

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable D. Garrison Hill, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

PHILLIP JOSEPH STEGALL,

APPELLANT

APPELLATE CASE NO. 2015-001994

RECORD ON APPEAL

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SC Court of Appeals

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STATE’S EXHIBIT #13 (CD-AUDIO FROM WIRE); STATE’S EXHIBIT #37 (CD –
iPHONE RECORDING); STATE’S EXHIBIT # 39 (NOTEBOOK)**

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

COURT OF GENERAL SESSIONS
2014-GS-23-02698

STATE OF SOUTH CAROLINA,

vs.

TRANSCRIPT OF RECORD

PHILLIP JOSEPH STEGALL,
DEFENDANT.

ORIGINAL

September 8, 10, and 11, 2015
Greenville, South Carolina

B E F O R E:

THE HONORABLE D. GARRISON HILL, JUDGE; and a jury.

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

STAN L. OVERBY, ESQ.
Assistant Solicitor

JOHN V. CRANGLE, ESQ.
Attorney for the Defendant

HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

(SW) - Denotes State's Witness
 (DW) - Denotes Defense Witness
 (IC) - Denotes In Camera

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All Exhibits were retained by the Clerk of Court for
Greenville County.

P R O C E E D I N G S

(WHEREUPON, Defendant's Exhibit Nos. 1, 2, 3, 4, and 5 were marked for identification only.)

THE COURT: Yes, sir, Mr. Overby.

MR. OVERBY: May it please the Court.

Your Honor, this is State v. Phillip Joseph Stegall.

This is a case that we have about 10 witnesses on. I understand it is a trial.

We have one pre-trial motion that --

THE COURT: Is that the Defendant?

MR. CRANGLE: Yes, Judge.

THE COURT: Okay. I just wanted to make sure he was here.

MR. OVERBY: Yes, Your Honor.

THE COURT: Go ahead.)

MR. OVERBY: And that we -- I expect it would be about two days.

THE COURT: Okay. So y'all have a motion you want to hear before the jury qualification?

MR. CRANGLE: Yes, Judge.

If you'd like to hear it now, or whenever it's appropriate for the Court, Judge.

The other matter I would like to personally address is I'm on the trial docket twice for today. I have my client, Mr. Adams, is here. I don't expect his case to be

1 reached, Judge. I'd like to excuse him.

2 THE COURT: Is there any objection to that?

3 MR. CRANGLE: I believe Mr. Watson --

4 MR. WATSON: Asher Watson for the State.

5 If it's -- suits you, it'd be the most efficient time
6 spent with the Court to deal with the case at bar. And
7 it's anticipated from both counsels, I believe, that this
8 would be about a two-day trial.

9 Is that correct?

10 MR. CRANGLE: Yes.

11 MR. OVERBY: Yes.

12 MR. WATSON: In that case, I have no objection, Your
13 Honor.

14 THE COURT: Okay. I grant your motion.

15 Thank you.

16 MR. CRANGLE: Thank you, Judge.

17 MR. WATSON: Thank you, Your Honor.

18 THE COURT: Okay.

19 MR. CRANGLE: Thank you, Judge. I'll let the
20 Solicitor go first.

21 PRE-TRIAL MOTIONS

22 MR. OVERBY: Your Honor, in this -- the charge that
23 we're dealing with, in this case, is solicitation of a
24 felony. The felony that we're dealing with is murder.

25 The State has a recording that was created prior to

1 this incident that it's seeking to introduce under State
2 v. Lyle and Rule 404(b).

3 The State's contention is that recording goes to the
4 intent of the parties. And, further, based off some
5 evidence and some affidavits that have been filed
6 subsequent to this, there's an anticipation that a
7 substantial defense, in this case, is going to be that
8 there was a mistake, or that this person -- or that the
9 solicitee of the arrangement was mistaken about the
10 solicitor's intent.

11 This recording would show an absence of mistake. And
12 the State is prepared to put witnesses on the stand to
13 testify as to the recording, and establish their burden of
14 clear and convincing evidence on it.

15 THE COURT: All right. Yes, sir, Mr. Crangle.

16 MR. CRANGLE: Thank you, Judge.

17 To give you a little bit of background information.
18 In January of 2014, my client was charged with soliciting
19 Henry Manson to hire him to try and kill his ex-wife.

20 In 2011 -- in June of 2011, my client was charged
21 with criminal domestic violence with his ex-wife. It was
22 charged as criminal domestic violence first offense. She
23 made a recording of their argument. The State has a copy
24 of that recording, Judge.

25 He was, subsequently, charged and arrested. And he

1 pled to public disorderly conduct. This recording does
2 have some threats in it about -- she asks him, Are you
3 going to kill me?

4 He says things like, you're going to go to the
5 morgue, things of that nature, Judge.

6 It's the Defense's position, one, that this evidence
7 is two and a half years -- it's almost 900 days old -- or
8 separated from the two events. They're pretty distinct
9 events, Judge.

10 The second thing is, I think it's extremely
11 prejudicial to my client, basically, bringing up prior
12 criminal domestic violence altercations and a public
13 disorderly conduct conviction without my client taking the
14 stand and putting his character at issue, Judge..

15 And, therefore, I think, one, it's too remote. And I
16 don't think it really is relevant to the case at bar. The
17 question for this case is, did my client hire someone to
18 kill his ex-wife, not was my client and his ex-wife
19 arguing in 2011?

20 Now, if we open the door through our Defense to
21 mistake, lack of intent, things like that, I think maybe
22 we could revisit the issue, Judge. But for them to
23 introduce it in their case in chief, what they're trying
24 to do is they're trying to tie together an old CDV to a
25 2014 case, Judge.

1 I mean, you're talking about a 900-day difference.
2 And that's why I think it's, one, not relevant. And if
3 you do find it relevant under 404(b), I would still move
4 to exclude it under 403 as extremely prejudicial. And it
5 would confuse the jury as to what they're here for today
6 on.

7 THE COURT: How long is the tape?

8 MR. OVERBY: Your Honor, the tape is approximately --
9 it's approximately about 20 minutes long, though the
10 actual language that the State is seeking to introduce is
11 a short portion of it, about five, 10 minutes.

12 And, just for the record, the statements that are
13 made in that -- or that's correct what Mr. Crangle was
14 highlighting.

15 But she, actually -- he, actually, makes a reference
16 to saying that I will bury you in one instance. And then
17 he says that he will get away with it at some point. And,
18 again, that goes to the intent.

19 But the recording itself is about 20 minutes.

20 THE COURT: What kind of mistake are you talking
21 about that you think there's going to be?

22 MR. OVERBY: Judge, there's an affidavit that was
23 filed in Family Court. Because there's a Family Court
24 action that's pending at this particular time. And that
25 was filed by Mr. Manson, who's the solicitee of this

1 arrangement.

2 In that affidavit, he makes statements about how he
3 was inebriated, how he took some things the wrong way that
4 Phil said -- that Mr. Stegall had said to him at that
5 time. And that, you know, in essence, that he recanted
6 some of his statements with regards to this solicitation.

7 THE COURT: Who recanted?

8 MR. OVERBY: Mr. Manson, who's in the courtroom here
9 today.

10 THE COURT: Yes, sir, Mr. Crangle.

11 MR. CRANGLE: Thank you, Judge.

12 With regards to that mistake, if it's a mistake at
13 all, that goes to one of their witnesses. It doesn't go
14 to my client. And that's one of their witnesses
15 perception of the event.

16 But introducing some sort of old 2011 conviction that
17 he may or may not be aware of is irrelevant to what
18 another witness is going to say.

19 If my client took the stand and brought up mistake or
20 something like that, I think the rule could then apply.
21 But they're talking about a completely separate witness.

22 THE COURT: Okay. Well, this is a motion in limine.
23 And I don't know enough, at this point, to really rule on
24 it. I'll have to see how the trial unfolds, and what the
25 testimony and other evidence will show until I can make a

1 ruling on whether or not Rule 404(b) would allow it, and
2 Rule 403 would permit it, even if Rule 404(b) did.

3 MR. OVERBY: Thank you, Judge.

4 THE COURT: Anything else?

5 MR. CRANGLE: Just, Judge, for their opening, I'm not
6 really sure how to address it, if they bring it up in
7 their opening with regards to a prior threat or conviction
8 in -- how does Your Honor want to address that?

9 MR. OVERBY: The State doesn't intend to talk about
10 it in opening.

11 MR. CRANGLE: All right.

12 THE COURT: Okay. Yes. Nobody is going to talk
13 about it, unless you first get permission from me outside
14 the presence of the jury. Even if you think a door has
15 been opened, you still have to knock.

16 All right. Anything else?

17 MR. OVERBY: Nothing further from the State, Judge.

18 MR. CRANGLE: Nothing from the Defense, Judge.

19 THE COURT: Okay. Well, just let me know when y'all
20 are back from the jury qualification.

21 Thank you.

22 MR. OVERBY: Very well, Your Honor.

23 MR. CRANGLE: Thank you, Judge.

24 THE COURT: Have y'all handed up your voir dire,
25 witness list, and -- I think I've got it all up here.

1 I've got a witness list from the Defense and from the --

2 Is there any voir dire y'all have? Did I miss that?

3 MR. CRANGLE: From the Defense, Judge, the only thing
4 is just the standard victim of violence, or member of a
5 victim's advocacy group. I think that's routine, standard
6 language. Nothing particular in this case.

7 THE COURT: Okay.

8 MR. OVERBY: I have no voir dire -- additional voir
9 dire, Your Honor.

10 THE COURT: All right. Thank y'all very much.

11 (WHEREUPON, a break was taken.)

12 THE COURT: We're on the Stegall case.

13 Judge Miller has a two-defendant murder case that
14 he's going to need about 50 jurors, he anticipates. So he
15 wants to pick his jury first. So that's going to put us
16 probably after lunch.

17 Anything before we break?

18 MR. CRANGLE: Judge, I've spoken with the Solicitor
19 about stipulating to a chain of custody. They recovered a
20 cell phone out of my client's car, Judge.

21 We are willing to stipulate that the cell phone was
22 my client's, that the cell phone -- and the chain of
23 custody up until the contents. Once they get to the
24 contents of the cell phone, the forensic investigator, I
25 believe, is going to testify. But we don't need to get

1 into any of it went from property to investigator A,
2 investigator A to property. We don't need to do it. We
3 can stipulate to that on the record, Judge.

4 MR. OVERBY: That's my understanding as well, Judge.

5 THE COURT: Okay.

6 MR. CRANGLE: That's everything we've got, Judge.

7 THE COURT: All right. Let's just come back at 1:45.

8 (WHEREUPON, a lunch break was taken.)

9 THE COURT: Anything before we bring the jury panel
10 up?

11 MR. CRANGLE: Nothing from the Defense, Judge.

12 MR. OVERBY: Nothing from the State, Judge.

13 THE COURT: Is this five and five strikes?

14 MR. OVERBY: Yes, Judge.

15 MR. CRANGLE: Yes, Your Honor.

16 Judge, I forgot -- I just have one other thing that
17 just crossed my mind.

18 THE COURT: Sure.

19 MR. CRANGLE: One of the State's witnesses has
20 pending criminal -- or had pending criminal charges at the
21 time. He has since resolved those criminal charges. He
22 was arrested in 2012. This incident occurs in January of
23 2014. Subsequent to that, he pled guilty to some of the
24 charges, and other charges were dismissed.

25 I fully intend to get into that as part of the

1 Defense and going towards the witnesses bias and motives
2 to fabricate because of his pending criminal charges at
3 the time, Judge. He pled guilty to two of them, and then
4 the majority of them were dismissed. It was a multi-count
5 forgery. And I plan to get into the possible punishments
6 he faced at the time.

7 MR. OVERBY: As far as bias -- as far as
8 trustworthiness, Judge, I think forgery, clearly, goes to
9 that. So I think he's entitled to do that for the sole
10 purpose of establishing, you know, his lack of
11 trustworthiness.

12 The only thing that I would say is there was a time
13 when this witness and this Defendant were represented by
14 the same defense attorney. And that's how we ended up in
15 this situation here today.

16 So with regards to -- if he's asking questions about
17 the forgery in the sense of impeaching the witnesses
18 trustworthiness, then I don't have an objection to it.
19 But if we're getting more towards what that concurrent
20 representation --

21 MR. CRANGLE: Here is what I plan to do, Judge. I,
22 basically, plan to say, look, you had about eight counts
23 of forgery, each carrying five years. You had an abuse of
24 vulnerable adult, you had two of those, which are both
25 zero to five. And then you had another forgery charge.

1 So, in total, you had 55 years that you were potentially
2 looking at as far as pending charges at the time.

3 I'm not going to get into the substance of them. I
4 mean, he -- and then he pled guilty. And he stole \$60,000
5 from his father. I do fully plan to get into that, what
6 he pled guilty to, Judge. But I just want to make sure
7 that we don't have any problem with regards to his prior
8 criminal history and the pending charge that happened
9 prior.

10 MR. OVERBY: The pending charges, Judge, he wasn't
11 convicted of those. So I don't know what the relevance is
12 as far as the pending charges.

13 But I agree that the trustworthiness aspect, he,
14 certainly, is allowed to impeach him with the forgery
15 convictions. That's not -- I don't have an objection to
16 that. But what was pending at the time is irrelevant to
17 the actual -- to the person's trustworthiness.

18 THE COURT: Was it prosecuted by the Thirteenth
19 Circuit Solicitor?

20 MR. CRANGLE: Yes.

21 And it goes towards his cooperation in regards to --
22 we would have a witness that testifies that in 2013, their
23 confidential informant asked someone, hey, what can I do
24 to work off charges?

25 And they would have told him, basically, if you know

1 of any criminal charges pending or any sort of past crime,
2 report it to the police. It may help.

3 In 2014, he reports a potential crime to the police
4 while he's looking at 55 years. He ends up pleading out
5 and getting probation. The motive, clearly, for him is if
6 I come up with something, I can get a huge break.

7 And so that bias and his -- the charges that he had
8 pending, it's my intent to go into his cooperation gave
9 him some benefit, which is why he came up with a motive to
10 lie, or to exaggerate.

11 THE COURT: If the issue is can you ask him about
12 charges that he had and then later resolved, I'll let you
13 go into that.

14 MR. CRANGLE: Thank you, Judge.

15 MR. OVERBY: Judge, if I may ask, is that going to be
16 limited?

17 Obviously, I understand what his point is with
18 regards to the testimony there. But is that question
19 going to be limited in the sense that you had pending
20 charges and they were resolved by a plea, or is he going
21 to be permitted to ask questions with regards to this
22 other witness, who supposedly made this offer?

23 THE COURT: Well, I don't -- I mean, I don't know
24 what this other witness is going to say, or whether that's
25 relevant and admissible.

1 I thought the issue y'all wanted me to rule on was
2 Mr. Crangle's request to cross-examine a State's witness
3 as to pending charges that he had that were, ultimately,
4 pled down as part of a plea bargain after this case began,
5 and what penalties he faced, and what penalty he,
6 ultimately, received.

7 Is that --

8 MR. CRANGLE: That's the substance of my request,
9 Judge.

10 MR. OVERBY: Then I understand Your Honor's ruling.
11 And that's fine. I just wanted to make sure that he
12 wasn't going to be able to take that next step,
13 essentially, in questioning.

14 THE COURT: I haven't gotten there yet.

15 THE BAILIFF: Are you ready?

16 THE COURT: Yes, sir.

17 (WHEREUPON, the jury panel entered the courtroom.)

18 THE COURT: Ladies and gentlemen, good afternoon. My
19 name is Gary Hill. I'm one of the circuit judges here in
20 Greenville and Pickens Counties. And I'm glad to be
21 serving with you this week.

22 We're about to select a jury in the case of the State
23 v. Phillip Joseph Stegall.

24 Is it Stagall [phonetic] or Stegall?

25 MR. CRANGLE: Stegall.

1 THE COURT: Stegall. All right. I was wrong on both
2 counts.

3 And this is a criminal matter. As I said, there are
4 certain principles that apply to all criminal cases that I
5 want to go over with you before we select the jury,
6 because they are of fundamental importance to our justice
7 system.

8 The first is that anyone charged with a crime is
9 always presumed innocent of that crime, and never has to
10 prove themselves innocent or prove themselves not guilty.
11 Instead, when a person is charged with a crime and an
12 indictment, that burden of proof is entirely on the State.
13 And the Defendant, if he chooses to plead not guilty to
14 the indictment, doesn't have to offer any evidence or
15 explanation whatsoever.

16 Now, this indictment I'm about to read to you is not
17 evidence of anything. It doesn't even constitute a
18 suspicion of guilt. An indictment is simply the formal
19 way that a citizen is notified of what they're charged
20 with, and put on notice of the law they're accused of
21 violating.

22 So this indictment alleges that the Defendant did in
23 Greenville County between the 25th day of January, 2014,
24 and the 26th day of January, 2014, solicit the agency of
25 another, to wit, Henry Manson, for the commission of a

1 felony. This is in violation of the common law of the
2 South Carolina Code of Laws.

3 Now, again, the Defendant is presumed innocent. And
4 he doesn't have any burden of proof. And the State has
5 the burden of proving guilt beyond a reasonable doubt.

6 JURY QUALIFICATION

7 THE COURT: Now, ladies and gentlemen, there are
8 numerous people who may testify in this case. I'm going
9 to read to you a list of the witnesses who may appear and
10 testify. And then I'm going to ask if any of you know any
11 of these people, or are related to them in any way.

12 The potential witness are: Henry Grady Manson;
13 Herbert Randall Whitmire; Thomas J. Davis, Jim Donnelly;
14 Chris Marchi, M-A-R-C-H-I; Chad Bright; Chery Manley,
15 C-H-E-R-Y; Dawn Ketchem, K-E-T-C-H-E-M; Tina
16 Collins-Simpson; Karen Stegall; Justin Chandler; Jim
17 Perry; Phil Stegall; J.C. Starkes; Mike Rainey; Justine
18 Burdine; Jessica Lynn Stegall; Joe Ashworth; Glynn Raines;
19 and Vinay Patel.

20 Is anyone related by blood or marriage, or kin to any
21 of these potential witnesses? If so, please, stand.

22 (WHEREUPON, there was no response.)

23 THE COURT: Does anyone have any personal, social, or
24 business relationship with any of these potential
25 witnesses? If so, please, stand.

1 Just tell me your name first.

2 JUROR #109, LUKE LANGNER: Luke Langner.

3 THE COURT: Okay.

4 JUROR #109, LUKE LANGNER: #109.

5 Chad Bright, I possibly may know.

6 THE COURT: He's with the Sheriff's Office.

7 JUROR #109, LUKE LANGNER: Yes, I do.

8 THE COURT: All right. How do --

9 JUROR #109, LUKE LANGNER: I know who he is.

10 THE COURT: Okay. Do you --

11 JUROR #109, LUKE LANGNER: I went to church with him

12 several years ago.

13 THE COURT: Okay. And you, sir?

14 JUROR #81, SAMAN HASSAN: Saman Hassan.

15 There's a woman named Jessica outside I know.

16 THE COURT: Jessica Lynn Stegall?

17 JUROR #81, SAMAN HASSAN: Yeah.

18 I'm not sure if it's --

19 THE COURT: All right. Hold on. Wait a minute.

20 I'll just talk to y'all up here, if you don't mind.

21 (WHEREUPON, a sidebar was held with the Court, the

22 attorneys, and potential jurors.)

23 (WHEREUPON, Juror #109, Luke Langner, came forward.)

24 THE COURT: She's just got to be able to hear what

25 you say.

1 You went to church with the deputy --

2 JUROR #109, LUKE LANGNER: Uh-huh.

3 THE COURT: -- Mr. Bright?

4 And do you think you could fairly and impartially
5 judge the credibility of his testimony?

6 JUROR #109, LUKE LANGNER: Oh, yeah.

7 THE COURT: It wouldn't influence you one way or
8 another?

9 JUROR #109, LUKE LANGNER: (Juror #109, Luke Langner,
10 shook his head.)

11 THE COURT: You could decide the case solely on the
12 evidence and the law?

13 JUROR #109, LUKE LANGNER: Yes, sir.

14 THE COURT: All right. Thank you.

15 (WHEREUPON, Juror #109, Luke Langner, was seated.)

16 (WHEREUPON, Juror #81, Saman Hassan, came forward.)

17 THE COURT: All right. You're Juror #81?

18 JUROR #81, SAMAN HASSAN: Yes.

19 THE COURT: Okay. What were you about to say?

20 JUROR #81, SAMAN HASSAN: I don't remember the name,
21 but there was a woman out there that I used to hang out
22 with, and things like that.

23 THE COURT: Jessica --

24 JUROR #81, SAMAN HASSAN: I'm pretty sure her name
25 was Jessica.

1 THE COURT: Would that affect your ability to be fair
2 and impartial?

3 JUROR #81, SAMAN HASSAN: It would.

4 THE COURT: Okay. I'll excuse you.

5 Just hang in here for a second.

6 JUROR #81, SAMAN HASSAN: Okay.

7 (WHEREUPON, Juror #81, Saman Hassan, was seated.)

8 (WHEREUPON, the sidebar was concluded.)

9 THE COURT: I'm going to ask the lawyers to introduce
10 themselves, and the people at their table who've not
11 otherwise been introduced.

12 So, yes, sir, Solicitor.

13 MR. OVERBY: Good afternoon.

14 I am Stan Overby. I'm an assistant solicitor with
15 the Thirteenth Circuit Solicitor's Office. And this is my
16 investigator, Brad Rochester.

17 THE COURT: Yes, sir, Mr. Crangle.

18 MR. CRANGLE: Thank you, Judge.

19 Good afternoon.

20 My name is John Crangle. I'm an attorney. I have
21 the privilege of representing my client. His name is
22 Phillip Stegall.

23 THE COURT: Okay. Is anyone related by blood or
24 marriage, or kin to either of the lawyers, or anyone they
25 introduced? If so, please, stand.

1 (WHEREUPON, there was no response.)

2 THE COURT: Does anyone have any personal, social, or
3 business relationship with either of these lawyers, or
4 anyone they introduced? If so, please, stand.

5 Yes, ma'am. Just tell me your name.

6 JUROR #8, KARRIE ALLEN: Karrie Allen.

7 THE COURT: Okay. Ms. Allen.

8 JUROR #8, KARRIE ALLEN: Mr. Crangle is representing
9 my son.

10 THE COURT: Okay. Would that affect your ability to
11 be fair and impartial in this case?

12 JUROR #8, KARRIE ALLEN: No.

13 THE COURT: You could decide this case based on the
14 evidence and the law?

15 JUROR #8, KARRIE ALLEN: Yes, sir.

16 THE COURT: All right. Has anyone ever been
17 represented by, or been involved in a dispute or a
18 transaction where the other side was represented by one of
19 these lawyers? Or has anyone ever been employed by either
20 the Solicitor's Office, that's the office of Walt Wilkins,
21 or had a member of their immediate family be so employed?
22 If so, please, stand?

23 (WHEREUPON, there was no response.)

24 THE COURT: Does anyone know of any reason they could
25 not be fair and impartial in this case, or are you aware

1 of any bias or prejudice concerning anyone or any issue
2 involving this case? If so, please, stand.

3 All right. Hold on one second, sir. If you'll come
4 down in just one minute.

5 I'm going to ask one more question. And if anybody
6 needs to respond to this, we'll talk to you up front. And
7 that question is, is there anyone here who is a
8 contributor to, whether it's your time or your money, to
9 any organization whose primary purpose is to promote more
10 aggressive law enforcement or victims rights?

11 And, in addition, is there anyone here who has been
12 the victim of, or accused of, or arrested for, or
13 convicted of a violent crime?

14 So if anybody needs to respond to that question, you
15 can come down here and talk to me up front.

16 And, sir, if you'll come on down, please.

17 (WHEREUPON, a sidebar was held with the Court, the
18 attorneys, and potential jurors.)

19 (WHEREUPON, Juror #18, Terry Blair, came forward.)

20 THE COURT: How are you doing?

21 JUROR #18, TERRY BLAIR: Good.

22 How are you?

23 THE COURT: Okay.

24 JUROR #18, TERRY BLAIR: Terry Blair.

25 THE COURT: Mr. Blair.

1 JUROR #18, TERRY BLAIR: I have two sons --

2 THE COURT: Okay. Can you keep your voice down just
3 a little bit, sir?

4 JUROR #18, TERRY BLAIR: I have two sons and a
5 daughter-in-law who are in law enforcement.

6 THE COURT: Okay.

7 JUROR #18, TERRY BLAIR: And I am going to be biased
8 with law enforcement.

9 THE COURT: Okay. Well, we do have some law
10 enforcement witnesses potentially here, so I'm going to
11 excuse you from the case.

12 Thank you.

13 JUROR 18, TERRY BLAIR: Yes, sir.

14 Go back and sit down?

15 THE COURT: Yes, if you don't mind.

16 Thank you.

17 (WHEREUPON, the sidebar was concluded.)

18 THE COURT: We'll proceed with the selection of the
19 jury.

20 JURY SELECTION

21 THE CLERK: When I call your number and say your
22 name, please, stand up and face the attorneys.

23 Juror #120, Madison Massengale-Roberts.

24 (WHEREUPON, Madison, Massengale-Roberts, a white
25 female, stood.)

1 THE CLERK: What says the State?

2 MR. OVERBY: Please present the juror.

3 THE CLERK: What says the Defendant?

4 MR. CRANGLE: Please seat the juror.

5 THE CLERK: You may bring your things and have a seat
6 in the jury box.

7 Juror #58, Capers Easterby.

8 JUROR #58, CAPERS EASTERBY: It's Easterby.

9 (WHEREUPON, Capers Easterby, a white male,
10 stood.)

11 THE CLERK: What says the State?

12 MR. OVERBY: Please present the juror.

13 THE CLERK: What says the Defendant?

14 MR. CRANGLE: Please seat the juror.

15 THE CLERK: You may bring your things and have a seat
16 in the jury box.

17 Juror #43, Mary Crowell-Sanford.

18 (WHEREUPON, Mary Crowell-Sanford, a white female,
19 stood.)

20 THE CLERK: What says the State?

21 MR. OVERBY: Please present the juror.

22 THE CLERK: What says the Defendant?

23 MR. CRANGLE: Please excuse the juror.

24 THE CLERK: You may take a seat.

25 Juror #162, Lancee Rodgers.

1 (WHEREUPON, Lancee Rodgers, a white female, stood.)

2 THE CLERK: What says the State?

3 MR. OVERBY: Please present the juror.

4 THE CLERK: What says the Defendant?

5 MR. CRANGLE: Please excuse the juror.

6 THE CLERK: You may take a seat.

7 Juror #122, Teresa Mayfield.

8 (WHEREUPON, Teresa Mayfield, a white female, stood.)

9 THE CLERK: What says the State?

10 MR. OVERBY: Please present the juror.

11 THE CLERK: What says the Defendant?

12 MR. CRANGLE: Please seat the juror.

13 THE CLERK: You may bring your things and have a seat
14 in the jury box.

15 Juror #91, Tavarious Humbert.

16 (WHEREUPON, Tavarious Humbert, a black male, stood.)

17 THE CLERK: What says the State?

18 MR. OVERBY: Please present the juror.

19 THE CLERK: What says the Defendant?

20 MR. CRANGLE: Please seat the juror.

21 THE CLERK: You may have a seat in the jury box.

22 Juror #54, Kim Dooley.

23 (WHEREUPON, Kim Dooley, a white female, stood.)

24 THE CLERK: What says the State?

25 MR. OVERBY: Please present the juror.

1 THE CLERK: What says the Defendant?

2 MR. CRANGLE: Please seat the juror.

3 THE CLERK: Sir, you may have a seat in the jury
4 box.

5 Juror #176, Christian Sigmon.

6 (WHEREUPON, Christian Sigmon, a white male, stood.)

7 THE CLERK: What says the State?

8 MR. OVERBY: Please excuse the juror from the trial
9 of this case.

10 THE CLERK: You may have a seat.

11 Juror #41, Kenneth Crews.

12 (WHEREUPON, Kenneth Crews, a white male, stood.)

13 THE CLERK: What says the State?

14 MR. OVERBY: Please present the juror.

15 THE CLERK: What says the Defendant?

16 MR. CRANGLE: Please seat the juror.

17 THE CLERK: You may bring your things and have a seat
18 in the jury box.

19 Juror #7, Curtis Ainslie.

20 (WHEREUPON, Curtis Ainslie, a white male, stood.)

21 THE CLERK: What says the State?

22 MR. OVERBY: Please excuse the juror from the trial
23 of this case.

24 THE CLERK: You may take your seat.

25 Juror #63, Stacy Fender.

1 (WHEREUPON, Stacy Fender, a white female, stood.)

2 THE CLERK: What says the State?

3 MR. OVERBY: Please present the juror.

4 THE CLERK: What says the Defendant?

5 MR. CRANGLE: Please seat the juror.

6 THE CLERK: You may bring your things and have a seat
7 in the jury box.

8 Juror #187, Paul Sutton.

9 (WHEREUPON, Paul Sutton, a white male, stood.)

10 THE CLERK: What says the State?

11 MR. OVERBY: Please present the juror.

12 THE CLERK: What says the Defendant?

13 MR. CRANGLE: Please seat the juror.

14 THE CLERK: Please bring your things and have a seat
15 in the jury box.

16 Juror #8, Karrie Allen.

17 (WHEREUPON, Karrie Allen, a white female, stood.)

18 THE CLERK: What says the State?

19 MR. OVERBY: Please excuse the juror from the trial
20 of this case.

21 THE CLERK: You may take your seat.

22 Juror #46, Shayla Davidson.

23 (WHEREUPON, Shayla Davidson, a black female, stood.)

24 THE CLERK: What says the State?

25 MR. CRANGLE: Please present the juror.

1 THE CLERK: What says the Defendant?

2 MR. CRANGLE: Please excuse the juror.

3 THE CLERK: You may take a seat.

4 Juror #204, Tommy Woodruff.

5 (WHEREUPON, Tommy Woodruff, a white male, stood.)

6 THE CLERK: What says the State?

7 MR. OVERBY: Please present the juror.

8 THE CLERK: What says the Defendant?

9 MR. CRANGLE: Please seat the juror.

10 THE CLERK: Come bring your things and have a seat in
11 the juror box.

12 Juror #20, Shane Boland.

13 (WHEREUPON, Shane Boland, a white male, stood.)

14 THE CLERK: What says the State?

15 MR. OVERBY: Please present the juror.

16 THE CLERK: What says the Defendant?

17 MR. CRANGLE: Please seat the juror.

18 THE CLERK: Please bring your things and have a seat
19 in the juror box.

20 Juror #97, Kevin Johnson.

21 (WHEREUPON, Kevin Johnson, a white male, stood.)

22 THE CLERK: What says the State?

23 MR. OVERBY: Please excuse the juror from the trial
24 of this case.

25 THE CLERK: You may take a seat.

1 Juror #26, Angela Bryson-Brooks.
2 (WHEREUPON, Angela Bryson-Brooks, a white female,
3 stood.)
4 THE CLERK: What says the State?
5 MR. OVERBY: Please excuse the juror.
6 THE CLERK: You may take a seat.
7 Juror #67, John Gallman.
8 (WHEREUPON, John Gallman, a white male, stood.)
9 THE CLERK: What says the State?
10 MR. OVERBY: Please present the juror.
11 THE CLERK: What says the Defendant?
12 MR. CRANGLE: Please seat the juror.
13 THE CLERK: You may have a seat in the jury box..
14 Juror #190, Brian Tollison.
15 (WHEREUPON, Brian Tollison, a white male, stood.)
16 THE CLERK: What says the State?
17 MR. OVERBY: Please present the juror.
18 THE CLERK: What says the Defendant?
19 MR. CRANGLE: Please excuse the juror.
20 THE CLERK: You may take a seat.
21 Juror #202, Melynda Williams.
22 (WHEREUPON, Melynda Williams, a white female, stood.)
23 THE CLERK: What says the State?
24 MR. OVERBY: Please present the juror.
25 THE CLERK: What says the Defendant?

1 MR. CRANGLE: Please excuse the juror.
2 THE CLERK: You may take a seat.
3 Juror #192, Jack Tribble.
4 (WHEREUPON, Jack Tribble, a white male, stood.)
5 THE CLERK: What says the State?
6 MR. OVERBY: Please present the juror.
7 THE CLERK: What says the Defendant?
8 MR. CRANGLE: Please seat the juror.
9 THE CLERK: You may come and bring your things and
10 have a seat in the jury box.
11 THE COURT: So we'll have two alternates.
12 THE CLERK: They both get --
13 THE COURT: One and two strikes.
14 THE CLERK: Juror #142, Naresh Parbhoo.
15 JUROR #142, NARESH PARBHOO: It's Naresh Parbhoo.
16 (WHEREUPON, Naresh Parbhoo, an Asian male, stood.)
17 THE CLERK: What says the State?
18 MR. OVERBY: Please present the juror.
19 THE CLERK: What says the Defendant?
20 MR. CRANGLE: Please seat the juror.
21 THE CLERK: You may have a seat in the jury box.
22 Juror #109, Luke Langner.
23 (WHEREUPON, Luke Langner, a white male, stood.)
24 THE CLERK: What says the State?
25 MR. OVERBY: Please present the juror.

1 THE CLERK: What says the Defendant?

2 MR. CRANGLE: Please excuse the juror.

3 THE CLERK: You may have a seat.

4 Juror #133, Angela Myers.

5 (WHEREUPON, Angela Myers, a white female, stood.)

6 THE CLERK: What says the State?

7 MR. OVERBY: Please present the juror.

8 THE CLERK: What says the Defendant?

9 MR. CRANGLE: Please seat the juror.

10 THE CLERK: You may bring your things and have a seat
11 in the jury box.

12 THE COURT: All right. Any matters or motions
13 related to the selection process or the composition of the
14 jury from the State?

15 MR. OVERBY: None from the State, Your Honor.

16 MR. CRANGLE: None from the Defense.

17 THE COURT: All right. I find it complied with all
18 statutory and Constitutional requirements.

19 Those of you who were not chosen, I've just been
20 asked to ask you if you'll go back downstairs.

21 And thank you for your patience and cooperation.

22 (WHEREUPON, the remaining jury panel members exited
23 the courtroom.)

24 INTRODUCTORY REMARKS

25 THE COURT: All right. Ladies and gentlemen, you've

1 been selected to be the jury in the case of State v.
2 Phillip Joseph Stegall. And, before we get underway, I'm
3 going to give you just some preliminary remarks.

4 First of all, I want to thank you for your service
5 this week. I know you didn't come down here voluntarily.
6 And you probably groaned when you got the summons in the
7 mail to come for jury service.

8 But I know you're here, in part, because you
9 understand and appreciate that the right to a jury trial
10 is a valuable and important right. In fact, it was so
11 important to the founders of our country that they put it
12 in three of the first 10 amendments, as well as in the
13 state and federal Constitutions.

14 And the right to a jury trial was viewed by John
15 Adams, who was one of our most important founders, of
16 course, as along with the right to a representative
17 democracy as the heart and lungs of our government. So
18 you're making it possible for that important right to be a
19 reality here today for both the State and the Defendant.

20 Now, you've met the lawyers. And I introduced myself
21 to you earlier. I'm Gary Hill, one of the circuit judges
22 here. And you probably are curious about some of the
23 other people in the courtroom, and what their roles are.
24 So let me go through that with you just to kind of
25 demystify the surroundings a little bit.

1 First of all, the court reporter is Hollie Jenkins.
2 Circuit court is a court of record. So everything that is
3 stated is put on the record. And Ms. Jenkins does an
4 excellent job. And then to her right is Janine Shamey.
5 And she is one of the assistant clerks of court. And she
6 helps, as you saw, with the jury selection process, and
7 helps things run smoothly here inside the courtroom.

8 Up on the bench with me is one of my law clerks,
9 Jacob Goldstein. He just got out of law school back in
10 May. And I have another clerk, Candace Farmer, who's
11 seated back in the back. But they help me with legal
12 research and other issues that occur during trials.

13 So the bailiffs, in this case, are Charles Frazier,
14 who's up here to my left, and Curt Cofield, who's back
15 here guarding the door, making sure nobody breaks in here.

16 And everybody I've introduced to you has taken an
17 oath. And, certainly, I took an oath to do my job. And
18 the lawyers have taken an oath to do their job, and
19 everyone else has, too. And you're going to take an oath,
20 as well, to be a juror on this case. And listen to the
21 oath very carefully, because it will tell you in a
22 nutshell what your responsibilities are. And I'll
23 elaborate on it once you've taken it.

24 So, yes, ma'am, Ms. Shamey.

25 THE CLERK: Thank you.

1 Would you, please, rise and raise your right hand.

2 The correct response to the oath is, "I will."

3 (WHEREUPON, the jury was sworn at approximately

4 2:32 p.m.)

5 THE CLERK: Thank you.

6 You may have a seat.

7 THE COURT: All right. Thank you very much.

8 Any time a case is tried before a jury in circuit
9 court, there are always two judges. There's the judge of
10 the law, which is the role that I fulfill, and there's the
11 judge of the facts, which is the role that you, the jury,
12 discharge.

13 Now, my job is much easier as the judge of the law.
14 So I'm going to tell you what it is, because it is far
15 simpler than yours. As the judge of the law, I have two
16 primary responsibilities. The first is to rule on the
17 admissibility of evidence. There may be objections to
18 evidence during this trial. And don't hold it against the
19 lawyers for objecting. That's their job after all, to
20 object when they think evidence is improper. And they
21 have an ethical duty to do so.

22 But if there is an objection made, I will rule on
23 whether or not the evidence is admissible under the law.
24 Usually, I can do that right on the spot. Sometimes, we
25 have to take a break and discuss it, if it gets a little

1 tricky. But, nevertheless, that's my first job as the
2 judge of the law.

3 The second job I have is to instruct you on the law
4 that applies to the facts of this case. And I'll do that
5 at the end of the trial after you've heard all the
6 testimony and evidence, and the closing arguments of the
7 lawyers.

8 Now, you are the judge of the facts. And your job is
9 to determine what the facts are. And the reason we need a
10 jury is there is likely some dispute about the facts. I
11 say likely, because the way our system of justice is set
12 up, I know very little about this trial, not much more
13 than you do, at this point. But, nevertheless, you have
14 to determine what the facts are in this case.

15 Now, how do you do that? You determine what the
16 facts are by evaluating and weighing the evidence you're
17 going to hear in this trial. I'm not going to suggest to
18 you, even if I have an opinion, what I think the facts
19 are, or what your verdict should be. Because our
20 Constitution and system of justice gives you, the jury,
21 the sole and exclusive prerogative to determine the facts
22 in a trial. So you must do that from the evidence.

23 So, naturally, the next question is, what is the
24 evidence? Evidence consists of two sources. The first is
25 the one you're probably most familiar with, and that is

1 sworn witness testimony.

2 The second source of evidence you can use is by way
3 of an exhibit. An exhibit is simply a physical, tangible
4 object. It might be a map, or a photograph, or something
5 of that nature. But you'll know it's an exhibit and
6 you'll know it's evidence you can use to determine what
7 the facts are because it will be in the jury room with you
8 at the end of the trial. And it will have a sticker on it
9 that says exhibit number so and so.

10 So keep in mind as we go through this trial that
11 those are the only two things you can use to determine
12 what the facts are, sworn witness testimony and exhibits.
13 Nothing else is evidence. The lawyers, what they say,
14 while you should pay keen attention to it, because they're
15 trying to help you understand the evidence, but what the
16 lawyers say is not in itself evidence. Because, remember,
17 they're not witnesses.

18 Likewise, the indictment I read to you earlier is not
19 evidence. And you cannot use that to determine the facts.
20 That's simply the way the case begins. It's the ticket,
21 so to speak, that allow the State to come in this
22 courtroom and present a case against a citizen.

23 Now, I told you that, in a criminal case, you have to
24 be mindful of the presumption of innocence and the burden
25 of proof being entirely on the State. And I know you'll

1 keep those things in mind as well. And that Mr. Stegall
2 can only be convicted if all 12 of you agree the State has
3 proven each and every element of the crime beyond a
4 reasonable doubt. So keep those things in mind as well.

5 Now, as the judge of the facts, you will have to, by
6 necessity, determine the credibility of the evidence. So
7 that means for every witness who testifies and every
8 exhibit that's admitted, you'll have to weigh the
9 believability of that evidence. And that's something you
10 have the sole discretion and prerogative to do, again,
11 under our Constitution.

12 Now, how many of y'all have served in criminal court
13 in a jury trial? If you'll just raise your hand.

14 (WHEREUPON, one juror raised their hand.)

15 THE COURT: Okay. So you have, sir.

16 And others of you may know from your own experience a
17 little bit about how a criminal trial works, or the
18 structure of it. But let me just go over that briefly
19 just to further make you more comfortable in these
20 surroundings.

21 In a criminal trial, the State bears the burden of
22 proof, as I've already said repeatedly. And so in just a
23 few minutes, you're going to hear the State go first in
24 this trial and give you their opening statement, which is
25 just an outline of what they think the evidence will show.

1 Then the Defendant has the opportunity, but not the
2 obligation, to give an opening statement as well.

3 Then we'll move into the evidence portion of the
4 trial where the State will present their evidence, which
5 the Defense may confront. And then after the State has
6 completed its presentation of evidence, the Defense may
7 present any evidence it wishes to, which the State may
8 confront.

9 After you've heard all the evidence, we will then
10 move into the closing arguments where the attorneys will
11 give you their opinions as to what they think the verdict
12 should be. Then I'll give you the instruction on the law.
13 And then the case will be in your hands for a decision for
14 a verdict.

15 Now, until we get to that point, ladies and
16 gentlemen, don't discuss this case with anyone. Don't do
17 any outside investigation or research. Don't talk with
18 anyone about any issue involved in this case. It would
19 not be in keeping with your oath to do that.

20 And these trials are often like puzzles. And you,
21 certainly, wouldn't do a jigsaw puzzle, for instance, if
22 you didn't have all the pieces in the box. And you're not
23 going to have all those pieces until you hear all the
24 evidence and you've heard the closing arguments, and I've
25 given you the law that you have to apply to the facts.

1 So, with that, we'll have the opening statement.

2 And, yes, sir, Mr. Overby.

3 OPENING STATEMENT

4 MR. OVERBY: May it please the Court, Your Honor.

5 Ladies and gentlemen, you've heard a lot about this
6 case as a solicitation of a felony. And in this
7 particular case the solicitation of a felony, which the
8 Defendant, Phillip Stegall, asked a witness, Henry Manson,
9 to commit was murder.

10 Now, the law states that in -- that solicitation does
11 not require that the actual act be accomplished. It only
12 requires that the act -- that the question be asked to
13 another, and that's all that matters.

14 And, in addition, the State has to prove that with
15 the asking of the other to commit this offense that it
16 must be a felony, that is something that's one of the most
17 egregious things in our law, one of our worst crimes. And
18 that the person must intend that the act -- that the other
19 person commit the act. So those are your four elements.
20 Those are the four things that the State must prove in
21 this case.

22 And the testimony that you're going to hear is going
23 to come from Mr. Manson himself, who's going to testify
24 about the events that he experienced on the night of
25 January 25th, of 2014, when he had a conversation with

1 this Defendant at his motel room at 3706 Grandview Drive
2 in Simpsonville.

3 There's a couple different theories that are going to
4 come out of this particular story. You're going to hear
5 both of them in this whole process. And we're going to
6 flesh out a lot of things. But you're going to, also,
7 hear about what was told to law enforcement on that
8 particular evening in terms of this conversation. You're,
9 also, going to see evidence coming from law enforcement
10 where they set up an operation at a planned meeting spot
11 for these individuals on the day of the 26th, the next day
12 after this initial conversation occurred.

13 Finally, you're going to see that the Defendant
14 showed up at the designated place at the designated time,
15 and that he had a gun in his car, that he had binoculars
16 in his car, and that he had a notebook that contained some
17 very, very troubling writings about the child custody
18 arrangement between he and his wife, who is the purported
19 victim of this particular plot.

20 And so there you have it. You have -- you're going
21 to have the motive. You're going to have the evidence.
22 And you're going to have all this testimony.

23 At the end of the trial, you're going to be asked to
24 deliver a verdict in the case. And that verdict is going
25 to be whether or not the State has proven each and every

1 element of these offenses to ask another to kill, and
2 intends that the other person will do it beyond a
3 reasonable doubt. And the question is whether or not that
4 reasonable doubt leaves you firmly convinced of the
5 Defendant's guilt in this case.

6 Judge Hill hit it right on the head here. These
7 cases are like puzzles. They have various pieces that are
8 going to be coming in. Sometimes, it will feel like it's
9 moving real slow. Other times, it will feel like it's
10 picking up pace.

11 But the important thing is for all of y'all to
12 consider the entire picture once it's assembled at the end
13 of the trial. At that point, I'll come back around. And
14 I'll give you what my opinion is of this evidence. And
15 I'm going to argue for the fact that y'all should find
16 Mr. Stegall guilty beyond a reasonable doubt.

17 Thank you for your attention. Thank you for your
18 service today.

19 THE COURT: Thank you, Mr. Overby.

20 Yes, sir, Mr. Crangle.

21 MR. CRANGLE: Thank you, Your Honor.

22 May it please the Court.

23 So we've all been in the line at the grocery store
24 waiting to check out. You look to see what's in the
25 magazine rack. The other day, I saw something relatively

1 interesting. I saw that President Obama has cancer. I
2 thought to myself, my goodness, what's going on here? And
3 then I heard something on the news, too. I heard that
4 President Carter has cancer. And I heard him talking
5 about that on CNN.

6 But I know that those two things, one of them is true
7 and one of them is not true. The reason I know is the
8 source. What I was looking at in the newspaper and what
9 we all see when we check out is we see the National
10 Enquirer. We see the tabloids. And the tabloids tell you
11 things that you look at, and it's a sensational headline,
12 the president has cancer, he has two months to live. But
13 because you know the source, you know it's not true.
14 Whereas when you hear from the President himself,
15 Mr. Carter, that I have cancer, you know it is true. And
16 that's because we know from our common sense that the
17 source of the information matters. Where it comes from
18 determines how much weight it carries.

19 In this case, the source matters. In this case, it,
20 basically, started back in 2011. Mr. Henry Manson is the
21 State's witness. He's the confidential informant. What
22 he's going to testify to you is, basically, that my client
23 tried to hire him to commit a felony. But we need to step
24 back and look at the source.

25 In 2011 and going into 2012, Mr. Manson received

1 numerous charges for forgery and abuse of a vulnerable
2 adult. Then in 2013, you're going to hear testimony from
3 a witness named Mr. Thomas Davis. He's a former FBI
4 agent. And he's going to testify that while Mr. Manson
5 was there cutting his lawn that Mr. Manson asked him
6 about, well, how do I, you know, beat these charges? And
7 Mr. Davis is going to tell you that, well, you know, you
8 can go to trial. You can take a plea. But the third
9 option is if you know of any sort of crimes that have been
10 committed, maybe you can tell the police and they may
11 cooperate with you. They may help you.

12 Then, in 2014, Mr. Manson meets my client. He speaks
13 to him. My client, Mr. Phillip Stegall, is going through
14 a custody battle. That's true. He has a four-year-old
15 son now. His son was three years old at the time. And he
16 and his wife were having a hard time resolving the custody
17 situation.

18 And he went and he met Henry Manson. And he told him
19 that he was frustrated, that he was upset, and that he had
20 concerns for his child's safety and well-being. That, we
21 don't deny. I think every good parent has issues when
22 they feel that their child is in harm. And divorce and
23 marriage are tough. It's tough on both parties involved.

24 But we do know this. Henry Manson was looking at
25 55 years in prison. He goes to law enforcement. He tells

1 them the story. After he tells that story, he pleads
2 guilty to one count of forgery. He pleads guilty, and has
3 civil restitution in the amount of \$60,000 that he owes
4 for money he stole from his father. And he gets
5 probation. He doesn't go to jail. He doesn't see a day
6 inside SCDC.

7 And that's an important thing to consider, ladies and
8 gentlemen, is he gets in trouble. He finds out what he
9 can do to get out of trouble. He does it. And then he
10 gets out of trouble. The source of that information is
11 Mr. Manson. And you're going to hear from him. And we're
12 going to talk about it at the end. But I ask that you
13 keep that in mind when you hear his testimony. And you're
14 going to hear the facts about his criminal charges, what
15 he was facing, and what he received. All of that goes
16 towards the source.

17 Now, as adults, I'm sure we've all said things that
18 we don't mean. We say things jokingly. We say things
19 when we're frustrated that we don't mean. And we say
20 things in private about other people that we don't mean.
21 I'm guilty of it. I've said it about my friends, my
22 family. I'm sure everyone of us has said something at
23 some point in our life when we're frustrated that we don't
24 mean. It's a way that we ventilate, that we blow off
25 steam.

1 In this case, my client said some things that were
2 taken out of context that he did not mean. But that's no
3 more than any of us have ever done. I know and you know
4 that we ventilate, that we say things. And that's how we
5 calm down.

6 Now, you heard the Judge speak about the presumption
7 of innocence and reasonable doubt. I just want to go over
8 those things with you briefly. Everyone that comes in
9 this courtroom and everyone that lives in the United
10 States is innocent until proven guilty.

11 Now, we say don't make assumptions. Well, the Court
12 is telling you to assume something from the get-go, that
13 my client is innocent until proven guilty by the State.
14 That requires the State to do things. The State has to
15 convince you beyond a reasonable doubt that my client not
16 only discussed the option of trying to hire someone to
17 kill his wife, but, also, further intended that that was
18 going to happen.

19 Ladies and gentlemen, I thank you for your time and
20 service.

21 I'd ask that you keep two things in mind. One,
22 remember the source. Remember where the information comes
23 from. Remember what that person had to gain, what that
24 person had to lose. And consider that when you hear their
25 testimony.

1 And, ladies and gentlemen, secondly, remember that
2 everyone is innocent until proven guilty beyond a
3 reasonable doubt as guaranteed by the United States
4 Constitution.

5 Thank you for your service.

6 THE COURT: Thank you, Mr. Crangle.

7 Mr. Overby, you may call your first witness.

8 MR. OVERBY: Thank you, Your Honor.

9 At this time, the State calls Henry Manson to the
10 stand.

11 MR. CRANGLE: Judge, may we approach real fast?

12 THE COURT: Yes, sir.

13 (WHEREUPON, a bench conference was held.)

14 MR. OVERBY: Mr. Manson, you can come forward.

15 THE BAILIFF: Raise your right hand, and place your
16 left hand on the Bible.

17 WHEREUPON,

18 HENRY MANSON,

19 after first having been duly sworn, testified as follows:

20 THE CLERK: Please come around and have a seat.

21 Will you state your full name for the record?

22 THE WITNESS: Henry Manson.

23 THE BAILIFF: Come up a little bit further.

24 THE WITNESS: Henry Manson.

25 THE COURT: Hold on one second.

1 It's supposed to be on. It's on, isn't it?

2 THE WITNESS: Henry Manson.

3 DIRECT EXAMINATION

4 BY MR. OVERBY:

5 Q Mr. Manson, what is your occupation?

6 A I work for Griffin Landscaping.

7 Q Okay. And what do you do for Griffin Landscaping?

8 A Cut grass, lay pine straw, mulch, whatever.

9 Q And how long have you done that particular line of
10 work for?

11 A I've been in landscaping since 2000. I had my own
12 business at one point.

13 Q Have you always been in landscaping with Griffin
14 Landscaping?

15 A No, sir.

16 Q Okay. How do you know the Defendant in this case?

17 A When did I meet him? I met him through a friend when
18 I was working for Grounds Masters.

19 Q Okay. And, just for the record, Mr. Phillip Stegall,
20 do you know him personally? Is he in the courtroom here
21 today?

22 A Yeah.

23 Q Okay. Now, you said you met him working for Grounds
24 Masters. Could you be more specific about that?

25 A Yeah. My crew leader knew him. And we met one time

1 after work.

2 Q Who is your crew leader?

3 A Bobby. I don't know his last name.

4 Q Okay. And what did you -- what was the nature of
5 your first meeting with him? About what time -- about
6 when was this first meeting?

7 A I had gotten laid off from Grounds Masters. And I
8 started running jobs for him.

9 Q Okay. What year was that?

10 A '11, '11 or '12.

11 Q Okay. And so you said you started running jobs for
12 him?

13 A Yeah. I cut grass for him when he needed me.

14 Q Okay. What was the name of his company that he
15 owned?

16 A Landscape Care.

17 Q Okay. And what did -- what did -- when did you go
18 to -- start working for him?

19 A I got laid off at Ground Masters in -- I think at the
20 end of '12, '11 or '12, somewhere in there.

21 Q Okay. What did -- you said you cut grass for him,
22 and things like that --

23 A Yeah. I mean, he'd call me up and say, I've got this
24 job here, here, here. Can you go get it? And I'd go get
25 it.

1 Q Okay. And where do you presently reside, Mr. Manson?

2 A I'm staying at the Super Lodge on Mauldin Road right
3 now.

4 Q Okay. Have you always lived at the Super Lodge, on
5 Mauldin Road?

6 A Nope.

7 Q Okay. Where did you live prior to that?

8 A Motel 6.

9 Q Okay. Where, specifically, is that Motel 6?

10 A 3706 Grandview Drive.

11 Q Okay. Is that in Simpsonville?

12 A Yes, sir.

13 Q Is that in Greenville County?

14 A Simpsonville.

15 Q Well, is it inside the county of Greenville?

16 A I guess.

17 Q Okay. With regards to -- where did you live prior to
18 that?

19 A With my momma and daddy.

20 Q Okay. And did you ever live with Mr. Phil Stegall?

21 A Yeah.

22 Q Okay. How long did --

23 A For a short-term.

24 Q How long did you live with him for?

25 A Three months, four months.

1 Q Okay. What -- when -- did you work for Mr. Stegall
2 at the time of this particular incident?

3 A No.

4 Q Okay. What did you do -- when did you terminate your
5 employment with him?

6 A I left his house in -- when I left his house, that
7 was the end.

8 Q Okay. About when was that?

9 A '12, I think, somewhere -- '12, somewhere in there.

10 Q Can I show you something to refresh your
11 recollection, Mr. Manson?

12 A Yeah. I wish you would.

13 MR. OVERBY: The Court's indulgence, Your Honor.

14 THE COURT: Yes, sir. Take your time.

15 (Pause.)

16 BY MR. OVERBY:

17 Q Mr. Manson, let me ask you this --

18 A Yes, sir.

19 Q Okay. Do you remember the events of January 26th,
20 2014?

21 A Yeah. I'm pretty sure of it.

22 Q Do you remember the events of January 25th, 2014?

23 A So, so.

24 Q Okay. Well, do you remember the subject of why we're
25 here today?

1 A Yeah, yeah, yeah.

2 Q Okay. And you would acknowledge that those -- this,
3 in fact, happened on those two particular days?

4 MR. CRANGLE: Objection, Your Honor. Leading.

5 THE COURT: Sustained

6 BY MR. OVERBY:

7 Q When did these events happen?

8 A On a Saturday, I believe.

9 Q Okay. What month did they happen?

10 A January.

11 Q Okay. And what year did they happen?

12 A '13, '14 -- '13, '14.

13 Q Okay. And prior -- how long after your last contact
14 with Mr. Stegall did your -- or Mr. Stegall did you,
15 actually -- was it until these particular events? About
16 how long?

17 A Three or four months.

18 Q Okay.

19 A I guess. I mean, I don't know.

20 Q Okay. Now, I want to take you to the night -- that
21 night in January of 2014. All right.

22 A Yeah.

23 Q When -- what happened on that night?

24 A My turn?

25 I called Phil. I called him from my room. And he

1 had called me back. His son, Ryder, heard me. Ryder
2 loves me. And he wanted to come hit me with water
3 balloons. Well, it's wintertime. He couldn't hit me with
4 water balloons. So they came to the room and --

5 Q What about -- how did you know -- who is Ryder?

6 A His son.

7 Q And how do you know Ryder?

8 A From living in his house.

9 Q Okay. So you said that Mr. Stegall came to your
10 residence?

11 A Yeah.

12 Q Okay. And that's at the Motel 6?

13 A Yes, sir.

14 Q What else happened while he was in that hotel room?

15 A We sat there and we talked about anything and
16 everything. But we got to talking about Jess. And I
17 said, Jess -- you know, take her to court, you know.

18 Q Okay. Well, why did you have to suggest taking her
19 to court?

20 A He -- well, he was frustrated, I mean, because of the
21 custody battle going on. And he said women always win --
22 that women always win -- hell, I can't talk -- win in
23 court.

24 Q Okay. What did he express to you about the
25 frustration with the custody battle?

1 A He just said if she was out of the picture, you know,
2 he'd have his son.

3 Q Okay. What sort of details did he -- what did he
4 elaborate with regards to saying if she was out of the
5 picture?

6 A I mean, Phil and I talked like this all the time, you
7 know.

8 Q Mr. Manson, I just want you to answer the question,
9 please, sir.

10 A Okay.

11 Q What details did he provide you in terms of --

12 A Having her gone.

13 Q And what did he say, specifically, about the details
14 of that?

15 A He explained where we would go, how it would be done.

16 Q Okay. Well, let me show you -- let me ask you this.
17 You provided a statement to law enforcement, did you not?

18 A Yes, sir.

19 Q Okay. You did that shortly after this whole event
20 occurred?

21 A Right after he left.

22 Q Okay. And you maintain that that report is accurate;
23 correct?

24 A Yeah. But then after --

25 Q In terms of your statement?

1 A Yes, yes, yes.

2 Q Okay. Did you not tell law enforcement that he would
3 pay \$5,000 --

4 MR. CRANGLE: Objection, Judge. Leading the witness.

5 THE COURT: Sustained.

6 BY MR. OVERBY:

7 Q What did he tell you? What was the proposition that
8 he gave you, Mr. Manson?

9 A That night was \$5,000, and I'd get a payment the
10 following week for \$750.

11 Q Okay. And what was the plot? What was the plan that
12 he asked you to carry out?

13 A To go over where she worked, and that he'd be
14 waiting. I'd jump over a fence. And that'd be the end of
15 it.

16 Q Okay.

17 A I wasn't going to do it.

18 Q More specifically -- well, let me ask you this. Was
19 her son -- was your -- his son there with you at this
20 time?

21 A Yes.

22 Q Okay. Were you shown a firearm?

23 A Yeah.

24 Q Okay. Who showed you the firearm in this case?

25 A He did.

1 Q Okay. And that was on that night?

2 A Yes, sir.

3 Q Okay. What did -- what did he say about when y'all
4 were going to conduct this particular plot?

5 A I mean, one time, we were going to do it during the
6 day. Then we were going to do it at night.

7 Q What did he say on that night?

8 A He'd come pick me up and we'd go look.

9 Q Okay. Come pick you up and do what?

10 A Pretty much just go over to where she worked and
11 look -- check things out.

12 Q Did you know where Jess worked prior to this whole
13 incident?

14 A I had heard, but I ain't never been there.

15 Q Okay. Do you know -- did you know where she worked
16 prior to this incident?

17 A I knew she worked for Buffalo Wild Wings, yeah. But
18 I didn't know where it was at.

19 Q Okay. And who told you where it was at?

20 A Phil.

21 Q Okay. So he stated -- so he provided -- he asked you
22 to go through with this. And when, again, were you
23 supposed to do this particular incident?

24 A I really, honestly, don't know. I mean, because he
25 said --

1 Q Well, was it two weeks? Was it two weeks later? Was
2 it a week later?

3 A No. He came over that Sunday.

4 Q Okay. So what -- you said it was a Saturday?

5 A No. He was over there Saturday night with me.

6 Q Okay. So Sunday --

7 A Sunday morning, he came back and we was supposed to
8 go over there and look things over. But when it was going
9 to be done, I have no clue. Because I wasn't going to do
10 it.

11 Q Okay. But he came and told you about that and said,
12 we're going to look at it next Sunday?

13 A Yeah. The next day, yeah.

14 Q Okay. And he showed you a firearm that day?

15 A Yes, sir.

16 Q Okay. When -- after this particular conversation --
17 after he had this particular conversation, what did you
18 do?

19 A We sat there -- I mean, we were drinking anyhow.

20 Q You were drinking?

21 A Oh, yeah, big time.

22 Q Do you remember giving that statement to law
23 enforcement on the night in question?

24 A No. I mean, when they came to the room, I was
25 drinking.

1 Q Did they mention -- did you mention to them that
2 they [sic] had been drinking at all during that incident?

3 A No. I did -- they only came to the room about a week
4 later. And I said, you know, I had made a serious
5 mistake. We were drinking straight vodka doing shots, you
6 know. I think I took things out of context. Because
7 nothing was ever going to really happen because I wasn't
8 going to do nothing.

9 Q Okay. Mr. Manson, you weren't really drinking that
10 night, were you?

11 A I was drinking straight vodka, yes, sir, I was.

12 Q No. I -- you weren't really drinking that --

13 MR. CRANGLE: Objection, Judge. Asked and answered.

14 THE COURT: Overruled.

15 MR. OVERBY: Judge, may we approach?

16 THE COURT: Sure.

17 (WHEREUPON, a bench conference was held.)

18 BY MR. OVERBY:

19 Q Mr. Manson, you never told law enforcement that you
20 had had anything to drink on that particular evening, did
21 you?

22 A Not at that time. But when they came to the room, I
23 was drinking.

24 Q Okay. Well, you never -- you were videotaped
25 during --

1 A Yes.

2 Q -- this particular incident, weren't you?

3 A Yes, sir.

4 Q And so, you know, there was a videotaped statement of
5 you, was there not?

6 A Yeah.

7 Q With law enforcement?

8 A Yes, sir.

9 Q Okay. So this jury will be able to see -- or this
10 jury could see your particular statement --

11 A Yeah.

12 Q -- on that night?

13 A Yes, sir.

14 Q When -- were you scared when Mr. Stegall gave --
15 asked you to do this particular act?

16 A I knew in the back of my mind I wasn't going to do
17 it.

18 Q Well, okay. So you say you knew in the back of your
19 mind you weren't going to do it?

20 A Yeah.

21 Q Why was that a concern of yours?

22 A I mean, I seen a gun and everything else. I mean,
23 you know, and then I'm holding a three-year-old boy by my
24 side.

25 Q Okay. So in order to do that -- in order to go

1 through that thought process, you would have to think that
2 he was legit about that, wouldn't you?

3 A Yes, sir.

4 Q So, at that time, you thought he was very serious --

5 A That night, yes.

6 Q -- was he not?

7 A I did that night, yeah.

8 Q Okay. And you were so -- who did you call after he
9 made these particular requests?

10 A My brother.

11 Q Okay. And is your brother -- your brother is here at
12 the courthouse with you, is he not?

13 A He's somewhere.

14 Q Okay. And did -- what did you tell him happened?

15 A I went --

16 MR. CRANGLE: Objection, Your Honor. Hearsay.

17 THE COURT: Sustained

18 BY MR. OVERBY:

19 Q Okay. Well, you expressed some concerns to him, did
20 you not?

21 A Yes, sir.

22 Q Okay. With regards to -- what did you do after that?

23 A Me and my brother -- I called Simpsonville.

24 Q Okay. Why did you call Simpsonville police?

25 A Because, I mean, at that point in time, I was

1 concerned.

2 Q Okay. So you called Simpsonville police. And what
3 happened after that?

4 A They sent an officer to get me, because I didn't have
5 transportation.

6 Q Okay. And where --

7 A And I had told them -- you know, I had told them,
8 I've been drinking. I don't want to get a DUI between
9 here and there.

10 Q Okay. What did you -- and what did -- where did they
11 take you on that night?

12 A The Simpsonville Police Station.

13 Q Okay. And when they took you to the Simpsonville
14 Police Station, what did you tell them?

15 A I --

16 MR. CRANGLE: Objection, Your Honor. Hearsay.

17 THE COURT: Sustained

18 BY MR. OVERBY:

19 Q When you went to the Simpsonville Police Station, you
20 provided a videotaped statement, did you not?

21 A Yes, sir.

22 Q Okay. And did that videotaped statement match what
23 you testified to just a few moments ago?

24 A Yeah.

25 Q Okay. But it did not include anything about being

1 drunk?

2 A No.

3 Q Okay. So when you told them about this incident,
4 were you scared?

5 A A little bit, yes.

6 Q Okay. Did you tell them, though, in fact, that you
7 were scared?

8 A Yeah. I told them I was concerned for Ryder and
9 Jess.

10 Q Okay. So when that occurred, what were you
11 approached to do?

12 A He asked me if I'd wear a wire.

13 Q Okay. Did they force you to wear the wire?

14 A No.

15 Q Okay. Did they say, you don't have to do it if you
16 don't want to?

17 A Huh-uh.

18 Q Okay. What did you tell them when they asked you to
19 do it?

20 MR. CRANGLE: Objection, Your Honor. Hearsay.

21 THE COURT: Sustained

22 BY MR. OVERBY:

23 Q Did you agree to wear the wire?

24 A Yes.

25 Q Okay. So when -- what happened at that point?

1 A They took me home. Officer Donnelly said he'd pick
2 me up at 7:00, which he did. We went down -- over to the
3 detention center. And he gave me the wires and two
4 lighters. And he told me what I needed to get him to say.

5 Q Who told you what you needed to get him to say?

6 A Officer Donnelly and Greenville County.

7 Q Okay. Did they tell you -- did they tell you --
8 well, we'll get to that in a little bit.

9 A Okay.

10 Q Where were you outfitted with the wire? Was it at
11 the --

12 A Greenville County.

13 Q -- LEC, or was it at the hotel?

14 A I mean, Greenville County.

15 Q Are you sure about that?

16 A Yeah.

17 Q Can I show you something to refresh your
18 recollection?

19 A Okay.

20 MR. CRANGLE: Judge, may we approach?

21 THE COURT: Sure.

22 (WHEREUPON, a bench conference was held.)

23 BY MR. OVERBY:

24 Q Mr. Manson --

25 A Yes, sir.

1 Q -- what did you do after the wire was placed on you?

2 A We went back to the Motel 6. They waited outside and
3 told me to go in the room.

4 Q Okay. And backing up just a little bit. What did
5 you tell -- or what did -- what was your understanding of
6 where Mr. Stegall was supposed to meet you on the 26th?

7 A In my room.

8 Q Okay. About what time?

9 A Sometime that morning. I mean, I never know with
10 Phil. He can give me one time and it be an hour earlier.

11 Q Okay. But you provided a statement to law
12 enforcement and you told them a specific time, did you
13 not?

14 A I can't remember if I did or not.

15 Q Okay. But you knew it was in the morning?

16 A Yes, sir.

17 Q Okay. And what was your understanding about how that
18 day was supposed to go?

19 A As far as law enforcement?

20 Q No. As far as with Mr. Stegall.

21 A He'd come pick me up, and we'd go over to where she
22 worked and look things over.

23 Q Okay. That wasn't your initial impression of what
24 was supposed to happen, though, was it?

25 A (There was no response.)

1 Q Initially, didn't you tell law enforcement that --
2 didn't you tell law enforcement that you were supposed to
3 do that this evening -- or do that this morning after
4 church?

5 A I had no clue when it was going to be done. I just
6 know he wanted it done.

7 Q But did you not make that statement to law
8 enforcement about it?

9 A I knew we was supposed to go to church.

10 Q Okay. And go do the deed that morning?

11 A That morning or that night.

12 Q Okay. Did Mr. Stegall say that he was going to --
13 did Mr. Stegall say that we need to go do this right now,
14 or did he indicate that he needed to plan a little bit
15 more?

16 A He needed to wait a little bit.

17 Q Okay. Now, you wore the wire?

18 A Yes, sir.

19 Q And you sat in the hotel?

20 A Yes, sir.

21 Q And you said law enforcement told you some things to
22 say to spur a conversation. What did -- what happened
23 after that?

24 A I waited. Phil came to the room. I mean, I already
25 knew what -- and they said, get him to talk about the

1 money. And that's exactly what I did.

2 Q Okay. So you waited?

3 A Yes, sir.

4 Q How long did you wait?

5 A Maybe an hour.

6 Q Okay. Did he try and make contact with you
7 beforehand?

8 A Not that I can recall.

9 Q Okay. What did -- about what time did he show up in
10 the room?

11 A I'd say about 9:30, 10:00.

12 Q What was -- and when he came in the room, what did
13 y'all talk about?

14 A I started talking about that. I said, you know -- I
15 said, So you're -- it's \$5,000, and you're going to give
16 me \$750 in the next round [phonetic].

17 He said, Yes.

18 I said, Okay.

19 Q And what did he indicate about when this plan was
20 going to be executed?

21 A He didn't. He spotted all the officers outside.

22 Q Okay. But did he make any statements to -- with
23 regards to when y'all were going to do it?

24 A No. As soon as he spotted all the officers, he said,
25 We're not doing nothing. We're not doing nothing.

1 Q Okay. So your statement is -- so your testimony here
2 today, though, is that he didn't say, We're not doing
3 nothing until the officers --

4 MR. CRANGLE: Objection, Judge.

5 THE COURT: Overruled

6 BY MR. OVERBY:

7 Q Is that your testimony?

8 A Yeah, yeah. As soon as he spotted the cops, we
9 weren't doing nothing.

10 Q Okay.

11 A And then they took him down outside in the lobby --
12 or hallway.

13 Q When was the next time that you saw Mr. Stegall after
14 that?

15 A Sometime in the summer.

16 Q Sometime this summer?

17 A Yeah. He knows my routes, so.

18 Q Okay. What did he talk to you about?

19 MR. CRANGLE: Objection, Your Honor. Relevance.

20 THE COURT: Overruled

21 BY MR. OVERBY:

22 Q What did he talk to you about at that time?

23 A I'm sitting here trying to eat lunch and he just pops
24 up. And I said, Oh, boy.

25 And he says, We need to talk.

1 I said, Okay.

2 And he wanted to know what time I got off.

3 I said, I have no idea.

4 Q Okay. What did he want to talk about?

5 A This, everything.

6 Q Okay. What sort of things did he want to -- what
7 sort of things did he say asking about this?

8 A At that point that day, nothing. Because I had to
9 get back to work.

10 Q Okay. But did you come across him again
11 subsequently?

12 A Yeah. He showed up at my room.

13 Q Okay. What happened at that meeting?

14 A I mean, we talked about that night, and everything
15 else. And he said -- you know, we was talking about a
16 drainage job, and all that.

17 And I was like, Well, I don't remember a drainage
18 job.

19 Q Okay. So what -- elaborate on that, Mr. Manson.

20 A I know he had one, but, I mean, I don't remember
21 that's what we had talked about. We did talk about a lot
22 of things that night.

23 Q But you didn't talk about a drainage job?

24 A I don't remember.

25 Q Okay. A drainage job that was \$5,000?

1 A Oh, no. He made [phonetic] 10.

2 Q What's -- would you work with Mr. Stegall after this
3 particular incident?

4 A Yeah.

5 Q Okay. Would he pay you?

6 A No.

7 Q Did he ever ask you to do anything for him?

8 A Yeah. He asked me to go, you know, get scrap metal,
9 and things like that. But I never got paid.

10 Q No. Did he ask you to do anything for him with
11 regards to this case?

12 A No.

13 Q Okay. Did you file a Family Court affidavit -- an
14 affidavit in Family Court?

15 MR. CRANGLE: Objection, Your Honor. Relevance.

16 THE WITNESS: I didn't --

17 THE COURT: Overruled.

18 THE WITNESS: I know I didn't. I ain't never -- I
19 don't remember going to Family Court.

20 BY MR. OVERBY:

21 Q Okay. Well, you didn't put anything into the Court
22 record in Family Court with regards to Mr. Stegall?

23 A I don't remember doing it.

24 Q Okay. Well, let me show you something, Mr. Manson.

25 A Okay.

1 MR. OVERBY: Your Honor, at this time, I'd like to
2 have this marked as State's Exhibit No. 1.

3 THE COURT: Have you seen this, Mr. Crangle?

4 MR. CRANGLE: I have, Your Honor.

5 THE COURT: All right. It's marked as State's
6 Exhibit No. 1 for identification.

7 (WHEREUPON, State's Exhibit No. 1 was marked for
8 identification only.)

9 BY MR. OVERBY:

10 Q Mr. Manson, have you ever seen this document before?

11 A I don't remember -- I remember some of it. I don't
12 remember all of it.

13 Q Okay. But you've seen this document?

14 A Yeah.

15 Q And you acknowledge that that's your signature?

16 A Oh, yeah. Nobody can sign my name like that.

17 Q Okay. Where was this document signed?

18 A That, I do not remember. I mean, it must have been
19 Family Court. I mean, I don't really -- I don't remember.

20 MR. OVERBY: Your Honor, I'd like to move this into
21 evidence.

22 MR. CRANGLE: No objection.

23 THE COURT: It's in evidence, State's Exhibit No. 1.

24 (WHEREUPON, State's Exhibit No. 1 was admitted into
25 evidence.)

1 BY MR. OVERBY:

2 Q Now, Mr. Manson --

3 A Yes, sir.

4 Q -- did anyone make promises to you with regards to
5 any criminal charges?

6 A No, sir.

7 Q Okay. Did anyone do anything in exchange for your
8 cooperation in this matter?

9 A No.

10 Q Anyone from the Simpsonville police, or anywhere?

11 A No.

12 Q Okay.

13 A I mean, my attorney sitting over there helped me.

14 Q Okay. And who is your attorney?

15 A Richard Warder. He's right over there.

16 Q Okay. Was Richard Warder, also, Phil's attorney for
17 a time?

18 A Yeah.

19 Q Did Mr. Stegall ever ask you anything with regards to
20 what the outcome of this might be with -- in terms of his
21 child custody?

22 A Not to me he didn't.

23 Q Okay. Why did you sign this affidavit?

24 A I honestly believe Phil's a good father. And I'd
25 like for him to get his son back.

1 Q Okay. So he did tell you something about the
2 consequences of this particular charge with regards to his
3 child custody?

4 A He said that this had to get gone before he could go
5 into Family Court. However, I don't know how Family Court
6 works.

7 Q Okay. And he did that after all of these charges
8 came about?

9 A Yeah.

10 MR. OVERBY: I have no further questions, Your Honor.

11 THE COURT: All right. Yes, sir, Mr. Crangle.

12 CROSS-EXAMINATION

13 BY MR. CRANGLE:

14 Q Good afternoon, Mr. Manson.

15 A How are you doing?

16 Q I'm doing well.

17 You've known Mr. Stegall since around 2012; right?

18 A Yeah.

19 Q Okay. And y'all met doing landscaping together;
20 right?

21 A Oh, yeah. We've done a lot of it together.

22 Q And then y'all worked for about a year and a half,
23 somewhere along that --

24 A Yeah. At one point in time, I had equipment and I'd
25 run jobs. And he'd go do irrigation, or whatever he was

1 doing.

2 Q Okay. And on those occasions, sometimes, his son
3 would be with him?

4 A Yeah.

5 Q Okay. And so you had interactions with him and his
6 son?

7 A (Witness nodded.)

8 Q You, also -- did you -- you interacted with him and
9 his wife; right?

10 A Oh, yeah.

11 Q Okay. You saw both of them interact?

12 A (Witness nodded.)

13 Q And they fought and argued sometimes?

14 A Yeah.

15 Q Okay. And that was while they were going through the
16 divorce proceedings; right?

17 A Yes, sir.

18 Q And then, also, through the custody proceedings;
19 right?

20 A Right.

21 Q Okay. And one of the customers on your route back in
22 2013 is a Tommy Davis that lives over in Simpsonville;
23 right?

24 A I remember the name. I just don't -- I can't picture
25 the --

1 Q But you remember a Tommy Davis, though; right?

2 A Yeah, yeah.

3 Q I'm sure you had plenty of customers.

4 A Yeah. We had a few.

5 Q Okay. And you had talked to Mr. Davis, hadn't you?

6 A (Witness nodded.)

7 Q Okay. And you had talked to him about your criminal
8 charges, hadn't you?

9 A Yeah. Because he said he was a detective, or
10 whatever he was.

11 Q Okay. And you discussed what your options were with
12 regards to the charges; right?

13 A Yeah.

14 Q That you could have a trial?

15 A I hadn't had one as of yet.

16 Q Okay. But your other options were you could plead
17 guilty?

18 A Yeah. Plead guilty and then just...

19 Q And they, also, told you about cooperation with the
20 police; right?

21 A They didn't really bring that up to me. I mean, we
22 walked off of that and I let it go. And then Richard
23 called me and said we had a deal. And I thought I was
24 going to go to court, I mean, I really did, I wanted to.

25 Q Okay. While y'all were working together, Mr. Stegall

1 and yourself, did you ever go to church with him?

2 A Yeah.

3 Q Okay. And you'd go about, what, once every two weeks
4 together?

5 A Yeah.

6 Q And what church did y'all go to?

7 A We went to Discovery over in Simpsonville.

8 Q Okay. How many times would you say in total y'all
9 went to church together?

10 A Three, four.

11 Q Only three or four times?

12 A I mean, to that church, yeah, I mean.

13 Q Did y'all go to church at other churches?

14 A I didn't with him, no.

15 Q Okay.

16 A I mean, I'm a member of a church. I just can't get
17 to it.

18 Q Let's kind of turn our attention to January 25th and
19 January 26th --

20 A Okay.

21 Q -- in 2014. Okay. That's what we're all here about.

22 A Yes, sir.

23 Q So you're staying at the Motel 6 in Simpsonville;
24 right?

25 A Yeah.

1 Q And you're doing odd jobs, landscaping, scrap work;
2 correct?

3 A Yeah. We was doing anything and everything to make
4 money.

5 Q Okay. And then what happens is you call Phil about a
6 week prior; right?

7 A I called. And then I called him that night.

8 Q Okay. But the week prior, you kind of let him know
9 that you were back in town looking for odd jobs, stuff
10 like that; correct?

11 A Yeah.

12 Q Okay. And then on the night in question, you called
13 him and he called you back; right?

14 A Yeah. Because he had -- I mean, his son heard my
15 voice, and water balloons. That's all I heard, water
16 balloons.

17 Q And the water balloons is in relation to a little
18 game y'all used to play?

19 A Yeah.

20 Q Where you would --

21 A Ryder -- yeah. He loves throwing water balloons.
22 And when it's summertime, I don't care because it feels
23 good.

24 Q Okay. And then they brought over some Silly String.
25 And then you started --

1 A Yeah. We had a good time.

2 Q Okay. You were talking with the Solicitor about the
3 vodka and drinking. Who brought the bottle of vodka --
4 who brought the bottle over?

5 A Phil did.

6 Q Okay. And y'all split it, basically; right?

7 A Yeah.

8 Q And what size? How big was it? Big? Small? Medium?

9 A It was a pretty decent bottle.

10 Q Well, what is that, about a foot?

11 A I mean, I really don't know. I mean, it was about a
12 liter, or whatever.

13 Q Okay. And, by the end of the night, how full was
14 that bottle?

15 A It wasn't.

16 Q It was empty?

17 A Yes, sir.

18 Q Okay. And you two were splitting it?

19 A Yeah. I mean, we was doing that, we was doing shots,
20 you know.

21 Q So some pretty heavy drinking?

22 A Yeah. I was drinking prior to when he got there.

23 Q All right. Now, prior -- you know, when y'all
24 started talking, did -- Phil brought up some
25 conversations, didn't he, about what was going on between

1 him and his wife?

2 A Yes.

3 Q And he started talking about some issues of who his
4 wife was living with; right?

5 A (Witness nodded.)

6 Q And he talked about getting into an argument with his
7 ex-wife's boyfriend at the time; right?

8 A Oh, yeah.

9 Q And he was upset about that; right?

10 A Yeah.

11 Q And he was concerned for Ryder, his son, wasn't he?

12 A Yes, sir.

13 Q And Ryder was born in 2011; right?

14 A Yeah, I guess. I mean, I really don't know.

15 Q He was three years old --

16 A Yeah. He was two and a half, three years old when I
17 met him.

18 Q And so he expressed some frustration with that?

19 A Yes, sir.

20 Q And, at the time, they were splitting custody during
21 the divorce, weren't they?

22 A Yeah.

23 Q Okay. And so he would have him some weekends, and
24 she would have him during the week; right?

25 A I mean, he got Ryder more than all -- I mean, he had

1 Ryder more than she did.

2 Q Okay. And then that night, he talked about the
3 argument they had had?

4 A Yeah.

5 Q And then he talked about what his concerns were --

6 A Yes, sir.

7 Q -- about his son's safety and welfare; right?

8 A Right.

9 Q And he talked about how he was concerned about his
10 son's safety?

11 A Yeah.

12 Q And how he suspected that there were drugs in the
13 house?

14 A Oh, yeah --

15 MR. OVERBY: Your Honor, I'm going to object. These
16 are -- I mean, this is testifying, essentially, to what
17 Mr. Manson -- or what Mr. Stegall had been saying. And
18 that's hearsay. It's not offered by a party opponent.

19 THE COURT: Well, true. He couldn't illicit what --
20 something he said. But I don't think that's what he's
21 doing. So overruled.

22 Go ahead.

23 BY MR. CRANGLE:

24 Q And he was concerned about not his ex-wife having
25 drugs, but, actually, the boyfriend; right?

1 A Yes, sir.

2 Q And he expressed some real anger, concern about that?

3 A Oh, yeah, yeah.

4 Q And when you've known -- you've known Phil for, what,
5 about two years prior to this, maybe a year and a half;
6 right?

7 A Yeah, a year and a half, two years.

8 Q Okay. And during that time, he's been kind of a hot
9 head, hasn't he?

10 A Yes, sir.

11 Q He kind of -- he runs his mouth more than he should?

12 A (There was no response.)

13 Q And he blows off steam, and he argues, and he yells?

14 A Yeah. I mean, he used to. But, now, he's accepted
15 God. So I think he's kind of...

16 Q Okay. But let's turn back towards 2014, and even
17 prior to that in 2013. He was a hot head?

18 A Yes, sir.

19 Q And he yelled a lot?

20 A (Witness nodded.)

21 Q And he kind of blew off steam. And that was his way
22 of compressing the situation?

23 A Yeah.

24 Q And that's how he calmed down?

25 A Right, right.

1 Q So he would -- you and him would always say a lot of
2 stuff together?

3 A Oh, man, yeah. We joked around about all kinds of
4 stuff.

5 Q And y'all would joke around about whatever the topic
6 was at the time?

7 A Yes, sir.

8 Q And you would say stuff that y'all didn't mean?

9 A Oh, yeah.

10 Q And that was a regular thing for you?

11 A Yes, sir.

12 Q As the night went on and the bottle goes lower, and
13 lower, and lower, y'all, eventually, get to talking about
14 his ex-wife; correct?

15 A Yes, sir.

16 Q Okay. And when y'all start talking about him, his --
17 the initial conversation is, well, I wish she was gone;
18 right?

19 A Yeah.

20 Q Okay. And then y'all had a discussion, basically,
21 about what would happen?

22 A What would happen, how we would do it.

23 Q Okay. And you were involved in this; right?

24 A Yeah. We were sitting there talking.

25 Q Okay. And y'all talked about the plan kind of in a

1 drunken way; right?

2 A Yeah, yeah.

3 Q Okay. And she works at the Buffalo Wild Wings off of
4 Woodruff Road?

5 A Yes, sir.

6 Q Okay. And how crowded is Woodruff Road?

7 A It's bad.

8 Q Okay. And that Buffalo Wild Wings, is that over by
9 the Best Buy on Woodruff Road?

10 A I just seen it yesterday. It's right there on the
11 corner at -- yeah. It's right by the Best Buy.

12 Q Okay.

13 A Right there in the corner by the exit ramp.

14 Q Okay. So it's right on the exit ramp?

15 A Yeah.

16 Q And that's the crowded part of Woodruff Road; right?

17 A I would think so.

18 Q I guess Woodruff Road is -- it's always crowded.

19 A Yeah.

20 Q And the game plan that you told the police officers
21 was about the money; right?

22 A (Witness nodded.)

23 Q Okay. Did Mr. Stegall -- he never showed you any
24 money; right?

25 A No, no. He ain't got none.

1 Q All right. And when you talked to him about that,
2 you knew he had no money; right?

3 A (Witness nodded.)

4 Q You knew he was flat out broke because he was
5 scraping; right?

6 A Yeah. We was scrapping. We was doing this, that,
7 and the other. And, I mean, that's what -- I had
8 wondered. I said, okay, \$5,000. Where in the world is he
9 getting it? And then he said he was going to make
10 payments to me. And I said, where is going to get that
11 from?

12 Q So you know that he can't even make payments to you?

13 A I didn't think so.

14 Q So this is a person trying to hire you that has no
15 money?

16 A (Witness nodded.)

17 Q All right. And this is a solicitation of felony of
18 murder for hire on credit, isn't it?

19 A Pretty much what it was to me, yeah.

20 Q I mean, you're not getting any money?

21 A Nope.

22 Q He doesn't have any money even to pay you?

23 A (Witness shook his head.)

24 Q This is, basically, just one big joke?

25 A Yeah. I mean, you know, after I got sober, I told

1 Simpsonville, look, I made a mistake. It was not going to
2 ever happen. We talked about everything that night.

3 Q Okay.

4 A I made a mistake.

5 Q And you told them that when you sobered up the next
6 morning?

7 A Well, not the next morning. I mean, I wore the wire
8 and all that. But Officer Donnelly came to the hotel
9 maybe a week later, and I told him.

10 Q So you -- so a week afterwards, it looks like the end
11 of January, maybe the beginning of February --

12 A Yeah.

13 Q You talked to Simpsonville law enforcement?

14 A Yeah.

15 Q And you told Simpsonville law enforcement, hey, I
16 took this way out of context?

17 A Yeah.

18 Q And you're telling law -- you're telling the jury
19 that you told law enforcement afterwards that you didn't
20 mean what you said?

21 A Exactly.

22 Q And what was their response to you?

23 A They wanted to do another interview. And I said, As
24 long as my attorney can be there, fine.

25 Q And did you have another interview?

1 A No, sir.

2 Q And what did they want to talk to you about?

3 A I don't know.

4 Q All right. Let's turn back towards that night.

5 Y'all are drunk. You've been drinking. You've been
6 talking about money that my client doesn't have, that you
7 know he doesn't have. And you talk about this gun that
8 was brought in; right?

9 A Yeah.

10 Q Okay. You've known Phil for two years. Is it
11 unusual to see him with a gun?

12 A No.

13 Q Okay. Have you ever bought a gun off of him?

14 A No.

15 Q Or do you collect firearms?

16 A I had a bunch of them, but my cousin took them from
17 me.

18 Q Okay. At the time when he brought the gun -- and it
19 was unloaded, wasn't it?

20 A Yeah. It wasn't loaded.

21 Q There were no bullets in it?

22 A No.

23 Q Okay. And y'all were talking about the firearm kind
24 of like the way that people talk about cars, or some
25 people collect things; right?

1 A Like every man does about guns.

2 Q And it was more of a collection than a, hey, here's
3 the weapon?

4 A Yeah. I never touched it.

5 Q Did he say -- you were never offered the gun, were
6 you?

7 A No.

8 Q To keep it?

9 A No.

10 Q To hold it?

11 A No.

12 Q For safekeeping?

13 A No.

14 Q So after you talk about that, you were involved in
15 kind of the planning; right? You kind of joked around and
16 said, well, this is how I would do it, this is how he
17 would do it, things like that; right?

18 A Yeah. I said there ain't no way I'd be able to jump
19 that fence. I'd get stuck.

20 Q Okay. But you were kind of joking around in the
21 planning, too; right?

22 A Yeah. We sat joking all night long about things.

23 Q And you were part of the planning, weren't you?

24 A Yeah. I mean...

25 Q That you were, at least -- maybe not a hundred

1 percent of the plan comes from him, but some of it came
2 from you; right, in the context of the conversation?

3 A He told me how we should do things. And I said,
4 listen, I ain't going to be able to clear that fence.
5 There ain't no way.

6 Q Okay. And, that night, when Mr. Stegall leaves, you
7 immediately call Simpsonville law enforcement?

8 A I called my brother.

9 Q You called your brother?

10 A Yeah. Then I called Simpsonville. I said, man, this
11 is just crazy.

12 Q And your brother advised you to go call the police,
13 didn't he?

14 A He told me to go to sleep.

15 Q He told you to go to sleep?

16 A He said, Just forget about it.

17 Q Your brother didn't believe you?

18 A He said, Don't do nothing. He said, Just roll over
19 and wait till tomorrow. And I was like, well, I mean.

20 Q And that's because your brother knew you were drunk;
21 right?

22 A Yeah.

23 Q And he knows -- how old is your brother?

24 A 73.

25 Q And how old are you?

1 A 53.

2 Q Okay. So he's known you your whole life, basically?

3 A Oh, yeah. He held me.

4 Q And so he knows kind of when you're telling false
5 tales; right?

6 A That, and he knows when I'm drunk.

7 Q He knows when you're drunk?

8 A Oh, yeah.

9 Q Okay. So he can spot you like that?

10 A In a heart beat.

11 Q Okay. And so when you called him and told him that,
12 he told you, hey, Henry, you're drunk, go to bed?

13 A It was late, sleep it off, go to bed.

14 Q Okay.

15 A But I didn't listen.

16 Q And that was about, what, 11:30 at night?

17 A 11:30, 12:00, somewhere in there.

18 Q Okay. And then the next thing you do is you call
19 Simpsonville law enforcement; right?

20 A Yeah.

21 Q Okay. And then they come out to the station [sic],
22 they pick you up?

23 A Yeah.

24 Q And then you go into the station; right?

25 A Yes, sir.

1 Q Okay. And you talk to them; right?

2 A Yeah.

3 Q And they pull your criminal record, don't they?

4 A Oh, yeah.

5 Q Okay. And --

6 A I don't know if they pulled it that night. But I
7 know the next morning, they had it pulled.

8 Q Okay. Let's talk a little bit about your criminal
9 record.

10 A It's a mile long.

11 Q Henry, in January of 2012, did law enforcement come
12 and talk to you because you got in some trouble at a bank
13 regarding your father?

14 A Yeah.

15 Q Okay. And that was because the tellers called law
16 enforcement and said that this man is talking to his
17 87-year-old father and getting money out of his account
18 without his father's consent?

19 A That was right there -- I wasn't doing that. But,
20 yeah, I mean, that's what they said.

21 Q That's what they called the police about?

22 A Yeah.

23 Q That they were afraid --

24 A They -- daddy and I were outside. My dad and I mess
25 around just like me and Phil do. And they seen me pull

1 back like that. And I took my hand back down. Because I
2 remember 15 years old and --

3 MR. OVERBY: Your Honor, objection. Relevance.

4 THE COURT: Sustained.

5 BY MR. CRANGLE:

6 Q Well, let's talk about your charges, Mr. Manson.

7 A Okay.

8 Q In 2012 --

9 A Okay.

10 Q -- you were arrested for forgery; correct?

11 A Yes, sir.

12 Q And it was forgery with a value of less than five --
13 \$10,000; right?

14 A Yeah. My dad -- dad and I had a business. And I had
15 his permission. But I did not get it in writing --

16 Q Okay.

17 A -- which I should have. Now, I mean -- lesson
18 learned.

19 Q And then you, also, had an arrest in 2013 for abuse
20 of a vulnerable adult; right?

21 A Yeah.

22 Q And then your forgery charges, you had -- it looks
23 like you had -- was it nine counts? You have nine counts
24 of forgery; right?

25 A I think they said it was eight. I don't remember.

1 Q Okay. And each count carried zero to five years;
2 right?

3 A The Judge said between the forgery and all -- they
4 were five years each.

5 Q Okay.

6 A I was looking at 10 years.

7 Q So we have not only your plea deal, what was pending
8 at the time --

9 A Oh --

10 Q -- in 2012, you had pending charges; right?

11 A Yeah.

12 Q And, in 2013, you had pending charges; right?

13 A (Witness nodded.)

14 Q So, in total, you had forgery one, two, three, four,
15 five, six, seven, eight. You had eight counts of forgery;
16 right?

17 A Yes, sir.

18 Q You had one count of abuse of a vulnerable adult;
19 right?

20 A (Witness nodded.)

21 Q Then you picked up another one, and that was another
22 abuse of a vulnerable adult; right?

23 A (Witness nodded.)

24 Q And then you had another forgery charge; right?

25 A Yeah, on daddy.

1 Q So, in total, you had a potential exposure of going
2 to jail for 55 years; right?

3 A I didn't know all that.

4 Q But those charges were all pending at the time,
5 weren't they?

6 A Yes, sir.

7 Q Okay. And this was happening in 2013; right?

8 A Yes, sir.

9 Q Okay. And you talked to Mr. Davis about these
10 charges, didn't you?

11 A (There was no audible response.)

12 Q Okay. So the timeline is you pick up the charges in
13 2012, 2013. You talk to Mr. Davis at the end of 2013.
14 Then you talk to Phil in 2014. And you call the police
15 immediately in 2014 in January; right?

16 A Yes, sir.

17 Q Okay. Then on September 2nd, 2014, you pled guilty
18 to forgery, value less than \$10,000; right?

19 A Yes, sir.

20 Q Eight counts of it; right?

21 A Yes, sir.

22 Q And your sentence was a probationary sentence, wasn't
23 it?

24 A Yes, sir.

25 Q You didn't go to jail?

1 A No.

2 Q And you signed a restitution order, didn't you?

3 A Yep.

4 Q And that restitution order was to a Henry Grady
5 Manson, Jr. Is that your father?

6 A Yes, sir.

7 Q And you signed it for --

8 A I think it was 60.

9 Q \$60,000?

10 A Uh-huh, all business.

11 Q So you admitted to the Court that you stole \$60,000
12 from your father?

13 A I had permission from him. I just didn't get it in
14 writing.

15 Q Well, then why did you plead guilty?

16 A I didn't want to.

17 Q But you did.

18 A Well, Richard advised me to.

19 Q Okay.

20 A I wanted to go to trial. I knew it wouldn't get...

21 Q How did you get the probation offered?

22 A Richard called me and said we had an offer. And I
23 went into his office. And he laid it out. I could either
24 take house arrest or probation. And I said, well, I ain't
25 got a house. I've got a motel room, so. And I took the

1 other one.

2 Q And you're currently on probation; right?

3 A Yes, sir.

4 Q Have you talked to law enforcement about the
5 consequences of filing a false police report?

6 A No.

7 Q Has anybody talked to you about the consequences of
8 filing a false police report?

9 A No.

10 Q No one?

11 A No one.

12 Q Has anyone talked to you about what would happen if
13 your story changed?

14 A No.

15 Q No witnesses?

16 A (Witness shook his head.)

17 Q No investigators?

18 A I think Phil and I looked it up one time.

19 Q That you looked up the consequences?

20 A Well, we looked up what constituted as perjury, or
21 whatever that is.

22 Q Okay. Now, we talked about this Family Court
23 affidavit.

24 MR. CRANGLE: May I approach the witness, Your Honor?

25 THE COURT: You may.

1 BY MR. CRANGLE:

2 Q You recognize this exhibit; right?

3 A Yes.

4 Q Okay. Just scan over it and make sure we understand
5 everything. Take a look at it. Take your time.

6 A Yeah. I remember this is saying Phil is a good dad,
7 which he is.

8 Q Now, what does the second paragraph talk about?

9 A It talks about that night.

10 Q And that's your signature at the bottom; right?

11 A Yes, sir.

12 Q Mr. Manson; right?

13 A Uh-huh.

14 Q And this was an affidavit; right?

15 A Yes, sir.

16 Q And that means that everything that's in it is true
17 and correct, to the best of your knowledge; right?

18 A Yeah.

19 Q Okay. And, in the affidavit, that's your statement
20 that I was confused, comma, a little inebriated, comma,
21 mistook things. And I am in a tight spot legally myself,
22 period; right?

23 A Yes, sir.

24 Q And then you write, Phil did not ask me to kill his
25 ex-wife, Jessica; right?

1 A (Witness nodded.)

2 Q And this is a sworn affidavit; right?

3 A Yeah.

4 MR. CRANGLE: Thank you, Mr. Manson.

5 THE WITNESS: Thank you.

6 MR. OVERBY: Brief redirect, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. OVERBY:

9 Q When did you sign this affidavit, Henry?

10 A 8/29/14.

11 Q Okay. When did all these events occur that lead to
12 us being here today?

13 A The first of the year.

14 Q January; right?

15 A Yes, sir.

16 Q So seven months after this, you signed this
17 affidavit?

18 A Right.

19 Q Okay. You said that you took -- you went to law
20 enforcement and told them that you had made a big mistake
21 a week later. That's not really true, is it?

22 A Whenever Officer Donnelly came back to the motel,
23 that's when I told him.

24 Q Okay. But that wasn't a week later. That was months
25 later, wasn't it?

1 A Yes, sir.

2 Q Phil came right to you immediately after he got out
3 of jail, didn't he?

4 A Yeah. He showed up at the Spinx station.

5 Q And he wanted to talk to you about these charges?

6 A Yes, sir.

7 Q Right?

8 A Yes, sir.

9 Q And he wanted you to execute this affidavit, didn't
10 he?

11 A Yes, sir.

12 Q So, in essence, he wanted to manipulate your
13 testimony from the get-go --

14 MR. CRANGLE: Objection, Judge.

15 THE COURT: Sustained.

16 THE WITNESS: Yes, sir.

17 MR. OVERBY: I have no further questions, Your Honor.

18 THE COURT: Any recross?

19 MR. CRANGLE: No, Judge.

20 I'd ask that this witness not be excused. The
21 Defense may call him, depending on the outcome of other
22 testimony.

23 THE COURT: All right. He's under a subpoena?

24 MR. OVERBY: Yes, Your Honor.

25 THE COURT: You're still under it, sir.

1 THE WITNESS: Okay.

2 THE COURT: Ladies and gentlemen, we'll take a short
3 recess. Don't talk about the case. Continue to keep an
4 open mind.

5 Thank you.

6 (WHEREUPON, the jury was excused from open court at
7 approximately 3:46 p.m.)

8 (WHEREUPON, a break was taken.)

9 THE COURT: Anything before we bring the jury back
10 in?

11 MR. OVERBY: No, Your Honor.

12 MR. CRANGLE: No, Your Honor.

13 THE COURT: Let me just, on the record, state that we
14 did have a couple of bench conferences up here. And they
15 consisted of, first, a motion by the Defendant to
16 sequester the witnesses, which the State did not oppose
17 and which the Court granted based on Rule 615.

18 And then there was a motion in the midst of
19 Mr. Manson's testimony to have him declared a hostile
20 witness, which I did grant under Rule 611(c).

21 (WHEREUPON, the jury came into open court at
22 approximately 4:11 p.m.)

23 THE COURT: Yes, sir, Mr. Overby. You may call your
24 next witness.

25 MR. OVERBY: Yes, Your Honor.

1 At this time, the State calls Tina Collins-Simpson to
2 the stand.

3 THE BAILIFF: Place your left on the Bible, raise
4 your right hand. And face that lady.

5 WHEREUPON,

6 TINA COLLINS-SIMPSON,
7 after first having been duly sworn, testified as follows:

8 THE CLERK: Will you state your full name for the
9 record?

10 THE WITNESS: Tina Collins-Simpson.

11 THE CLERK: Thank you.

12 DIRECT EXAMINATION

13 BY MR. OVERBY:

14 Q Good afternoon, Ms. Collins-Simpson.

15 How are you today?

16 A I'm fine.

17 How are you?

18 Q Very well.

19 Where are you employed, ma'am?

20 A Richard Warder, attorney at law.

21 Q Okay. And how long have you been employed there?

22 A 25 years on September the 29th.

23 Q Okay. And were you employed there on the date of
24 August 29th, 2014?

25 A Yes, sir.

1 Q Okay. Did you have an opportunity to execute an
2 affidavit of Mr. Henry Manson on that date?

3 A Yes, sir.

4 Q May I present this to you?

5 This is State's Exhibit No. 1. Is that, in fact, the
6 affidavit that you notarized?

7 A Yes, sir.

8 Q Okay. And you are a notary?

9 A Yes, sir.

10 Q Where was that affidavit notarized?

11 A In Mr. Warder's office.

12 MR. OVERBY: I have no further questions for this
13 witness, Judge.

14 MR. CRANGLE: No questions.

15 THE COURT: Thank you.

16 MR. OVERBY: May Ms. Collins-Simpson be relieved of
17 her subpoena, Judge?

18 MR. CRANGLE: No objection.

19 THE COURT: Yes, ma'am.

20 Thank you.

21 You may call your next witness.

22 MR. OVERBY: Your Honor, at this time, the State
23 calls Joe Ashworth to the stand.

24 THE CLERK: Please come forward.

25 THE BAILIFF: Put your left hand on the Bible, raise

1 your right hand. And face that lady right there.

2 WHEREUPON,

3 JOSEPH LYLE ASHWORTH, JR.,

4 after first having been duly sworn, testified as follows:

5 THE CLERK: Thank you.

6 Please have a seat.

7 And will you state your full name for the record?

8 THE WITNESS: I'm sorry.

9 THE CLERK: State your full name for the record.

10 THE WITNESS: Okay. Joseph Lyle Ashworth, Jr.

11 THE CLERK: Thank you.

12 DIRECT EXAMINATION

13 BY MR. OVERBY:

14 Q Good afternoon, Mr. Ashworth.

15 How are you?

16 A Good.

17 Q Are you familiar with Henry Manson?

18 A Yes. He's my stepbrother.

19 Q Okay. How long have you known Mr. Manson for?

20 A 50 years, I guess.

21 Q Okay. And when -- what can you tell me about
22 Mr. Manson?

23 A He has a little mental capability. At one time, he
24 was probably an average teenager as far as reasoning, and
25 doing this, that, and the other. He has a hard time

1 making change. Other than that, he's always tried to work
2 and do what he could.

3 Q Does he like to do things for people when they're
4 nice to him?

5 A I've seen him take his last \$20 out of his pocket and
6 give it to somebody because they needed it.

7 Q On the night of this -- I'm going to take you to the
8 night of January 25th, 2014, which is the reason we're
9 here today. Did he call you on this particular evening?

10 A Yes.

11 Q Okay. Without telling me what he said, specifically,
12 what was your understanding of the situation?

13 A Well, at first -- when he first told me, I asked him
14 to repeat it, because I didn't believe what he had told
15 me. And what he said was --

16 MR. CRANGLE: Objection, Your Honor. Hearsay.

17 THE WITNESS: I'm sorry.

18 THE COURT: Sustained.

19 MR. CRANGLE: Judge, would you instruct the witness
20 just so he's clear as to what he can do afterwards just to
21 make sure he understands he can't --

22 THE COURT: All right. You can't testify about what
23 Mr. Manson said. All right. Just listen to his question.

24 THE WITNESS: Okay.

25 THE COURT: Do you want to repeat the question?

1 MR. OVERBY: Yes

2 BY MR. OVERBY:

3 Q What did -- was Mr. Manson scared when he called you
4 on the phone?

5 A Yes.

6 Q Okay. How could you tell?

7 A By his voice.

8 Q Okay. Did he sound impaired when he called you on
9 the phone?

10 A I really don't remember.

11 Q Okay. Did he sound serious about what he had
12 expressed?

13 A Yes, he did.

14 Q Okay. And in this particular instance -- in this
15 particular instance, what did you tell him?

16 MR. CRANGLE: Objection, Your Honor. Hearsay.

17 THE COURT: Sustained.

18 BY MR. OVERBY:

19 Q Let me rephrase the question. Did you suggest for
20 him to go to law enforcement?

21 MR. CRANGLE: Objection, Your Honor. Leading the
22 witness.

23 THE COURT: Sustained.

24 MR. OVERBY: No further questions, Judge.

25 THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. CRANGLE:

Q You've known Henry for 50 years?

A I'm sorry.

Q You've known Henry for 50 years?

A Yes. He's my stepbrother.

Q Okay. And during that time -- he has average intelligence; right?

A He can reason some things out, yes.

Q Okay. He has the ability to joke; right?

A To joke?

Q Uh-huh. To understand a joke?

A Small -- sometimes.

Q Okay. He, also, has a tendency to drink, doesn't he?

A He'll drink a beer every once in a while.

Q Okay.

A But I'm not with him every day. And so what he does on his -- when he's at -- by himself, I really don't know.

MR. CRANGLE: Thank you.

That's all the questions I have.

MR. OVERBY: Nothing further, Judge.

THE COURT: All right. Thank you.

You may step down, sir.

You may call your next witness.

MR. OVERBY: May we approach, Your Honor?

1 THE COURT: Sure.

2 MR. OVERBY: May Mr. Ashworth be relieved of his
3 subpoena?

4 THE COURT: Any objection?

5 MR. CRANGLE: No objection, Judge.

6 THE COURT: All right. Yes, sir. You're good to go.

7 THE WITNESS: Thank you, sir.

8 (WHEREUPON, a bench conference was held.)

9 MR. OVERBY: At this time, Your Honor, the State
10 calls Investigator Jim Donnelly.

11 THE CLERK: Raise your right hand, and place your
12 left hand on the Bible.

13 WHEREUPON,

14 JAMES DONNELLY,
15 after first having been duly sworn, testified as follows:

16 THE CLERK: Please have a seat.

17 Will you state your full name for the record?

18 THE WITNESS: Sure. It's James Donnelly.

19 THE CLERK: Thank you.

20 DIRECT EXAMINATION

21 BY MR. OVERBY:

22 Q Good afternoon, Investigator Donnelly.

23 How are you today?

24 A Fine.

25 Thank you.

1 Q Where are you employed, sir?

2 A The Simpsonville Police Department.

3 Q Okay. How long have you been employed there?

4 A Since November of 2000.

5 Q And what is your current occupation -- or what is
6 your current position?

7 A I'm a lieutenant over investigations.

8 Q Okay. And were you in that position at the time of
9 this particular incident?

10 A I was not. I was an investigator at the time.

11 Q Okay. What is your -- when you became involved, what
12 was your understanding -- how did you become involved in
13 this case?

14 A I was contacted by the road supervision. I was on
15 call that night. They contacted me and said they had
16 somebody at the hotel who was claiming that somebody came
17 and solicited them to commit a murder.

18 Q Okay. And what did you do -- what steps did you take
19 at that point?

20 A I told them I'd respond down there. I went down to
21 the hotel. I met with the officers. I met with
22 Mr. Manson. And I escorted him back to my office to do a
23 videotaped interview.

24 Q Okay. When you were in the hotel room, did you
25 observe any alcohol lying around?

1 A Not that I can recall.

2 Q Okay. Did you observe Mr. Manson?

3 A I did.

4 Q Have you had experience in dealing with folks who are
5 under the influence?

6 A I have.

7 Q Was Mr. Manson one of those?

8 MR. CRANGLE: Objection, Your Honor. Calls for
9 speculation.

10 MR. OVERBY: Judge, he can testify --

11 THE COURT: Yes. Overruled.

12 THE WITNESS: I didn't believe he was.

13 BY MR. OVERBY:

14 Q And, certainly, not grossly intoxicated?

15 A No. Because if he had, I would not have interviewed
16 him that night.

17 Q Okay. What did you do at that point with Mr. Manson
18 once at the hotel?

19 A I escorted him -- he kind of gave me a brief
20 description of what was going on. And I asked him -- I
21 told him I was going to bring him down to the police
22 station to get a videotaped interview.

23 Q And you said that this videotape was -- you said that
24 you videotaped this?

25 A I did.

1 Q Okay. And did he -- have you had an opportunity to
2 view that video?

3 A I did.

4 Q Does it fairly and accurately depict your
5 conversation with that statement that was provided?

6 A It does.

7 MR. CRANGLE: Judge, may we approach?

8 THE COURT: Sure.

9 (WHEREUPON, a bench conference was held.)

10 THE COURT: Ladies and gentlemen, we're going to have
11 to discuss this matter. And I just ask that you go back
12 to the jury room. And don't talk about the case.
13 Continue to keep an open mind. And we'll resume
14 momentarily.

15 (WHEREUPON, the jury was excused from open court at
16 approximately 4:23 p.m.)

17 THE COURT: We have a video that the State is
18 proffering. The Defense objects to it on the grounds of
19 hearsay.

20 Yes, sir, Mr. Overby.

21 MR. OVERBY: Your Honor, Mr. Manson's testimony --
22 aside from being wildly contradictory in a number of
23 different areas on the stand, Mr. Manson's primary
24 testimony here was that he was highly intoxicated on the
25 night of this particular -- the night this particular

1 statement was given.

2 Mr. Manson was videotaped by this officer in terms of
3 providing his actual statement. The fact of the matter is
4 Mr. Manson does not appear intoxicated on that video. The
5 jury is entitled to make their own determinations about
6 that particular claim. And this video is the best
7 evidence to show it.

8 It's not offering any additional hearsay that we
9 haven't already discussed here. It's, actually, offering
10 some evidence of inconsistent statements that he has,
11 actually, made here. And so it's not prejudicial to the
12 Defense in any way.

13 THE COURT: How is it inconsistent?

14 MR. OVERBY: Your Honor, he made statements --
15 Mr. Manson testified that -- Mr. Manson testified about
16 the details of the actual offense that he was discussing.
17 But he never provided any testimony -- he never told
18 officers that he was drunk. He never provided any kind of
19 statements about we were talking about what -- all of
20 these various other things. He never told law enforcement
21 about these other statements that he made to the Defendant
22 in the case.

23 So, I mean, it's inconsistent with what he told law
24 enforcement on that night.

25 THE COURT: All right. Mr. Crangle.

1 MR. CRANGLE: Thank you, Judge.

2 The Defense objects. It's, clearly, a hearsay
3 statement, Judge. The interview lasts about 10 minutes.
4 During the interview, it's, basically, a debriefing of
5 what Mr. Manson is alleging to have occurred. It's all
6 statements offered by the State trying to prove what Henry
7 is saying is true. The reason they're doing it is
8 bolstering.

9 Now, they have -- they're kind of trying to boot
10 strap it and say, well, he was intoxicated. Well, they
11 could, also, go into that with the investigator and talk
12 about that, which they have.

13 Out-of-court videotaped interviews are, clearly, an
14 issue that's hearsay. And it's a confrontation clause
15 issue, Judge. And the cases that are allowed under our
16 case rules are only pretty much criminal sexual conduct
17 cases. And there's a reason for it. And they've created
18 a specifically delineated exception to those, Judge.

19 And with regards to any prior inconsistent
20 statements, Mr. Manson got up on the stand under the
21 State's own direct examination and then when it switched
22 over to cross-examination, he stated a version of events.
23 Through my cross-examination, we've had kind of
24 inconsistencies, Judge. But I don't think it meets the
25 definition of an inconsistent statement under Rule 801,

1 which would define statements, not hearsay, Judge.

2 I think the interest in my client's case is they're
3 going to try -- the jury would see it as bolstering, that
4 he's making prior consistent statements. And it outweighs
5 the State's interest with regards to proving intoxication
6 or lack thereof. They can talk to their investigators
7 about not finding any alcohol, not smelling any alcohol,
8 not seeing him being intoxicated, Judge.

9 MR. OVERBY: Of course, the problem, Your Honor, is
10 that I'm not going to be able to talk about what
11 Mr. Manson told him in order to get him to go -- in order
12 to set up this entire operation that occurs later on in
13 the trial.

14 So the video, at this point, is the best evidence of
15 what was told to law enforcement on that particular night,
16 and the reason for their actions at that point.

17 Further, it is the most direct observation of this
18 Defendant's [sic] particular level of impairment.

19 THE COURT: I don't recall Mr. Manson ever being
20 asked about this video, or whether he made statements on
21 it or not. Was he?

22 MR. OVERBY: Your Honor, I did make -- I did ask him
23 about that. And I did mention that he made statements.

24 THE COURT: And he admitted it?

25 MR. OVERBY: And he admitted to that.

1 THE COURT: Okay. I sustain the objection.

2 Under Rule 613, if he admits it, then extrinsic
3 evidence of it is not admissible. And even if there
4 wasn't a video, you couldn't ask this witness what a
5 non-party stated concerning the investigation before
6 trial.

7 And as far as it depicting the state of mind or the
8 level of intoxication of the Defendant, that doesn't take
9 it outside of the hearsay rule.

10 Okay. Anything further?

11 MR. OVERBY: Nothing further, Judge.

12 THE COURT: You can bring the jury back in.

13 Thank you.

14 (WHEREUPON, the jury came into open court at
15 approximately 4:30 p.m.)

16 THE COURT: Yes, sir, Mr. Overby.

17 CONTINUED DIRECT EXAMINATION

18 BY MR. OVERBY:

19 Q Investigator Donnelly, just relying back to the time
20 at the hotel. Did you observe any alcohol in the room?

21 A I didn't.

22 Q Okay. Did you -- did Mr. Manson appear to be drunk?

23 A No.

24 Q Okay. What did you do with Mr. Manson after that
25 particular time?

1 A I brought him back to the police department to
2 interview him.

3 Q Okay. And you did that on a videotape?

4 A I did.

5 Q All right. And what did -- what led to us being here
6 today? What was relayed to you that led to us being here
7 today?

8 A Mr. Manson explained to me that he had contacted
9 Mr. Stegall. He had previously worked for him and knew
10 him, and contacted him a couple of weeks prior to this for
11 work. He was told by Mr. Stegall that he had some work,
12 but he couldn't discuss it over the phone with him.

13 According to Mr. Manson, he told me that Mr. Stegall
14 showed up --

15 MR. CRANGLE: Objection, Your Honor. Hearsay with
16 regards to Mr. Manson's statements.

17 THE COURT: Sustained

18 BY MR. OVERBY:

19 Q What did -- did Mr. Manson appear to be scared?

20 A He did.

21 Q Okay. Did Mr. Manson -- in a very brief summary,
22 what was the general gist of what Mr. Manson said had
23 happened to him?

24 A He was concerned because he was solicited by
25 Mr. Stegall to hire him to kill his ex-wife.

1 Q Okay. Did Mr. Manson relay details of the plan?

2 A He did.

3 Q Okay. And how did -- how did you take that? How did
4 you take what he said?

5 A I took it seriously.

6 Q Okay. Why did you take it seriously?

7 A Mr. Manson had told me that he was concerned --

8 MR. CRANGLE: Objection, Your Honor. Hearsay.

9 THE COURT: Sustained

10 BY MR. OVERBY:

11 Q Without saying what anybody told you --

12 A There was a concern because there was a gun and a
13 plan.

14 Q Okay. And did he indicate to you -- what did you do
15 from that point in terms of -- in terms of --

16 A Once I completed the interview, I discussed it with
17 my sergeant at the time, which was Sergeant Hanshaw.

18 Being we're a small agency, we decided to contact
19 Greenville County and ask for some assistance regarding
20 setting up a wire at the scene.

21 Q Okay. What sort of details -- what sort of details
22 did you have to go on with regards to setting this whole
23 situation up?

24 A We were told it was going -- that he was going to --

25 MR. CRANGLE: Objection, Your Honor. Hearsay in

1 regards to what he was told.

2 MR. OVERBY: Judge, at this point, he's allowed to
3 testify as to what's -- the details are to set up this
4 whole process.

5 THE COURT: Why does he need to talk about what he
6 was told to do that?

7 MR. OVERBY: Because -- may we approach?

8 THE COURT: Yes. Sure.

9 (WHEREUPON, a bench conference was held.)

10 BY MR. OVERBY:

11 Q Investigator Donnelly, based on your investigation,
12 what did y'all decide to do? What was the plan at that
13 point?

14 A The plan was the next day we were going to put a wire
15 on Mr. Manson.

16 Q Okay.

17 A We were going to surveil Mr. Stegall from his parents
18 residence. And we were going to try and locate the victim
19 at her place of business, which was supposed to be the
20 incident location.

21 Q Okay. And how did you get information that he was --
22 that Mr. Stegall was at his parents residence?

23 A I want to say we got it through DMV [phonetic].

24 Q When you set this thing up, you said you contacted
25 Greenville County for assistance?

1 A We did.

2 Q Okay. Why did you do that?

3 A We don't have the equipment to operate that kind of
4 sting, or the manpower.

5 Q And you said that Mr. Manson wore the wire?

6 A He did.

7 Q Did he ever say, I'm not going to wear it?

8 A No.

9 MR. CRANGLE: Objection, Your Honor. Hearsay.

10 THE COURT: All right. Sustained

11 BY MR. OVERBY:

12 Q Was there ever any doubt from anyone during this
13 entire operation?

14 A No.

15 Q Okay. So, you know, nobody expressed any kind of
16 desire not to participate?

17 A No.

18 Q Was anything promised to Mr. Manson?

19 A No.

20 Q Okay. Was anything discussed with Mr. Manson about
21 his prior record?

22 A He told me he had some prior record. And I told him
23 I couldn't do anything about that, that I could only tell
24 them that he was cooperative. That's it.

25 Q When did you tell him that?

1 A That was that night when I spoke with him.

2 Q So what were the details of the plan? So he's going
3 to wear a wire. What else -- where would you be?

4 A I was stationed at Motel 6 in a car with
5 surveillance. We had some other officers, some other
6 deputies that were outside the other side of the hotel.
7 We had a set of deputies that were stationed at
8 Mr. Stegall's parents house. And we had a deputy that was
9 stationed at the Buffalo Wild Wings where Ms. Stegall was
10 working at the time.

11 Q I'd like to show you what I'd like to have marked as
12 State's Exhibit No. 2.

13 (WHEREUPON, State's Exhibit No. 2 was marked for
14 identification only.)

15 BY MR. OVERBY:

16 Q Are you familiar with this?

17 A I am.

18 Q What is this a depiction of?

19 A Greenville County, the Simpsonville area.

20 Q Okay. And are you familiar with the addresses that
21 are listed on them?

22 A I am.

23 Q And does this fairly and accurately depict the
24 locations of all of these addresses?

25 A It does.

1 MR. OVERBY: Your Honor, at this time, I'd like to
2 move this into evidence as State's Exhibit No. 2.

3 MR. CRANGLE: No objection.

4 THE COURT: All right. It's in evidence.

5 (WHEREUPON, State's Exhibit No. 2 was admitted into
6 evidence.)

7 BY MR. OVERBY:

8 Q So come on -- if you wouldn't mind coming down here.

9 A (Witness complied.)

10 Q Tell me what each one of these addresses is.

11 A Okay. This is Motel 6 located in Simpsonville right
12 off Grandview Drive. This is [REDACTED] which
13 would be Mr. Stegall's parents residence. And then 1125
14 Woodruff Road would be the Buffalo Wild Wings.

15 Q Okay. And the motel in question, that's where you
16 met Mr. Manson?

17 A It is.

18 Q Okay. And where he reported to and where --

19 A That's correct.

20 Q Okay. And, essentially, where was this operation
21 supposed to take place?

22 A Right here at Motel 6.

23 Q The surveillance units that you were discussing --

24 A Right.

25 Q -- started where?

1 A They were here. They followed Mr. Stegall from the
2 residence to the motel.

3 Q Okay.

4 A And then there was a unit stationed at Buffalo Wild
5 Wings waiting to make contact with Ms. Stegall.

6 Q You can have a seat.

7 A (Witness complied.)

8 MR. OVERBY: I'd like to have this marked as State's
9 Exhibit No. 3.

10 (WHEREUPON, State's Exhibit No. 3 was marked for
11 identification only.)

12 BY MR. OVERBY:

13 Q What is this a depiction of?

14 A That appears to be Motel 6.

15 Q Okay. And does it fairly and accurately depict the
16 property at --

17 A It does.

18 Q -- the Motel 6?

19 A Yes, sir.

20 MR. OVERBY: Your Honor, I'd like to move State's
21 Exhibit No. 3 into evidence.

22 MR. CRANGLE: No objection.

23 THE COURT: All right. It's in evidence.

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

1 BY MR. OVERBY:

2 Q Investigator Donnelly, if you wouldn't mind stepping
3 down again.

4 A (Witness complied.)

5 Q Were you involved in the planning aspect of this --

6 A I was.

7 Q -- investigation? Okay. What -- tell me where all
8 the units were kind of positioned here.

9 A Okay. I was, actually, in the unit right about here,
10 I would say. There was another unit, I believe, right
11 here, and another unit right here.

12 Q Okay. And where was the room in question where
13 Mr. Manson was?

14 A I think it was right about here, right here
15 downstairs.

16 Q All right. Were you in there when he was being
17 fitted with the wire?

18 A I was not in the room, no. I was on the other -- I
19 was in the surveillance truck.

20 Q Okay. And when -- what did you observe from that
21 point forward?

22 A We waited for quite sometime until about 10:00. A
23 phone call -- he received a phone call, as we expected,
24 right around 10:00.

25 Right about 11:04, 11:05, Mr. Stegall pulled up in a

1 black pickup truck that we surveilled from his parents
2 residence to here. He got out, walked into the room, and
3 had a conversation with Mr. Manson.

4 Q What did he say? What did Mr. Stegall -- what was he
5 talking about?

6 A He said he wanted to change the plans. And that he
7 was concerned about the height of the fence that was
8 there. And he wanted to do it at night, instead of during
9 the day.

10 Q Okay. Do you recall why he wanted to do it at night?

11 MR. CRANGLE: Objection, Your Honor. It calls for
12 speculation.

13 THE COURT: Overruled.

14 THE WITNESS: I think he said he wanted to change it
15 up. He was concerned about doing it during the day.

16 BY MR. OVERBY:

17 Q What were the units doing at that particular time?

18 A They were kind of moving into the hotel. They
19 were -- they had concerns about Mr. Stegall, actually,
20 getting away being that there was a possible weapon
21 involved. They didn't want him leaving the property.

22 Q Okay.

23 A At which point, once they were listening to the wire,
24 once they heard him discussing the case and they heard him
25 talk about it, they started to move in on him. And I

1 guess one of the deputies pulled up right in front of the
2 window as they were looking out talking about the height
3 of the fence. Mr. Stegall had mentioned something about,
4 What's that officer doing out there?

5 At that point, he decided to -- he said, We're not
6 doing this. And he started to walk out.

7 Q What -- and what happened after that?

8 A He was arrested.

9 Q Okay. When he was placed under arrest and he was
10 taken care of, who, actually -- which one of the teams,
11 actually, went in there and --

12 A It was the team on the far end.

13 Q Okay. And that was based off of --

14 A The radio -- off the radio -- off the conversation on
15 the radio.

16 Q Okay. When that happened, what was your next step?

17 A I went -- I identified myself to Mr. Stegall. I
18 explained who I was, and why I was there, and why he was
19 under arrest. And he didn't want to speak. I Mirandized
20 him. And he didn't want to speak.

21 Q Okay. When he -- did you take anything from him at
22 that time --

23 A I did. I took a set of car keys to the car. I told
24 him I was going to obtain a search warrant for the truck.

25 Q Okay. What about his cell phone?

1 A His cell phone, also. That was recovered later.

2 Q Okay. Now, the search warrant -- you went and
3 obtained a search --

4 A I did.

5 Q Were you there at the execution of it?

6 A I was not.

7 Q Okay. Did you leave a person at the scene to watch
8 the car?

9 A I did. I had Officer Baldwin stay with the car. And
10 I explained to him I didn't want anybody searching it
11 until I obtained a search warrant.

12 Q Okay. Is Officer Baldwin still with the Simpsonville
13 Police --

14 A He is not.

15 Q Okay. When -- once you got that search warrant, what
16 did you do?

17 A I had Investigator Bright go and execute the search
18 warrant on the truck.

19 Q And, finally, you said you Mirandized Mr. Stegall;
20 correct?

21 A I did.

22 Q Did he make any statements to you?

23 A The only statement he made when -- I was processing
24 him, I was fingerprinting, photographing him, he said he's
25 sorry that people took this the wrong way.

1 Q Okay. But you didn't ask him any questions?

2 A No. I told him, at that point, he had requested an
3 attorney and I wasn't going to speak with him.

4 Q Okay. Now, subsequent to this whole event, did you
5 ever meet with Henry Manson?

6 A Prior to the -- or after the --

7 Q After this incident.

8 A Yes.

9 Q What did Mr. Manson have to -- or what was that --
10 what did you tell him at that time?

11 A I explained to Mr. Manson -- because there was a
12 concern about some affidavits that he had signed. And I
13 explained to him that he needed to make sure he was being
14 honest and don't lie about anything.

15 Q Did you tell him -- did you threaten him in any way?

16 A No.

17 Q Did you coerce him in any way?

18 A No.

19 Q Did you promise to help him drop any pending legal
20 charges?

21 A No, I did not.

22 Q Did you talk to the Solicitor in the case -- covering
23 his case?

24 MR. CRANGLE: Objection, Your Honor. This calls for
25 hearsay. Also, an objection to leading.

1 MR. OVERBY: He's opened the door as far as this
2 goes, Judge.

3 THE COURT: Overruled.

4 THE WITNESS: I never mentioned anything about his
5 charges, or doing anything with his charges to anyone.

6 BY MR. OVERBY:

7 Q Did you ask him to stop hanging around Mr. Stegall?

8 A I didn't order him to stay away from Mr. Stegall. I
9 just told him it was probably not in his best interest.

10 Q And why is that?

11 A Well, I feared for his safety --

12 MR. CRANGLE: Objection, Your Honor. This calls for
13 speculation.

14 MR. OVERBY: It's his personal opinion on that,
15 Judge.

16 THE COURT: Overruled

17 BY MR. OVERBY:

18 Q I want to take you back just a little bit, Investigator.

19 A Sure.

20 MR. OVERBY: I'd like to have these marked as State's
21 Exhibit Nos. 4 through 13.

22 (WHEREUPON, State's Exhibit Nos. 4, 5, 6, 7, 8, 9, 10,
23 11, and 12 were marked for identification only.)

24 MR. OVERBY: It's State's Exhibit Nos. 4 through 12.
25 I apologize.

1 BY MR. OVERBY:

2 Q Investigator Donnelly, I want you to take a look at
3 State's Exhibit Nos. 4 through 12. What do those
4 photographs depict?

5 A It appears to be Motel 6.

6 Q Okay. Do they depict anything else?

7 A It looks like Mr. Stegall. It appears to be the date
8 of the same when he showed up. These are the pictures, I
9 believe, they took from surveillance.

10 Q Did you perceive this event?

11 A I did.

12 Q You did?

13 A Uh-huh.

14 Q And does it fairly and accurately reflect your
15 recollection of what you perceived?

16 A It does.

17 MR. OVERBY: Your Honor, at this time, I'd like to
18 move State's Exhibit Nos. 4 through 12 into evidence.

19 MR. CRANGLE: No objection, Judge.

20 THE COURT: They're in evidence.

21 (WHEREUPON, State's Exhibit Nos. 4, 5, 6, 7, 8, 9, 10,
22 11, and 12 were admitted into evidence.)

23 MR. OVERBY: I have no further questions for this
24 witness, Judge.

25 THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. CRANGLE:

Q You can grab a seat, Investigator.

A Thank you.

Q I'll put that down for you.

Is it Investigator? Is that correct? Detective?

A Yeah.

Q So this investigation started with Mr. Manson; right?

A It did.

Q Okay. And he called you; right?

A He did.

Q Okay. Outside of that, were you surveilling
Mr. Stegall at any --

A Nope.

Q Okay. Did anyone else besides Mr. Manson contact you
about a threat to --

A No.

Q Okay. When you had your interview with him, you
pulled his record; right?

A I don't recall pulling his record, no.

Q You don't recall anyone from the Simpsonville Police
Department pulling his record?

A As far as I know, I don't recall doing it.

Q Okay.

A I may have. I just don't recall doing it.

1 Q You don't recall pulling the record?

2 A I normally don't do it on a witness.

3 Q You don't pull witnesses records?

4 A Not all the time.

5 Q Okay. Why would you pull a witnesses record?

6 A If I had any reason to doubt them, or if I had any
7 reason to verify anything.

8 Q Did you, subsequently, learn of Mr. Manson's record?

9 A Mr. Manson told me of some charges he had when I
10 interviewed him.

11 Q Okay. And he told you about the forgeries?

12 A Some forgeries, yeah.

13 Q Okay. And then did you -- you talked to him about
14 I'll call the Solicitor's Office and see what I can do?

15 A No. The only thing I said to him was that I can just
16 tell the Solicitor's office that he cooperated with us in
17 the case.

18 Q Okay. So you'd contact the Solicitor's Office on his
19 behalf if he cooperated?

20 A I would have, but I didn't.

21 Q Okay. But you told him that?

22 A I told him I could.

23 MR. CRANGLE: Okay. Thank you.

24 MR. OVERBY: Nothing further.

25 THE COURT: Thank you.

1 THE WITNESS: Thank you.

2 THE COURT: All right. Ladies and gentlemen, we're
3 going to go ahead and break for the day. I think we
4 covered a lot of ground.

5 Unfortunately, tomorrow, I've got an insurmountable
6 scheduling conflict. So we're going to resume this case,
7 actually, Thursday morning at 9:00 a.m. If you'll just be
8 back in the jury room at 9:00 a.m. on Thursday.

9 And please don't talk about the case. Don't do any
10 outside investigation. Don't get on the Internet and try
11 to find out things that might have peaked your curiosity
12 thus far. That would not be consistent with the oath you
13 took to decide this case based on the evidence you heard
14 in the courtroom.

15 So it is very vital that you continue to keep an open
16 mind. And once you start trying to investigate things on
17 your own, you're starting to draw conclusions that aren't
18 coming from things you've heard in court.

19 So don't get on Facebook or any other social media.
20 That's caused a lot of problems among jurors recently.

21 So just be back at 9:00 a.m. Thursday morning. And
22 we'll see you then.

23 Thank you.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 4:51 p.m.)

1 THE COURT: See you back on Thursday at 9:00.

2 Thank you.

3 MR. OVERBY: Thank you, Your Honor.

4 Judge, actually, there is one matter, the Defendant's
5 bond. I don't know if that needs to be addressed or what
6 the deal is with that. I have no objection -- or it's in
7 your discretion however you want to deal with that.

8 THE COURT: All right. Mr. Stegall, if you don't
9 appear Thursday, the case will continue, whether you're
10 here or not.

11 Do you understand that?

12 DEFENDANT STEGALL: Yes, sir. I'll be here.

13 THE COURT: And you'd be subject to being prosecuted
14 for another offense for not appearing as well. You'd be
15 tried in your absence.

16 Do you understand that?

17 DEFENDANT STEGALL: Yes, sir.

18 THE COURT: Okay. Thank you.

19 (WHEREUPON, the proceedings were concluded at
20 approximately 4:52 p.m., to be reconvened on
21 Thursday, September 10, 2015.)

22

23

24

25

1 THURSDAY, SEPTEMBER 10, 2015

2 THE COURT: Yes, sir, Mr. Overby. You had some
3 matters you wanted to take up now that the Defendant is
4 present.

5 MR. OVERBY: Yes, Your Honor.

6 The first matter is we made some stipulations
7 yesterday [sic] with regards to the possession of a
8 firearm -- with the possession of the cell phone
9 establishing that it is, in fact, the Defendant's cell
10 phone, and, also, with regards to the chain of custody as
11 to the cell phone.

12 The Defense and I have stipulated to the fact that
13 we're going to stipulate -- or that the chain of custody
14 is sound from the time all items that are seized in the
15 Defendant's truck were done up until this particular time
16 when they're going to be introduced into evidence in
17 court. And I've -- we've signed written stipulations to
18 this fact.

19 MR. CRANGLE: That's correct, Judge. We're agreeing
20 to the chain of custody.

21 THE COURT: All right.

22 MR. OVERBY: And I'd like to make this a Court's
23 Exhibit, and move that into evidence for consideration by
24 the jury.

25 And the second matter, Your Honor, is there is a

1 firearm involved in this case that I intend to introduce
2 into evidence. It is secured with a trigger lock. I just
3 wanted the Court to be aware that that would be coming
4 into evidence. And that it's all completely secured, not
5 loaded, or anything along those lines. But I wanted to
6 give you the heads up about that.

7 THE COURT: Have you checked it?

8 THE COURTROOM DEPUTY: I haven't seen it.

9 THE COURT: All right.

10 MR. OVERBY: I think I'll just leave it in the box,
11 Judge. It's best secured in there.

12 (Pause.)

13 THE COURTROOM DEPUTY: It's okay.

14 THE COURT: All right. Thank you.

15 It's been approved by the sheriff's office as being
16 inoperable.

17 Anything else?

18 MR. OVERBY: Nothing further.

19 THE COURT: Okay. Bring the jury in, please.

20 (WHEREUPON, Court's Exhibit No. 1 was marked for
21 identification and admitted into evidence.)

22 (WHEREUPON, the jury came into open court at
23 approximately 9:13 a.m.)

24 THE COURT: Good morning, ladies and gentlemen.

25 We'll continue with the presentation of evidence by

1 the State.

2 Yes, sir, Mr. Overby.

3 MR. OVERBY: May it please the Court, Your Honor.

4 At this time, the State calls Investigator Chris
5 Marchi to the stand.

6 THE CLERK: Raise your right hand.

7 WHEREUPON,

8 CHRIS MARCHI,
9 after first having been duly sworn, testified as follows:

10 THE CLERK: Please have a seat.

11 And will you state your full name for the record?

12 THE WITNESS: Deputy Chris Marchi, Greenville County
13 Sheriff's Office.

14 DIRECT EXAMINATION

15 BY MR. OVERBY:

16 Q Good morning, Investigator Marchi.

17 How are you today?

18 A I'm doing well.

19 Q What is your current occupation?

20 A Currently, I'm a deputy assigned to the Family Court
21 building by the sheriff's office.

22 Q And what are your -- what's your responsibility in
23 that --

24 A We call it a court deputy, maintain security,
25 assisting in the processing of cases that go through

1 court.

2 Q Okay. And prior to that, what was your
3 responsibility with the sheriff's office?

4 A Prior to that, I was an investigator assigned to the
5 narcotics section of the sheriff's office.

6 Q Okay. How long were you an investigator with the
7 sheriff's office in the narcotics division?

8 A I've been with the sheriff's office 26 years. I
9 believe I did 15 years in narcotics.

10 Q Okay. And what sort of training and experience did
11 you undergo with regards to -- in order to be an
12 investigator in that --

13 A I, initially, went to -- back in '99, I believe it
14 was, to what they call drug level one, which is the basic
15 narcotics class at the academy. Since that time, I've
16 went through probably a succession of classes yearly. My
17 recollection is technical surveillance -- basic technical
18 surveillance, which deals with electronic surveillance,
19 other classes, high-risk warrant entry, CI handling,
20 informant handling, classes such as that.

21 Q Okay. And when -- on the date of this incident,
22 January 26th of 2014, were you involved in -- were you an
23 investigator in narcotics?

24 A Yes, I was.

25 Q Describe how you came to be involved in this case.

1 A My first involvement in this case, I was the on-call
2 investigator for the narcotics section that week. And
3 Sunday morning -- early Sunday morning, I was asleep at
4 the time when I received a phone call from the violent
5 crimes supervisor for the sheriff's office. And he asked
6 me to call a Simpsonville officer to get assistance to a
7 case that they were needing some extra manpower, some
8 extra equipment. And they -- my understanding in talking
9 to the homicide sergeant with the sheriff's office, it was
10 a murder for hire type of case.

11 Q And when you say "early Sunday morning," how early do
12 you mean?

13 A I think it was about maybe 1:00 or 2:00. I was
14 asleep at the time. So it was fairly early in the
15 morning.

16 Q What was your understanding of when the subject of
17 this information took place?

18 A Talking to our homicide people, it was described to
19 me that they had -- Simpsonville had received information,
20 I guess, the previous day probably in the afternoon or
21 that evening on Saturday, it would have been. And they
22 were getting this information from a confidential
23 informant. And the information was that there was an
24 individual who was attempting to find someone to, in
25 essence, murder either a wife or an ex-wife.

1 Again, at the time I was getting this information, it
2 was secondhand. So I wasn't really as involved as, of
3 course, I was at the end of the operation. But it was
4 relayed to me that I needed to try to contact the people
5 that I work with and be prepared to set up an operation
6 first thing in the morning.

7 Q Okay. So, on the 25th, Simpsonville receives this
8 information. That's on a Saturday, you said. And, on the
9 26th, early in the morning, that's when you get the call?

10 A Correct.

11 Q Okay. What was the next step in your involvement in
12 the case?

13 A Well, the next step, I needed to contact the people
14 that I work with to get them prepared to be out early in
15 the morning. A typical operation -- we've done operations
16 like this in the past.

17 So, typically, you would need enough people to either
18 have an arrest team and a surveillance team, which really
19 means all of our unit. You, at least, need about -- maybe
20 about 10 to a dozen guys.

21 So I started making phone calls informing my
22 supervisor and informing each individual investigator to
23 be prepared to meet down at the LEC first thing in the
24 morning Sunday morning.

25 Q Okay. And what time did y'all meet at the LEC?

1 A I believe we got there probably around 9:00 or 9:30.

2 Q Okay. So 9:00 or 9:30?

3 A I may have been there a little earlier. But most of
4 the guys got there, at least, by 9:30.

5 Q Before we go further, is this a common occurrence
6 that you do an agency assist for another agency?

7 A Yes. It can be. We have mutual agreements with most
8 of the municipalities and the adjacent counties. So it's
9 not unusual to get calls to assist other agencies in a
10 wide variety of different type of operations.

11 Q Okay. So, during this meeting, what, essentially, is
12 discussed?

13 A Well, the first thing that -- when I get down at the
14 LEC, I end up talking to Simpsonville Detective Donnelly
15 and try to get a quick brief as to -- and I know some of
16 the information, but some additional information as to
17 what is going on.

18 I, also, end up meeting with the confidential
19 informant. And I spent a few minutes talking with him.
20 And that's typical of what we do in narcotics. Any time
21 we use a confidential informant, there's some basic
22 questions you want to kind of ask. You want to kind of
23 get a feeling of who the guy is, make sure that everything
24 is from a safety standpoint going to be no issues or
25 problems, and just kind of do a quick explanation of what

1 we expect him to do, and give him an idea of what we'll do
2 for him as far as safety, operations, that sort of thing.

3 Q You mentioned technical surveillance earlier. What
4 was the nature of the technical surveillance you used in
5 this case?

6 A Well, initially, I had some of the investigators go
7 down to our office and pick up some equipment. And the
8 vast majority of times, we're going to use what we call a
9 wire. And a wire is -- from a technical point of view, a
10 wire is an RF transmitter, which is nothing more than a
11 radio-frequency transmitter.

12 In this case, it was an RF transmitter/recorder.
13 It's, basically, a radio transmitter and a digital
14 recorder built into one unit.

15 Q Okay. And how many recording devices were there with
16 regards to this particular unit?

17 A I believe we brought one wire. And my recollection
18 is we maybe brought the recorder itself. So one unit and
19 maybe a backup recorder, typically, is how we would work
20 it.

21 Q What do these units look like?

22 A Well, they can be all sorts of things, really. You
23 can disguise the transmitter recorders. You can get
24 basic -- not so much disguise, but a compact transmitter
25 recorder. Back in the old days, they were rather bulky.

1 But, now days, they're relatively small and compact.

2 Q You mentioned you had training in operating these
3 devices. What kind of experience have you had in
4 utilizing them?

5 A The first training I had was shortly after I came to
6 the unit back in '99. In drug level one class, they give
7 you the basic this is a wire, this is the function of a
8 wire.

9 As I've progressed in my career, I've went to several
10 technical surveillance classes both at the academy and one
11 at the Counterdrug School in Meridian, Mississippi. And,
12 in those classes, they teach you more not just the
13 equipment, but they teach you the fundamentals of radio
14 transmission and reception. And a lot goes into it.

15 But, fundamentally, there's some basic things that
16 can alter or give you challenges as far as reception. So
17 you have to kind of -- terrain makes a big difference in
18 radio transmission. The antenna makes a big difference.
19 A lot of things can play into it.

20 So the training helps you see those things and kind
21 of, perhaps, plan how you want to address challenges that
22 may come up in the -- with the equipment.

23 Q Okay. Where did you set the wire up, specifically?

24 A I believe -- in this case, I believe we put it on
25 what we would -- it would be on the CI's person. I don't,

1 specifically, remember where on his person, but it was on
2 his person.

3 Q Okay. Did you do it at the LEC, or at the hotel?

4 A I believe we set it up at the hotel.

5 Q Okay. About what time did you -- and this is after
6 this initial meeting at the LEC?

7 A Correct.

8 Q And you met the informant at the LEC?

9 A Correct.

10 Q What time did you go to the hotel?

11 A We got to the hotel just before 10:00.

12 Q Why was it important to get there around that time?

13 A My understanding was we were kind of under a time
14 crunch. Because, initially, the Defendant wanted to meet
15 with the CI before church, which was somewhere around
16 11:00.

17 So we kind of had to have things set up and ready.
18 Of course, in these operations just like in narcotics
19 operations, you're working off other peoples timeline. So
20 you never know if that timeline is going to be
21 accelerated, or going to play out long. But you have to
22 be prepared to move as quickly as you can.

23 So we wanted to get everything in place, at least, by
24 around 10:00 if we could, just in case it went earlier
25 than what we anticipated.

1 Q Who gave you that information about the timeline?

2 A I believe it was a combination of, I think, the
3 informant and Simpsonville.

4 Q Okay. You said that you followed some steps in
5 advance in terms of setting up the wire with the CI. Did
6 you follow those steps in this case?

7 A Yes. There's standard things we do every time we set
8 up equipment for a deal. You're going to make sure that
9 your power supply is good and fresh, be it batteries or if
10 you're using a rechargeable. You make sure all that's
11 took care of, hopefully, ahead of time.

12 When you -- when you're going to put the wire on the
13 individual, you're going to do a -- kind of a frequency
14 check making sure that you have a good contact between the
15 receiver, which is what I'm listening through, which is
16 the zone set up and the wire itself. And that's no more
17 complicated than just turning it on and making sure that
18 you have good reception on the other end.

19 Q What kind of things do you talk to the CI about?

20 A Well, pretty standard stuff, really. I remember,
21 specifically, in this case, basically, telling the
22 informant where we would put the wire on him, I believe.
23 A couple of safety things. My recollection would be --
24 I'm -- we wanted the conversation to go in the room,
25 because that's more of a controlled setting. But you're

1 playing it to other people's -- dancing to other people's
2 tune.

3 So it could have always -- it could have gone on in
4 the parking lot in a car for all we knew. So we wanted to
5 make sure the CI tried to control it as much as he could
6 on his end by having it go on in the room.

7 But if he had to go out in the parking lot, we did
8 not want the CI to leave with the suspect -- or with the
9 Defendant. Once it goes mobile like that, then you kind
10 of lose a little bit of control at that point.

11 So we wanted -- if possible, we wanted everything to
12 happen in the room. So we kind of made sure we emphasized
13 that to the CI that he would try to -- when he made phone
14 calls and arranging things try to push it for the room and
15 stuff.

16 Q Did you make suggestions as to what the CI should
17 talk about with the Defendant?

18 A Very general, maybe. You know, you don't want to try
19 to give too much information to an informant. Because if
20 you overload a person -- because most people have never
21 done this stuff before. So unless it's like a paid
22 informant or something like that, or for drugs -- but you
23 don't want to overload the guy.

24 So you will keep it very basic. Basic safety is the
25 fundamental thing that if something went wrong and there

1 was a weapon introduced and somehow something took a turn
2 for the worse that if we had to make an emergency entry
3 into the room, he was to get down on the ground, throw out
4 his hands and his arms, stuff like that we did go over.

5 Q After the wire was set up --

6 Step down here for a minute, if you wouldn't mind,
7 Investigator.

8 A (Witness complied.)

9 Q I'm showing you what's been marked as State's Exhibit
10 No. 3. Do you recognize this exhibit?

11 A Yes. This is the hotel.

12 Q Okay. After the wire was set up -- well, where was
13 the hotel room where all this took place?

14 A It would be approximately right in here, I believe.

15 Q Okay. And the entrance -- are you capable of
16 entering the rooms from the outside of the building?

17 A No, no. It's inside the lobby in the hallways.

18 Q Okay.

19 A Now, there are some exit doors at various spots.

20 But, for the most part, it's key access, I believe, like
21 typical hotels are, except through the lobby where you
22 walk in.

23 Q Okay. And where were you stationed after you got the
24 wire set up on the CI?

25 A Well, we were stationed approximately here in an

1 unmarked undercover vehicle, plain civilian-type vehicle.

2 The reason being I wanted to have an absolute view of
3 both the lobby entrance and the entrance to the parking
4 lot. But I, also, wanted to be able to see if there was a
5 car which we -- or a vehicle which we anticipated would
6 come. If it parked somewhere in here, I wanted to be able
7 to see that.

8 Because we don't know if it's just one person coming,
9 or if it's two people coming, or three people coming. It
10 could be multiple people in the vehicle and -- which,
11 typically, has happened in the drug operations.

12 So you may have to get eyes -- you may have to know
13 what's going on here. But you, also, may have to keep an
14 eye in the parking lot for additional suspects.

15 Q And what was the type of vehicle in question that
16 y'all were looking for?

17 A A black truck, I believe.

18 Q Okay. Do you know the make and model?

19 A Yeah. It would be in my report.

20 A black Ford F-150 pickup with a South Carolina tag
21 7692GL.

22 Q Okay. Thank you, Deputy.

23 You can, actually, step back down [sic].

24 A (Witness complied.)

25 Q Well, first of all, this is the only entrance and

1 exit to this hotel; correct?

2 A That would be correct by vehicle.

3 Q By vehicle. Okay. So after the wire is set up and
4 you're in the truck watching the entrances and whatnot,
5 what did you observe? Are you listening to the
6 surveillance? Are you listening to the wire at the same
7 time?

8 A We're listening to the wire. But we're, also,
9 monitoring the radio for the surveillance teams that are,
10 actually, spread out at a couple different locations.

11 Q Okay. Where were the surveillance teams spread out?

12 A When we planned this thing -- and it was a quick
13 plan. We wanted to be able to have mobile surveillance
14 teams where we anticipate the Defendant could be. And we
15 had an idea that, perhaps, there was an address -- a
16 parental address. I want to say it's the Ruby Lane
17 location.

18 So we, initially, had some units out in that area.
19 We wanted some units kind of spread out, but closer to the
20 hotel in case we had to send units somewhere else.
21 Because, you know, an individual could be anywhere. But
22 until we spotted the truck, we just didn't know.

23 But we, also, had to have, at least, one unit at the
24 restaurant. And we did not know a lot about the
25 Defendant's ex-wife. We had some limited information at

1 the beginning of the operation that she worked at a
2 restaurant off Woodruff Road.

3 So we had to break off, at least, one unit to cover
4 that area in case things went askew. And we just wanted
5 to make sure that that was covered if she were to show up
6 for work, and make sure there was some protection there
7 for her.

8 Q So you're able to listen to the wire and you're,
9 also, monitoring the transmissions from the other units
10 during this --

11 A Correct.

12 Q Was the wire working?

13 A It was.

14 Q And was it fully functional?

15 A It was.

16 Q What happened next in terms of the surveillance?

17 A Well, once we had the wire set up, the CI in the
18 room, we started making the phone calls to the Defendant.
19 Based on the phone calls, we -- well, that and the fact
20 that they, eventually, end up seeing the truck down on
21 Ruby Lane. We pinpointed the vehicle that we believed the
22 Defendant was driving. So we were fairly comfortable that
23 we had the Defendant pinned down to that Ruby location.

24 So most of our surveillance units went that way. I
25 want to say there may have been like one or two additional

1 phone calls from the CI to the Defendant in the room
2 before things started going mobile at that point.

3 Q What do you mean "additional phone calls"?

4 A Well, I think there was, at least, one or two that --
5 I know there was one phone call. There may have been a
6 call back to the CI, basically, to set up the meeting,
7 which was supposed to happen in the motel room. And this
8 was a meeting to discuss, in essence, a plan to, in
9 essence, murder the ex-wife.

10 Q When the -- these phone calls you're talking about,
11 though, did they take place on the 25th, or did they take
12 place on the 26th?

13 A Well, it would have been Sunday. When I say phone
14 calls, I'm trying to remember if he called from his cell
15 phone or from the hotel room phone. But the phone calls
16 were made to get -- to tell the Defendant, hey, I'm here,
17 come on.

18 Q Do you have personal knowledge of this incident off
19 the top of your head?

20 A Personal knowledge, yes.

21 Q Okay. But --

22 A But, now, I had to review my notes, because it's been
23 a while ago.

24 Q Okay. And this is your incident report; correct?

25 A Yes.

1 Q And it fairly and accurately represents what happened
2 on the scene and what your recollection is?

3 A Yes.

4 Q Okay. I'd like to point you to this section right
5 here.

6 A All right. Do you want me to read it out?

7 Q No. You can -- I just want to know if that refreshes
8 your recollection about who called who?

9 A Oh, yeah. 10:00 hours, suspect calls the CI and
10 advised he would be at the CI's location in approximately
11 30 minutes.

12 Q So did the -- to your recollection, did the CI,
13 actually, call the suspect and tell him he was here?

14 A Oh, I see what you're saying. Yeah, yeah. Based on
15 my notes in my report, the Defendant did call. It's been
16 a little while.

17 So phone calls were made. And the reason for the
18 phone calls were to let the Defendant know, hey, I'm here,
19 come to the hotel. Because we had to let him know in one
20 way, shape, or form he needs to come to the hotel to pick
21 the CI up and talk to the CI.

22 Q But the Defendant -- you knew about a particular time
23 in which the Defendant was supposed to arrive; correct?

24 A Rough time, yes.

25 Q Right. And you recall -- and, obviously, the CI made

1 a phone call?

2 MR. CRANGLE: Objection, Your Honor. Leading the
3 witness.

4 THE COURT: All right. Sustained

5 BY MR. OVERBY:

6 Q The Defendant made a phone call to the room --

7 MR. CRANGLE: Objection, Your Honor. Leading the
8 witness.

9 THE COURT: Sustained.

10 THE WITNESS: My notes have, at 10:00, the Defendant
11 calls the CI, which would be to the room, and advised that
12 he would be at the CI's location in approximately
13 30 minutes, which would be the hotel in about 30 minutes.

14 BY MR. OVERBY:

15 Q Okay. That's at 10:00 that that call comes in?

16 A Correct.

17 Q All right. The next thing -- what's the next thing
18 that you observed?

19 A At about 10:41, the surveillance units see a white
20 male leaving the [REDACTED] Drive in that black Ford
21 pickup truck.

22 Q What happens next?

23 A Well, at that point, we had pictures of the
24 individual. But, you know, the description matched more
25 or less of what our surveillance units were seeing --

1 investigating the truck.

2 So we went ahead and had the surveillance units start
3 to follow that truck from the location. And the
4 surveillance team is going to be however many guys you can
5 really have. You want as many mobile units as you can.
6 But there was, at least, two, perhaps, three.

7 And we had units spaced out. So more kind of came
8 into the surveillance as they got closer to it. But we
9 wanted to stay on that truck as best as possible.

10 Q Okay. And where did the truck, eventually, end up?

11 A The truck, eventually, came into the hotel parking
12 lot.

13 Q At what time?

14 A At 11:03.

15 Q What did the driver of the truck do at that time?

16 A Pulled into the parking lot, and then parked in one
17 of the parking spaces facing closest to the building
18 itself. In reality, it's almost right next to --

19 Q Why don't you show the jury where.

20 A In one of these spaces right next to the room.

21 Q Pretty close to the room?

22 A Very close.

23 Q Who was driving the truck?

24 A The Defendant.

25 Q What did you observe the Defendant do at that time?

1 A From my vantage point, I was able to see him get out
2 of the truck, then walk inside to the hotel. And I lost
3 sight of him as he went into the lobby area.

4 Q Okay. At that time, what happened on the wire?

5 A Within seconds, there was a knock on the door --

6 MR. CRANGLE: Objection, Your Honor.

7 May we approach?

8 THE COURT: Sure.

9 (WHEREUPON, a bench conference was held.)

10 BY MR. OVERBY:

11 Q At that time, Investigator Marchi, did the wire go
12 active? Did you hear a conversation?

13 A Yes.

14 Q Okay. Now, you were monitoring the situation live;
15 correct?

16 A Correct.

17 Q And you said that there was a recording device --

18 A Correct.

19 Q -- for this? Have you listened to that recording?

20 A I have.

21 Q Okay. And, in listening to that recording, does it
22 fairly and accurately depict the conversation which you
23 heard on that surveillance tape?

24 A It did.

25 Q Okay. Has it been modified, changed, or altered in

1 any way, shape, or form?

2 A No.

3 MR. OVERBY: I'd like to have this marked as State's
4 Exhibit No. 13.

5 (WHEREUPON, State's Exhibit No. 13 was marked for
6 identification only.)

7 BY MR. OVERBY:

8 Q Investigator Marchi, what is that?

9 A That is a CDR.

10 Q Okay. And what is on this CDR?

11 A It should be a digital recording of the events that
12 took place.

13 Q It should be or it is?

14 A It is.

15 Q Okay. And how do you know?

16 A Because there is my initials on the CDR entitled
17 "Stegall Wire Audio."

18 MR. OVERBY: Your Honor, at this time, I'd like to
19 move State's Exhibit No. 13 into evidence and publish it
20 for jury.

21 THE COURT: Any objection?

22 MR. CRANGLE: No objection, Judge.

23 THE COURT: All right. It's in evidence.

24 (WHEREUPON, State's Exhibit No. 13 was admitted into
25 evidence.)

1 (WHEREUPON, a portion of State's Exhibit No. 13 was
2 played in open court.)

3 BY MR. OVERBY:

4 Q Investigator Marchi, does anything happen on the wire
5 for the few minutes after this?

6 A No. It's just going to be a bunch of background
7 noise.

8 (WHEREUPON, State's Exhibit No. 13 continued to be
9 played in open court.)

10 BY MR. OVERBY:

11 Q Investigator Marchi, does anything happen on the wire
12 from the time of that phone call until surveillance sees
13 that truck leave?

14 A Just background noise.

15 (WHEREUPON, State's Exhibit No. 13 continued to be
16 played in open court.)

17 MR. CRANGLE: Judge, may we approach?

18 THE COURT: Sure.

19 (WHEREUPON, a bench conference was held.)

20 BY MR. OVERBY:

21 Q Investigator Marchi, what happened at that -- with
22 the scuffle at the end of that -- at the end of the
23 recording?

24 A That was the sheriff's office arresting, going in and
25 securing the room.

1 Q Was -- you mentioned in the recording that you were
2 concerned about a child being present. Was the child --
3 why was that?

4 A Well, there were children in the marriage. And we
5 could not put those children one place or the other.

6 So there was always the possibility that the
7 Defendant could show up with one of the children. And if
8 that were the case, we'd have to, perhaps, modify what we
9 did for safety reasons primarily.

10 Q And was the child present in this particular case?

11 A No.

12 Q Okay. What, if any, other involvement did you have
13 in the case?

14 A My primary involvement after that was really securing
15 the equipment, and making sure the integrity of the
16 recording -- that I would have to download and to get
17 later on once I retrieved the equipment, just offering any
18 other assistance to Simpsonville that they needed, which,
19 in our case, I think was primarily just keeping the scene
20 secure, the vehicles secure until they got processed, and
21 offering any help for transporting the prisoner, or
22 anything else that needed to be done.

23 MR. OVERBY: I have no further questions for you,
24 Investigator Marchi. Please answer any questions Defense
25 Counsel has for you.

1 MR. CRANGLE: May I approach the witness, Judge?

2 THE COURT: Sure.

3 CROSS-EXAMINATION

4 BY MR. CRANGLE:

5 Q This is the CD you were just talking about; right?

6 It's State's Exhibit No. 13?

7 A Correct.

8 Q And that's the wire audio that we're talking about in
9 this case; correct?

10 A Yes, sir.

11 Q There are a couple of things I want to go over on it
12 with you. Let me make sure I can get it to play.

13 Okay. So all of these wire recordings -- this all
14 happened on Sunday; right?

15 A Correct.

16 Q Okay. And the kind of beginning of the investigation
17 was on Saturday, as you learned through the course of your
18 investigation; correct?

19 A That's my understanding, yes.

20 Q Okay. You weren't involved Saturday morning -- or
21 Saturday in the evening. You began your involvement
22 Sunday morning; right?

23 A Correct.

24 Q Okay. And, prior to your involvement, you had never
25 heard or seen of Mr. -- my client, Mr. Stegall?

1 A No.

2 Q He wasn't under any surveillance, or anything like
3 that; right?

4 A Not to my knowledge.

5 Q Because in drug cases and investigations, sometimes,
6 you have the suspect already under investigation; right?

7 A Oftentimes, yes.

8 Q Okay. And then you get the CI involved; right?

9 A There are times when that happens, yes.

10 Q Okay. But, in this case, that wasn't -- my client
11 wasn't under any sort of observation; right?

12 A Not to my knowledge.

13 Q Okay. And, prior to that day, you had never met
14 Mr. Manson; right?

15 A Not to my knowledge.

16 Q Okay. And the first time you met him was Sunday
17 morning at the law enforcement center when you began the
18 debriefing -- or the briefing process; right?

19 A Correct.

20 Q All right. And then you took him down to the hotel
21 room; right?

22 A Yes.

23 Q Okay. And then did you -- you physically went inside
24 the hotel room; is that correct?

25 A Yes.

1 Q Okay. And that's your voice that we can hear on the
2 audio recording; right?

3 A It is.

4 Q Okay. And, in your voice, you start talking with him
5 about just kind of, hey, when he comes in, I want you to
6 talk about the following subjects; right?

7 A Yes. We had a general conversation. Yes.

8 Q All right. And you tell him, make sure he talks
9 about the money, make sure he talks about whatever the
10 murder for hire is going to be; right? You're directing
11 him towards the conversation?

12 A I'm not sure I'd put it like that. I would put it as
13 I'm giving him some general ideas about what he needs to
14 be saying, not what the Defendant needs to be saying.

15 Q And the idea of that is to make sure when he comes in
16 you have a source of the information that you want,
17 instead of them coming in and talking about a football
18 game, or going to church, or something. They're,
19 actually, talking about what you want them to talk about;
20 right?

21 A No. I wouldn't say it like that. See, first off, I
22 want to know if there's a gun in the room. That's first
23 and foremost my primary concern.

24 Because I have an entry -- I have an arrest team that
25 may have an armed subject. So I want to know, to the best

1 of our abilities, if that pistol is on that individual.
2 So that's first and foremost in my mind.

3 The second thing is I want to know is there -- is the
4 information that the informant is telling us, is this
5 really what's going on, you know. It's got to be
6 verified, you know. I'm not going to send a guy in and
7 tell him, okay, y'all talk about the price of doughnuts at
8 Krispy Kreme. That is not going to work.

9 I'm going to give him some general idea of what we're
10 here to do, and then let it play out as it plays out.

11 Q And the idea of that is to make sure the conversation
12 goes in the direction that you're investigating; right?

13 A If that's where the conversation goes, that's where
14 it goes, yes.

15 Q Okay. I want to turn your attention towards the
16 final part of the recording, which is when my client
17 arrives at the hotel. Okay. And I want to review what
18 you told Mr. Manson with regards to the conversation.

19 (WHEREUPON, a portion of State's Exhibit No. 13 was
20 played in open court.)

21 BY MR. CRANGLE:

22 Q Okay. Right here, that's your voice; right, saying,
23 Are you comfortable; right?

24 A Yes.

25 Q And you're talking to Mr. Manson; right?

1 A Yes.

2 Q All right. At this point, you're prepping him with
3 regards to how the conversation is going to go; correct?

4 A Well, I'm prepping him as to the whole operation, the
5 room, the set up, what we anticipate is going to happen,
6 and contingencies of what could happen that we don't
7 anticipate.

8 (WHEREUPON, State's Exhibit No. 13 continued to be
9 played in open court.)

10 BY MR. CRANGLE:

11 Q And that's your voice telling Mr. Manson to make sure
12 how the conversation goes with regards to the money;
13 right, saying, hey, I need money. Correct?

14 A Well, the money and the anticipation, I think, in
15 previous discussions they must have had was that he would
16 be dropped off, and there would be some plan of an escape
17 when it was done.

18 Q And that's at the Buffalo Wild Wings on Woodruff
19 Road; right?

20 A Correct.

21 Q And that's where the Best Buy is; right?

22 A Yes.

23 Q And it's kind of along the on ramp. If you're on
24 Woodruff Road and you're going north, it's on the on ramp
25 onto, I guess, 85. And then it kind of connects into the

1 385 interchange; correct?

2 A Yes, I believe so.

3 Q It's around the back of that corner. And then
4 there's that big tall black fence; right?

5 A There's a big fence.

6 Q And that's the very beginning; right? That's just
7 you and Henry talking; correct?

8 A Correct.

9 Q Okay. During the course of that audio conversation,
10 my client calls the room; right?

11 A Yes.

12 Q Okay. And that's the phone call we hear a little bit
13 later on; right?

14 A Yes.

15 Q Okay. And, in that phone call, we hear Henry talking
16 about going to church; right?

17 A I believe there's some reference to something about
18 church, yes.

19 Q All right. Would it help you to hear that just to
20 make sure we're on the same page?

21 A I'm pretty sure it is somewhere in there.

22 (WHEREUPON, State's Exhibit No. 13 continued to be
23 played in open court.)

24 BY MR. CRANGLE:

25 Q That's Mr. Manson's voice; right?

1 A Yes.

2 Q And that's the conversation with my client; right?

3 A Yes.

4 Q And they're talking about going to church; right?

5 A The best I can tell from one side of the
6 conversation, I would assume it's something to do with
7 church, yes.

8 MR. CRANGLE: Thank you.

9 That's all the questions I have.

10 MR. OVERBY: Very brief redirect, Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. OVERBY:

13 Q You said one side of the conversation. Were you able
14 to hear the other side of the conversation?

15 A Not with any clarity. It's really too much to be
16 able to do that when listening online.

17 MR. OVERBY: No further questions.

18 THE COURT: Anything further?

19 MR. CRANGLE: No redirect -- or no recross.

20 THE COURT: Thank you, Investigator Marchi.

21 MR. OVERBY: May Investigator Marchi be excused from
22 his subpoena?

23 THE COURT: Any objection?

24 MR. CRANGLE: No objection, Judge.

25 THE COURT: He's excused.

1 Thank you.

2 MR. OVERBY: The Court's indulgence for one minute.

3 THE COURT: We'll just take about a 10-minute break.

4 Don't talk about the case. Continue to keep an open
5 mind.

6 If you would, select someone to be the Foreperson of
7 the jury, and just write their name down and give it to
8 one of the bailiffs.

9 Thank you.

10 (WHEREUPON, the jury was excused from open court at
11 approximately 10:17 a.m.)

12 THE COURT: We'll just take about a 10-minute break.

13 Thank you.

14 (WHEREUPON, a break was taken.)

15 THE COURT: Anything before the jury comes in?

16 MR. CRANGLE: Judge, one thing that I think we may
17 have to discuss is the Solicitor has prepared, basically,
18 a transcript of the wire recording. I think he would like
19 to have it introduced into evidence. We would oppose
20 that. We think the best evidence is just the recording
21 itself, and let the jury come to their own conclusions as
22 to what was said.

23 MR. OVERBY: Judge, I approached the Defense about a
24 possible stipulation to it. I'm going to let the
25 recording stand as is. So I'm not going to introduces

1 that.

2 THE COURT: Okay.

3 MR. CRANGLE: Excellent.

4 THE COURT: Bring the jury on in, please.

5 (WHEREUPON, the jury came into open court at
6 approximately 10:34 a.m.)

7 THE COURT: All right. Mr. Tribble, you've been
8 selected to be the Foreperson; is that correct?

9 JUROR #192, JACK TRIBBLE: Yes, sir.

10 THE COURT: Okay. You'll just preside over the
11 deliberations.

12 And if you need to contact me or if anybody on the
13 jury needs to communicate with me, the only way I can
14 communicate with you is either by way of a written note or
15 out here on the record. So bear that in mind. Hopefully,
16 nobody will have to communicate with me. But, if you do,
17 that's the protocol.

18 And, with that, we'll turn it back over to
19 Mr. Overby.

20 Yes, sir.

21 MR. OVERBY: May it please the Court, Your Honor.

22 The State calls Vinay Patel to the stand.

23 THE CLERK: Please come forward.

24 THE BAILIFF: Place your left hand on the Bible, and
25 raise your right hand.

1 WHEREUPON,

2 VINAY PATEL,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Please have a seat.

5 Will you state your full name for the record?

6 THE WITNESS: Vinay Patel.

7 THE CLERK: Thank you.

8 DIRECT EXAMINATION

9 BY MR. OVERBY:

10 Q Good morning, Mr. Patel.

11 How are you today?

12 A Good.

13 Thank you.

14 Q What is your occupation, sir?

15 A I'm a hotel operator.

16 Q And what hotel are you, specifically, in charge of?

17 A Motel 6 in Simpsonville.

18 Q Okay. What's the address of that?

19 A 2706 Grandview Drive.

20 Q Okay. And is that in Greenville County?

21 A Greenville County, yes.

22 Q How long have you been employed at this motel?

23 A Roughly, about 11 years.

24 Q Okay. And so you -- were you employed at this hotel
25 on January 25th of 2014?

1 A Yes.

2 Q In the month of January of 2014 as well?

3 A Yeah, I was.

4 Q Are you familiar with the phone lines at this
5 particular motel?

6 A Yes.

7 Q Okay. Are 228-2308 and 757-9478 phone lines for your
8 motel?

9 A Yes.

10 Q Were they phone lines for your motel at the time of
11 this incident?

12 A That's right.

13 MR. OVERBY: Okay. I have no further questions.

14 THE COURT: Yes, sir.

15 MR. CRANGLE: No questions for this witness, Judge.

16 THE COURT: Okay. You may be excused, sir.

17 Thank you.

18 THE WITNESS: Thank you.

19 MR. OVERBY: May Mr. Patel be relieved of his
20 subpoena?

21 THE COURT: Yes.

22 MR. OVERBY: At this time, Your Honor, the State
23 calls Deputy Chad Bright to the stand.

24 THE CLERK: Please step forward, please.

25 THE BAILIFF: Place your left hand on the Bible, and

1 raise your right hand. And face that lady.

2 WHEREUPON,

3 CHAD BRIGHT,

4 after first having been duly sworn, testified as follows:

5 THE CLERK: Please have a seat.

6 Will you state your full name for the record?

7 THE WITNESS: Chad Bright.

8 THE CLERK: Thank you.

9 DIRECT EXAMINATION

10 BY MR. OVERBY:

11 Q Good morning, Deputy Bright.

12 How are you today?

13 A Fine.

14 How are you doing, sir?

15 A Very well.

16 Thank you.

17 Where are you presently employed, sir?

18 A Greenville County Sheriff's Office.

19 Q And what is your role at the Greenville County

20 Sheriff's Office?

21 A I'm a deputy on uniform patrol.

22 Q Okay. How long have you been employed at the

23 Greenville County Sheriff's Office?

24 A Since November of last year.

25 Q Okay. And have you -- how long have you been

1 employed in law enforcement?

2 A Over 14 years.

3 Q Okay. Where were you employed prior to the
4 Greenville County Sheriff's Office?

5 A The Simpsonville Police Department.

6 Q And what was your role at the Simpsonville Police
7 Department?

8 A When I left, I was in vice and narcotics.

9 Q And were you in vice and narcotics at the time of
10 this incident on January 25th and 26th, 2014?

11 A Yes, sir.

12 Q Okay. How were you involved in the case?

13 A Basically, I went down to the law enforcement center
14 that morning and was briefed on the situation. And then I
15 was with Investigator Reece who works with -- which is
16 vice and -- was at vice and narcotics for the sheriff's
17 office. And I was in the vehicle with him.

18 And our job with two other deputies was to follow the
19 Defendant from the residence to the hotel.

20 Q Okay. So you were part of the task force that was
21 created, if you will, on the morning of -- on the morning
22 of the 26th?

23 A Yes, sir.

24 Q Where did you start out?

25 A I started out at -- we went and sat at [REDACTED]

1 Road.

2 Q And what was 20 -- what was significant about [REDACTED]

3 [REDACTED] Road?

4 A That is the Defendant's mother's -- or parents house.

5 Q Okay. Now, during your surveillance, did you have
6 photographs of the Defendant?

7 A Before, we were given that at the law enforcement
8 center, you know, what vehicle he was driving, what he
9 looked like, and stuff like that.

10 Q And what kind of vehicle was he driving?

11 A It was a Ford pickup truck.

12 Q Step on down here, if you would, sir.

13 A (Witness complied.)

14 Q I'd like to show you what's State's -- I'd like to
15 show you State's Exhibit No. 2. Are you familiar with
16 this area?

17 A Yes, sir, it is [sic].

18 Q Okay. And show me on the map where you were.

19 A Sir?

20 Q Show me on the map where you started your surveillance?

21 A We was at -- right here, [REDACTED] Road, which is
22 off of Woodruff Road.

23 Q Okay. And what did you observe at that time?

24 A I observed the Defendant leaving. And he drove out
25 of the neighborhood. That's when we began to follow him.

1 Q About what time? Do you remember?

2 A I do not recall. It was in the morning hours.

3 Q Okay. When he left [REDACTED] Road --

4 A Yes, sir.

5 Q -- how did he proceed?

6 A Well, the neighborhood -- when you go into the
7 neighborhood from the main -- from Woodruff Road, Ruby
8 Lake Road is on the right. And there's a road called
9 Asheton -- Asheton Lakes Way or Asheton something on the
10 left.

11 He came up Ruby Lake Road. He came up to the
12 entrance of the neighborhood. He made a left onto
13 Woodruff Road. He proceeded down Woodruff Road. And he
14 made a stop at Woodruff Road and Scuffletown. There's a
15 convenience store. There's a Citgo gas station.

16 Q How long was he stopped at that Citgo gas station?

17 A A couple of minutes.

18 Q Okay. What happened after that?

19 A He got back in his vehicle. He came out of the
20 parking lot, made a right on Woodruff Road, and then made
21 a right onto Scuffletown Road, and followed Scuffletown
22 Road down to Jonesville Road. And then he made a right
23 onto Jonesville Road. He went down Jonesville Road. And
24 that winds around and it ends up back on Main Street in
25 Simpsonville.

1 Q Okay. Did he make any other stops?

2 A Once he got to Main Street in Simpsonville, he made a
3 left and went down -- and there's another gas station, the
4 Short Stop, at southeast Main Street and Longview Street.
5 He was there for a couple of minutes.

6 And then he left there and made a right back onto
7 southeast Main Street and went to Fairview Road. And then
8 he went across Fairview Road, 385, and then made a right
9 onto Grandview Drive where the hotel was at.

10 Q Okay. And that motel is just on the other side of
11 385, is it not?

12 A Yes, sir. Once you turn on Grandview Drive, you go
13 right into a curve and it's right there on the left next
14 to a gymnastics place.

15 Q Okay. And you never lost sight of him during this
16 entire incident, did you?

17 A No, sir. We -- the three cars never lost sight of
18 him at one time -- at any time.

19 Q Did he appear to notice you following him?

20 A I don't know.

21 Q Okay. Where did you go once he pulled into the
22 parking lot of the Motel 6?

23 A We pulled into -- once he turned onto Grandview
24 Drive, there were other vehicles along Grandview Drive
25 that was parked in different parking lots. We just pulled

1 into -- around the Pizza Hut-Brusters Ice Cream area, and
2 just stayed there until the incident was over.

3 Q Okay. And how were you notified that the incident
4 was over?

5 A It was over the police radio.

6 Q Okay. What responsibilities did you have with
7 regards to the actual arrest of the Defendant?

8 A I had none.

9 Q Okay. What were your responsibilities?

10 A My responsibilities, after it was over with and he
11 was in custody, I went down to the hotel. And then I
12 ended up going back to the Simpsonville Police Department.
13 And after Investigator Donnelly got the search warrant for
14 his vehicle, I went back, served the search warrant on the
15 vehicle.

16 Q Okay. And there was somebody there standing by the
17 vehicle when you came back; correct?

18 A Correct.

19 Q And the vehicle had not been opened, tampered with,
20 messed with in any way; correct?

21 A Not to my knowledge, no, sir.

22 Q Okay. Did you observe any kind of --

23 A No, no.

24 Q Okay. Deputy Bright, would you mind stepping down
25 for a minute, sir?

1 A (Witness complied.)

2 MR. OVERBY: The Court's indulgence briefly, Your
3 Honor.

4 (Pause.)

5 MR. OVERBY: I'm presenting what I'd like to have
6 marked as State's Exhibit Nos. 14 through 30.

7 MR. CRANGLE: After they're marked, I need to take a
8 look at them.

9 THE COURT: Yes.

10 MR. OVERBY: I apologize.

11 (WHEREUPON, State's Exhibit Nos. 14, 15, 16, 17, 18,
12 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 were
13 marked for identification only.)

14 (Pause.)

15 MR. CRANGLE: The Defense has no objection to the
16 admission of these documents.

17 THE COURT: This is State's Exhibit Nos. 14 through
18 30?

19 MR. OVERBY: State's Exhibit Nos. 14 through 30, Your
20 Honor.

21 THE COURT: They're in evidence.

22 MR. OVERBY: Thank you, Your Honor.

23 (WHEREUPON, State's Exhibit Nos. 14, 15, 16, 17, 18,
24 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 were
25 admitted into evidence.)

1 BY MR. OVERBY:

2 Q Investigator Bright, you said that when you came
3 back, you were the officer who executed the search
4 warrant?

5 A Yes, sir.

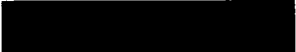
6 Q Can you tell me what that is a photograph of?

7 A It's a photograph of his truck.

8 Q A photograph of his truck?

9 A Yes.

10 Q Can you tell me what that license plate number shows?

11 A 

12 Q Okay. And you followed that truck all the way from
13 Ruby Lake Lane to this location?

14 A Yes, sir.

15 Q Tell me what that's a photograph of.

16 A That's on the inside of the driver's side door. And
17 it has the VIN number to the truck. And it tells about
18 the truck.

19 Q Okay. Can you tell me what that's a photograph of?

20 A That's his vehicle registration for the truck.

21 Q Okay. And can you make out who the vehicle
22 registration says to?

23 A Phillip Joseph Stegall.

24 Q Now, what is this a photograph of?

25 A Before I started the search of the vehicle, I went

1 through and I took a picture outside of the truck's --
2 outside of the truck. And then I started -- took pictures
3 of inside of the truck. I started taking pictures before
4 anything was removed.

5 Q And this is a double-cab vehicle; correct?

6 A Yes, sir. It's a semi-cab.

7 Q A semi -- an extended cab.

8 What is that a photograph of?

9 A That's of the passenger side.

10 Q Okay. What is this a photograph of?

11 A That's the center console of the truck.

12 Q Okay. Did you find anything in the center console?

13 A Yes, sir, I did.

14 Q What did you find?

15 A I found a Hi-Point 40-caliber firearm inside the
16 center console of the truck.

17 Q Okay. Is that the firearm you located?

18 A Yes, sir, it is.

19 Q Okay. Did you happen to catch what the serial number
20 of that firearm was?

21 A I don't know if I took a photograph of it or not.

22 But when I would have did my property and evidence sheet,
23 it would have been located on that.

24 Q I'm showing you a copy of your property and evidence
25 sheet to refresh your recollection. Is this the serial

1 number of the firearm?

2 A Yes, sir.

3 Q Do you see what the serial number of that firearm is
4 there?

5 A Yes, sir. It's 7184484.

6 MR. OVERBY: I'd like to have that marked as State's
7 Exhibit No. 31.

8 (WHEREUPON, State's Exhibit No. 31 was marked for
9 identification only.)

10 BY MR. OVERBY:

11 Q I'm showing you what's been marked as State's Exhibit
12 No. 31. And it's secure; correct?

13 THE COURT: Now, ladies and gentlemen, we have a
14 strict protocol that we follow anytime a firearm is a
15 potential piece of evidence. And it's been checked by the
16 courthouse deputies. And it is secure and not operable.

17 MR. OVERBY: Thank you, Judge

18 BY MR. OVERBY:

19 Q Can you tell me the serial number on that firearm?

20 A It's 7184464.

21 Q 4464 or 4484?

22 A 84. I'm sorry.

23 Q That's okay. Is that the firearm you seized in this
24 case?

25 A Yes, sir.

1 MR. OVERBY: At this time, I'd like to move this
2 exhibit into evidence, Judge.

3 MR. CRANGLE: No objection.

4 THE COURT: All right. It's in evidence.

5 (WHEREUPON, State's Exhibit No. 31 was admitted into
6 evidence.)

7 BY MR. OVERBY:

8 Q Deputy Bright, what's this a photograph of? Let me
9 turn it the right way.

10 A It's a spiral notebook with a sheet of paper on top
11 of it --

12 Q Okay. And --

13 A -- behind the passenger seat of the vehicle in the
14 extended cab portion of the truck.

15 Q And you found that spiral notebook?

16 A Yes, sir.

17 Q Did you seize that spiral notebook?

18 A Yes, sir, I did.

19 Q Okay.

20 A And that sheet of paper.

21 MR. CRANGLE: Judge, may we approach?

22 THE COURT: Okay.

23 (WHEREUPON, a bench conference was held.)

24 BY MR. OVERBY:

25 Q Deputy Bright, is this the loose piece of paper that

1 you found in this particular case?

2 A Yes, sir, it is.

3 Q Okay. And is this the spiral notebook that you found
4 in this particular case?

5 A Yes, sir, it is.

6 Q I'm going to show you State's Exhibit No. 22. What
7 is that?

8 A It is a pair of binoculars, Bausch and Lomb
9 binoculars.

10 Q Where did you find those?

11 A On the bench seat of the extended cab in the middle.
12 (WHEREUPON, State's Exhibit No. 32 was marked for
13 identification only.)

14 BY MR. OVERBY:

15 Q Are these the binoculars that you located in the
16 truck?

17 A Yes, sir.

18 MR. OVERBY: I'd like to move these into evidence,
19 Judge.

20 MR. CRANGLE: Judge, what number is this?

21 MR. OVERBY: 32.

22 MR. CRANGLE: No objection to the binoculars, Judge.

23 THE COURT: All right. They're in evidence.

24 (WHEREUPON, State's Exhibit No. 32 was admitted into
25 evidence.)

1 BY MR. OVERBY:

2 Q Does that show you where you found the binoculars?

3 A Yes, sir. They were on top of the sock cap.

4 Q Okay. Now, what is this, Deputy?

5 A It's a piece of mail that was located on the
6 passenger side floorboard -- the front-side passenger
7 floorboard of the truck.

8 MR. OVERBY: I'd like to mark this as State's Exhibit
9 No. 33.

10 (WHEREUPON, State's Exhibit No. 33 was marked for
11 identification only.)

12 MR. CRANGLE: No objection, Judge.

13 THE COURT: All right. It's in evidence.

14 (WHEREUPON, State's Exhibit No. 33 was admitted into
15 evidence.)

16 BY MR. OVERBY:

17 Q And what is that? Is that the same piece of mail?

18 A Yes, sir. It's belonging to Mr. Phillip J. Stegall.

19 Q Now, what was scribed on the back of this piece of
20 mail?

21 A It says "Motel 6," and has a telephone number on it.

22 Q What is that telephone number?

23 A I believe it's to Motel 6. It's a Simpsonville
24 number.

25 Q Well, what is the actual number?

1 A Well, there's a 130 on it. And it says, "Left on
2 Grandview."

3 Q Okay. But the phone number in question?

4 A It's 228-2308.

5 Q Okay. Thank you.

6 Now, what did you do with all of this evidence after
7 you gathered it?

8 A After I gathered it, I took all the evidence back to
9 the Simpsonville Police Department where I completed a
10 property and evidence sheet.

11 Q You can have a seat.

12 A (Witness complied.)

13 And I placed it in property and evidence.

14 Q Okay. Did you modify the evidence in any way?

15 A No, sir.

16 Q Did you have any other involvement in this case,
17 Deputy?

18 A No, sir.

19 Q Okay.

20 A Oh, we towed the vehicle. I mean, I completed a tow
21 sheet. And the vehicle was towed before I went back to
22 the police department. But that was it.

23 MR. OVERBY: I have no further questions for you,
24 Deputy Bright. Please answer any questions Mr. Crangle
25 has.

CROSS-EXAMINATION

BY MR. CRANGLE:

Q Deputy Bright, you testified that you were conducting surveillance; right?

A Correct.

Q And that was at -- come on down for me.

A (Witness complied.)

Q And you began your surveillance here at [REDACTED] in Simpsonville?

A Correct.

Q Okay. And that's my client's parents house; right?

A Correct.

Q What time did you arrive?

A I do not recall what time we arrived. It was in the morning hours.

Q Okay. Was it after the briefing?

A Yes, sir. It was after the briefing.

Q So roughly around 9:00, 10:00, somewhere in there?

A Yes, sir. Whatever time -- right after the briefing, we left the law enforcement center. We went straight to that location, to that area.

Q Okay. And when you arrived at that location, you saw the truck that we were talking about earlier; right?

A - Correct.

Q Okay. And that's the black F-150; right?

1 A Correct.

2 Q Okay. And you're familiar -- you're in patrol now
3 with Greenville County?

4 A Yes, sir.

5 Q Okay. So you're familiar with Woodruff Road; right?

6 A Correct.

7 Q Okay. And you know where the Buffalo Wild Wings on
8 Woodruff Road is; right?

9 A Correct.

10 Q Okay. And that's where the Best Buy is on Woodruff
11 Road, in that shopping center; right?

12 A Correct.

13 Q Okay. And that's this address up here; right?

14 A I guess. I don't know. It's down Woodruff Road on
15 the other side near -- between 385 and 85, over that way.

16 Q Okay. So this is 385; right?

17 A Right.

18 Q Going into Greenville; right?

19 A Right.

20 Q And then this would be 85 right here. Isn't it
21 coming down this way? It says, "85," right there?

22 A Yes, sir.

23 Q Okay. So this would be the -- kind of the corner of
24 Woodruff Road where, I think, the Best Buy is right there,
25 isn't it?

1 A It's somewhere in that area.

2 Q In one of these buildings. And Dick's Sporting Goods
3 is back there, I think, and then they've got PetSmart, and
4 Ross, and that sort of stuff; right?

5 A Yes, sir.

6 Q And then they've got the Buffalo Wild Wings. And
7 that's right over there; correct?

8 A Correct.

9 Q Okay. And, in your surveillance, you mentioned that
10 he came out of here and he turned -- was it left? I
11 guess -- was it that way, or was he coming this way?

12 A No. He came down -- went -- came out of the
13 neighborhood, made a left down Woodruff Road back towards
14 Woodruff -- the town of Woodruff, back that way. But he
15 made a right-hand turn on to Scuffletown after he stopped
16 at the gas station.

17 Q So, eventually, he kind of comes down this way
18 somehow. I don't really know how to get there. I'm
19 not --

20 A He comes down and -- basically, you come back down
21 through this way, yes.

22 Q Okay. And then he arrives, eventually, at the Motel
23 6; right?

24 A Correct.

25 Q In the course of your investigation, did he ever go

1 towards the Buffalo Wild Wings?

2 A No, sir.

3 Q Thank you.

4 You can have a seat back.

5 A (Witness complied.)

6 Q Now, when you arrived, you were part of the
7 surveillance team; right?

8 A Correct.

9 Q Okay. And, when you arrived at the hotel, you
10 weren't involved in the actual physical arrest, were you?

11 A No, sir.

12 Q And then you did the inventory of the vehicle;
13 correct?

14 A (There was no response.)

15 Q The black F-150, you secured the area; right, at the
16 hotel?

17 A No, sir. I didn't even go to the hotel -- I went to
18 the hotel after everything was over and done with. I was
19 only there for a few minutes. I went to the Simpsonville
20 Police Department after Donnelly obtained the search
21 warrant. Then I came back and did the search warrant on
22 the vehicle.

23 Q Okay.

24 A And then I had the vehicle towed.

25 Q But you were familiar with the interior of the

1 vehicle. That's what we were going through earlier;
2 right --

3 A Correct.

4 Q -- with regards to the pictures; right?

5 A Correct.

6 Q Okay. And then you found that pistol; correct?

7 A Correct.

8 Q And that was in the inside; right?

9 A Yes, sir.

10 Q And then let's look at that pistol. Do you carry a
11 service firearm on you?

12 A Yes, sir.

13 Q Is it loaded?

14 A Yes, sir.

15 Q And is it loaded at all times?

16 A Yes, sir.

17 Q Do you carry a round -- well, let's back up for some
18 of us that may not be super familiar with firearms. A
19 pistol -- you have the gun itself; right?

20 A Correct.

21 Q Okay. And then what's this part called right here
22 that you put the bullets into?

23 A The magazine.

24 Q Okay. And can you take the magazine out?

25 A Yes, sir.

1 Q And why would you take the magazine out?

2 A Why would you take it out?

3 Q Well, you take it out to load bullets; right?

4 A Yes, sir.

5 Q Okay. And if there's no magazine and no bullets,
6 will a gun fire?

7 A Well, there was one in the chamber of that firearm.
8 And there was four in that magazine.

9 Q Okay. But that magazine wasn't in the firearm when
10 you found it, was it?

11 A No, sir. But there was one in the chamber of the gun
12 when I found it.

13 Q Okay. Outside of that one, there's one in the gun
14 and then there's four in the magazine; right? So that's
15 five total?

16 A Correct.

17 Q Okay. I want to turn towards the binoculars right
18 here. I think it's State's Exhibit No. 32. You took
19 custody of these; right?

20 A Yes, sir.

21 Q Okay. Did you take them and have them analyzed by
22 forensics?

23 A The only thing I did was took them and put them into
24 property and evidence.

25 Q Okay. It's possible to look for fingerprints on

1 items; right?

2 MR. OVERBY: Objection. Calls for speculation.

3 THE COURT: Overruled.

4 BY MR. CRANGLE:

5 Q Is it possible to look for fingerprints on items like
6 this?

7 A You can.

8 Q And you're not familiar with anyone in the course of
9 the investigation that fingerprinted this item; right?

10 A I did not do it.

11 Q Okay. And you don't know of anyone else that did
12 that; right?

13 A I have no clue, sir.

14 Q Okay. In the pictures, you talked about where you
15 found the binoculars. Okay. I'm showing you what's been
16 previously marked as State's Exhibit No. 8. This is the
17 passenger side of the truck; correct?

18 A Correct.

19 Q And you can come on down so you can see. I know it's
20 kind of hard to be right up underneath the...

21 A (Witness complied.)

22 Q So this is the passenger side front; right?

23 A Yes, sir.

24 Q Where I'm pointing at?

25 A Yes, sir.

1 Q And then this is a child's seat; correct?

2 A That's correct.

3 Q Okay. And then let's see if I can find a picture of
4 the other side.

5 A It's on the other side.

6 Q Yeah. I'm showing you what's been previously marked
7 as State's Exhibit No. 17. This is the driver's side;
8 correct?

9 A That is correct.

10 MR. CRANGLE: Okay. Would you mind dimming the
11 lights for me, please?

12 BY MR. CRANGLE:

13 Q Well --

14 A There's another picture of it close up.

15 Q Okay. I appreciate that.

16 Thank you.

17 I'm showing you what's been previously marked as
18 State's Exhibit No. 26. I know it's kind of hard to see
19 right now. But on top of that sock hat, that's the
20 binoculars; right?

21 A Correct, sir.

22 Q Okay. And then over here would be where the child's
23 seat would be; correct?

24 A Correct.

25 Q And that's where you found them originally; right?

1 A Correct.

2 MR. CRANGLE: Thank you.

3 That's all the questions I have.

4 MR. OVERBY: No redirect, Your Honor.

5 THE COURT: All right. You may step down, Officer
6 Bright.

7 MR. OVERBY: The Court's indulgence for a moment,
8 Your Honor.

9 (Pause.)

10 MR. OVERBY: May Deputy Bright be excused from his
11 subpoena?

12 THE COURT: Yes.

13 MR. OVERBY: Your Honor, at this time, the State
14 calls Investigator Jim Perry to the stand.
15 WHEREUPON,

16 JAMES PHILLIP PERRY,
17 after first having been duly sworn, testified as follows:

18 THE CLERK: Please have a seat.

19 Will you state your full name for the record?

20 THE WITNESS: James Phillip Perry.

21 DIRECT EXAMINATION

22 BY MR. OVERBY:

23 Q Good morning, Investigator Perry.

24 How are you today?

25 A I'm doing well.

1 Q Where are you employed, sir?

2 A I'm employed with the Greenville County Sheriff's
3 Office.

4 Q Okay. What is your role with the Greenville County
5 Sheriff's Office?

6 A I work in the computer crime lab.

7 Q Computer crime lab. What do you do in the computer
8 crime lab?

9 A A little bit of everything, cell phones. We do
10 computer forensics. We do online predators. We're a
11 member of the ICAC, which is the Internet Crimes Against
12 Children's task force. We handle outside agencies within
13 Greenville County. And, actually, we do a lot for Laurens
14 County, Anderson County, cell phone and computer
15 forensics.

16 Q And, in this case, how did you become involved?

17 A I was, actually, down at our property and evidence
18 room checking on some other evidence. And a technician
19 down there told me that they had a cell phone that
20 Simpsonville had put in there and was requesting a cell
21 phone forensics done on it. So I checked it out at that
22 point in time.

23 Q Okay. And what do -- what does cell phone forensics
24 entail? I mean, what kind of stuff can you get off of a
25 cell phone?

1 A Well, it -- computers pretty much are all the same.
2 We pretty much handle all the computers in the same
3 manner.

4 Cell phones, it's just a totally different animal in
5 the sense that we can hook it up to Cellebrite, which is a
6 forensic tool that we have. And depending on the
7 manufacturer of the phone and even the model of the phone,
8 it will determine what we can get off that phone and use
9 for evidence.

10 Q And what was the model of the cell phone in question
11 you were asked to analyze?

12 A It was a Kyocera Model C5270 Hydro.

13 Q Was this the cell phone you were asked to analyze?

14 A It appears to be the one.

15 Q Okay. What kind of training and experience do you
16 have with digital evidence?

17 A Well, I started the computer crime lab in 2002. I've
18 been to numerous schools over the years, plus, on the job
19 training with SLED and the federal agencies. I've been
20 certified in Cellebrite, taking classes and training for
21 it.

22 Q Okay. And what is Cellebrite? Describe, generally,
23 what Cellebrite does.

24 A Cellebrite, it's a machine that's not much bigger
25 than this Bible there. It's a little bit bigger. It's

1 got ports on it. We've got probably close to 60 different
2 kinds of cables for different kinds of phones. Depending
3 on the type of phone it is, we connect the phone to it.

4 We go through a menu screen that allows us to do
5 either a physical extraction, a file system extraction, or
6 a logical extraction. A physical extraction is the most
7 intense or evidence gathering that we can do. Then file
8 system in logical. Logical being, basically, what you can
9 see on your own phone is what we can get. Physical, we
10 can sometimes -- a lot of times get deleted information
11 off of cell phones.

12 Q Okay. And what kind of report -- or what kind of
13 tests were you able to run on this particular phone?

14 A I believe it was a physical.

15 Q Okay. Generally, what kind of evidence were you able
16 to recover off of this phone?

17 A What kind of messages or evidence?

18 Q Evidence, generally. What types of evidence?

19 A Without looking at the report that was generated,
20 normally, you can get text messages, call logs, contacts.
21 You get e-mails. Sometimes, you can get Facebook. You
22 can get location. If you've got location services turned
23 on, we can track where the phone's been.

24 Q I want to show you something to refresh your
25 recollection. I believe you referenced your report.

1 A Okay. You've got the -- installed the applications.
2 You've got e-mails. You've got the cookies from going on
3 the Internet, searched items, picture messages, videos,
4 images. All that type of data was recovered off of this,
5 along with deleted information.

6 Q And this information -- what did you do with this
7 information once you were able to recover it?

8 A Well, once I download it, I take and put it on my
9 forensic computer. We have a program that -- a software
10 program that's associated with the Cellebrite machine.
11 We -- I take the thumb drive and put it in my forensic
12 machine. I pull up the data that I had just taken off in
13 what's called physical analyzer.

14 At that point, it comes up, basically, like the
15 report shows that you've got there. Then you get to go
16 down through there and, actually, analyze what's on there,
17 and then generate a report, which is the final product
18 that you've got.

19 Q Okay. During this process, is the information that's
20 on this phone modified, changed, or altered in any way?

21 A No. The information that's on there is not -- I have
22 no access to it at all during the process.

23 Q Okay. So you can verify that no data was changed on
24 the phone during this process?

25 A Correct.

1 Q I'd like to show you what I'd like to have marked as
2 State's Exhibit No. 34.

3 (WHEREUPON, State's Exhibit No. 34 was marked for
4 identification only.)

5 BY MR. OVERBY:

6 Q Can you tell me what this is?

7 A This is the report that I generated. I downloaded it
8 on to this DVD, and then put it in the property and
9 evidence for the investigators.

10 Q Okay. So -- and how do you know that?

11 A That's got my initials, my handwriting, date.

12 MR. OVERBY: Your Honor, at this time, I'd like to
13 move State's Exhibit No. 34 into evidence.

14 MR. CRANGLE: No objection.

15 THE COURT: It's in evidence.

16 (WHEREUPON, State's Exhibit No. 34 was admitted into
17 evidence.)

18 BY MR. OVERBY:

19 Q Now, these reports, how big are they?

20 A Oh, they can be thousands of pages long, if you try
21 to print them out. That's why we --

22 Q Okay. So --

23 A That -- yeah.

24 Q All right.

25 A That's why we don't print them out and give them to

1 the investigators. We put them on disks.

2 Q Okay. Now, as part of this report, were you able to
3 gather call logs --

4 A Correct.

5 Q -- with regards to this?

6 A We did.

7 Q I'd like to show you what I'd like to have marked as
8 State's Exhibit Nos. 35 and 36.

9 (WHEREUPON, State's Exhibit Nos. 35 and 36 were marked
10 for identification only.)

11 BY MR. OVERBY:

12 Q Investigator Perry, what are those pages of?

13 A These are incoming and outgoing missed call logs, or
14 partial -- part of them.

15 Q Okay. I'd like you to go to the date of January 25th
16 on these call logs towards the end of the day on there.
17 Is there a phone call placed to either -- from this phone
18 to telephone number 228-2308 or 757-9478?

19 A Do you know which number it was listed as?

20 Q Was there a phone call received, actually, from that
21 number?

22 A There was a phone call received from the
23 864-228-2308.

24 Q What is the date and time of that --

25 A 1/24 -- January 24th, 2014. And it's showing 10:03

1 and 33 seconds in UTC time.

2 Q And what is UTC time?

3 A That's Greenwich Mean Time, military Zulu time,
4 uniform time. It's uniform time.

5 Q Is there a way to convert that to Eastern Standard
6 Time?

7 A Yes.

8 Q Okay. What is that method?

9 A You -- at this time of year, you would subtract five
10 hours.

11 Q When you say "this time of year," do you mean --

12 A The time of year -- January 25th.

13 Q Okay. So you subtract five hours?

14 A Correct.

15 Q Okay. Now, please, look on the other -- on the
16 second page there. Is there a phone call received again
17 from 757 -- from the numbers that I mentioned before,
18 757-9385 -- I apologize.

19 A 58.

20 Q Is there a phone call placed to 228-2308?

21 A There is.

22 Q Okay. What time was that phone call placed?

23 A That was placed on January 25th, 2014, at 2:04 and
24 37 seconds, also, Greenwich Mean Time.

25 Q And let me just see this for just one moment, sir.

1 Was there a number -- was there another phone call
2 placed to 757-9478?

3 A There was an outgoing call on January 25th, 2014, at
4 11:14 and 34 seconds.

5 Q So in Eastern Standard Time, what is that?

6 A You subtract five hours from that, so 6:14.

7 Q Okay. And, finally, is there another outgoing call
8 placed to that particular number?

9 A Up at the top on the 26th -- January 26th, 2014, at
10 3:01 and 17 seconds.

11 Q And about what time is that in Eastern Standard Time?

12 A That would be five hours. That would be about 10:01.

13 MR. OVERBY: Thank you much -- very much,
14 Investigator Perry.

15 I have no further questions.

16 THE COURT: Mr. Crangle.

17 MR. CRANGLE: May I approach the witness, Judge?

18 THE COURT: Yes.

19 CROSS-EXAMINATION

20 BY MR. CRANGLE:

21 Q Investigator, this is what's been marked as State's
22 Exhibit Nos. 36 and 35. This is the extraction report
23 that we're talking about; correct?

24 A Correct.

25 Q Okay. And this is a call log from the phone that you

1 analyzed; right?

2 A Right.

3 Q Okay. I'm going to ask you to step down. And I want
4 to do a little diagram real fast. And, please, bring that
5 call log with you, the two pages.

6 A (Witness complied.)

7 Q Okay. I'm going to ask you to look on call number
8 19. Okay. I don't know what page that is for you. It
9 should be the second page.

10 A Okay.

11 Q Okay. And we have -- in the little box, we have
12 what's called incoming and outgoing calls; right?

13 A Correct.

14 Q Okay. And an incoming call means whatever number we
15 see, which would be that 864-757-9385. That means that
16 call is calling into the cell phone; right?

17 A Right.

18 Q Okay. And that's call number 19. And that's on --
19 in Eastern Standard Time it's 4:43 p.m. on Friday; right?

20 A Yeah, 4:43.

21 Q Okay. So we have a phone call from Motel Six to the
22 cell phone. And that is on Friday at 4:43 p.m.; right?

23 A Correct.

24 Q And that's an incoming call; right?

25 A Correct.

1 Q Okay. And that means that someone is calling from
2 the hotel to that cell phone; right?

3 A Yeah. Somebody -- I mean, I don't know that that's
4 the motel phone number. If you say it is, it is. But
5 it's...

6 Q Well, whatever number that is --

7 A It's calling --

8 Q -- it's calling out?

9 A Correct.

10 Q Okay. And then I'd ask you to look at number 16 on
11 there. And that's that 864-228-2308?

12 A Correct.

13 Q And that's, also, another incoming call, isn't it?

14 A Correct.

15 Q And that's at 5:03 on Friday; right?

16 A Correct.

17 Q So we have -- that's phone call number one. Phone
18 call number two is a phone call from Motel Six to the cell
19 phone. And that's Friday at 5:30 -- or 5:03. Excuse me.

20 A 5:03.

21 Q Okay. I'd ask you to turn over to the front page,
22 and look down at number 12 for me. Do you have number 12?

23 A Okay.

24 Q And number 12 says "outgoing"; right? So --

25 A Right.

1 Q -- that's the cell phone calling that number;
2 correct?

3 A Right.

4 Q Okay. And that's Saturday morning at 9:04 a.m.;
5 right, if you convert it over?

6 A Yeah.

7 Q Okay. So we have number three is a phone call to
8 Motel Six. And that's Saturday at 9:04 a.m.; right?

9 A Correct.

10 Q Okay. Let's look at call number eight. Okay. And
11 that's the 864-228-2308 number; right?

12 A Correct.

13 Q Okay. And that's another outgoing number; correct?

14 A Correct.

15 Q Okay. So that's a phone call from the cell to Motel
16 Six. And that is at -- it looks like 12:34 p.m. So right
17 in the middle of the day; is that correct?

18 A That is correct.

19 Q And that's the cell phone calling the hotel; correct?

20 A Right.

21 Q Okay. I'd ask you to look at number seven, which is
22 864-757-9478. And that's an incoming call?

23 A Correct.

24 Q And incoming is from whatever that number is?

25 A Uh-huh.

1 Q So it's the Motel Six calling the cell phone;
2 correct?

3 A If that's the Motel Six phone number.

4 Q Okay. Well, that's the -- well, you weren't here for
5 that part. But the 864-757-9478, that number called to
6 the cell phone; correct?

7 A That is correct, that number did.

8 Q And that's at 1:40 p.m. in the afternoon; right?

9 A Correct.

10 Q 1:40 p.m. Okay. And then if you'd look at number
11 five, please. That's the 864-757-9478. That's the same
12 number we just did?

13 A Correct.

14 Q And that's an outgoing call, which means the cell
15 phone is calling the motel. And that's at 6:14 p.m. on
16 Saturday; right?

17 A That's correct.

18 Q So that's the cell phone to Motel Six. And that's at
19 6:14 p.m. And then going up on number three -- or number
20 four, number three, number two, none of those are calls to
21 a 757 number, are they?

22 A No.

23 Q And none of those are calls to a 228 number, are
24 they?

25 A No.

1 Q Okay. And then number one would be an outgoing call.

2 So that's the cell phone calling that number; right?

3 A That is correct.

4 Q And that's a cell phone -- or that the 864-757-9478
5 number; correct?

6 A Right.

7 Q Okay. So we have the cell phone calling Motel Six.
8 And that's at 10:01 a.m. on Sunday; right?

9 A Let's see. Yeah.

10 Q Okay. So the timeline that you have in that exhibit
11 starts off with the motel calling the cell phone; right?

12 A Correct.

13 Q Or whatever that number is is an incoming call to the
14 cell phone. You don't have any numbers before that with
15 regards to the cell phone calling the motel on that sheet
16 of paper?

17 A No.

18 Q Okay. Thank you.

19 You can have a seat up there.

20 A (Witness complied.)

21 Q When you do the extractions, it doesn't have a
22 signature of -- you wouldn't know who is on the other end
23 of the cell phone, would you?

24 A No. The only way we'd know is if like on some of
25 these it comes up, mom. So you can make an inference that

1 it's his mom. But other than that, no.

2 Q And you found like Facebook, stuff like that, and it
3 connected to my client; correct?

4 A Facebook?

5 Q Like a Facebook app. If there's a Facebook app, you
6 can -- your software can download --

7 A Yes.

8 Q -- the information from the Facebook app; right?

9 A Not necessarily his actual Facebook.

10 Q Not his profile. But like if there's any messages,
11 or things like that, can --

12 A Well, not -- no. The messages, a lot of times, stay
13 on the server for Facebook. If there are messages there
14 when we -- if you were to take the phone, and if he
15 doesn't have it password protected, you could go and look
16 at them. But you're looking at them on the server.

17 With this phone, we didn't do an analysis as in going
18 in there looking at everything. We gathered the
19 information together and then gave it to Simpsonville.

20 Q Okay. Other than your investigation into the cell
21 phone forensics in this case, you don't have any personal
22 knowledge of the background and facts of this case?

23 A No.

24 Q You've never heard of Henry Manson?

25 A No.

1 Q And you've never heard of my client before, Phil
2 Stegall?

3 A No.

4 MR. CRANGLE: Thank you.

5 MR. OVERBY: The Court's indulgence, Judge, just a
6 moment.

7 (Pause.)

8 MR. OVERBY: I have no further questions, Judge.

9 THE COURT: All right. Thank you, Officer Perry.
10 You may step down, sir.

11 He's excused, unless there's some need for him to be
12 here.

13 MR. OVERBY: I would ask that he be excused, Judge.

14 MR. CRANGLE: No objection.

15 THE COURT: All right. Call your next witness.

16 MR. OVERBY: The State calls Jessica Stegall to the
17 stand.

18 THE BAILIFF: Place your left hand on the Bible, and
19 raise your right hand. And face that lady.

20 WHEREUPON,

21 JESSICA LYNN STEGALL,
22 after first having been duly sworn, testified as follows:

23 THE CLERK: Please have a seat.

24 Will you state your full name for the record?

25 THE WITNESS: Jessica Lynn Stegall.

DIRECT EXAMINATION

BY MR. OVERBY:

Q Good morning, Ms. Stegall.

How are you today?

A I'm okay.

How about you?

Q I'm okay.

What's your relationship to the Defendant?

A He is my ex-husband.

Q Okay. And how long were you married?

A Three years.

Q When were you divorced?

A I believe it was January of 2013.

Q And do you have children together?

A Yes.

Q How many?

A One.

Q And how old is he?

A He is four.

Q What's his name?

A Ryder.

Q Okay. Generally, what was your relationship like with the Defendant?

MR. CRANGLE: Your Honor, may we approach?

THE COURT: Sure.

1 (WHEREUPON, a bench conference was held.)

2 THE COURT: Ladies and gentlemen, I would just ask
3 that you go back to the jury room for a few minutes while
4 we resolve something. Don't talk about the case. And
5 continue to keep an open mind.

6 (WHEREUPON, the jury was excused from open court at
7 approximately 11:37 a.m.)

8 THE COURT: All right. Yes, sir, Mr. Crangle.

9 MOTION

10 MR. CRANGLE: Thank you, Your Honor.

11 The Defense would move for a motion in limine to
12 exclude certain testimony that we believe Ms. Stegall may
13 give. This testimony would include a 2011 CDV that was
14 handled as a public disorderly misconduct in magistrate's
15 court.

16 Judge, we've had a prior hearing on the issue. I
17 believe the State wants to get into prior allegations of
18 threats. Judge, we would move that this is impermissible
19 character evidence under 404(b).

20 It does not go towards my client's motive or intent.
21 We have not raised my client's character into issue. And
22 we have not opened the door, Judge.

23 Furthermore, if we have -- if you're inclined to
24 admit it under 404(b), Judge, we ask you to weigh it under
25 403. I believe such testimony would be highly

1 prejudicial. It would confuse the jury as to the issues
2 with regards to what they're here for today, if they're
3 here to solve a 2011 criminal domestic violence charge.

4 What relevance -- a charge that's over 900 days
5 separated from this incident date and what the relevance
6 is in this case, Judge, I would move that it's both
7 irrelevant, one. But if you do find it relevant,
8 character evidence, that it be moved -- or excluded under
9 403, Judge.

10 And with regards to their general -- how they,
11 generally, got along, or things like that, I think they're
12 trying to get into character evidence, Judge, with regards
13 to their general relationship with regards to did they
14 fight a lot, did they argue a lot, things like that,
15 Judge.

16 The witness can, obviously, get into how she knows my
17 client, things of that nature, Judge. But with regards to
18 information with regards to anger, or fighting, or
19 threats, or things like that, that is entirely character
20 evidence, which is not permissible at this trial, Judge.

21 THE COURT: Thank you, sir.

22 Yes, sir, Mr. Overby.

23 MR. OVERBY: Your Honor, intent is the central issue
24 in this case. And the bottom line is that the Defense's
25 theory rests on the idea that a lot of this is, quite

1 honestly, a joke that got out of control and that people
2 took the wrong way. That's what the testimony of the
3 investigator is. That's what the substantial portion of
4 Mr. Manson's cross-examination was about.

5 In this particular case, Judge, the victim --
6 without -- the victim is allowed to bring in context to show
7 this particular -- to show that this Defendant did have some
8 intent to commit this offense.

9 Now, with regards to her statements as to their
10 relationship, I don't intend to go too far down the line
11 here. I mean, I just want to establish that it was not a
12 very -- not -- it was not very happy all the time. And I
13 think that the jury is entitled to consider that.

14 As far as the threats go, Judge, Ms. Stegall created
15 an iPhone recording of an argument that the Defendant and
16 her had in 2011 while they were married. And in this
17 iPhone -- and in this argument -- she made it because she
18 was scared. And she'll testify to that fact.

19 But, in this argument, he threatens -- he tells her
20 that she needs to go find a morgue. And he threatens to
21 bury her. And when he says -- when she says, You'll kill
22 me, then you'll go to jail, he says, I'll get away with
23 it. That's what the evidence would show with this
24 particular exhibit. I think it goes to the Defendant's
25 intent that he would, in fact, consider doing this

1 particular event.

2 THE COURT: Well, why don't you proffer the testimony
3 you wish to have admitted?

4 MR. OVERBY: Very well, Your Honor.

5 DIRECT EXAMINATION

6 BY MR. OVERBY:

7 Q Ms. Stegall, in 2011, did you -- were you and your
8 husband married?

9 A Yes, sir.

10 Q Okay. And, at that time, how old was Ryder?

11 A He would have been four months old at the time.

12 Q And how -- what did -- did you have an argument in --
13 did you have an argument? Did you have an argument where
14 you called the police?

15 A Yes, sir.

16 Q About when did you have this argument?

17 A It was summertime 2011, early in the morning or
18 afternoon.

19 Q Okay. What was the argument about?

20 A He is a landscaper. He wanted to take the
21 four-month-old child, at the time, out with him on his
22 routes. He wanted to kind of show him off.

23 I knew that -- how his day would go. And I didn't
24 think that he should be taking a four-month-old child out
25 all day, pretty much in the hot weather. I didn't think

1 that was okay. And I argued the fact I didn't want him to
2 take him.

3 Q Okay. And what happened during this particular
4 argument?

5 A He told me he was going to do it anyway. And we had
6 some, you know, fights in the house. And then, at that
7 time, I ran to the car and waited in the car. Because I
8 made it clear that I was going to go with him to make sure
9 that the day didn't go longer than it was supposed to.

10 Q Okay. And, during these fights, what sort of
11 comments were said?

12 A Basically, he was calling me stupid and, you know,
13 just bad names. And, you know, he would kind of push me
14 around a little bit.

15 Now, in the car, I put the recording on because I was
16 scared at that time. And I wanted to show the kind of
17 person he was.

18 Q Okay. And why did you do that?

19 A Because I was scared.

20 Q Okay. And you had an opportunity -- and you had an
21 opportunity to listen to this recording; correct?

22 A Yes, sir.

23 Q And you can verify that it -- the recording is
24 exactly as it was in 2011?

25 A Yes, sir.

1 Q Okay. And this is the recording?

2 A Yes.

3 Q And you've listened to it?

4 A Yes.

5 Q How do you know?

6 A There's my initials on it.

7 MR. OVERBY: Your Honor, at this time, I guess I'd
8 mark it as -- bring it in as a State's Exhibit, but
9 proffer it -- proffer the actual recording for your
10 consideration.

11 MR. CRANGLE: I have no objection to hearing the
12 tape. I just would object to him moving it in with the
13 jury.

14 THE COURT: I understand.

15 (WHEREUPON, State's Exhibit No. 37 was marked for
16 identification only.)

17 (WHEREUPON, a portion of State's Exhibit No. 37 was
18 played in open court.)

19 MR. OVERBY: There's some obvious break here. If
20 you'd like me to get to the portion, I'd be more than
21 happy to do so.

22 THE COURT: That would be wonderful.

23 (WHEREUPON, State's Exhibit No. 37 continued to be
24 played in open court.)

25 MR. OVERBY: That's the relevant portion, Judge.

1 THE COURT: Did I miss something? Didn't you say
2 something about he said he would get away with it?

3 MR. OVERBY: Correct.

4 THE COURT: That was on there?

5 MR. OVERBY: Yes, Your Honor.

6 THE COURT: Did I miss that? I just -- what part did
7 that come in?

8 MR. OVERBY: It was just -- I'll replay that
9 particular portion.

10 THE COURT: It may not have been clear.

11 (WHEREUPON, a portion of State's Exhibit No. 37 was
12 played in open court.)

13 MR. OVERBY: That's that portion there.

14 THE COURT: I couldn't hear it. Play it again. I'm
15 sorry.

16 MR. OVERBY: Sure. That's okay.

17 (WHEREUPON, a portion of State's Exhibit No. 37 was
18 played in open court.)

19 THE COURT: What's your contention that it says?

20 MR. OVERBY: Your Honor, Ms. Stegall says, Then
21 you'll go to jail. That's after he says, I'll bury you.
22 And, at that point, he says, I won't get caught.

23 THE COURT: Okay. Are you through asking the
24 questions you want to ask her --

25 MR. OVERBY: Yes, Your Honor.

1 THE COURT: -- that you seek to have admitted to the
2 jury?

3 MR. OVERBY: Yes, Your Honor.

4 THE COURT: All right. Yes, sir.

5 MR. CRANGLE: Judge, after hearing that testimony, I,
6 again, would move that this is character evidence. What
7 they're trying to do is move in a 2011 CDV audio recording
8 that was handled. It's a matter that's been resolved.
9 It's over 900 days separate, that recording, from the
10 incident, Judge.

11 I believe it is both prejudicial and irrelevant to
12 this case, Judge. Had it been two weeks prior, three
13 weeks prior, a month, two months, Judge. But you're
14 talking over two and a half years have elapsed over the
15 time period, Judge. And what they're trying to do is go
16 after my client's character through an old criminal
17 matter, Judge, which is not prohibited -- or not permitted
18 under the rules.

19 And if you are inclined to admit it as going towards
20 his motive or intent, I would, again, move that it's very
21 prejudicial to my client. It's a prior criminal
22 conviction that the jury is going to have to hear about.

23 And it would be confusing to the jury to bring up a
24 prior conviction for criminal domestic violence, or a
25 charge of that, or however it was resolved. They're going

1 to want to know how it was resolved. And my client hasn't
2 put his character at issue.

3 If we open the door and say that this is not in his
4 character, he wouldn't threaten a woman, he wouldn't harm
5 a woman through a witness, then they can do that, Judge.
6 But with regards to what our primary defense is, we may go
7 with just the fact that Mr. Manson is trying to cooperate
8 with law enforcement and made the whole story up, Judge.
9 We haven't come to a conclusion -- we haven't presented
10 any witnesses that would say it wasn't his intent to take
11 this seriously, Judge. Therefore, I don't think we've
12 opened up the door yet.

13 THE COURT: All right. We'll take a short break.
14 And then we'll come back and continue the testimony.

15 (WHEREUPON, a lunch break was taken.)

16 THE COURT: Anything before we get started?

17 MR. CRANGLE: Judge, with regards to your ruling on
18 the motion in limine, I think we need to put that on the
19 record. And, also --

20 THE COURT: I was going to do that.

21 MR. CRANGLE: What I was going to ask, more
22 specifically, is with regards to the tape, it would be the
23 Defense's contention that the threats alone should be
24 played, the threats about the morgue, the threats about
25 getting away with it, or whatever the Solicitor says. I

1 think anything before that goes to the criminal domestic
2 violence charges.

3 There's some context of get your hands off of me.
4 And there's an argument that happens before that. I don't
5 think that goes to a threat. I think that's just
6 background information that the Solicitor can discuss with
7 the witness.

8 However, playing it would be prejudicial in light
9 that I think the threats themselves if you're inclined --
10 I would ask that you allow the witness to testify to the
11 threats, instead of playing them. But you've indicated to
12 me that you intend to have the Court play the audio. And
13 what I'm asking is that that audio be limited to the
14 threats themselves, Judge.

15 THE COURT: I understand. And I understand your
16 reasons for requesting that, but I decline to do it.

17 I think the tenor of the conversation, and the tone,
18 and the other circumstances that are captured on the
19 recording are the best evidence of it. And there's no
20 reason to confuse the jury about what led up to the
21 statements when we have it, and they can hear it, and they
22 can decide. That's their job.

23 As far as the admissibility of the tape, as I
24 understand it, the State is not seeking to introduce
25 evidence of a conviction -- or if there was an arrest or

1 conviction for CDV connected to this incident; is that
2 right?

3 MR. OVERBY: That's correct, Your Honor.

4 THE COURT: Okay. So it is an issue of 404(b), which
5 does prohibit character evidence or propensity evidence,
6 except under certain circumstances. And one of those
7 circumstances is to prove intent, or motive, or other
8 matters that are listed by the rule, which include
9 identity, common scheme or plan, or the absence of mistake
10 or accident, or intent.

11 And I think, here, this evidence the State is seeking
12 to admit shows motive and intent, if I understand their
13 argument correctly. It's not being offered to prove the
14 character of the Defendant, to show he acted in conformity
15 therewith.

16 The issue of intent has been brought out in this case
17 by both sides, specifically, as to the intent of the
18 meetings between Mr. Stegall and Mr. Manson, the words
19 exchanged during those meetings, the plan, and how there
20 was some confusion even about what Mr. Manson interpreted
21 those words to mean and the plan to be.

22 And so intent has been injected front and center in
23 this trial. And under the cases that have dealt with it,
24 I find that it is admissible to show both motive and
25 intent.

1 I find that a persuasive case would be Government of
2 the Virgin Islands v. Harris, which is a Third Circuit
3 case, 938 F2d 401, decided in 1991, which allowed evidence
4 under 404(b) to prove motive and intent. And,
5 specifically, there was evidence of the Defendant's prior
6 act, particularly his history of violence towards his
7 wife. Attempts to strangle and stab her were highly
8 probative and demonstrated his motive and intent, as well
9 as establishing that his wife's death was not accidental
10 or suicidal.

11 Moreover, Mr. Harris' statement that he would kill
12 Mrs. Harris in a place other than Saint Kitts were
13 probative of Mr. Harris' intent and preparation in
14 development of the crime charged. Also, tending to prove
15 that Mrs. Harris did not simply disappear voluntarily.

16 And the Court noted that the inquiry under 404(b) is
17 whether the other acts evidence is "probative of a
18 material issue other than character," citing a 1988
19 decision of Huddleston v. United States by the United
20 States Supreme Court.

21 Of course, these prior acts were somewhat closer in
22 time than the ones we have here, which are separated by
23 approximately three years. And that is troublesome and
24 arguably renders the statements less probative. In fact,
25 there was a divorce, I suppose. I don't know if that's

1 been in evidence, but they're not together anymore. I
2 assume the marriage was dissolved or they're, at least,
3 separated.

4 And, therefore, it could be argued that whatever
5 probative value that 2011 recording has has become stale,
6 so to speak, over time. There could be some change in the
7 parties intent and motive in the intervening years. And
8 that's something I've looked at very carefully.

9 And I still find that it has high probative value,
10 again, because of the issues of intent and motive being
11 central in this case, and the fact that there was already
12 in evidence documents showing -- and a notebook that was
13 introduced earlier this morning seized from the
14 Defendant's truck that talks about his ongoing
15 relationship with his ex-spouse, their continued anger --
16 or, at least, his continued anger towards her, the writing
17 out of a plan that contained A, B, C, and D about how to
18 deal with the ongoing custody battle, and his reflections
19 on her unfair manipulative and deceitful acts related to
20 that and, in fact, their entire marriage.

21 So that would tend to show that, if believed, the
22 jury could find that even though the passage of time may
23 have occurred, it, certainly, didn't lessen the anger and
24 hatred he had for his wife, which, again, bears on intent
25 and motive.

1 So I find that for all those reasons, including State
2 v. Sweat, which is 2004 Court of Appeals case, 362 SC 117,
3 which allowed evidence of a prior episode of domestic
4 violence to show motive and intent in a later prosecution
5 for burglary, assault and battery with intent to kill, and
6 assault of a high and aggravated nature against the same
7 victim. And it sets out a pretty comprehensive analysis
8 of these -- this type of evidence in these types of cases.
9 And it allowed it to be admitted under 404(b) and, also,
10 the res gestae exception, which would, also, apply here.

11 Again, there is an issue of temporal proximity, which
12 was addressed in State v. King. But I think it does allow
13 the fact finder to have a greater understanding of the
14 context in which this alleged crime occurred if there was
15 a prior threat. And, therefore, it would be admissible
16 under the res gestae.

17 As far as 403, the evidence is prejudicial. But, of
18 course, that's true of any evidence that's relevant.
19 Otherwise, it wouldn't be admissible in the first place.
20 But there's no showing here that I find that the dangers
21 set forth in Rule 403 such as unfair prejudice, confusion
22 of the issues, misleading the jury, or considerations of
23 undue delay, waste of time, or needless presentation of
24 cumulative evidence would require the evidence to be
25 excluded.

1 The evidence is relevant. Its probative value is not
2 substantially outweighed by those dangers set forth in
3 Rule 403. They -- those rules -- those -- excuse me.
4 Those items listed in the rule are designed to avoid a
5 situation where the jurys sympathies are aroused, or
6 their sense of horror is aroused, or revokes their
7 instinct to punish, or, otherwise, may cause a jury to
8 base its decision on something other than the established
9 propositions in the case.

10 So this evidence is not an undue tendency to suggest
11 a decision on an improper basis. I will, certainly --
12 I'll be glad, if the Defense requests, to give a limiting
13 instruction on the purposes for which this evidence can be
14 used. But I do find that it is admissible under both Rule
15 404 res gestae, and that Rule 403 would not exclude it as
16 well.

17 All right. Anything further?

18 MR. OVERBY: Your Honor, just two brief things. As
19 part of your ruling, you stated that the notebook in
20 question, in this case, had been placed into evidence. I
21 had presented it to the officer for authentication to
22 establish that it was collected from the scene. However,
23 it does contain markings, which have not yet been linked
24 to the Defendant, other than the fact that they were in
25 the vehicle.

1 So the State's intention was to get that in through
2 Mrs. Stegall, because she is familiar with the Defendant's
3 handwriting. That's just a matter -- that's just a matter
4 that you mentioned as part of your ruling. And I haven't
5 put it in yet.

6 THE COURT: All right. Well, that's State's Exhibit
7 No. 31?

8 MR. OVERBY: Your Honor, I believe this is, actually,
9 going to be marked with a new exhibit sticker.

10 THE COURT: What was State's Exhibit No. 31?

11 THE COURT REPORTER: The firearm.

12 THE COURT: Oh, okay. I thought we had marked the
13 excerpts.

14 MR. OVERBY: I apologize, Judge.

15 THE COURT: Okay.

16 MR. OVERBY: My apologies for the confusion, Judge.

17 (WHEREUPON, State's Exhibit No. 38 and 39 were marked
18 for identification only.)

19 MR. OVERBY: And with regards to State's Exhibit
20 Nos. 35 and 36, Your Honor, it appears that I neglected to
21 say the magic words of moving these into evidence. They
22 are the call logs by which -- they are the call logs from
23 Mr. Stegall's cell phone. The Defense and I have
24 discussed that. And I think we're willing to stipulate
25 that those should be placed into evidence.

1 THE COURT: Okay.

2 MR. CRANGLE: That's correct, Judge.

3 THE COURT: Thank you.

4 (WHEREUPON, State's Exhibit Nos. 35 and 36 were
5 admitted into evidence.)

6 MR. OVERBY: Nothing further, Judge.

7 THE COURT: And as to the Defense's request about --
8 to compartmentalize the admissibility of the audio
9 recording and not let in the material that precedes the
10 actual threat, again, I respectfully deny that request.

11 I do think the whole picture should be presented to
12 the jury. And that would not change my opinion about the
13 unfair prejudice concerns that I've already spoken about
14 and addressed.

15 So okay. Bring the jury in.

16 Thank you.

17 (WHEREUPON, the jury came into open court at
18 approximately 2:21 p.m.)

19 THE COURT: Yes, sir, Mr. Overby.

20 MR. OVERBY: The State calls Jessica Lynn Stegall to
21 the stand.

22 THE COURT: Ms. Stegall, you're still under oath, ma'am.

23 CONTINUED DIRECT EXAMINATION

24 BY MR. OVERBY:

25 Q Good afternoon, Ms. Stegall.

1 How are you?

2 A I'm doing well.

3 How are you?

4 Q When we were last speaking, you were mentioning your
5 relationship to the Defendant. Can you remind the jury of
6 what that is?

7 A We were married. And we have one child together.

8 Q Okay. And that child's name is?

9 A Ryder.

10 Q Okay. As part of your -- now, you said that you got
11 divorced in 2012 -- or 2013; is that --

12 A I believe it was 2013.

13 Q Okay. And, as part of your divorce decree, was there
14 a child custody arrangement reached?

15 A Yes, sir.

16 Q Okay. What was the nature of that custody?

17 A I would have him during the week. He would have him
18 from -- one week from Thursday to Sunday. I'd pick him up
19 Sunday after work. And then the next weekend, he would
20 have him Friday, Saturday, and Sunday. I would pick him
21 up Monday morning.

22 Q Okay. Who had primary custody in the --

23 A I did.

24 Q Who had visitation?

25 A Phil.

1 Q How did the Defendant feel about this arrangement?

2 MR. CRANGLE: Objection, Your Honor. It calls for
3 speculation.

4 THE COURT: Sustained

5 BY MR. OVERBY:

6 Q Let me ask you this. Did you have problems with the
7 Defendant after the divorce decree was issued?

8 A Yes.

9 Q Okay. What kind of problems did you have -- or what
10 was the nature of those problems?

11 A I don't think that he was at all happy with the
12 agreement, even though we agreed on it. He would call
13 every day still wanting to see the child on my time. I
14 never really had my own time with him. Because he was
15 always constantly trying to show up at the house and see
16 him, even when it was my time.

17 Q Okay. And you said that he was constantly showing up
18 at the house and --

19 A Making phone calls.

20 Q -- making phone calls.

21 Okay. How -- I want to take you to around the time
22 of this particular incident. What were things like --
23 what was going on with you at that particular time?

24 A Can you specify which time, please?

25 Q Sure. January of 2014.

1 A Okay. I was just working. And I had gone to work on
2 Sunday and was approached by an investigator.

3 Q Well, let's back up here just a little bit.

4 A Okay.

5 Q Okay. In January of 2014, who, if anyone else, was
6 involved in your life?

7 A I did have a boyfriend at the time. He would come
8 stay with me.

9 Q Did your divorce decree say anything about not being
10 able to not have a boyfriend?

11 A No, sir.

12 Q Okay. Now, who was this person?

13 A His name was Will Champion.

14 Q Okay. And how did Mr. Stegall take the -- this new
15 boyfriend?

16 A He did not like it, first off, because I never
17 mentioned the fact that I had a boyfriend. And he kind of
18 found out on his own.

19 So that aroused, you know, anger with him because I
20 wasn't -- didn't tell him about it, which, at the time, I
21 didn't think I had to.

22 Q Okay. Did you ever go to him and -- did you ever go
23 to him about this boyfriend?

24 A After he found out about him, I did call him for some
25 help. Because I found out that my computer had been

1 missing from my home. And I thought that it was him. And
2 I did call Phil for help at that time.

3 Q Okay. And what came of that?

4 A He came to the apartment. He brought a gun with him
5 and said that if I did need the gun for any reason, here
6 it was for my protection. And then, basically, I just
7 handled it on my own from there.

8 Q Okay. What did -- let me ask you this. Why did you
9 go to him about this situation?

10 A I really don't have anybody down here, you know, that
11 I can ask for help. I do have a father. But I thought
12 calling him, it would have made even more of a problem.
13 And, you know, Phil and I were married. And, of course,
14 you know, I thought maybe I could, you know, ask him for
15 help for some things.

16 Q At the time this new boyfriend arose and, also, at
17 the time -- at the dates in question of this incident, was
18 there any action pending in Family Court?

19 A No.

20 Q Are you familiar with Mr. Stegall's handwriting?

21 A Yes, sir.

22 Q How are you familiar with Mr. Stegall's handwriting?

23 A Well, we were married.

24 Q I'd like to show you what's been marked as State's
25 Exhibit Nos. 38 and 39. Do you recognize -- these are --

1 this is a notebook that was introduced through another
2 officer earlier today that was found in Mr. Stegall's car.
3 Do you recognize the handwriting on those?

4 A Yes, sir.

5 Q Whose handwriting is that?

6 A It's Phil's, the Defendant's.

7 MR. OVERBY: Okay. At this time, Your Honor, I'd
8 like to move State's Exhibit Nos. 38 and 39 into evidence.

9 MR. CRANGLE: I renew my prior objection, Judge.

10 THE COURT: All right. They're in evidence.

11 Thank you.

12 (WHEREUPON, State's Exhibit Nos. 38 and 39 were
13 admitted into evidence.)

14 BY MR. OVERBY:

15 Q Now, Ms. Stegall, if you wouldn't mind, read to the
16 jury State's Exhibit No. 38, the front and the back.

17 A Section 63570, unlawful conduct towards a child.

18 A -- place the child at unreasonable risk of harm
19 affecting the child's life, physical, or mental health, or
20 safety. Mental injury. Look at the continual line to the
21 prior -- I'm sorry. His handwriting is chicken scratch.
22 Some of it's hard to read.

23 Q That's okay.

24 A Whatever that word is of me worrying about my son's
25 well-being and not knowing where my son's at. Jessica and

1 I have made agreements on things that will have an affect
2 on our son. And then Jessica breaks the agreements and
3 deceives me to think that she is keeping her end of the
4 agreement. Lying to my face without blinking while she
5 does what she wants no matter what the affects on our son
6 are, and then gets irate whenever caught, busted, or about
7 to be caught in her lies. There's a star with a little
8 note on the top as well.

9 There is no way we can continue going when every word
10 is this way, a lie -- we can't continue going this way
11 when every word is a lie.

12 Q Ms. Stegall, I just want you to read the first page
13 here, State's Exhibit No. 39.

14 A Gets clothes, clipboard, markers, go to house.
15 Move --

16 Q You can go to the second portion here, if you want
17 to.

18 A Okay. Starting with the plan?

19 Q Yes.

20 A Plan A, she gets him out -- and proves it? Plan B,
21 court. Prove history of agreements, not complying, lying
22 to cover-up breaking up agreements, lying about where my
23 son lives. And plan C, look to line B. And then plan D
24 question mark, explanation mark, question mark, and so on.

25 Q Okay. And what is this -- what does this paragraph

1 here say, the second paragraph?

2 A Need to find a group or someone to help me get
3 custody of my son.

4 Q Okay. Thank you, Jessica.

5 Now, you said you were having problems with
6 Mr. Stegall because of a new boyfriend?

7 A Yes.

8 Q What were -- what was the -- when did these problems
9 blow up, so to speak?

10 A I know that while I was at work one night, he had
11 shown up at my apartment with our son and, basically, just
12 knocked on the door, and got into a confrontation with the
13 boyfriend.

14 Q Did this confrontation extend to electronic means.

15 A Yes. My boyfriend, at the time, did send a text
16 message to Phil. I can't remember exactly what was said.
17 But it was --

18 Q Do you remember the date which this text message was
19 sent?

20 A I believe that was on January 26th or 25th.

21 Q Well, let me show you something to refresh your
22 recollection.

23 A Okay.

24 MR. CRANGLE: Your Honor, may I see the document
25 before --

1 MR. OVERBY: Yes..

2 BY MR. OVERBY:

3 Q I'd like to direct you to this page and,
4 specifically, number 37. Does that remind you as to when
5 these text messages were sent?

6 A Okay. Yes. It was probably the weekend before.

7 Q Okay. What date, specifically?

8 A January 23rd, 2014.

9 Q Okay. Now, subsequent to this -- I'll take this from
10 you. Did you have an argument with -- did you have an
11 argument with Phil after this fight broke out?

12 A Yes, sir.

13 Q Okay. What was the nature of the argument?

14 A It was pretty much just about Ryder, you know, him
15 wanting to take me back to court, and trying to take my
16 rights away from me..

17 Q Okay. And, eventually, did you have another argument
18 that extended to electronic means?

19 A Yes, sir.

20 MR. OVERBY: I'd like to have these exhibits marked.
21 And you can mark it as one exhibit.

22 (WHEREUPON, State's Exhibit No. 40 was marked for
23 identification only.)

24 BY MR. OVERBY:

25 Q Ms. Stegall, I'm presenting to you what's been marked

1 as State's Exhibit No. 40. And I'd like to draw your
2 attention to number 26 here.

3 A Okay.

4 Q What is that of -- what is that a message of -- or
5 who's that message from?

6 A It's a message from me to Phil.

7 Q Okay. And just review those documents very quickly,
8 if you wouldn't mind -- or review over -- or flip through
9 them. And make sure if that fairly and accurately
10 represents your conversation with Phil on that day.

11 A Yes, it does.

12 Q Okay. Starting with number 26, please, tell the jury
13 what the date of that text message was.

14 A It was January 26th, 2014.

15 Q Okay. And on what -- and at what time was the
16 message sent?

17 A Well, the time on the phone was 1:31:18.

18 Q 1:31:18 on -- p.m.; correct?

19 A It's a.m.

20 Q Let me see this. I want to make sure you're --

21 A Is that the right one?

22 Q That's okay.

23 A Oh, I'm sorry. 2:25:27 p.m.

24 Q Okay. And does it say -- what does it say about the
25 time zone?

1 A It's UTC.

2 Q UTC. So everything is five hours back, as we
3 learned. Is that that morning?

4 A Yes.

5 Q Okay. Go ahead and begin reading from number 26 up
6 what the conversation -- what the substance of the
7 conversation was.

8 A Okay. First message from me to Phil, You threatened
9 me with our son is the only reason you're off child
10 support. Great person award goes to you. I already
11 talked to my lawyer. We're divorced and there's nothing
12 in our agreement saying I can't have someone in my life
13 and around Ryder. This could have been talked about and
14 worked through nicely, but if you want to act that way
15 about it, then so will I. I will be picking Ryder up
16 after work. If you want to cause a problem about it, I
17 have no hesitation about bringing the cops with me.

18 And then it comes from Phil to me. There's a bad
19 word in it.

20 Q That's okay.

21 A You're a dumb ass. We agreed what was best for our
22 son. It has nothing to do with attorneys. And what is
23 this threatening stuff? It is about caring about a
24 child's needs before our wants. You didn't even once ask
25 how Ryder was doing this weekend. And you are the one

1 that broke our agreement. Do what you have to.

2 Then it was me to him, All right. That is why I call
3 him every day. I could hear in his voice that he was
4 fine. Don't try and make me out to be a bad parent
5 because I chose to love someone other than you. You say
6 bad stuff to Ryder about me all the time. I'm pretty sure
7 that is considered child abuse.

8 And then from him to me. He has been sick all
9 weekend. Ryder says to me just last week, mommy, I'm
10 sorry -- or sorry. This was me to him. Ryder says to me
11 just last week, mommy, I'm sorry you're garbage. And
12 you're the one who calls me heartless.

13 MR. OVERBY: Your Honor, just for the record, I'd
14 like to move this into evidence, by the way.

15 MR. CRANGLE: No objection, Judge -- actually, Judge,
16 there's some text conversations that don't include my
17 client to her. It's not relevant to this case. It's text
18 messages from my client to other people. I would move
19 that those be stricken out of the record of
20 the conversation.

21 MR. OVERBY: I don't -- have no problem striking
22 those particular text messages from the record. I don't
23 believe -- that's not a problem at all.

24 THE COURT: All right.

25 MR. OVERBY: I'll make sure that that's redacted.

1 THE COURT: All right. We'll take them out.

2 (WHEREUPON, State's Exhibit No. 40 was admitted into
3 evidence.)

4 BY MR. OVERBY:

5 Q Just read the only -- just the rest of the text
6 message between -- messages between you and him.

7 A Continuing with him -- or me to him. Okay. Well, he
8 sounded happy. If he sounded differently, I would have
9 made sure he was okay. Has he even had a fever?

10 And then he says to me, Child abuse, me, whatever.
11 You have sex in front of our son. And your boyfriend has
12 drugs there. And you started smoking. Your boyfriend
13 steals and takes advantage of you and you think you're
14 going up in life. You're going to ask now. Tend to your
15 boyfriend. Ryder has a parent that takes care of him.

16 Me to him, Okay. You're making that up in your head.
17 And who cares about smoking cigarettes. You smoke and
18 drugs --

19 Q You're good. Just skip over that one.

20 A Okay.

21 Q Let's go to this one.

22 A Okay. He says to me -- I'm sorry -- yes. He says to
23 me, You told me he had drugs in the house.

24 I said to him, What you do on your time, though,
25 doesn't matter to me. If you want to hit a damn crack

1 pipe, by all means do it. I just care about what is done
2 around Ryder. As for me, I do nothing around Ryder.
3 There isn't even alcohol present in my house when he is
4 here.

5 And he says to me, What time do you go to work? I
6 saw vodka bottles.

7 And then I said to him, There's no drugs. Have
8 whoever come search. There's nothing here.

9 11:30 is when I told him I went to work.

10 I can meet with you any time tomorrow -- oh, sorry.

11 Q That's good. That's good right there.

12 Now, y'all are having a pretty heated argument?

13 A Yes.

14 Q Did it strike you as odd that he asked you what time
15 you went to work?

16 MR. CRANGLE: Objection, Your Honor. Calls for
17 speculation.

18 MR. OVERBY: Judge, it doesn't call for speculation.
19 That's her --

20 THE COURT: Overruled.

21 THE WITNESS: Yes, which is why I did lie to him
22 about the time I, actually, did go to work.

23 BY MR. OVERBY:

24 Q Okay. What time did you, actually, go to work?

25 A 11:00 [sic].

1 Q And why were you hesitant to tell him the truth?

2 A I just, honestly, felt like it was odd for him to ask
3 me that question. I don't know why he would ask me that
4 question. And I just had this weird feeling something was
5 stirring up in his head of something to do.

6 Q Okay. Now, on -- later that day, what happened?

7 A I drove to work. I pulled up to work like normal.
8 And --

9 Q What time did you get there?

10 A Sorry. I had to work at 12:00 that day. I got there
11 at 12:00. At 12:00, I pulled up and some man started
12 walking up to me. Before I could even walk in the
13 building, he asked who I was. I told him my name was
14 Jessica. He said, Well --

15 MR. CRANGLE: Objection, Your Honor. This is going
16 to be hearsay.

17 THE COURT: Repeat the question again.

18 MR. OVERBY: What happened on that day is all I
19 asked. And she was explaining. She was explaining how
20 she was notified.

21 THE COURT: Okay. I sustain the objection.

22 MR. OVERBY: Okay.

23 BY MR. OVERBY:

24 Q Well, you became aware that something wasn't right?

25 MR. CRANGLE: Objection, Your Honor. This is

1 leading.

2 THE COURT: Sustained.

3 BY MR. OVERBY:

4 Q Okay. You became -- what if any way did you become
5 aware that something wasn't right without telling us what
6 anybody told you specifically?

7 A (There was no response.)

8 Q What did you realize happened?

9 A I really don't know how to answer that without going
10 into how I was approached.

11 Q Well, did somebody inform you that your husband was
12 in custody?

13 A Yes, an undercover agent.

14 Q And did they -- and did you become aware as to why?

15 A Yes.

16 Q Okay. How did you feel about that?

17 A I was very upset, very scared, you know, first, you
18 know, for my son especially. I didn't really know what
19 was going on with him at the time. And then, you know, I
20 was shocked as to is this really -- is this really
21 happening right now?

22 Q Okay. And who had custody of Ryder that weekend?

23 A That was his weekend.

24 Q Okay. Why would you be scared? What -- was this
25 surprising to you?

1 A Yes and no. There has been threats before. I never
2 thought that any of them would, actually, happen.

3 Q Okay. But these threats, when did they take place?

4 A Over the course of -- I mean, through our marriage
5 and even afterwards.

6 Q But, specifically, taking you back to the summer of
7 2011, what about that?

8 A He had made a threat to me about going to the morgue,
9 and burying me, and that he would get away with it if I
10 went to the cops.

11 Q Okay. And when he made this threat, what was the --
12 what was the context surrounding that threat? Why did he
13 make this threat to you?

14 A We were having an argument over the child. Because I
15 didn't want him to take him with him on his landscape
16 route for the day, because he was only four months old. I
17 didn't want him to get overheated or, you know, be out in
18 the sun all day. And I told him no. He didn't like it.
19 And I proceeded to go along with him just to make sure
20 that it wouldn't last all day.

21 Q And, during this proceeding, what did you do? During
22 this entire process -- or time you were with him, what did
23 you do?

24 A I had gotten in the car by myself to wait until he
25 came out of the house. And, in that period of time, I

1 decided I would turn my phone on and start recording what
2 would be going on, or if there would be anything going on.

3 Q Okay. Why did you do that?

4 A Because, prior to that, the argument that we were
5 having, I got scared. And I thought that it was something
6 I should do.

7 Q Okay. Jessica, I'd like to present to you what's
8 been marked as State's Exhibit No. 37. Can you tell me
9 what that is?

10 A That is a CDR of the iPhone recording.

11 Q Okay. And does it fairly and accurately depict your
12 conversation with Mr. Stegall back in June of 2011?

13 A Yes.

14 Q Okay. And is it on this disk?

15 A Yes, sir.

16 Q How do you know?

17 A I -- my initials are on there.

18 MR. OVERBY: Your Honor, at this time, I'd like to
19 move State's Exhibit No. 37 into evidence, and play it for
20 the jury.

21 MR. CRANGLE: Your Honor, I renew my prior objection
22 and contemporaneous objections --

23 THE COURT: All right. I incorporate all your
24 previous arguments, Mr. Crangle. But I respectfully
25 overrule the objection. It's in evidence.

1 (WHEREUPON, State's Exhibit No. 37 was admitted into
2 evidence.)

3 (WHEREUPON, a portion of State's Exhibit No. 37 was
4 played in open court.)

5 BY MR. OVERBY:

6 Q And that voice is yours; correct?

7 A Yes.

8 Q Who's the other voice?

9 A Phil.

10 (WHEREUPON, State's Exhibit No. 37 continued to be
11 played in open court.)

12 BY MR. OVERBY:

13 Q Ms. Stegall, did you ever hear -- or have you ever
14 seen Ryder play with a pair of binoculars?

15 A No, sir.

16 Q Okay. Are you in fear of Mr. Stegall right now?

17 MR. CRANGLE: Objection, Your Honor --

18 THE COURT: Sustained.

19 MR. CRANGLE: -- relevance to this question.

20 THE COURT: Sustained.

21 MR. OVERBY: No further questions, Judge.

22 THE COURT: Cross-examination.

23 CROSS-EXAMINATION

24 BY MR. CRANGLE:

25 Q Ms. Stegall, that's a pretty tough audio recording to

1 listen to, isn't it?

2 A Yes.

3 Q There's some strong language used, isn't there?

4 A Yeah.

5 Q Okay. And this was in June of 2011, I guess?

6 A I don't recall the exact date. But I know it was
7 somewhere in 2011. Ryder would have had to have been
8 about four months old.

9 Q Okay. And Ryder was born in January of 2011; right?

10 A Correct.

11 Q Okay. And you and Mr. Stegall met sometime in 2008,
12 2009; is that about right?

13 A 2008.

14 Q And y'all were married in 2009; is that correct?

15 A We were married in 2008.

16 Q 2008. Okay. I'm sorry. And in the course of, you
17 know, your marriage, there was some difficulty conceiving
18 a child on -- between the two of you. And you received --

19 MR. OVERBY: Objection, Your Honor. Relevance.

20 THE COURT: Overruled

21 BY MR. CRANGLE:

22 Q And y'all won a free in vitro fertilization; right?

23 A Correct.

24 Q Okay. And then Ryder was born in 2011; right?

25 A Right.

1 Q And he was y'all's only child together; correct?

2 A Right.

3 Q Okay. And, in 2011, in January, after you got out of
4 the hospital, were you working at the time?

5 A I don't recall. I don't think I was working.

6 Q Okay. And you and Phil were living together; right?

7 A Correct.

8 Q Where were y'all living?

9 A [REDACTED] --

10 Q Where -- I'm sorry.

11 A -- in Simpsonville.

12 Q Okay. Was that an apartment? Was that a house?

13 A It was a house.

14 Q Okay. And was anyone else living with you?

15 A No, not at the time.

16 Q And, Mr. Stegall, was he doing his landscaping then?

17 A Yes.

18 Q Okay. So he -- around that time, to the best of your
19 knowledge, he was the only one working?

20 A Correct.

21 Q And he was the one bringing in the money; right?

22 A Correct.

23 Q And you were taking care of the child every day?

24 A Yes.

25 Q Okay. And he was working long hours some days;

1 right?

2 A Yes, every day.

3 Q Okay. Was he working on Saturdays and Sundays?

4 A Sometimes.

5 Q Okay. And he was working sometimes upwards of
6 14 hours a day?

7 A Working?

8 Q Well, out, I guess.

9 A I mean, he was gone for most of the day. He would
10 leave, you know, early in the morning, probably about 8:00
11 or 9:00. And then, you know, periodically, he would stop
12 by the house. And he would usually get home sometimes
13 7:00, sometimes 8:00.

14 Q Okay. And, prior to that recording, y'all had had
15 other arguments; right?

16 A Yeah.

17 Q Okay. And y'all had argued about Ryder, among other
18 things; right?

19 A I don't remember every single argument we've had in
20 the past.

21 Q I understand. But there were prior arguments with
22 regards to it?

23 A We've had prior arguments. I don't recall if they
24 were always about Ryder or not.

25 Q Okay. I want to turn a little bit towards that

1 recording. Okay. It starts off -- and Ryder is four
2 months old at the time; right?

3 A Right.

4 Q And he wants to take -- Mr. Stegall wants to take
5 Ryder in the truck to go with him on his landscaping
6 routes; right?

7 A Correct.

8 Q And you, obviously, recognize that he may be gone, so
9 you want to go with him; right?

10 A Right.

11 Q And that's to make sure the child is taken care of?

12 A Right.

13 Q And, up until that point, had Mr. Stegall been able
14 to introduce Ryder, his son, to any of his landscaping
15 clients?

16 A I can't remember. I know we've been to a couple of
17 his clients house together. I can't remember exactly what
18 happened back then. That was three years ago.

19 Q And in that recording -- you turned it on; right?

20 A Yes.

21 Q Okay. And then during the recording, you ask him,
22 Are you going to kill me; right?

23 A Correct.

24 Q Okay. And then you ask it later on in the recording
25 again, too; right?

1 A Right. Because he made the statement that he was
2 going to take me to the morgue.

3 Q Okay. And he, also, told you that he would get away
4 with it; right?

5 A Correct.

6 Q Okay. And, at that time, you were concerned for your
7 safety, weren't you?

8 A Yes.

9 Q Okay. And you called 911, didn't you?

10 A No. I ran down the street to an officer's house who
11 lived in the neighborhood.

12 Q And then he called 911 for you; right?

13 A Right.

14 Q Okay. And then the deputies came out; correct?

15 A Correct.

16 Q And you played them that recording?

17 A Correct.

18 Q And that was here in Greenville County, wasn't it?

19 A Yes.

20 Q Okay. And then after you played that recording,
21 they, subsequently, arrested Mr. Stegall; correct?

22 A I wasn't at the house. I was at his -- they escorted
23 me to his mother's house. So I don't remember -- know
24 what happened from there. I had, you know -- I was with
25 the cop who was interviewing me, and taking pictures, and

1 that sort...

2 So I don't know what happened, where he was.

3 Q Okay. And he was charged with criminal domestic
4 violence in the first degree, wasn't he?

5 A Yes.

6 Q Okay. And then the next day or two, did you go down
7 to the law enforcement center for his bond hearing?

8 A I don't think it was in the next day or two. This
9 hadn't been taken back into court for the criminal
10 domestic for, at least, a year later or two.

11 Q Well, what I'm asking about is this, he goes down to
12 the jail; right?

13 A Okay. Yes. I did go to his bond hearing.

14 Q Okay. And what I'm saying by bond hearing is that's
15 at --

16 A Okay.

17 Q -- the law enforcement center?

18 A I -- yes.

19 Q Okay. And you remember going down there to the bond
20 hearing; right?

21 A Yes.

22 Q Okay. And then do you remember talking to the Judge
23 and him asking you about concerns for your safety, and
24 things like that? Right?

25 A I don't remember everything in that room that day. I

1 just know that I was there.

2 Q Okay. And then once he was released, there wasn't
3 any sort of no-contact limitation between you, was there?

4 A No.

5 Q Okay. And then about -- would you say two weeks
6 later, y'all move back in together?

7 A Yes.

8 Q And in between that time, where were you staying at?

9 A I think I was at his mother's house. I'm not sure
10 exactly. I believe I was with his parents.

11 Q Okay. And he was staying at that house?

12 A He was staying at our house.

13 Q Okay. And then you mentioned in the recording that
14 it was time to seek a divorce. That's not the first time
15 y'all discussed divorce, was it?

16 A I don't believe.

17 Q Okay. Was it the first time, though, that you
18 brought up, actually, getting attorneys and going through
19 with it?

20 A I can't remember. I can't remember that far back.

21 Q That's okay. When you moved back in, that was about
22 two weeks after this incident; right?

23 A Give or take, I'm guessing.

24 Q Okay. And then y'all continued to live together for
25 about a month or two up until y'all, finally, decided to

1 separate for a year; correct?

2 A Right.

3 Q Okay. And that's after hearing all the things in the
4 recording, you agreed to move back in?

5 A Yes.

6 Q Okay. And was Ryder staying with you again then?

7 A Yes.

8 Q Okay. And then, subsequently, later on, that charge
9 was resolved as public disorderly conduct, wasn't it?

10 A It was about two years later, yes.

11 Q Okay. And that was prosecuted by the same
12 Solicitor's Office that's prosecuting this case; right,
13 the Thirteenth Circuit Solicitor's Office?

14 A It was supposed to be. I didn't want to cooperate
15 because it was two years later. And I didn't want to
16 bring up old problems to new situations. And I didn't --
17 you know, I was scared to go forward with it after two
18 years.

19 Q I, certainly, understand. You mentioned old problems
20 to new situations. Is that because y'all were starting to
21 figure out the custody arrangement and you didn't want to
22 do anything to rock the boat, if you will?

23 A I -- I was scared to do anything that might cause an
24 argument, or might, you know, make him mad.

25 Q Okay. During the course of your divorce proceedings,

1 y'all would have to communicate about the custody of
2 Ryder, wouldn't you?

3 A Yes.

4 Q Okay. And, initially, was the custody arrangement
5 that Mr. Stegall would have Ryder every other weekend, and
6 you would have him through the week. And then you got --
7 so he got one weekend, and you got the next weekend, and
8 the next two weeks; is that correct, initially?

9 A Yes.

10 Q Okay. And then you talked to him about that you were
11 working, and that you were looking for -- to be able to
12 work on the weekends. And you asked if he would be able
13 to take care of Ryder every weekend; is that correct?

14 A I don't know if that's how it exactly went down. I
15 know after -- you know, I know I was working. But our
16 agreement, you know, I can't remember how it was brought
17 about, or how it was discussed.

18 Q And it was kind of half court order, half you guys
19 working it out together between you two, sometimes, wasn't
20 it?

21 A Correct.

22 Q Okay. And there'd be times where, you know, he'd be
23 with Ryder, and you would call and talk to Ryder; right?

24 A Right.

25 Q And then there would be times that Ryder was with you

1 and you [sic] would talk to Ryder; right?

2 A Yes.

3 Q Okay. And so although it was every weekend, in
4 reality, there were times where he would -- you would see
5 the child over the weekend when he had custody, and he
6 would see the child when you had custody?

7 A I rarely ever saw the child when he was in his
8 custody because I was working. He saw the child almost
9 every day when I had him in my custody.

10 Q Okay. And that's part of the -- it wasn't part of
11 the court arrangement, it was kind of an informal
12 arrangement?

13 A I mean, it wasn't arranged that he was going to see
14 him every day on my custody, no.

15 Q But it ended up being that way?

16 A It ended up being that way because I wasn't going to
17 argue and try and make matters bad again.

18 Q And when Ryder is with his dad, they get along, they
19 love each other; right?

20 A I don't know what goes on there. I know, you know, a
21 lot of times that he was supposed to have the child in his
22 custody, the child would be with his mother.

23 Q I want to turn your attention a little bit towards
24 the end of 2013, towards the beginning of 2014. Okay.
25 January 2014, is, obviously why we're all here. Okay.

1 In 2013, isn't it true that you, Mr. Stegall, and
2 Ryder went to Greenville ice on main downtown and did some
3 ice skating as a family together?

4 A I wanted to take Ryder ice skating. I had my friend
5 with me. And he kind of just invited himself.

6 Q Okay. But y'all came along together and did that?

7 A I'm not sure if we were together or not. We may
8 have. I don't remember.

9 Q What I meant by "together" is that you did the ice
10 skating on main downtown together?

11 A Yes. He was with us. I wouldn't say that we were
12 together. It was more for my son, nothing for me.

13 Q No. I understand that entirely. And that's kind of
14 the arrangement that y'all had is you were willing to
15 sacrifice for Ryder; correct?

16 A Correct.

17 MR. CRANGLE: I have in my hand what's been
18 pre-marked as Defendant's Exhibit No. 1 that I'm showing
19 to opposing counsel.

20 May I approach the witness?

21 THE COURT: Certainly.

22 BY MR. CRANGLE:

23 Q Ms. Stegall, do you recognize this picture?

24 A Yes.

25 Q Okay. And does that picture fairly and accurately

1 depict Christmas in 2013?

2 A Yes.

3 MR. CRANGLE: Your Honor, at this time, I'd move to
4 admit Defendant's Exhibit No. 1 into evidence.

5 MR. OVERBY: No objection, Your Honor.

6 THE COURT: All right. It's in evidence.

7 (WHEREUPON, Defendant's Exhibit No. 1 was admitted into
8 evidence.)

9 MR. CRANGLE: May I publish it to the jury?

10 THE COURT: You may.

11 BY MR. CRANGLE:

12 Q Ms. Stegall, I know it's a little bit hard to see.
13 You can step down, if you need to, or if you're
14 comfortable there, you can stay there.

15 A I can see.

16 Q This is a picture from Christmas of 2013; right?

17 A Correct.

18 Q Okay. And this was Christmas at -- I believe you had
19 custody of Ryder at this Christmas; correct?

20 A Yes.

21 Q Okay. And Mr. Stegall asked if you could come by and
22 drop off a present; correct?

23 A This isn't at the house. Actually, this is at the
24 grandmother -- his grandmother was in a nursing home at
25 the time. They asked me if I -- his mother asked me if I

1 could bring Ryder by so that she would be able to see him
2 for this Christmas party.

3 Q Okay. And that's Mr. Stegall right there on the end?

4 A Yes.

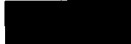
5 Q And that's you right here in the blue?

6 A Correct.

7 Q And that's your son, Ryder, over your arm?

8 A Right.

9 Q Okay. What is Ryder's birthday?

10 A .

11 Q Okay. And, in 2014, Mr. Stegall had custody of Ryder
12 on his birthday; correct?

13 A Correct.

14 MR. CRANGLE: Okay. I have in my hand what's been
15 marked as Defendant's Exhibit No. 3. I'm showing it to
16 opposing counsel.

17 MR. OVERBY: Judge, I'm just not sure what's relevant
18 about this line of questioning, you know, with regards to
19 this case.

20 THE COURT: Overruled.

21 MR. CRANGLE: May I approach the witness?

22 BY MR. CRANGLE:

23 Q Ms. Stegall, I'm showing you what's been marked as
24 Defendant's Exhibit No. 3. Do you recognize this picture?

25 A Yes.

1 Q Okay. And it's a picture of Ryder's third birthday;
2 is that correct?

3 A Correct.

4 Q Okay. And is this a fair and accurate depiction of
5 Ryder's third birthday?

6 A Yes.

7 MR. CRANGLE: Your Honor, at this time, I'd move
8 Defendant's Exhibit No. 3 into evidence.

9 THE COURT: It's in evidence.

10 (WHEREUPON, Defendant's Exhibit No. 3 was admitted into
11 evidence.)

12 MR. CRANGLE: Permission to publish, Judge.

13 THE COURT: Yes.

14 BY MR. CRANGLE:

15 Q Ms. Stegall, this is a picture of Ryder's third
16 birthday, isn't it?

17 A Yes.

18 Q And you recognize Ryder, obviously. And you see the
19 number three right there; right?

20 A Correct.

21 Q Okay. And, on that day, Mr. Stegall had custody of
22 your son; right?

23 A Correct.

24 Q And he invited you over to the birthday party;
25 correct?

1 A Yes.

2 Q And he told you you're welcome to come over and
3 celebrate his birthday?

4 A He did.

5 Q Okay. And did you come over?

6 A I did.

7 Q Okay. And then how long were y'all there together?

8 A I didn't stay very long --

9 Q And -- I'm sorry. Go ahead.

10 A I probably stayed maybe 30 minutes or so.

11 Q Okay. Were you working that day?

12 A Yes. I was supposed to work that night.

13 Q Okay. When you were working -- how long have you
14 been working at Wild Wings?

15 A I don't know how long I was there. I think it was
16 about two and a half years.

17 Q Okay. During the time, Phil would occasionally bring
18 Ryder by to work sometimes to see you on your breaks?

19 A I never had breaks. He would just come in there and
20 eat.

21 Q Okay. And Ryder would be there with him?

22 A Yes.

23 Q And would you be the server or the hostess for them?

24 A I would.

25 Q Okay. And that was kind of an offhand way for you to

1 see your son?

2 A Sometimes. I mean, you know, not -- he didn't always
3 come in and eat with him. He always would, you know, come
4 and take it to go. I mean, there was maybe one or two
5 times I waited on him. I don't know his intentions of why
6 he was doing it. I can't tell you that. I mean, he did
7 have our son with him.

8 Q And he would bring him over to the restaurant?

9 A Yes.

10 Q Okay. Now, going kind of a little bit forward, and
11 kind of the middle of -- in January of 2013 -- or 2014,
12 you were living at the Plantations at Haywood Apartments;
13 correct?

14 A I don't know exactly when I moved in there. I
15 believe it was the end of the summer, though, or the
16 middle of summer.

17 Q But what about January of 2014, were you living there
18 then?

19 A Yes.

20 Q And you know that, though, for a fact?

21 A Yes.

22 Q Okay. And Phil had been there before, obviously, to
23 drop Ryder off; correct?

24 A Correct.

25 Q And so he knew where you lived?

1 A Correct.

2 Q Okay. And one of the things that y'all discussed a
3 little bit out of the custody arrangement was what you
4 were going to do about dating; correct?

5 A We did.

6 Q And whether you agree with it or not, he had the
7 understanding that y'all weren't going to have boyfriends
8 or girlfriends living together until you were sure that
9 you were willing to commit to that person?

10 A Correct. But I can say that he's just as guilty of
11 that.

12 Q I understand that. I'm not asking -- it's not a
13 formal order from the Court, of course. It's kind of an
14 informal agreement between the two of you; right?

15 A It is.

16 Q Okay. And it's not an agreement that you have to
17 have in writing. And it's okay -- you know, he understood
18 it to mean something, even if, legally, it wasn't binding;
19 correct?

20 A Well, if he understood it to mean something, to me,
21 he wouldn't have done it himself in the first place.

22 Q Okay.

23 A So, obviously, to me, it didn't mean anything.

24 Q Okay. And, in January of 2014, your boyfriend had
25 moved in with you guys; right?

1 A He was staying there off and on.

2 Q Okay. So he was staying there overnight at times?

3 A Yes.

4 Q And would Ryder be home when he was staying there?

5 A Usually, he would just stay with me on the weekends.

6 He was maybe around Ryder a few times. So, yeah,

7 sometimes.

8 Q Okay. And particularly towards -- I guess it was

9 January 20th, you had an incident where your laptop was

10 stolen without your knowledge; correct?

11 A Correct.

12 Q Okay. And that was this boyfriend that had moved in;

13 correct?

14 A Correct.

15 Q What was his name?

16 A William Champion.

17 Q And William Champion sold your laptop to someone else

18 in your apartment complex; is that right?

19 A That's right.

20 Q Okay. And then, later on, when you found out, you

21 called Mr. Stegall; correct?

22 A I did.

23 Q And you called him. Did you go over to his house to

24 talk to him?

25 A To Phil's house?

1 Q Uh-huh. His parents house.

2 A I can't remember. I know I did call him --

3 Q That's okay.

4 A -- for some help.

5 Q Okay. And you called him for help because the laptop
6 was gone; correct?

7 A Correct. And I believe I had Ryder, you know. I
8 didn't want to deal with anything having Ryder especially.

9 Q I understand. And Mr. Champion had sold that laptop
10 without your permission; correct?

11 A He did.

12 Q And he sold it for a hundred dollars; is that
13 correct?

14 A Yes, he did.

15 Q And you don't know what he was doing with that
16 hundred dollars, do you?

17 A I don't know what he was doing with it. I --

18 Q Did you tell --

19 A I don't know what he did with it. I mean, I thought
20 maybe he might have been buying marijuana with it. But I
21 don't know what he, actually, did with it.

22 Q Okay. So you thought Mr. Champion was selling your
23 personal items to buy drugs?

24 A Yes.

25 Q And you told Mr. Stegall that, didn't you?

1 A I don't remember what I said to him.

2 Q Okay. And, at that time, Ryder was -- it would have
3 been just after his third birthday; right?

4 A Yes.

5 Q Okay. And Mr. Stegall came over to your apartment,
6 didn't he?

7 A Yes.

8 Q Okay. And he came with a firearm, didn't he?

9 A He did.

10 Q And is it the same firearm that we've seen, or was it
11 a different firearm, or do you not recall?

12 A It looks like the same. But the other one -- or the
13 one that he brought to my house looked like it had an
14 extra something to it. I can't remember exactly what it
15 was. I know nothing about guns.

16 Q I understand. But it was a black pistol; is that
17 correct?

18 A Yes, it was.

19 Q Okay. It wasn't a silver revolver?

20 A It was a black gun. I don't know what kind of gun.
21 It was a black gun.

22 Q Okay. And when he came to your apartment, you talked
23 to him about where your laptop was stolen -- or where it
24 was sold to; correct?

25 A I thought it -- I found out the guy who it was sold

1 to in the apartment complex.

2 Q Okay. And did Mr. Stegall walk up there, or did you
3 walk up there with him, or did you walk up there alone?

4 A We walked to the house together.

5 Q Okay. And you're going to a house -- did
6 Mr. Champion -- do you think he bought drugs at that
7 house?

8 MR. OVERBY: Objection. Speculation.

9 THE COURT: Sustained.

10 BY MR. CRANGLE:

11 Q When you were walking up to that house and you and
12 him were together, did he have a firearm with him?

13 A I can't remember. I know I told him I didn't need
14 it.

15 Q Okay. But he offered the gun to you?

16 A He did.

17 Q Okay. And he said, This is for your protection?

18 A In those words. I don't know, but basically.

19 Q That was the gist of the statement, though?

20 A I can't remember exactly what was said. I just know
21 he presented it to me and said that I could use it if I
22 needed it. And I told him I didn't need it.

23 Q And by "use it," did he mean keep it, give it to you
24 permanently, or did he mean walk up to the door?

25 A I guess for that matter. I'm not sure. I don't

1 remember.

2 Q Okay. When you walked up to the door, Mr. Stegall
3 and you, you knocked on the door; correct?

4 A No, we did not. I had his number.

5 Q Okay. You called the gentleman and he came out?

6 A Yes.

7 Q Okay. And he still had your laptop; right?

8 A He did.

9 Q Okay. And Mr. Stegall bought your laptop back for
10 you, didn't he?

11 A He loaned me a hundred dollars to get it back, yes.
12 I said I was going to pay him back.

13 Q And this was sometime around January 20th?

14 A I don't remember the exact date.

15 Q But about a week prior to the alleged threats here?

16 A I can't remember how long.

17 Q But was it in January --

18 A I know it was in January.

19 Q Okay. That's fine. And, afterwards, did y'all have
20 a conversation about what had happened about him selling
21 the computer -- Mr. Champion selling the computer?

22 A To -- I -- can you repeat that?

23 Q After Mr. Stegall bought the computer for you --

24 A Right.

25 Q -- he gave it back to you; correct?

1 A Correct.

2 Q Okay. Then did y'all go back to your house and
3 continue talking?

4 A I can't remember.

5 Q Okay. But when you needed someone to help you, you
6 called Mr. Stegall?

7 A Yes. I established that.

8 Q And did he come -- did he resist that? Did he say, I
9 can't be bothered?

10 A No, he didn't.

11 Q And he showed you a firearm and said, If you need it,
12 you can have it?

13 A I don't remember what he said. I just know he said
14 that I could use it if I needed it.

15 Q And he loaned you the money to buy your stuff back?

16 A Yes. He loaned it to me.

17 Q And this was at the time that you guys were divorced?

18 A Yes.

19 Q And this is at the time that this Mr. William
20 Champion had periodically been staying with you?

21 A Yes.

22 Q And is that the first time that Mr. Stegall found out
23 about Mr. Champion?

24 A I don't think it was. I can't remember exactly when
25 he did find out about him. I know it wasn't too long

1 before what had happened.

2 Q Okay. We had some text messages earlier between your
3 phone number and Mr. Stegall. But that's not you texting.
4 That's, actually, Mr. Champion, isn't it?

5 A Right. He sent a text message to him from my phone.

6 Q And, basically, the substance of the text messages
7 were the two men were kind of jawing at each other saying,
8 come at me, things like that?

9 A I don't know. I don't recall the messages. I don't
10 remember exactly what was said.

11 Q But the theme of it was they were arguing with each
12 other?

13 A I believe Will sent the text to him first, you know,
14 saying if he had a problem that he could deal with it.
15 But I don't know exactly what happened.

16 Q That's all right. It's -- but he's doing it on your
17 phone, though. He's not --

18 A He's on my phone.

19 Q Okay. And that's why you don't know the substance of
20 the conversation?

21 A I don't remember.

22 Q Okay. I want to turn towards that notebook that the
23 State brought up. It's State's Exhibit No. 39. I'm
24 showing you what's been previously marked as State's
25 Exhibit No. 39. This is Phil's notebook; right?

1 A Uh-huh.

2 Q And that's his handwriting in there; right?

3 A Uh-huh.

4 Q Okay. I want to show you a contractor's invoice
5 that's within this notebook. Okay.

6 A Okay.

7 Q And I want you to just take a look at it. You don't
8 need to read anything out loud.

9 A Okay.

10 Q Okay. That looks like Phil's handwriting at the
11 bottom, doesn't it?

12 A It all looks like his handwriting.

13 Q It's particularly messy, I guess?

14 A Yes.

15 Q Okay. And the date on that is from September 12th,
16 2011; right?

17 A That's what it looks like.

18 Q Okay. And that's found in the notebook that was
19 found in the car; right?

20 A I guess, yeah.

21 Q Okay. And September of 2011 would be right around
22 when you were moving out of the house, wouldn't it?

23 A Yeah.

24 Q Okay. You've never seen him with this notebook
25 before, have you?

1 A He has plenty of notebooks he keeps on hand. He
2 always has -- writes stuff on random pieces of paper. I
3 mean, he could have easily grabbed that from the house and
4 brought it into his truck and still written on it, even if
5 something in there was from 2011. He's very unorganized.

6 Q Okay. But there's a receipt in here from 2011 that's
7 directly found in this notebook; right?

8 A Yes.

9 Q And, in here, there's no other dates, or markings, or
10 things like that; right?

11 A Not that I see.

12 Q Okay. During the relationship -- during your
13 marriage and then during your subsequent divorce, there
14 was a lot of arguing back and forth, wasn't there?

15 A Yes.

16 Q And that's the main reason you guys got divorced;
17 right?

18 A I mean, I don't know if I'm allowed to really get
19 into why I, actually, divorced him.

20 Q That's all right. We don't need to go in a side
21 alley here.

22 MR. CRANGLE: I have in my hand what's been marked as
23 Defendant's Exhibit No. 5 that I'm showing opposing
24 counsel.

25 MR. OVERBY: No objection.

1 MR. CRANGLE: May I approach the witness, Judge?

2 THE COURT: You may.

3 BY MR. CRANGLE:

4 Q Ms. Stegall, I'm showing you what's been previously
5 marked as Defendant's Exhibit No. 5. Just take a look at
6 it to yourself. And if you recognize this document, when
7 you're finished, let me know and I'll ask you some
8 questions. Okay.

9 A Uh-huh.

10 Q Ms. Stegall, that's a Family Court Order of
11 Protection Act between the two of you; correct?

12 A Yes.

13 Q And that means that there's absolutely no contact
14 between the two of you; correct?

15 A Correct.

16 Q And that order has been extended for an additional
17 year -- I guess it expired at the beginning of 2015;
18 correct?

19 A It's -- yeah. It's going for another year.

20 Q And it's been renewed for another year; correct?

21 A It's been renewed, yes.

22 Q Okay. And that's entirely outside of this matter;
23 correct?

24 A No, it's not. I got the Order of Protection for
25 myself and my son when I found out that -- what he had

1 done, you know. And I wanted to protect myself and my
2 son. That's why I got the Order of Protection. He filed
3 a custody order on me trying to get his visitation, even
4 though we had the Order of Protection.

5 Q Okay. I understand. What I meant to say was this
6 order will exist irrespective of what happens in this
7 courtroom; correct? It's ongoing?

8 MR. OVERBY: Well, objection to that, Your Honor.
9 What's the relevance?

10 THE COURT: Overruled.

11 THE WITNESS: I mean, the Order of Protection is good
12 until January, so, and whenever we get back to court for
13 the temporary hearing. So I don't know how far long that
14 is.

15 BY MR. CRANGLE:

16 Q Oh, I understand. But this Order of Protection is
17 good until January 2016, and it will remain so
18 irrespective of what happens in this courtroom?

19 A Yes.

20 Q And there will be no contact between the two of you?

21 A No.

22 MR. CRANGLE: Ms. Stegall, I appreciate your time.
23 Thank you very much.

24 MR. OVERBY: Just one redirect question, Your Honor.

25 THE COURT: All right.

REDIRECT EXAMINATION

BY MR. OVERBY:

Q We've heard a lot about Ryder's birthday party, things of that nature leading up to this particular date in question?

A Right.

Q But did those things happen before the 25th?

A Yes.

Q Before the 26th when you found out what had happened?

A Correct.

Q And before the argument that he had had with your boyfriend at that time?

A Correct.

Q And before the argument that you had with him on the 26th?

A Correct.

MR. OVERBY: No further questions.

MR. CRANGLE: No redirect -- recross.

THE COURT: You may step down.

We're going to take about a 10-minute break. Don't talk about the case, ladies and gentlemen. And we'll resume in about 10 minutes.

Thank you.

(WHEREUPON, the jury was excused from open court at approximately 3:42 p.m.)

1 THE COURT: Do you have anymore witnesses,
2 Mr. Overby?

3 MR. OVERBY: Your Honor, that's the State's case.

4 THE COURT: All right. Any motions at this stage?

5 I'll let you rest in front of the jury, but just for
6 convenience sake.

7 MOTIONS

8 MR. CRANGLE: Yes, Your Honor.

9 The Defense has a motion for a directed verdict.
10 This would be made pursuant to State v. Nesbitt. It's a
11 Court of Appeals case from South Carolina. It's reported
12 in 346 SC 226.

13 In regards to that case, the Court of Appeals
14 discusses the elements required for solicitation in an
15 overt act. The Court discusses, also, that an overt act
16 must be made in furtherance of the solicitation, Judge.

17 It's the Defense's contention that we understand
18 that, at this point, the Court considers all of the
19 Defense's -- or all of the State's evidence and goes to
20 the existence of the evidence, not the weight.

21 Therefore, if the Court finds or believes that the
22 Defendant had an intention to have someone hired to murder
23 his wife, the State cannot prove a directed verdict, an
24 overt act made in furtherance of that intent, Judge. And
25 without it, such an action is required by the law. The

1 State cannot meet the critical element of their case.

2 And; therefore, a directed verdict is appropriate, Judge.

3 And I renew all my prior objections to previous
4 rulings, Judge. And that's my motion.

5 THE COURT: All right. I respectfully deny the
6 motion. I believe the State's elicited and the record
7 reflects adequate evidence under Rule 19 to send the case
8 to the jury. I can't weigh the evidence at this stage, of
9 course. But I do find there's sufficient evidence in the
10 record to support the elements of the crime.

11 Okay. Anything further at this stage before we take
12 a break?

13 MR. CRANGLE: No, Judge.

14 The Defense does have some witnesses that we plan to
15 call.

16 THE COURT: All right. Mr. Stegall, if you'll just
17 raise your right hand, sir.

18 MR. CRANGLE: Stand up.

19 WHEREUPON,

20 PHILLIP JOSEPH STEGALL,
21 after first having been duly sworn, testified as follows:

22 THE COURT: I'm just going to ask you about your
23 understanding of your right to testify, sir.

24 You have the absolute right to testify. And we've
25 reached the stage of the case where you will have the

1 opportunity to put on any witnesses you wish to. If you
2 do testify, you, certainly, will get to tell your side of
3 the story, and bring out anything else that's relevant to
4 the case. But you'll, also, be subject to being
5 cross-examined by the Prosecutor, just as your lawyer has
6 cross-examined the State's witnesses.

7 The Prosecutor could ask you, if you took the stand,
8 about anything that might be relevant in this case, or
9 anything that might bear on your bias or credibility. And
10 you, also, could be asked about any prior record you have,
11 if it's admissible under the rules of evidence. I don't
12 know if there is anything the State would seek to
13 introduce as impeachment under Rule 609.

14 MR. OVERBY: Your Honor, there is none.

15 THE COURT: Okay. So that's not an issue.

16 Nevertheless, you would be subject to
17 cross-examination, which if you didn't testify, you
18 wouldn't be.

19 So you could, also, choose not to testify. And if
20 you chose not to testify, the Court would tell the jury
21 you have the absolute right to remain silent guaranteed by
22 the Constitution. And they could not hold it against you
23 for claiming that right. And they could not even discuss
24 it in the jury room, the fact that you did not take the
25 stand, and construe that in any way. And it would not be

1 in keeping with their oath to do so.

2 So do you understand your right to testify and the
3 consequences of testifying and not testifying?

4 DEFENDANT STEGALL: Yes, I do, Your Honor.

5 THE COURT: Well, I'll, certainly, let you confer
6 further with your lawyer about that. I know you already
7 have talked to him about your trial strategy.

8 But your right to testify is your right, it's nobody
9 else's. You'll have to make the decision after further
10 consultation with him. Just let me know what you decide.

11 Okay. We'll take about a 10-minute break.

12 Thank you.

13 (WHEREUPON, a break was taken.)

14 THE COURT: Anything else before we bring the jury
15 in?

16 MR. OVERBY: Nothing from the State, Judge.

17 MR. CRANGLE: Nothing from the Defense.

18 THE COURT: All right. Thank you.

19 (WHEREUPON, the jury came into open court at
20 approximately 4:03 p.m.)

21 THE COURT: Yes, sir, Mr. Overby.

22 MR. OVERBY: Your Honor, at this time, the State
23 rests.

24 THE COURT: Okay. Ladies and gentlemen, the State
25 has completed their presentation of evidence. And that

1 means the Defense has the opportunity, but, again, not the
2 obligation, to present any evidence that he wishes to.

3 So, yes, sir, Mr. Crangle.

4 MR. CRANGLE: Thank you, Your Honor.

5 The Defense calls Mr. Thomas Davis.

6 THE BAILIFF: Put your left hand on the Bible, raise
7 your right hand. And face that lady.

8 WHEREUPON,

9 THOMAS J. DAVIS,

10 after first having been duly sworn, testified as follows:

11 THE CLERK: Please have a seat.

12 Will you state your full name for the record?

13 THE WITNESS: Thomas J. Davis.

14 DIRECT EXAMINATION

15 BY MR. CRANGLE:

16 Q Good afternoon, Mr. Davis.

17 A Good afternoon.

18 Q What type of work are you in, Mr. Davis?

19 A Currently, a private investigator.

20 Q Before that, what type of work were you in?

21 A I was an FBI agent for 28 years. And when I retired,
22 I started a private investigation agency in Columbia.

23 Q How long have you been up here in Greenville?

24 A Five years -- well, I moved here in November of 2007.

25 Q When you were in the FBI, what type of work were you

1 reaction to the verdict that you can't keep to yourself.

2 So anything else before we bring the jury in?

3 MR. CRANGLE: Nothing from the Defense.

4 MR. OVERBY: Nothing from the State, Judge.

5 THE COURT: Okay. Thank you.

6 Bring the jury in.

7 (WHEREUPON, the jury came into open court at
8 approximately 4:40 p.m.)

9 THE COURT: Mr. Foreman, has the jury reached a
10 unanimous verdict, sir?

11 JUROR #192, JACK TRIBBLE: Yes, sir.

12 THE COURT: If you'll hand it to the bailiff, we'll
13 receive it and publish it.

14 VERDICT

15 THE CLERK: In 2014-GS-23-2698, as to the charge of
16 solicitation of a felony, we, the jury, unanimously find
17 the Defendant, Phillip Joseph Stegall, guilty.

18 If this is your verdict, so say you all, please,
19 raise your right hand.

20 (WHEREUPON, all of the jurors raised their hand.)

21 THE CLERK: Thank you.

22 THE COURT: All right. Does the Defendant wish to
23 have the jury polled?

24 MR. CRANGLE: Yes, Your Honor.

25 THE COURT: All right.

POLLING OF THE JURY

THE CLERK: Ladies and gentlemen, the verdict that I have just published was the verdict you reached in the jury room. I ask you -- as I call your name, please, answer "yes" or "no."

Juror #120, "yes" or "no"?

JUROR #120, MADISON MASSENGALE-ROBERTS: Yes.

THE CLERK: Juror #58, "yes" or "no"?

JUROR #58, CAPERS EASTERBY: Yes.

THE CLERK: Juror #122, "yes" or "no"?

JUROR #122, TERESA MAYFIELD: Yes.

THE CLERK: Juror #91, "yes" or "no"?

JUROR #91, TAVARIOUS HUMBERT: Yes.

THE CLERK: Juror #54, "yes" or "no"?

JUROR #54, KIM DOOLEY: Yes.

THE CLERK: Juror #41, "yes" or "no"?

JUROR #41, KENNETH CREWS: Yes.

THE CLERK: Juror #62, "yes" or "no"?

JUROR #62, STACY FENDER: Yes.

THE COURT: Juror #187, "yes" or "no"?

JUROR #187, PAUL SUTTON: Yes.

THE CLERK: Juror #204, "yes" or "no"?

JUROR #204, TOMMY WOODRUFF: Yes.

THE COURT: Juror #20, "yes" or "no"?

JUROR #20, SHANE BOLAND: Yes.

1 THE CLERK: Juror #67, "yes" or "no"?

2 JUROR #67, JOHN GALLMAN: Yes.

3 THE CLERK: Juror #192, "yes" or "no"?

4 JUROR #192, JACK TRIBBLE: Yes.

5 THE CLERK: Thank you.

6 THE COURT: All right. Any motions or matters before
7 the jury is discharged?

8 MR. OVERBY: None from the State, Your Honor.

9 MR. CRANGLE: Judge, at this time, the Defense moves
10 based on all the prior objections -- it renews all the
11 prior objections. The Defense, also, moves for a new
12 trial.

13 THE COURT: Any matters related to the jury before
14 they're discharged?

15 MR. CRANGLE: No, Judge.

16 THE COURT: Ladies and gentlemen, thank you for your
17 service.

18 You do have a three-year exemption from circuit court
19 jury duty now.

20 And I know it is difficult to sit in judgment.
21 Believe me, I can relate to you on that. But we
22 appreciate the conscientious way you handled your task
23 here.

24 You are free to go at this time. You're, also, free
25 to stay. There will be a sentencing proceeding. And if

1 you wish to attend that, you can come in. The bailiff can
2 escort you around to the front there.

3 Thank you very much.

4 (WHEREUPON, the jury was excused from open court at
5 approximately 4:43 p.m.)

6 MR. OVERBY: Judge, do you want the Defense to sign
7 anything here?

8 THE COURT: They don't have to.

9 All right. Yes, sir, Solicitor.

10 MR. OVERBY: Your Honor, I'm going to rest on the
11 record as it's been shown already at this point.

12 As to Mr. Stegall's prior record, the only conviction
13 I note is that he had the 2011 CDV that was pled down to
14 disorderly conduct.

15 And Mr. Stegall spent 70 days in jail on this charge.

16 THE COURT: All right. Yes, sir, Mr. Crangle.

17 MR. CRANGLE: Thank you, Your Honor.

18 As Your Honor is aware of the facts and the
19 consequences, he does have a pending Family Court matter.

20 I would note that my client did receive some plea
21 offers that he rejected. And he asserted his right at
22 trial. I believe that, you know, we've had a fair trial
23 here without waiving any objections to anything.

24 He's been a hard worker all of his life. I'd ask in
25 the consideration of your sentence, Judge, to consider the

1 fact of his limited prior record and just the
2 circumstances of this case, Judge.

3 Obviously, I think one of the driving motivations for
4 my client was the pending family law case. And that was
5 one of the heavy influences in his decision making with
6 regards to how to proceed, Judge. And I would ask you to
7 take that into consideration with regards to your
8 sentencing.

9 THE COURT: Thank you, Mr. Crangle.

10 You did a fine job on behalf of Mr. Stegall. And he,
11 certainly, got excellent representation.

12 Mr. Stegall, anything you wish to say, sir?

13 DEFENDANT STEGALL: You know, this -- even though
14 this [sic] was never any intention, I apologize to
15 everyone and to Jessica for thinking that there was any
16 intention. There never was. I hope some day that the
17 hearts can change.

18 My son's life -- he needs to have his father. And
19 I'm sorry this whole thing happened. It's very --
20 miscommunication. There was never ever any intention.
21 It's really destroyed the family. And I apologize for any
22 actions I took.

23 THE COURT: All right. Anything further?

24 MR. CRANGLE: Nothing from the Defense, Judge.

25 MR. OVERBY: Nothing from the State, Judge.

1 THE COURT: All right. Well, this was a very
2 difficult case to listen to and, certainly, was difficult
3 for everyone involved. The events that led up to it
4 and -- appeared to be inspired by a very toxic
5 relationship.

6 The only positive matter I saw throughout the entire
7 trial was the relationship you did have with your son.
8 And I hope you'll be able to continue that, even though
9 you will be in prison. But when you get out, as you say,
10 he's going to need someone who is responsible and focused
11 on positive things for him.

12 SENTENCING

13 THE COURT: So I'm ordering you obtain treatment for
14 mental health while you're in the Department of
15 Corrections, particularly your anger issues, which appear
16 to be the root of many of these problems, and, also,
17 attend the Addiction Treatment Unit to get help for what
18 was alluded to about your alcohol consumption.

19 So the sentence is you be committed to the Department
20 of Corrections for a period of 10 years, obtain treatment
21 for mental health, and attend the Addiction Treatment
22 Unit. Credit for 70 days.

23 Thank you.

24 *****END OF TRANSCRIPT OF RECORD*****
25

CERTIFICATE OF REPORTER

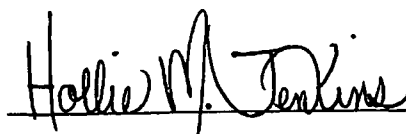
STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 8th, 10th and 11th days of September, 2015.

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

January 4, 2016



Hollie M. Jenkins, Court Reporter

My Commission Expires: 09/24/20

WITNESSES

James Donnelly

Simpsonville Police Dept

1/26/2014

ARREST WARRANT NUMBER

2014A2320400045

ACTION OF GRAND JURY
TRUE BILL

Ricky T. Hall

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

[Signature]

Foreperson of Petit Jury

Date.

9/11/15

DOCKET NO. 2014-GS-23-SLO

002698

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

November TERM 2014

THE STATE

vs.

PHILLIP JOSEPH STEGALL

Indictment for

0795

SOLICITATION OF A FELONY

VIOLATION § C/L, 17-25-0030

FILED

APR 02 2014

Clerk of Court
Greenville County

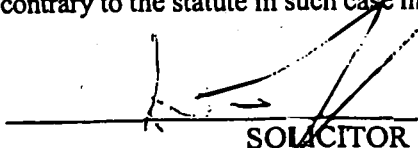
STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
SOLICITATION OF A FELONY

At a Court of General Sessions, convened on NOV 25 2014 the Grand Jurors of Greenville
County present upon their oath:

That PHILLIP JOSEPH STEGALL did in Greenville County, between the 25th day of January, 2014 and the 26th
day of January, 2014, solicit the agency of another, to wit: Henry Manson, for the commission of a felony. This is
in violation of the Common Law of South Carolina Code of Laws.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

My name is Henry Manson and I am a friend of Phil Stegall. I lived with Phil for about a year while he had joint custody of Ryder Stegall. Phil is an excellent father and spends every free minute he can with his son. They play in the playground Phil built for his son in the back yard and go hiking and to the pool. I can see that Ryder is a daddy's boy and loves his father, Phil, more than anything in this world. Not only does Phil do everything he can with Ryder, but he provides for him and takes him to doctor appointments and to Ryder's grandparents' house to spend time with the rest of his family. I can tell that Ryder and Phil have an excellent relationship. Phil loves that boy more than anything. I have been told that Jessica is making claims that she is scared and threatened by Phil. That is further from the truth than anything I have ever heard. I have witnessed Jessica pull up to the house when I lived with Phil, come storming in, push me out of the way and get right up in Phil's face hollering and screaming.

Also, on the night of January 25th, 2014, Phil and Ryder came to Motel 6 where I live now. We hung out and talked and joked around about things. We had a couple drinks, maybe Phil only had one because he had to drive back home with Ryder, and I took some of what Phil said the wrong way and called the police leading to Phil's arrest. I was confused, a little inebriated, mistook things and I am in a tight spot legally myself. After thinking about it sober the next day I realized I made a big mistake. Phil did not ask me to kill his ex wife Jessica. He was joking around and I took it the wrong way and thought that was what he said, but he did not. I am also facing some charges and thought if I told the police that Phil did ask me to do this then the police would help me with my charges. The Simpsonville police looked up my charges and told me that my attorney had me going to a jury trial and the only thing they could do for me is tell the prosecutor that I aided them. I ran into Phil about four months after the incident and he asked me some questions about what was said in the discovery. It was at this time which I told Phil that I would write an affidavit for him and be a witness in the criminal case. What the police put in the discovery was not true and did not happen. Officer Donnelly of the Simpsonville police department came and saw me the 20th of August and told me that he didn't want me having anymore contact with Phil. I told him that what they put in Phil's discovery wasn't true, they went over and beyond what I said, and that I am writing an affidavit for him. He told me not to and that he could probably get some of my charges dropped. Since they weren't honest in the first place, I do not trust them now and Phil does not deserve this. This whole situation is horrible and I am sorry to see Phil and his family hurt by me misunderstanding some things said and taking other things said that night out of perspective to get out of my trouble. I did not know that Jessica and her father would use this as a way to take Ryder out of Phil's and his families' life.

Henry Manson

~~06/28/2014~~

8/29/14
HGM

Sworn to before me this August 29, 2014
29th day of August 2014

Dina Collins-Simpson

My commission expires 9-25-23





Section 63-5-70
(Unlawful conduct towards child)

(A) (i) - place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety

Mental ~~injury~~ injury

Look at continual lying to the point of me worrying about my sons well being and not knowing where my sons at.

Jessica and I have made agreements on things that will have an affect on our son and then Jessica breaks the agreements and decides to think that she is ending her end of the agreement, lying to my face without blinking eye, while she does what

There is no way we
can continue going this way
when every word is a lie.

She wants, no matter what the effects
on our son are. And then gets
irate whenever caught, busted
or about to be caught in
her lies.

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."

Respectfully Submitted,



John H. Strom
Appellate Defender

South Carolina Commission on Indigent
Defense Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 14th day of September, 2016.

RECEIVED
SEP 14 2016
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

RECEIVED

SEP 14 2016

SC Court of Appeals

Appeal from Greenville County
Honorable D. Garrison Hill, Circuit Court Judge

THE STATE,

RESPONDENT,

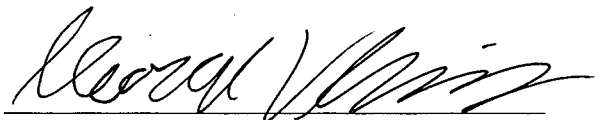
V.

PHILLIP JOSEPH STEGALL,

APPELLANT

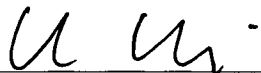
CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon William F. Schumacher, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 14th day of September, 2016.



George Vlasis
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 14th day of September, 2016.

 (L.S.)

Notary Public for South Carolina
My Commission Expires : May 12, 2025.