot of the facts
17 after he left and where he went and all of this. We had a
18 long conversation about that. And I, actually, think
19 there's a lot of evidence in there that's inconsistent
20 with having done this. And let me kind of show you and go
21 through that.

22 There is a big map, if I can find it, of the
23 locations that the State said this is where we say he was.
24 You've got 201 Montclair, you had various places in
25 Greenwood, Lugoff, Cayce, all in a sort of points that

1 they put up. That's the State putting that up there.
2 They're saying he was here. It is because they don't
3 believe he was there? No, because they, essentially, are
4 documenting that he was there. And, remember, all those
5 places are after April 8th. They're establishing where he
6 is after April 8th. There was no story he just made. As
7 you look at the evidence, pause here for a second. He
8 told you a lot about April 8th, I leave, April 9th, where
9 I am, April 10th, where I'm at, April 11th, where I'm at.
10 I went to the various places. They're confirming it.
11 They're confirming by putting it on the map. They're
12 confirming it by going out there and looking in the
13 run-down house, getting the items out of the house. All
14 of that is, essentially, confirmed and confirming what
15 he's tell you, that he's moving around in all of these
16 areas. That in and of itself is yet again inconsistent.

17 Because there is common sense, too, to it. You kill
18 your mother with a plan of killing your mother so bad, you
19 know, you're not going to get caught because you got to
20 clean it up. You don't want to get caught for the obvious
21 reasons. So you take the car and you've got it for three
22 days and you drive it around Laurens County, which is 45
23 minutes to 60 minutes away from the crime scene. You,
24 actually, get as far away as Cayce, but you come back.
25 Then you drive to all these places and are, essentially,

1 stopped at a Hot Spot in Laurens, 45 minutes away from the
2 murder scene in that car. And when the police officer
3 drives up, you say hey. It's entirely inconsistent with
4 having done it.

5 But that's outside of the static universe. Because
6 the statis universe is going to assume that he did it, so
7 that when you take and you try to look at everything
8 through the lens of that, what do you see? What is the
9 argument? The argument is all about the motive. He hated
10 his mother. He didn't want this. He wanted that. That's
11 all through that lens. It's not through the lens of if
12 you want to know all that, he had the car three days
13 later? You heard him, he's not an idiot. You may not
14 like him. You may not have enjoyed what he said. But he
15 talked about logical things. He understood things. He
16 knew his words. I think he established a level of
17 intelligence, at least, that's average.

18 And by the way, what the State's asking of you is
19 that he be smart enough to figure a plan to put all these
20 things together, to understand the trust. So there's a
21 certain level you've got to say -- or an average person is
22 going to go, well, I'm going to have done this, what's my
23 plan to get out of here. Take the car so they can catch
24 me in the car and turn around and say the only way you
25 could have gotten this car was to kill your mother? It

1 doesn't make any sense. It, certainly, doesn't make any
2 sense three days later.

3 A couple of other little things that somebody might
4 have overlooked in terms of the story. The shoes and the
5 blisters. Look at the picture. He's got blood on his
6 foot. He walked around. If he had a car, he would have
7 never needed to borrow the mother's car and he would never
8 have even needed to be in -- he would have gotten there.
9 So we know he didn't have the car. We know that he got
10 out April 6th and we know that he doesn't get the car
11 until April 8th. So there is two days.

12 The State will not have to disprove that. That's not
13 part of what they've got to do. So it's a small fact
14 that's unnecessary really in the grand scheme of things,
15 but it's consistent with what he's telling you is
16 happening after. There's the receipts in the car. Went
17 to Wal-Mart here or -- you know, there's various things
18 that are in the car that they take pictures of, the
19 Wal-Mart card. This is all after the fact. And at first
20 of all, it seemed a little bit well, it doesn't matter
21 sort of after the fact, except that it does. It,
22 ultimately, does matter if you assume that he did it if
23 you realize that it's part of the overall evidence and you
24 realize well, that's goes to evidence that's inconsistent
25 with a plan to not get caught. So I think that's very

1 important to factor in.

2 And what you'll be charged with by the law is the
3 State's got to prove its case beyond a reasonable doubt.
4 You've all heard it and you all know it. And Judge Baxley
5 is going to explain it in more words than just beyond a
6 reasonable doubt. What he's going to explain, I believe,
7 is language like hesitate to act. You know, you're not
8 firmly convinced that a fact or the argument that the
9 State has put forth, did the State prove it? Are you
10 really firmly convinced or are you not so firm about it?
11 Is there something that causes you to hesitate? And,
12 essentially, you're not proven beyond a reasonable doubt.
13 That's what you're going through. And going through that,
14 if all the things I pointed out err on the side of, at the
15 least, reasonable doubt and if they don't establish an
16 inconsistency of guilt.

17 Let me pause just to make sure I've covered what I
18 need to cover. Ask for your indulgence.

19 Where is the key to the house? It wasn't talked
20 about a whole lot, but I have a sneaky suspicion that the
21 prosecution will talk about, so I'm going to talk about it
22 because I won't be able to talk about it ever again with
23 y'all. The keys that were on the bed, presumably, were
24 brought in, remember, Teri Hughes brought them in when she
25 testified there was a key chain with the keys. There's

1 been no testimony that the house key is on there. He's
2 arrested and there's no house key with him. It's not
3 there. Now, there's going to be about an argument from
4 the prosecutor, no doubt, but what I'm asking you when
5 she's making the argument, think about it. What side of
6 the line were you standing on? On what side does the
7 argument work? Does the argument work when you assume he
8 did it, so you're static? And if you assume he didn't do
9 it and it could be outside that static, does the argument
10 still work? Does the argument, actually, prove it? It
11 may be one possibility, but does the argument prove it?
12 And that's just a small example of how the assumption can
13 creep in, the use of the motive can creep in and, all of a
14 sudden, color how you view the evidence and turn it into
15 something that it may not, actually, prove.

16 I don't know if I have to talk about this. I hope I
17 don't, but in an effort to be overly cautious. Michael
18 Isakson, the guy from the jail. Just does not seem to be
19 a believable person in general. His waddling out here did
20 not -- doesn't seem to strike -- to be the kind of person
21 that would strike people as hardened. The kind of guy
22 you'd go to kill somebody in the first place. And he's a
23 manipulator. He tried to manipulate the entire courtroom
24 on the word manipulation. Trying to tell us that to
25 manipulate meant that the person -- both people are

1 gaining something out of it. Prostitution, when he was
2 talking about having pled guilty to sexually assaulting a
3 child somehow manipulating us into somehow agreeing that
4 he was -- he had manned up and was doing the righteous
5 thing. What was he doing? He's running the best game
6 that he can run so that he can get something on the back
7 end, whatever in his mind that is. Entirely consistent
8 there. And he was wrong about the little brother. He
9 tried to pretend like there was no information about this
10 case out there in the media, how would he know.. We showed
11 just one newspaper article that had Jack, the dog, in it,
12 had obvious references to what had happened, the names and
13 all that. So don't find him very credible and I don't
14 think that you should either. I'll leave it at that.

15 Shoe prints. He's not wearing shoes that match the
16 shoe prints. Now, I suspect that the prosecutor is going
17 to come up and say well, he ditched the shoes. Okay.
18 Your theory he ditched the shoes. Of course, your theory
19 would be that if your assumption is he did. But then I go
20 back to he didn't ditch the shoes when he ran out of the
21 house and was driving around barefoot and going into some
22 other store and -- I mean, that doesn't make my sense.
23 That wouldn't call much attention to anything. Plus, if
24 the blood stopped leaving prints that are visible, it's
25 likely you're not stopping to do all that.

1 So again, the fact that there's no blood in the car,
2 there's no blood on the way down, there's no blood in the
3 garage from the shoes, it's entirely consistent with him
4 not wearing the shoes and him not using the shoes that
5 went through that blood in that car. It's consistent with
6 him -- shoes that he had, which don't have any blood on
7 them. So the argument only works to say he switched shoes
8 to dump the blood issues if you assume he did it.

9 As I've said, I don't think you can use motive. I
10 think this is what the law is telling you. You can't use
11 motive -- motive doesn't prove he did something. Motive
12 may in some cases explain some things and I guess that's
13 what the prosecutor is going to try to turn in this case,
14 but that's never really been the focus. It's always sort
15 of been about motive. And sort of showing the motive is
16 what drives the case.

17 Well, part of that has been Ms. Hughes' fear of her
18 son and the argument that she would have never talked to
19 him and all of that. So I think we need to address some
20 things about that. I don't -- it doesn't appear that
21 anybody is lying in this case about how their impression
22 of Karen's feelings about what they were telling them.
23 She said I'm afraid of Walker. They're good people. They
24 didn't get up there and didn't seem crazy. They seemed
25 like good people who cared about someone that they lost.

1 But this is their description.

2 There are some more objective facts that we could
3 look at. One of those was the e-mail that's in evidence
4 from Patsy McBride. She forwarded the e-mail to
5 Investigator Miller. And in the exchange -- this is April
6 7th -- and you'll this back there, so y'all can look at
7 it. You know, Karen is saying in response to her friend
8 asking her about the fact that Walker got out, she said it
9 was a strong -- I'm glad about it, but it's a little
10 unnerving to know he's out there. The solicitor's office
11 messed up didn't tell her about it. Either he rang my
12 doorbell last night or God was letting me know something.
13 She's sort of expressing concern because she's also kind
14 of -- they said the letter was sent to me, but she didn't
15 get it. She called Harriet and that's who we learned was
16 Doug Hughes' mom. Asked if she should tell Doug. Karen
17 says, No, don't tell him. Said she -- she's not referring
18 to Harriet, said this whole thing is killing her. Then in
19 parentheses, which is Karen's word, I don't think I would
20 say that. So, there's an inconsistency there because the
21 State has been trying to make it as she was so deathly
22 afraid that she was out of sort of her wits end about it.
23 And that is inconsistent.

24 Another area that I think has been inconsistent is
25 Ms. Kuhl said I saw her the eighth and she was walking her

1 dog. And Ms. Kuhl almost fell out of the truck, they kind
2 of laughed about that and she described Karen as being in
3 a good mood. Now, I think that's inconsistent because
4 she's not. Remember, what Max Few said, Max Few is saying
5 that she told me to look out, watch the house, but she
6 doesn't tell Diane Kuhl. So it's not to say the two
7 things didn't happen, it's just calls into question the
8 degree to which the State really can rely on this evidence
9 to say absolutely no, could not have been any contact.
10 She never would have even considered it. Because I
11 believe that's what they're, essentially, going to try to
12 argue to you. And that's an area where it's inconsistent.

13 And you again, when you assume that he did it, you
14 say yes, of course, she was so concerned.

15 Another area is she's e-mailing. There's been
16 reference we've talked about with her friend who worked
17 for her attorney. And it didn't seem to be a request from
18 Karen to the attorney help me legally to do whatever it is
19 I need to do to keep him away. Again, is it a smoking
20 gun? No. But it is a factor that's inconsistent.

21 Now, we go back, if you make the assumption, you can
22 come up with all the rationals you want. You can fit it
23 into the story. And I guess that's, ultimately, what I'm
24 saying. You can do that with everything. You can take
25 every piece of evidence if you assume he did it and find a

1 way to fit it in. But I think if you listen to the
2 charge, that's not what the law is saying. The law is
3 saying if you assume the opposite, but at the least, don't
4 assume that he did it, wow, can you fit everything in?
5 That's the point.

6 And that's your job. And was very difficult because
7 we're human beings and we care about other people. We
8 have empathy. We have our own lives. That's why you're
9 there in the box, is that a hammer used, the kind of
10 murder, a son killing his mother. Emotionally, it's very,
11 very difficult to deal with. And the best way we know how
12 to do it is to have 12 people who are not related, don't
13 know and at enough distance to be able to not simply apply
14 the emotional side of it, don't jump to the assumption
15 that it happened, but are able to have enough distance to
16 say let's work through the evidence and see where the
17 evidence, actually, leads us. Does it lead us to the
18 conclusion that the State wants us to draw?

19 And the last thing I'll point out is another very
20 difficult thing for human beings to do that we ask of you
21 in a trial in a criminal case is proving who did it. It's
22 just not the nature of this thing that we're doing. The
23 State picks somebody they want to prove did it. They
24 picked Walker Hughes. It seems like their entire
25 investigation has been about that focus. And I bet you if

1 y'all talked about it and said if they had considered
2 somebody else, what are the things they might have done
3 that they didn't do, you will see another side of that.
4 So you don't have like we might do in other areas of life
5 where you just line up the evidence with everybody and you
6 start comparing. That's not what criminal trials are to
7 do that. A criminal trial is the prosecutor brings in
8 evidence and they say this is what we've got. This is who
9 we think did it. Then y'all have to figure out whether
10 that evidence proves what their theory is, not whether
11 that evidence proves the actual person that did it.
12 That's beyond what you've got here. But we lawyers and
13 judge, we get used to that because that's what we do. But
14 for y'all, that's not what you do everyday. Everyday, you
15 would just try to figure out who did it and you'd try to
16 look at -- but, unfortunately, that's not the structure of
17 a criminal case. And it's a challenge to y'all that
18 you're being put in that position. Not that that's wrong,
19 it's just your job and it's a hard job. So I need to
20 remind you of that because it is so different from your
21 everyday life.

22 I promise I'm going to sit down, but I want to make
23 sure I don't miss something. I thank you for your
24 patience in listening to me. And I trust that when you
25 hear the law and you follow the law that you're going to

1 apply it in the way that the Judge instructs you. And I
2 that will be consistent with Hubble, at least, in this
3 circumstance. So I thank you.

4 THE COURT: All right.

5 Ladies and gentlemen, we, actually, have reached the
6 lunch hour. The lunch is supposed to be here at 12:30, so
7 rather than going into the State's closing argument, we'll
8 stop at this time and just take our break for lunch. I
9 suspect we'll be down somewhere around 40 minutes or so,
10 maybe 45. We'll, actually, be driven by your schedule.
11 We'll give you an opportunity take a break, get your lunch
12 and enjoy it. And, of course, I don't believe it's quite
13 here yet, but it will be momentarily.

14 Please don't discuss the case. Just enjoy your lunch
15 and when you are done, we will reconvene. So we will
16 remain where we are while you depart the courtroom. Have
17 a nice lunch, ladies and gentlemen.

18 (WHEREUPON, the jury left the courtroom at
19 approximately 12:30 p.m.)

20 THE COURT: Ladies and gentlemen, we will stand in
21 recess for, I'm estimating 45 minutes, but at the conclusion
22 of the jury's lunch.

23 (WHEREUPON, a lunch break was taken.)

24 THE COURT: Ladies and gentlemen, our lunch was
25 delayed in the delivery of the lunch for the jury, so

1 thank you for our patience with us.

2 Madam Prosecutor, are you ready for your closing?

3 MS. PAOLETTI: Yes, sir.

4 THE COURT: Please bring in the jury.

5 (WHEREUPON, the jury enters the courtroom at
6 approximately 2:00 p.m.)

7 THE COURT: All right. Ladies and gentlemen, welcome
8 back to the courtroom. You will recall that we are now to
9 the point where we will have the final closing argument
10 from the State.

11 Prosecution, you may proceed.

12 MS. PAOLETTI: Thank you, Your Honor, may it please
13 the Court.

14 THE COURT: Yes, Ms. Paoletti.

15 MS. PAOLETTI: We've come to the end of the case now
16 and I want to tell you that we appreciate your patience
17 with us this week. It occurred to me that you came in
18 here on Monday and didn't know what your week was going to
19 be like. You didn't know if you were going to be in a
20 civil or maybe a drug case. Here y'all are about 300
21 exhibits later and you're about to end a very serious case
22 and I want you to know that is not lost on us.

23 When you first got here, you took an oath to consider
24 the evidence and apply the facts and the law as the Judge
25 gives it to you and to render a verdict. And you're going

1 to back in your jury room and, collectively, you will
2 decide what the facts of this case are. And it's that
3 collective discussion among you that will be the basis for
4 your fair and reasonable verdict.

5 Before I talk to you about the evidence in this case
6 that proves the Defendant's guilt beyond a reasonable
7 doubt, I want to address the Defendant's argument that was
8 just made to you before lunch about why the Defendant is
9 not guilty.

10 I want to first talk about the DNA. You know this
11 case is not just about DNA. The two most compelling
12 things that the DNA tells us about this case is that one,
13 the Defendant took great pains to cover up the fact that
14 he was in that house on April 8th, 2011. And he almost
15 succeeded in doing that. And the second most compelling
16 thing that that DNA tells us is that swabs were taken and
17 a DNA profile developed for not just the Defendant and
18 Karen, but for Larry and Doug as well. And Mr. Browning
19 told you none of the samples compared contained Doug's
20 DNA. Doug, who lived in the house. And none belonged to
21 Larry, the son who was not on trespass notice from the
22 victim's home.

23 Let's talk about the shoes. Would you really expect
24 him to still be wearing the shoes that he was wearing in
25 that house? Would you expect someone who wore gloves and

1 washed the murder weapon in a washing machine to do that?
2 No. These shoes are with the gloves and the clothes he
3 was wearing probably somewhere between Greer and Columbia.

4 This is the Defendant's exhibit that he put into
5 evidence. We talked a lot about the rings, the mom ring
6 the Defendant was wearing. Look here. Two shoes, green.
7 A jacket, multi-color, green and black. Brown belt.
8 You've got a lot of evidence in front of you and a lot of
9 photographs and a lot of different things or evidence in
10 this case. You're not going to find any pictures of any
11 green shoes or multi-colored jacket or brown belt. Those
12 clothes are gone.

13 And that's the same reason why none of Karen's blood
14 is found in her car. The shoes and the clothes he was
15 wearing when he killed her came off before he got in that
16 car and we know that. And I can't tell you where they are
17 or what he did with them. I don't know. I can tell you
18 that the evidence shows the victim was down on the ground
19 when she was being beaten about the head with a hammer and
20 that the Defendant was standing over her. Do not presume
21 that he was covered in blood.

22 I would suggest that you look at her car, though, and
23 look at what her car does tell you. Is there anything
24 about that car that suggest that he's just borrowing it
25 for a few days? It looks like he's moved into it. And

1 it's Monday when he's got it. Karen, the 30-year employee
2 of the City, who Kim Jones said had not shown up for work
3 without telling her she was going to be there one time
4 that she could remember before the day her body was found.
5 Nothing in that car says a baby has been in or will be in
6 that car. Diapers, a toy, a present. Binoculars and a
7 flashlight and a BB gun and some probation paper work
8 saying don't be in contact with your mother.

9 And, ladies and gentlemen, I don't know if I have to
10 say this or not, but I will tell you there is no daughter.
11 There is no daughter.

12 Michael Isakson. They do not want you to believe
13 that what he told you is true. And I can understand why.
14 When you have candidates for murder for hire come in and
15 testify, you should not be expecting somebody that looks
16 like Mr. Ellis, okay. I think it's been said if you go
17 swimming in the sewer, you're going to come up on some
18 rats. And that is just what he is. And I have to
19 apologize for making you sit in the same room with a guy
20 like that. But you know he was telling the truth for two
21 reasons. He got nothing for coming in here and telling
22 you what he said. And two, he knew things that there is
23 no way he could have known if he hadn't had that
24 conversation with the Defendant. You saw how long it took
25 him to read that article. Nothing about a burglary gone

1 wrong or staged burglary or any evidence that there was a
2 burglary at Karen Hughes' house. He told you, he read it,
3 nothing in that article about her being bashed in the
4 head, beaten to death. Only way he knew it was from
5 talking to the Defendant.

6 The Defense spent a lot of time talking with you
7 about the Defendant's interaction with Sergeant Penland in
8 Laurens. And they want you to believe that he didn't act
9 the way a guilty person would act in that situation. And
10 again, remember, this is the person who was so careful to
11 cover up or destroy as much evidence at the murder scene
12 as he could. He couldn't run. What looks more guilty
13 than running? But what he did do was try to get away from
14 that car. He asked for a ride to Indian Mound Road. He
15 wanted some distance between him and that car. And you
16 know he was just holding his breath waiting to see if
17 Sergeant Penland knew. And when he was caught, it was
18 time for plan B.

19 And, ladies and gentlemen, this is plan B. The
20 Defendant knew that this day was coming. He told you,
21 he's been thinking about it for a long time. And this is
22 a good time to talk about the fact that the testimony of
23 Sheryl Slavensky, which the Defendant admitted to you, if
24 she said it, it's true. He wanted to bash her head in,
25 for her to die slowly. He wanted her to look in his eyes.

1 He said that. What that establishes is that this
2 Defendant has been thinking about killing his mother and
3 how he wanted to do it for a long time. He thought
4 through the details of how all this would go while he was
5 walking and walking and walking. He imagined all the
6 different things that could happen and what could go wrong
7 and how to maximize his chances of getting away with it.

8 And second, please remember that what I told you on
9 Monday about the financial side of this crime. The
10 Defendant did not kill Karen for the money. He killed her
11 because he hated her. And one of the reasons why he hated
12 her is because she wouldn't give him the money.

13 Now, today, that money is relevant because you're
14 evaluating his credibility and the reasons he might have
15 to lie. And he has about 400, over 400,000 reasons to get
16 up and tell you that story that he told you. And ladies
17 and gentlemen, he's not trying to avoid being caught. He
18 can't. He's hoping there's not enough evidence left
19 behind to convict him. And I knew, I knew that this
20 Defendant had been thinking about this for a long time,
21 but I will tell you I had no idea how much until he took
22 that stand today. And, ladies and gentlemen, it's all
23 worth it. All this time, this trial, it's all worth it
24 because if there's not enough evidence, he gets it. He's
25 not trying to avoid getting caught. He's trying to avoid

1 getting convicted.

2 He came on that porch, after cutting the screen and
3 he waited. He knew when his mom was going to be coming
4 out to let Jack out one more time before bed. And as soon
5 as she opened that door, using his own words, he bashed
6 her head in with the claw end of that hammer that's been
7 sitting in front of you all week. And she went down
8 immediately inside the house. And he took this hammer and
9 with all sides of it, you heard Dr. Ward's testimony, he
10 beat her 10, at least, 10 more times with all sides of
11 this hammer. Her hands were covering her face and her
12 head. And he hit her so hard and so many times that he
13 cut off her finger. And he got that knife and at some
14 point, he cut her neck and her hand. And as violent and
15 malicious as this was, as hate filled as he was, he put a
16 blanket under her head. A blanket. And then he left her
17 to start cleaning up.

18 Remember what the Defendant said to you about when
19 Investigator Miller told him in Laurens that his mother
20 had been murdered? There are no words to describe what I
21 went through. There are no words to describe what I went
22 through.

23 The evidence in this case is that three things are
24 missing from Karen's house. Her car, car key and the
25 garage door opener. What is still in the house? TVs,

1 jewelry, electronics. You heard the forensic officer who
2 spent eight hours in the house and a long time in here, I
3 know, tell you that the only thing they could determine
4 was missing from the house was the car, the key and garage
5 door opener. And they were able to determine that, even
6 though he tried to make it look like a burglary.

7 You heard a lot of testimony about the extensive
8 investigation in this case. The painstaking forensic
9 analysis of that house. And those things are very
10 important in this case, and in every case. We put this in
11 evidence because we want you to see it and consider it.
12 And consider what it means in the context of what
13 happened. But there is very simple way to reach the
14 decision that you must make today.

15 The Defendant's charged with the four crimes, as I
16 told you earlier, murder, possession of a weapon during
17 the commission of that murder, burglary first degree and
18 grand larceny. Let's talk about what we already know
19 about those charges. We know there was a murder, that
20 Karen Hughes was killed unlawfully and with malice
21 aforethought. We know that a weapon was used in the
22 commission of that murder. We know that a burglary was
23 committed. That the person who killed her entered her
24 home without her permission and with the intent to commit
25 a crime inside and it happened at night. Burglary first.

1 As to the grand larceny, we know that her car was valued
2 over \$2000 and we know that the Defendant was in
3 possession of her car on the day her body was found. So
4 that leaves only two issues for you to decide. One, did
5 he have her car with her permission? And two, who
6 murdered Karen? And I tell you that the answer to
7 question one is the answer to question two.

8 So let's talk about how we know that Karen did not
9 give him her car. Starting in late 2009 when the
10 Defendant told Sheryl that he wanted to bash his mother's
11 head in and Sheryl told Karen that through the day she
12 died, all Karen said friends, lawyers, bankers, neighbors,
13 contacts in law enforcement, her daughter-in-law was that
14 she was afraid of him. Scared to death. She had a no
15 contact order from the Court against the Defendant. She
16 had a fence locked with padlocks. She kept pepper spray
17 on hand in her house. She slept with a hammer beside her
18 bed. She had a dead bolt lock on her bedroom door. She
19 put him on trespass notice. She told Margo that she was
20 upset because she didn't know he had gotten out. She told
21 Kim she was going to get another restraining order. She
22 told Max the day she died, you've got to keep an eye out.
23 Walker's going to kill me. And all this was because
24 Sheryl told her what he said he wanted to do.

25 Is there anything else she could have done to let us

1 know? There is no scenario she would have given him that
2 car. Not even if she thought she had a granddaughter.
3 No, he did not have her car with permission. And that's
4 how you know the answer to the second question. Who?

5 Let's talk about Karen's house when the police
6 arrived on Monday, April 11th. There was a gate around
7 the house padlocked. The front door dead bolted with a
8 lock from the inside that required a key. And Teri
9 testified about the keys and the keys are in photographs.
10 Karen's house key, upstairs on her bed. Porch door,
11 screened-porch door, latched and ripped. Porch door from
12 the outside to the inside, locked from the inside.
13 Windows closed, sealed. There is one way out of that
14 house. And once you're out of the house with the car,
15 there's only one way to close those garage doors. Whose
16 got it?

17 THE COURT: All right. Counsel, step up just a
18 moment and let's talk about scheduling before I give the
19 charge to the jury.

20 (WHEREUPON, a bench conference was held.)

21 JURY CHARGE

22 THE COURT: All right. Thank you, ladies and
23 gentlemen.

24 And Mr. Anderson, would you move that board, please?
25 It's right there between me and some of our jurors. Thank

1 you.

2 All right. Ladies and gentlemen, let me just begin
3 my charge -- and, of course, you will recall I told you at
4 the beginning of the trial the last person you would hear
5 from would be the Court giving the charge to the jury
6 before you retired to deliberate and we find ourselves at
7 that point at this time.

8 Before I being the specifics of the charge, I want to
9 just comment to you that throughout the course of the
10 trial as I sit here and observe the proceedings, I also
11 observe the jury. I try not to stare at you. I don't
12 want you to be uncomfortable. You may remember that when
13 you came in on Monday, we talked about the fact that we
14 know you had busy lives and many demands upon you before
15 you even showed up at the courthouse for the additional
16 jury duty and that those busy demands would weigh upon
17 you. But each time I've observed you throughout this
18 trial, just as I'm doing now, I found you sitting there
19 with what I'm going to call wrapped attention and close
20 focus. And I appreciate that level of commitment, ladies
21 and gentlemen, to put aside your busy lives to give up
22 your best to this process and to this case. So that
23 whatever verdict you find will represent truth and justice
24 for the parties here because you've listened, focused and
25 you're in a position to decide what the facts are and

1 apply those facts to the law. I thank you again, ladies
2 and gentlemen, for that level of commitment this week.

3 Now, as you know, Madam Foreland and members of the
4 jury, the State has charged the Defendant. The State
5 seated at the table closest to you has charged the
6 Defendant, sitting at the table furtherest from you,
7 Walker Manning Hughes, with four charges, one count of
8 murder, one count of possession of a weapon during the
9 commission of a violent crime, one count of burglary in
10 the first degree and one count of grand larceny, all of
11 which arise from the same incident.

12 Now, remember, please, the Defendant pled not guilty
13 to these charges and denies these allegations against him,
14 but even if the Defendant did not enter a plea, he is
15 presumed innocent of these charges.

16 In the indictments, which I discussed with you at the
17 very beginning of this trial, are merely a set of
18 accusations against the Defendant. They're not evidence
19 in the case. They're not to be accepted as the truth
20 because, ultimately, whatever the truth is is going to
21 come from the witnesses not from some piece of paper. I
22 will tell you that the evidence that you should consider
23 in this case is the testimony of the various witnesses who
24 appeared during this proceeding as well as any exhibits
25 which have been introduced into the record during the

1 course of this trial.. And you'll have exhibits back with
2 you in the jury room when you return to deliberate.

3 Please remember, the Defendant comes into this
4 courtroom clothed in a presumption of innocence. And this
5 presumption of innocence continues throughout the case and
6 even to this point and beyond. It entitles the Defendant
7 to a verdict of not guilty on all charges unless and until
8 that presumption of innocence is dispelled by evidence
9 that satisfies you, ladies and gentlemen of the jury,
10 beyond a reasonable doubt the Defendant is guilty of the
11 offenses charged and the State has proven each and every
12 element of the alleged crimes beyond a reasonable doubt.

13 Now, as I mentioned to you when we began this trial,
14 you are -- under the constitution of our state, you are
15 the judges of the facts. And I also mentioned to you that
16 because you are the judges of the facts, if we have
17 witnesses that take the stand and say things that may seem
18 inconsistent or mutually exclusive, then you must gauge
19 the credibility and believability of the witnesses in
20 order to determine what the facts are. I will not go over
21 with you and be duplicative of the things we discussed at
22 the beginning that you may wish to consider for
23 credibility and believability, but I simply say again, we
24 do this everyday in our everyday lives. And you should
25 use those common sense factors you use here in the

1 courtroom to gauge credibility and believability.

2 I will tell you when you go to decide the facts of
3 the case, you, the jury, may believe as much or as little
4 of any one witness's testimony you think proper. You can
5 believe one witness against a whole group of witnesses or
6 you can do just the opposite, you can believe part of what
7 a witness says and completely disbelieve the rest.

8 The fact that certain testimony is not controverted
9 doesn't mean you have to accept it as true, because you
10 must first still gauge the credibility of a witness
11 through which it comes to determine the believability or
12 the truth of the facts offered through that testimony.
13 Keep in mind, throughout this process, you have one
14 objective and that is to determine whether or not the
15 State has met the burden of proof in this prosecution.

16 Now, there are two types of evidence in cases such as
17 this. And there's two types presented during a trial
18 typically and those are direct evidence and circumstantial
19 evidence.

20 Direct evidence is the testimony from a person who
21 asserts or claims to have actual knowledge of a fact, such
22 as an eyewitness, who will come in and testify about what
23 they saw or heard or did. That is direct evidence.
24 Circumstantial evidence, on the other hand, is indirect
25 evidence. Circumstantial evidence is proof of a set or

1 chain of facts that then indicate the existence of yet
2 another fact. I will tell you the law makes absolutely no
3 distinction between the weight or value to be given to
4 either direct or circumstantial evidence nor is there a
5 greater degree of one required over the other. You should
6 weigh all the evidence in the case.

7 Now, to the extent that the State relies on
8 circumstantial evidence, all of the circumstances must be
9 consistent with each other and when taken together, point
10 conclusively to the guilt of the accused beyond a
11 reasonable doubt. After weighing all the evidence, if
12 you're not convinced of the guilt of the Defendant beyond
13 a reasonable doubt, you must find the Defendant not
14 guilty.

15 Now, of course, I've been back in your jury room, not
16 while you've been back there, but I'm sure you've probably
17 noticed there's not a set of scales to go back there and
18 weigh the evidence. I'm aware that's obvious because
19 entirely this is a mental process. But I would say to you
20 that evidence that weighs with you is evidence that
21 convinces you of its truth no matter from which side of
22 the case or from which witness that truth may come.

23 Now, the rules of evidence ordinarily do not permit
24 witnesses to testify about an opinion or a conclusion.
25 And there's an exception to this rule, which we discussed

1 during the course or the trial, which is what we call an
2 expert witness rule. A witness who by some education or
3 training or knowledge or experience who has become an
4 expert in some art or science or profession or other
5 calling may come in here and state an opinion on relevant
6 and material matters in which a witness claims to be an
7 expert and may also state the reasons or the bases for
8 giving that opinion.

9 You should consider any expert opinion receive in
10 evidence in this case and, like any other evidence, you
11 give it the weight you perceive or deem that it deserves.
12 If you decide the opinion of the expert is not based on
13 sufficient education and experience or if you conclude
14 that the reasons given in support of the opinion are not
15 sound or that the opinion is outweighed by other evidence,
16 you may disregard the opinion entirely.

17 An expert witness's testimony is to be given no
18 greater weight than that of any other witness. Simply
19 because the witness is qualified as an expert, you don't
20 give it greater weight. And further, you're not required
21 to accept that expert's opinion, even though it is not
22 contradicted.

23 Now, the same constitution that made you the judges
24 of the facts makes me the judge of the law here in the
25 courtroom. And I will tell you, just from living in South

1 Carolina as you do and out in a community, there's a lot
2 of bad law out on the street about whatever area of the
3 law we may be talking about. So I'm going to ask you to
4 set aside what preconceived notion you may have about what
5 the law in this case is and even set aside what you or I
6 think might be a better idea and simply accept the law as
7 I give it to you in this charge, which I've gone over with
8 the attorneys and reviewed with them. Accept the law I'm
9 giving you because it is correct, apply it to the evidence
10 as you find it and reach a verdict. I will tell you if
11 you do that, then you will find a verdict which is just in
12 this case.

13 Now, in a criminal prosecution of this type, as I've
14 already said to you, the State, that is the prosecution
15 has the burden of proof. The Defense has no burden of
16 proof and the Defendant is presumed innocent. In this
17 state, according to our constitution, the prosecution must
18 prove its case to the standard of proof we call beyond a
19 reasonable doubt before a finding of guilt may occur. If
20 the State fails to meet this high burden, and it is a high
21 burden, the Defendant is entitled to an acquittal.

22 So you say okay, well, then what is a reasonable
23 doubt? Well, I'm going to start by telling you what it's
24 not. It is not an imaginary or a fanciful doubt or a weak
25 doubt. It's a substantial doubt. It's a doubt that the

1 words imply. A doubt for which you can give or assign a
2 reason based on the testimony and the evidence in the
3 case. A reasonable doubt is not any sort of a doubt. You
4 and I know from every day life experiences that we may
5 have some kind of a doubt about any matter, no matter how
6 trivial it may be, such as what tie to wear to some event,
7 what pair of shoes to wear to something. That's not a
8 reasonable doubt.

9 A reasonable doubt is a doubt that makes an honest,
10 sincere, conscientious juror in search of the truth
11 hesitate to act. Proof beyond a reasonable doubt is proof
12 that leaves you firmly convinced of the Defendant's guilt.
13 If you have a doubt for which you can give or assign a
14 reason as to the guilty of the Defendant, then he is
15 entitled a verdict of not guilty.

16 Reasonable doubt may arise from evidence that's in
17 the case or from the lack or absence of evidence in the
18 case. You, the jury, must make the determination of
19 whether or not reasonable doubt exist as to the guilt of
20 the Defendant in these cases. The very fact, however,
21 that the jury goes back in the jury room and engages in
22 some full and free discussion on the issue of guilt or not
23 guilty in these cases, where the conversational ebb and
24 flow on those issues doesn't automatically mean that
25 reasonable doubt exist in this case or in any other case

1 for that mater.

2 Now, I further charge you under South Carolina law
3 that criminal intent is a necessary element of each crime
4 and must be proved beyond a reasonable doubt. Criminal
5 intent is always a matter that must be determined by the
6 jury from the circumstances that surround a situation.
7 There is no way to prove intent to a mathematical
8 certainty. There is no way that medical science can
9 dissect someone's brain and determine what he or she may
10 have had in mind at a particular moment. So the law
11 states that criminal intent may be inferred from the
12 circumstances shown to have existed, both before and after
13 the fact. This is how you, the jury, make a determination
14 of whether or not the element requiring intent, criminal
15 intent is present.

16 Criminal intent is a state of mind that operates
17 jointly with an act or an omission in the commission of a
18 crime. Criminal intent is a mental state of conscious
19 wrongdoing. So it's up to you, the jury, to determine
20 whether the State has proved the element of criminal
21 intent based on the circumstances shown to have existed in
22 this case. I tell you the State must prove criminal
23 intent against the Defendant beyond a reasonable doubt
24 just as the State must prove every other element beyond a
25 reasonable doubt, as I have previously explained to you.

1 I further charge you that during the course of this
2 trial, the Defendant has testified. You saw the Defendant
3 take the stand, come in the courtroom and made certain
4 explanations, but I charge you that it is not incumbent
5 upon the Defendant to prove his explanations or anything
6 else for that matter. The Defendant's plea of not guilty
7 places the burden of proof on the State to prove his guilt
8 beyond a reasonable doubt before the Defendant can be
9 found guilty of any charge. You must gauge the
10 credibility and believability of the Defendant witness as
11 you would any other witness.

12 Now, let's talk about the specifics of the criminal
13 charges that are alleged here. First, I want to define
14 for you the charge of murder. The Defendant is charged
15 with one count of murder. In order to prove this charge,
16 the State must prove beyond a reasonable doubt that the
17 Defendant killed another person with malice aforethought.

18 Malice is hatred, ill-will, or hostility towards
19 another person. It is the intentional doing of a wrongful
20 act without just cause or excuse and with an intent to
21 inflict an injury or under circumstances that the law will
22 infer an evil intent.

23 Malice aforethought does not require that malice
24 exist for any particular time before the act is committed,
25 but malice must exist in the mind of the Defendant just

1 before and at the time the act is committed. Therefore,
2 there must be a combination of previous evil intend and
3 the act.

4 Malice aforethought may be expressed or inferred.
5 These terms, "expressed" and "inferred" don't mean
6 different kinds of malice, but merely the manner in which
7 malice may be shown to exist. That is either by direct
8 evidence or by indirect evidence or by inference from the
9 facts and circumstances that are proved. Expressed malice
10 is shown when a person speaks words which express hatred
11 or ill-will for another or when the person prepared
12 beforehand to do the act which was later accomplished.

13 Malice may be inferred from conduct showing a total
14 disregard for human life. Inferred malice may also arise
15 when the deed is done with a deadly weapon. A deadly
16 weapon is any article or instrument or substance that's
17 likely to cause death or great bodily harm. Whether an
18 instrument has been used as a deadly weapon depends on the
19 facts and circumstances of the each case. Ordinary
20 objects may become deadly weapons when the facts show that
21 they have been used to inflict serious bodily harm or
22 death.

23 If facts are proved beyond a reasonable doubt
24 sufficient to raise an inference of malice to your
25 satisfaction, this inference would be simply an

1 evidentiary fact to be considered by you, the jury, along
2 with the other evidence in the case and you may give it
3 the weight that you decide it should receive.

4 The second charge is -- and there's no particular
5 priority, but the second charge as I'm going to charge
6 about the second criminal charge is possession of a weapon
7 during the commission of a violent crime. The Defendant
8 is also charged with this crime, which is possession of a
9 weapon during the commission or attempt to commit a
10 violent crime. To prove this crime, the State must prove
11 beyond a reasonable doubt that the Defendant was in
12 possession and visibly displayed a knife or a weapon
13 during the commission of a violent crime. A knife means
14 an instrument or tool with a sharp cutting blade, whether
15 or not fastened to a handle, which can be used to inflict
16 a cut, a slash or a wound.

17 In order to find the Defendant guilty of possession
18 of a weapon during the commission of a violent crime, you
19 must first find the Defendant guilty of either committing a
20 violent crime or attempting to commit a violent crime. I
21 charge you that under South Carolina law, the offense of
22 murder is a violent crime. Additionally, the State must
23 prove beyond a reasonable doubt that the weapon furthered,
24 advanced or helped in the commission of the crime.

25 Next, the Defendant is charged with burglary in the

1 first degree. To prove this charge, the State must prove
2 beyond a reasonable doubt that the Defendant entered a
3 dwelling without consent. A dwelling is any building or
4 portion of a building in which a person ordinarily sleeps.
5 But the building is a dwelling even if the residents are
6 temporarily absent from the building.

7 Next, the State must prove beyond a reasonable doubt
8 that the Defendant intended to commit a crime, either a
9 felony or a misdemeanor, at the time of entry. The mere
10 entry into a dwelling without consent is not burglary. If
11 the intent to commit a crime is formed after the entry,
12 then it's not a burglary. But on the other hand, if the
13 Defendant intended to commit a crime at the time of the
14 entry, it is a burglary, even if the intent was abandoned
15 after the entry. It does not matter that the intended
16 crime was not completed. Intent may be shown by acts and
17 conduct of the Defendant and other circumstances from
18 which you may naturally and reasonably infer intent.

19 And, finally, the State must prove beyond a
20 reasonable doubt that -- and I'm going to give you several
21 options here, which are all -- there will be an or between
22 them. But, finally, the State must prove beyond a
23 reasonable doubt that number one, when entering, while in
24 the dwelling, or when fleeing, the Defendant was armed
25 with a deadly weapon. The same definition of deadly

1 weapon I gave you earlier also applies there. Or when
2 entering or while in the dwelling or when fleeing, the
3 Defendant caused physical injury to anyone who was not
4 participating in the time. Or when entering, while in the
5 dwelling, or when fleeing, the Defendant used or
6 threatened to use a dangerous object. Or when entering,
7 while in the dwelling or when fleeing, the Defendant
8 displayed what appeared to be a knife, pistol, revolver or
9 other firearm. Or the entering or remaining in the
10 dwelling occurs in the nighttime.

11 Next, I want to charge you on grand larceny. As
12 you're aware, the Defendant is also charged with grand
13 larceny. The State must prove beyond a reasonable doubt
14 in order to prove this charge that the Defendant took and
15 carried away the property of another against the will or
16 without the consent of the other person. The slightest
17 removal of the property or the complete possession of the
18 property, even for an instant, by the Defendant is enough
19 to show a taking and carrying away of the property.

20 The State must also prove beyond a reasonable doubt
21 the Defendant intended to permanently deprive the owner of
22 the property. And, finally, the State must prove that the
23 value of the thing taken was \$2000 or more.

24 Ladies and gentlemen, I further charge you that, as
25 you've already heard, the Defendant has four specific

1 charges against him. I charge you that these indictments
2 are separate and distinct, and must be considered
3 individually by you and your verdict on one does not
4 necessarily control your verdict on the other.

5 Now, Madam Forelady and ladies and gentlemen of the
6 jury, I want to express to you the hope that each of you
7 are mindful of the importance of your responsibility as
8 you retire to consider this case. And I know that you
9 are. You're not called upon to serve as jurors very
10 often, and probably to that, you say, well, thank
11 goodness. You may recall you discussed on Monday with
12 Judge John, who qualified you, that you can only be
13 required to serve one time in three calendar years in the
14 same courtroom. Well, there's a reason for that. It's
15 because it's a difficult task.

16 As jurors, you are required and the proper
17 performance of this job requires that you reach the height
18 of freeing your minds of all outside and improper
19 influences because you and I are acting for the community
20 here to see that every trial is fair and every verdict is
21 just.

22 You have probably noticed that the presiding officer,
23 which is me in this case, is always addressed as Your
24 Honor here in the courtroom. And I know you know that's
25 not some title given to me. That's a title assigned to

1 the position that I'm privileged to hold. And that's
2 because this Court is entrusted with the honor of this
3 community, this county, this state and this nation to see
4 to it that every person tried here receives fair and
5 impartial justice.

6 Now, you, the jury, take into your care as you retire
7 to deliberate the preservation of the honor of this
8 county, community, state and nation. Now, please
9 understand when I say that to you, I'm not trying to tell
10 you how to decide this case. That is not my point. That
11 would be inappropriate. What I am saying to you is that
12 as the presiding officer in this Court, it is of vital
13 importance to me that whatever verdict you reach will be a
14 result of you going back into the jury room and confining
15 your consideration to the evidence put forth in this
16 courtroom, weighing that evidence fairly and impartially
17 and applying that evidence to the law that I've given you
18 here in this charge. If you do that, I have every
19 confidence that your verdict will just and will be true.

20 I tell you in this case that everyone is entitled to
21 justice, both the State and the Defendant, nothing more,
22 nothing less. We owe no support to any party. We owe no
23 sympathy to any party. And, again, ladies and gentlemen,
24 if you follow the instructions given here in this charge
25 to you, I am of the confirmed opinion that whatever

1 verdict you reach will represent truth and justice for all
2 the parties involved here.

3 Madam Forelady, let me speak to all of you together
4 for just a moment if I may. The first thing I want to
5 tell you is I have a verdict form here. And I know you
6 cannot see it from -- at least, I suspect you cannot read
7 it from where you are. And I'm going to give you a little
8 bit of information from the verdict form. Because there's
9 four charges here, the verdict form has four questions,
10 once of which ask about each of the charges. And I'm just
11 going to read the first question to you. It says as to
12 the charge of murder, we, the jury, unanimously find the
13 Defendant, Walker Manning Hughes, beyond a reasonable
14 doubt. And then there are two choices. Now, when I have
15 two choices to give you, I can't give them to you at the
16 same place on a piece of paper, one must come in front of
17 the other, but there's no priority. The first choice is
18 not guilty and the second choice is guilty.

19 Whatever the unanimous verdict of the jury is, Madam
20 Forelady, please, mark appropriately and move to the next
21 question. And it's the same question about each four of
22 the charges. And then at the bottom of this form, right
23 above your signature, it says, I certify that this verdict
24 is the unanimous decision of the jury, meaning that when
25 you sign your name, you're telling us that this, indeed, a

1 unanimous verdict. So when you're in the jury room, Madam
2 Forelady, if someone is seated at the table, some may be
3 by the wall, someone at some other place, if they wish to
4 be heard on a particular point, please give them that
5 opportunity so that not only will your verdict be a
6 consistent verdict, but, indeed, it will be a unanimous
7 verdict.

8 Now, just like you have waited on us all this week
9 and our schedule, now it reverses. We wait on you.
10 There's no hurry, ladies and gentlemen. I assure you that
11 we are here for whatever amount of time it may take you to
12 decide these cases.. Now, if you decide that you wish to
13 take a break during your proceedings to separate from one
14 another or just simply to have a break and go outside,
15 well, just knock on the door, we will accommodate that.
16 But if you do that, please stop your deliberations until
17 you're all back together because it is conceivable that
18 two groups at two different places might reach an
19 inconsistent result and thus, to avoid that, just stop
20 your deliberations until such time as you're all back
21 together.

22 If you have some question that you need resolved by
23 the Court or further information from the Court, then
24 please feel free to write the question on a piece of
25 paper, knock on the door and give it to the bailiff and

1 then we will respond to you in writing so there will be a
2 preserved record of any communications that occur between
3 the Court and the jury that are during deliberations.

4 And then when you reach a verdict, ladies and
5 gentlemen, then just please knock on the door and we'll be
6 prepared to receive that verdict.

7 Now, I want to speak to two of your members while
8 we're all together here before we break up and go in
9 different directions. And that first is Ms. Coletta and
10 then Ms. Ryggs. Thank you for your service as alternate
11 jurors. A lot of times we get to this point and the
12 alternate jurors say well, my goodness, I have wasted my
13 time because here I've sat here all week long and now I'm
14 not going to deliberate with the 12. But I will tell you
15 that we have a requirement for 12 jurors in this court.
16 And if we tried this case all week as we've done and we
17 got to this point and, even now, a juror had an emergency
18 and had to leave or fell ill and had to leave and we were
19 down to 11 because we didn't have an alternate, this case
20 would have to be a mistrial declared and tried again at
21 some future time. So your presence here is important.

22 And further, I'm going to say to you, we're going to
23 make you comfortable, but we're going to -- I'm going to
24 use the term sequester. That sounds a little frightening,
25 but we're, actually, going to place you in a separate and

1 comfortable room in the event during deliberations there
2 should be some need to replace a juror, an emergency
3 should occur or whatever should happen. And our bailiffs
4 will give you a place to go. I just don't want you to
5 think we were going to hold you somewhere. We will keep
6 you apprised of what happens. And if a verdict is reached
7 or if your services are needed, we, of course, will tell
8 you that. But I just want to say in the presence of your
9 colleagues, thank you for your level of commitment to this
10 case. Thank you for serving as our alternate jurors.

11 Now, what I'm going to let you do is that all 14 of
12 you go back to the main jury room, say your good-byes,
13 speak among yourselves while we take a moment to go over
14 all the evidence, make sure we have it in order, which
15 we've almost completed and then send the evidence in to
16 you. And when we do that, we're going to take our two
17 alternates out, put them in a different room and then the
18 jury may begin deliberations, but not until that time.
19 Thank you for your understanding of that final request.

20 Out of respect for you, we all will remain where we
21 are while you depart the courtroom, ladies and gentlemen.

22 (WHEREUPON, the jury left the courtroom at
23 approximately 2:45 p.m.)

24 THE COURT: All right. Now, are their exceptions or
25 objections to the charge given by the Court from the State?

1 MS. PAOLETTI: No, sir, Judge.

2 THE COURT: And from Defense?

3 MR. SCALZO: No, sir.

4 THE COURT: Counsel, would you come up one last time,
5 review the verdict form; please go over with our clerk and
6 our court reporter all of the evidence, make sure it's in
7 order ready to be taken to the jury and we'll await that
8 decision.

9 (WHEREUPON, the deliberations of the jury began at
10 approximately 3:00 p.m.)

11 THE COURT: Ladies and gentlemen, let's come back to
12 order for just a moment. The evidence is now on its way
13 to the jury. We will also remove the two alternates and
14 have them kept in a separate room.

15 Let me just simply say to those who remain here, I
16 assume that the reason you're in this room is because you
17 have an interest in this case, whether it be on one side
18 or the other. And I also would assume that you're
19 probably not in the courtroom everyday. And just like I
20 told the jury today, you say well, thank goodness because
21 it's probably not -- being someone out of place, probably
22 not the best experience that you've had of late. But I am
23 in the courtroom everyday and this case, of course, has
24 had some very pivotal issues. It doesn't get any more
25 core or serious than what these allegations are here and

1 what's happened here. And this case could easily have
2 broken down to finger pointing or constant objections that
3 would have delayed this processed and would have made it
4 much more difficult on everyone, but it did not. And I
5 attribute that to two things. Number one is the
6 professionalism of the lawyers who were in this proceeding
7 as well as the way the witnesses and the parties conducted
8 themselves in this proceeding. I'm grateful for the level
9 of civility and professionalism that's pervaded this
10 proceeding and made it possible to, first of all, try in a
11 week because it had a lot of evidence in it, but,
12 secondly, to try it in such a way that the jury was not
13 made to feel uncomfortable nor difficult for everyone,
14 just, simply, they they on their task and now they're
15 doing their task. And that's the strength of our system.

16 Whether this case comes down for one side or the
17 other, however the jury's decision is, you sat right here
18 in this courtroom, you watched from very capable and very
19 professional advocates your side put forth to the jury.
20 And whatever the decision is, I know that they have your
21 position and your side well understood. And, again,
22 that's just the strength of our system. That's what our
23 democracy is based upon. This case has been well tried
24 and I commend counsel for the way that it has been tried.

25 Now, we will stand down and await the decision of the

1 jury. The Court's in recess until that time.

2 (WHEREUPON, Court was in recess awaiting a verdict.)

3 THE COURT: All right. We are advised that the jury
4 has reached a verdict.

5 Is there anything for our record before we bring in
6 the jury from the State?

7 MS. PAOLETTI: No, sir, Judge.

8 THE COURT: And from the Defense?

9 MR. SCALZO: No, sir, Judge.

10 THE COURT: Now, Mr. Anderson, what is the status of
11 our two alternates? Are you going to bring them as well?

12 BAILIFF: She's bringing them around now.

13 THE COURT: Very good. Thank you. I don't want to
14 begin without them being in the courtroom as well. That
15 is, I don't want to take the verdict unless they're here.

16 (WHEREUPON, the two alternate jurors entered the
17 courtroom.)

18 THE COURT: If you wish, you may be seated in the
19 jury box, ma'am. If you want to come to the jury box, you
20 can. If you want to sit in the back, you may, whichever
21 you prefer.

22 Please bring in the rest of the jury.

23 (WHEREUPON, the jury entered the courtroom at
24 approximately 4:17 p.m.)

25 THE COURT: Madam Forelady and members of the jury, I

1 am advised that you have reached a verdict, is that
2 correct?

3 MADAM FORELADY: Yes, sir.

4 THE COURT: Would you please give your verdict form to
5 our bailiff, Mr. Anderson.

6 All right. Let the record reflect that the verdict
7 form is appropriately filled out and signed by the
8 foreperson.

9 The Defendant, please, rise.

10 And, Madam Clerk, would you please publish the verdict?

11 THE CLERK: Yes, sir, Your Honor.

12 VERDICT

13 THE CLERK: Case number 2011-GS-23-6698,
14 2012-GS-23-9359A, 2012-GS-23-9360A, The State vs. Walker
15 Manning Hughes, as to the charge of murder, we, the jury,
16 unanimously find the Defendant, Walker Manning Hughes,
17 beyond a reasonable doubt guilty. As to the charge of
18 possession with a weapon during the commission of a violent
19 crime, we, the jury, unanimously find the Defendant, Walker
20 Manning Hughes, beyond a reasonable doubt guilty. As to the
21 charge of grand larceny, we, the jury, unanimously find the
22 Defendant, Walker Manning Hughes, beyond a reasonable doubt
23 guilty. As to the charge of burglary in the first degree,
24 we, the jury, unanimously find the Defendant, Walker Manning
25 Hughes, beyond a reasonable doubt guilty. I certify that

1 this verdict is the unanimous decision of the jury, signed
2 Foreperson Oquire O. Boyce.

3 If this was your verdict in the jury room and remains
4 your verdict now, please, raise your right hand.

5 (WHEREUPON, all members of the jury raised their right
6 hand.)

7 THE CLERK: Thank you.

8 THE COURT: Thank you.

9 Let's let the record reflect that all of our jurors
10 have raised their right hand.

11 Now, while we are in the presence of the jury --

12 And you may be seated, Mr. Hughes.

13 While we are now in the presence of the jury, are there
14 further motions for which a jury response would be
15 necessary? First from the Defense?

16 MR. SCALZO: No, sir, Judge.

17 THE COURT: And from the State?

18 MS. PAOLETTI: No, sir, Judge.

19 THE COURT: Very good.

20 Now, ladies and gentlemen, what the Court would intend
21 to do at this moment is to entertain and sentencing
22 proceeding. I suspect that the matter will take only a few
23 minutes, but we will go ahead and do that at this time.
24 Your role as judges of the facts is, actually, done at this
25 point and I don't require you to remain here for the

1 in the sentencing is not the responsibility of the jury,
2 whether you feel that it's too little, too much or
3 somewhere in between. I want to make sure that we all
4 understand that you have discharged your responsibility as
5 the judges of the facts and have no responsibility for the
6 sentence that may be imposed on an individual after
7 conviction. It's the Court's full responsibility and I
8 accept that responsibility. I don't want any juror
9 leaving here thinking somehow you may be responsible for
10 any sentence as imposed by the Court.

11 So with that understanding, now we will proceed into
12 the sentencing.

13 SENTENCE

14 THE COURT: I will just simply say to you, you may
15 remain seated, Mr. Hughes, but after a fair trial before a
16 jury of your peers, you have been convicted and that
17 conviction is beyond a reasonable doubt of murder,
18 possession of a weapon during a violent crime, burglary and
19 grand larceny. During that trial, which we all observed
20 here in the courtroom, you fully exercised your
21 constitutional rights, including the right to confront your
22 accused with cross-examination by counsel, the right to
23 participate in all phases of the trial, the right to take
24 the stand and testify to the jury to give your version of
25 events, which you did. And while this Court is not the

1 judge of the facts, this Court finds that the evidence
2 against you in this case was overwhelming. And the decision
3 that the jury has made here is fully appropriate.

4 The primary act for which you stand convicted, which is
5 the horrific and interpersonally violent and senseless
6 murder of your defenseless mother with a hammer and a knife
7 just to gain control of trust funds or for whatever evil
8 reason that motivated you, sir, is to socially depraved and
9 to have imprisoned your mother for years with a fear of a
10 fate that you would ultimately perpetrate against her and
11 your explanation to this jury was so calculated -- your
12 discussion today of the facts and how it happened, the Court
13 finds was so calculated and manipulative of the people
14 involved here and the facts of this case. This Court finds
15 that you are a danger to society, sir. And for that reason,
16 I sentence you to life without parole for the crime of
17 murder. I also sentence you to a concurrent term of life in
18 prison for first degree burglary, a five-year concurrent
19 term for grand larceny and then a consecutive five-year term
20 for the possession of a weapon during the commission of a
21 violent crime. Thus, you have a life sentence, plus five
22 years. I now remand you to the Department of Corrections,
23 sir. May God have mercy on your soul. Please go with the
24 officers.

25 Now, is there anything further from the State before

**THE STATE OF SOUTH CAROLINA
In the Appellate Court**

**APPEAL FROM GREENVILLE COUNTY
Court of General Sessions**

J. Michael Baxley, Circuit Court Judge

**Case No(s): 2011GS236698, 2012GS23009359A,
2012GS23009360A**

The State,

Respondent.

v.

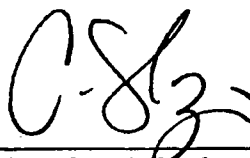
Walker M. Hughes,

Appellant.

NOTICE OF APPEAL

Walker M. Hughes appeals his conviction and sentence in this case. The sentence was imposed by the Honorable J. Michael Baxley on February 7, 2014.

Date: February 14, 2014



Christopher D. Scalzo, Esq.
Greenville County Courthouse
Greenville, SC 29601
Attorney for Appellant

Other Counsel of Record:
Leigh B. Paoletti, Esq.
Assistant Solicitor
13th Circuit Solicitor's Office
305 E. North St., Suite 325
Greenville, SC 29601
Attorney for Respondent

2014 FEB 14 PM 2:42

THE STATE OF SOUTH CAROLINA
In the Appellate Court

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

J. Michael Baxley, Circuit Court Judge

Case No(s): 2011GS236698, 2012GS23009359A,
2012GS23009360A

The State,

Respondent.

v.

Walker M. Hughes,

Appellant.

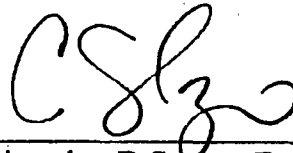
PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on February 14, 2014, addressed to:

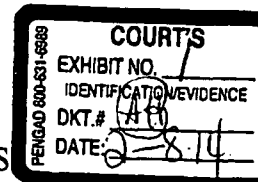
Leigh B. Paoletti, Esq.
Assistant Solicitor
13th Circuit Solicitor's Office
305 E. North St., Suite 325
Greenville, SC 29601

Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211

Date: February 14, 2014



Christopher D. Scalzo, Esq.
Greenville County Courthouse
Greenville, SC 29601
Attorney for Appellant



THE STATE OF SOUTH CAROLINA)
 COUNTY OF GREENVILLE)

THE STATE)

v.)

WALKER M. HUGHES,)

DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
 THIRTEENTH JUDICIAL CIRCUIT
 Warrant/Indictment Nos.: 2011GS236698,
 2012GS23009359A, 2012GS23009360A

**MOTION TO REQUIRE THE STATE TO OPEN FULLY ON
 THE LAW AND THE FACTS AND THEN REPLY TO THE
 ARGUMENT OF DEFENDANT**

COMES NOW, Defendant, Walker M. Hughes, and moves this Court to require the state to open in full on both the law and facts, and to use its final closing argument only for reply to the argument of Defendant.

Argument

In South Carolina, no rule of Criminal Procedure addresses the question of the order of argument to the jury. The long practice of allowing the State to open only on the law and then closing fully on the facts after the defendant has given his closing argument is long on tradition but short on law to support that position. The early practice in South Carolina was for the state to open fully on the law and the facts. In *State v. Atterberry*, 129 S.C. 464, 124 S.C. 648 (1924), the Supreme Court of South Carolina held that failure to require the state to open fully on the law and facts was reversible error. At that time, Circuit Court Rule 59 provided: "The party having the opening in argument shall disclose his entire case and on his closing shall be confined strictly to a reply to the points made, and authorities cited by the opposite party."¹ In reversing the conviction, the Court said, "[t]he defendant moved the court to require the solicitor to make the opening speech to the jury before the defendant's attorneys were required to make their arguments. This was refused. This was error." *Atterberry, supra*, 129 S.C. ___, 124 S.E. at 651. In his concurring opinion, Acting Associate Justice Aycock stated the principle best

¹ In 1924, Rule 59 was part of the Code of Civil Procedure. The concurring opinion by Acting Associate Justice Aycock makes reference to the fact that nothing in the Code of Civil Procedure limits the application to civil cases. Today, the South Carolina Rules of Civil Procedure do limit their application to civil cases.

when he said, "It is but fair that the party who has the advantage of the last address to a jury should be required to open and apprise the opposing party of his views as to his entire case." *Id.*

The more recent tradition of allowing the prosecution to open on the law and save their factual argument for the final closing developed when the Circuit Court Rules were changed. This change was noted in *State v. Lee*, 255 S.C. 309, 179 S.E.2d 652 (1971). In that case, the trial judge denied defense counsel's request that the state be required to open fully on the law and the facts, noting that since the decision in *Atterberry*, Rule 59 of the Circuit Court Rules had been changed to Rule 58, which read: "The party having the opening in an argument shall disclose fully the law upon which he relies if demanded by the opposite party." The Court in *Lee* held that, "It follows that the trial judge, under the changed rule, was correct in holding that a solicitor is no longer required to make an opening argument to the jury on issues of fact."² Thus began the more recent tradition of requiring the state to open only on the law.

Today, Rule 43(j) of the South Carolina Rules of Civil Procedure controls the order of argument in civil cases. This rule now provides that the plaintiff shall have the right to open and close at the trial of the case. The rule concludes, "The party having the right to open shall be required to open in full, and in reply may respond in full but may not introduce any new matter." With the inception of Rule 43(j), the long practice in civil cases of plaintiff's lawyers "sandbagging" by saving their real argument for last came to an end. But in General Sessions Court, the practice of allowing the prosecution to open only on the law continues based only on tradition, but not upon the law.

The practice of "sandbagging" in a closing argument was a basis for reversal of a criminal conviction in Delaware. In *Bailey v. State*, 440 A.2d 997 (Del. 1982), the court noted that "[c]losing argument is 'an aspect of a fair trial which is implicit in the Due Process Clause of the Fourteenth Amendment.'" *Id.* at 1004. The court further held that "[a]pplication of these authorities to the facts at hand compels us to reverse and remand the case for a new trial on the ground that the Trial Court

² Again, this was a change in the Code of Civil Procedure which the court elected to apply to a criminal case.

abused its discretion in permitting the State to utilize the inherently prejudicial 'sandbagging' trial strategy." *Id.*

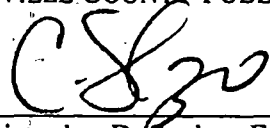
The majority of states and the federal court require the prosecutor to open fully on the law and the facts. *See, e.g.,* Fed.R.Crim.P. 29.1, Ark. Code Ann. 16-89-123, Ga. Code Ann. Sec. 17-8-71, Nev. Rev. State Ann. 175.141, Tenn. Rules of Crim. P. 29.1, *In re Amendments to the Florida Rules of Criminal Procedure – Final Arguments*, 957 So.2d 1164 (Fla. 2007), *but see, Degadillo v. State*, 262 S.W.3d 371 (Tex.Ct.App. (2008)). Secondary sources also support the requirement that the state open fully on the law and evidence. *See* Jacob Stein, Closing Arguments 2d, Sec. 1:6 (2010), 75A Am.Jur.2d Trial Sec. 448 (2010). In revising its rules as to closing argument, the Florida Supreme Court noted, "The statute provides that in accord with the common law, the prosecuting attorney shall open the closing arguments, defendant or his or her attorney may reply, and the prosecuting attorney may reply in rebuttal." *In re Amendments to the Florida Rules of Criminal Procedure – Final Arguments, supra*, 957 So.2d at 1166.³

The current "traditional" procedure in South Carolina permits the State to "sandbag" its argument and not afford the defense the opportunity to reply.

IT IS SO MOVED.

Respectfully submitted,

GREENVILLE COUNTY PUBLIC DEFENDER

By: 

Christopher D. Scalzo, Esq.
Attorney for Defendant
305 E. North Street, Suite 123
Greenville, SC 29601
(864) 467-8522

February 6, 2014
Greenville, South Carolina

³ The Florida Supreme Court also noted that 47 states follow the common law

CAP 11

SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE, AND PARDON SERVICES

ACKNOWLEDGEMENT OF SENTENCE & NOTICE TO REPORT

I, Walker Manning Hughes, acknowledge that I have been found guilty, or have pled guilty to the offense of Aggravated Battery, Ind. No. 10-0182 and have received a sentence of 1 years/days and/or pay fine of 0 suspended upon service of 0 years/days and/or pay fine of 0 and placed on probation for 0 years, subject to regular conditions of probation as well as Special Conditions:

Pay Restitution per Order + 20% fee

No victim contact

Counseling/Testing

in (GREENVILLE) County General Sessions Court before Judge Verdin

I further understand that I must report to the South Carolina Department of Probation, Parole, and Pardon Services Office located at

on 1:30 am/pm, TUES 4-17, 2011, or on the first business day after my release from confinement. I understand that if I fail to report, a warrant for Violation of Probation will be issued for my arrest. * see below

Neil Collins
(Agent)

Walker Manning Hughes
(Probationer)

4-6-11
(Date)

BRING \$600.00 FOR SUPERVISION
FEE TO INTAKE APPOINTMENT

OFFENDER INFORMATION

NAME: [REDACTED]ADDRESS: [REDACTED]DIRECTIONS: [REDACTED]PROPRIETER: Mother's - will have to move due to no contactTELEPHONE #: [REDACTED]DOB: [REDACTED]SEX: MRACE: WHT: 5'10WT: 160EYES: BlueHAIR: BrownNEXT OF KIN. (That would know of client's whereabouts): NAME: Douglas HughesRELATIONSHIP: FatherADDRESS: [REDACTED]PHONE #: [REDACTED]EMPLOYER: L/EADDRESS: [REDACTED]PHONE #: [REDACTED]

DISTRIBUTION: 1 Offender
1 Office

SC PROBATION PAROLE & PARDON SERVICES (OPR:acknow)
301 UNIVERSITY RIDGE, SUITE 6500
GREENVILLE, SC 29601

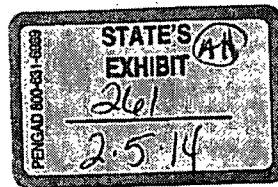
798 Case #: 012011049759

Item #: RL-X



Barcode #: 1018773

Type: DOCUMENTS



Desc: DEPT. OF PROBATION, PAROLE & MISC. PAPER, FROM TOP O

ACKNOWLEDGEMENT OF SENTENCE & NOTICE TO REPORT

I, Walker Manning Hughes, acknowledge that I have been found guilty, or have pled guilty to the offense of Aggravated Battery, Ind. No. 15-0112 and have received a sentence of 1 years/days and/or pay fine of _____ suspended upon service of _____ years/days and/or pay fine of _____ and placed on probation for 3 years, subject to regular conditions of probation as well as Special Conditions:

Pay Restitution per Order + 20% fee
No victim contact
Counseling/Testing

in GREENVILLE County General Sessions Court before Judge Nordin. I further understand that I must report to the South Carolina Department of Probation, Parole, and Pardon Services Office located at _____

on 1:30 and PM, TUES 4-17, 2011, or on the first business day after my release from confinement. I understand that if I fail to report, a warrant for Violation of Probation will be issued for my arrest. * See below

(Agent)

(Probationer)

(Date)

BRING \$600.00 FOR SUPERVISION FEE TO INTAKE APPOINTMENT

OFFENDER INFORMATION

NAME: _____ S.S.#: _____
 ADDRESS: _____ Geor 79651
 DIRECTIONS: _____

PROPRIETER: Mothers - will have to move due to no contact TELEPHONE #: _____
 DOB: 1-2-1 SEX: M RACE: W HT: 5'10 WT: 160 EYES: Blue HAIR: Brown
 NEXT OF KIN: (That would know of client's whereabouts): NAME: Douglas Hughes
 RELATIONSHIP: Father

ADDRESS: _____ PHONE #: _____
 EMPLOYER: W/F ADDRESS: _____
 PHONE #: _____

DISTRIBUTION: 1 Offender
 1 Office

SC PROBATION PAROLE & PARDON SERVICES (OPR:acknow)
 301 UNIVERSITY RIDGE, SUITE 6500
 GREENVILLE, SC 29601

SUPERVISION FEE INFORMATION SHEET

The authority to collect supervision fee is under the jurisdiction of the SC Department of Probation, Parole and Pardon Services as stated in State Statute 24-21-80.

- Judges do not have statutory authority to exempt supervision fee. If the judge recommends supervision fee be exempt then the case will be staffed with the Agent in Charge of the Probation Office to review this recommendation.
- Supervision fee of \$600.00 is due at the time of the offender court intake appointment. Once your income is verified, your supervision fee will be adjusted accordingly.
- Supervision fee is determined by the offender's income and ability to pay.

Offender's Monthly Gross Income	Fee Obligation (Reg./YOA)	Fee Obligation (Intensive)
\$0 - \$4,000	\$ 50.00 per month	\$ 20.00 per week
\$4,001 or more	\$ 100.00 per month	\$ 30.00 per week

Electronic monitoring fees will be assessed at the rate of \$20.00 per week.

- A disability does not automatically exempt an offender from paying supervision fee. Each disability case is staffed and determination is made based on income and ability to pay.

If there are any questions concerning the above mentioned information, please contact the Greenville County Office of the South Carolina Department Probation, Parole and Pardon Services at 864-282-4540.

Directions to the SC Probation, Parole and Pardon Services:

From the Greenville County Courthouse turn right off E. North Street onto Church St. The Courthouse faces East North Street. Keep straight through 2 lights. Go over bridge. At the 3rd light turn right onto University Ridge and then next right into County Square. The Probation Office is the last office on left, next to DSS and across the parking lot from Family Court. Please bring your pink paper with you.

*Address: 301 University Ridge , Suite 6500
Greenville, SC 29601
Telephone # 864-282-4540*

GREENVILLE COUNTY PROBATION OFFICE REPORTING INSTRUCTIONS

The Probation Office is concerned about your safety while you are in our office. This includes the times when you are making payments, making a report to your agent or just stopping by to sign or pick up some paperwork. To help keep safety a number one priority for you and for others, the following rules must be followed:

1. No weapons of any type are allowed at anytime and all individuals entering the office are subject to being searched.

Question: What is considered a weapon?

Answer: Weapons include any and all types of firearms (guns) as well as all knives of any shape and size. Knives or tools used at your job, for example, a box cutter, are not permitted either. You may not have in your possession any pepper spray or other devices or items deemed by an agent or other staff members to be inappropriate.

2. No bags or boxes of any sort are allowed. This includes, but is not limited to: bookbags, backpacks, gymbags, purses or briefcases.
3. No children are allowed in the reporting area, nor should they be left unattended in the lobby.
4. No drug or any other illegal substance or paraphernalia is allowed.
5. No smoking inside the building.
6. Make all payments before reporting to your agent. Bring all copies of check stubs, other employment verification, residence verification or other required paperwork as no copies will be made here.

Please keep in mind that the Probation Office is a place of business, the same as any other business giving professional services and needs to be treated respectfully.

Your cooperation with these rules is expected and appreciated.

(864) [REDACTED] Cell

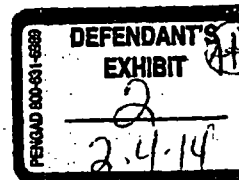
[REDACTED] Home

[REDACTED] Soja

Bdonovan 2440 @ Yahoo Com

[REDACTED] Tall Pines Rd

Countish Inn SC 29644



Miller, Christopher T

From: McBride, Patsy
Sent: Wednesday, April 13, 2011 8:43 AM
To: Miller, Christopher T
Subject: Karen Hughes

See below - these are the e-mails from Karen that I called you about.

Patsy McBride | Office Manager | Greenville Area Development Corporation
 233 North Main, Suite 250 | Greenville, SC 29601 | ☎: 864.235.2008 x227 | 📠: 864.235.9030
 ✉: pmcbride@greenvillecounty.org | www.GoGADC.com
Better Jobs. Brighter Futures.

From: Karen Hughes [mailto:kdh047@gmail.com]
Sent: Thursday, April 07, 2011 11:31 AM
To: McBride, Patsy
Subject: Re: Good Morning

It was a strong sentence. I am glad for that, but it is a little un-nerving to know he is out there. The solicitor's office said one mess up & he will be sent to prison. Either he rang my doorbell at 7 pm last night or God did so he would let me know something was up. They said a letter was sent to me 3/23/11 but I didn't get it so I found out this morning when I checked that he was gone from detention. I called Harriette to let her know, she asked me if she should tell Doug and I said "no", I wouldn't tell him. She said this whole thing is killing her (I don't think I would say that) and that she is down to 120 lbs.

On Thu, Apr 7, 2011 at 11:22 AM, McBride, Patsy <PMcBride@greenvillecounty.org> wrote:
 How do you feel about that?

Patsy McBride | Office Manager | Greenville Area Development Corporation
 233 North Main, Suite 250 | Greenville, SC 29601 | ☎: 864.235.2008 x227 | 📠: 864.235.9030
 ✉: pmcbride@greenvillecounty.org | www.GoGADC.com
Better Jobs. Brighter Futures.

From: Karen Hughes [mailto:kdh047@gmail.com]
Sent: Thursday, April 07, 2011 11:20 AM
To: McBride, Patsy
Subject: Good Morning

Chip was released yesterday. Judge Verdin sentence: 4 yrs. Suspended to 3 yrs with probation, no contact w/mother & dad, pay restitution to mother-153.00; dad-1500.00, will have probation officer with periodic drug testing.

CONFIDENTIALITY NOTICE: This e-mail and any files transmitted with it are confidential and may contain information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please immediately notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.

WITNESSES

C.T. Miller

CM

Greenville County Sheriffs Office

4/13/2011

ARREST WARRANT NUMBER
1432777 and 1432779

ACTION OF GRAND JURY

TRUE BILL

John L. Damm

Foreperson of Grand Jury

VERDICT

*Guilty**Quinn Boye*

Foreperson of Petit Jury

Date: 2-7-14

DOCKET NO. 2011-GS-23-

LBP

/ The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

November

TERM 2011

THE STATE

vs.

WALKER MANNING HUGHES

Indictment for

0116 and 0549

MURDER and POSSESSION OF A WEAPON
DURING THE COMMISSION OF A VIOLENT
CRIME

VIOLATION §16-03-0010 and §16-23-0490

006698

RECEIVED

AUG 19 2011

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
MURDER and POSSESSION OF A WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

At a Court of General Sessions, convened on **NOV 22 2011** the Grand Jurors of Greenville

County present upon their oath:

COUNT I — MURDER

That WALKER MANNING HUGHES did in Greenville County, on or about the 8th day of April 2011, unlawfully and with malice aforethought kill KAREN HUGHES by means of beating her with a blunt object, and that KAREN HUGHES died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

COUNT II — POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That WALKER MANNING HUGHES did in Greenville County, on or about the 8th day of April 2011, possess or visibly display a blunt object during the commission or attempted commission of a violent crime, to wit: MURDER. This is in violation of §16-23-490 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

WITNESSES

C.T. Miller

Greenville County Sheriffs Office

4/13/2011

ARREST WARRANT NUMBER

DIRECT PRESENTMENT

DOB: 5/12/1971 WM SSN: 411-66-2719

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2012-GS-23-

LBP

007360

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

November

TERM 2012

THE STATE

VS.

WALKER MANNING HUGHES

Indictment for

0079

BURGLARY FIRST DEGREE

VIOLATION § 16-11-0311

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
BURGLARY FIRST DEGREE

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

NOV 20 2012

That WALKER MANNING HUGHES did in Greenville County, on or about the 8th day of April 2011, willfully and unlawfully enter the dwelling of KAREN HUGHES located at [REDACTED], Greer, South Carolina, without consent and with the intent to commit a crime therein and that the defendant was armed with a deadly weapon. This is in violation of §16-11-311 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.

Sign B. Facetti

SOLICITOR

WITNESSES

J.T. Miller

Greenville County Sheriffs Office

1/13/2011

ARREST WARRANT NUMBER

DIRECT PRESENTMENT

DOB: 5/12/1971 WM SSN: 441-66-2719

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Done:

DOCKET NO. 2012-GS-23-

LBP

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

November TERM 2012

THE STATE

vs.

WALKER MANNING HUGHES

Indictment for

3420

GRAND LARCENY

VIOLATION § 16-13-0030

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
GRAND LARCENY

At a Court of General Sessions, convened on **NOV 20 2012** the Grand Jurors of Greenville
County present upon their oath:

That WALKER MANNING HUGHES did in Greenville County, on or about the 8th day of April, 2011,
feloniously take and carry away the personal property of KAREN HUGHES to wit: a 2000 Volkswagen
Jetta, with a total value of more than Two Thousand Dollars with the intent to deprive the owner
permanently of such property. This is in violation of §16-13-0030 of the South Carolina Code of Laws
(1976) as amended.

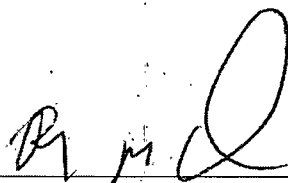
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Signif. Paoletti
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."

August 27, 2015



Robert M. Dudek
Chief Appellate Defender

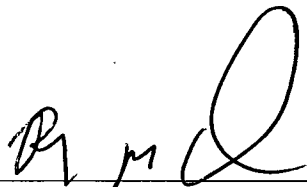
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

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."

August 27, 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

RECEIVED

AUG 27 2015

SC Court of Appeals