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STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Benjamin H. Culbertson, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

v.

JUDSON STANLEY,

APPELLANT

APPELLATE CASE NO. 2015-001628

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBITS #2 (JONAH BUCK EXCERPT)
AND #3 (LOU GABRIEL EXCERPT)**

1 MS. MANNING: Your Honor, the State's motion, I've
2 prepared a rough memorandum in support of pro rata evidence
3 coming in pursuant to 404(B).

4 THE COURT: Okay. And what is the -- all right. You can
5 bring it on up. What is the grounds for admission? Well,
6 first, what are you seeking to admit?

7 MS. MANNING: Your Honor, the State is seeking to admit
8 two prior convictions of the Defendant from 2013 of presenting
9 a false claim for payment, testimony and evidence concerning
10 those convictions. Those prior convictions go toward the
11 motive, intent, common scheme or plan of the Defendant. Those
12 are all exceptions under 404(B) for prior or other bad acts
13 coming into evidence. Your Honor, we believe that the
14 similarities between those previous convictions and the case
15 at hand are so strong that they fit within these exceptions,
16 and if I could tell you a little bit about the case --

17 THE COURT: All right.

18 MS. MANNING: -- and the prior convictions so you can
19 understand argument a little bit better.

20 Your Honor, in this case the Defendant first contacted
21 his Co-Defendant, Tracy Holmes, on Match.com. He immediately
22 started talking to her about her vehicle, which was a high-end
23 SUV. He immediately began asking her to let him help her do a
24 deal on that vehicle, and what he meant by do a deal was for
25 her to let him strip parts off of her vehicle, for her to then

1 report that she had had some sort of car problems and left the
2 car on the side of the road. When the tow truck arrives,
3 notifies her that the car has been stripped, she acts
4 surprised. She then, under his instruction, has the car towed
5 to a body shop here in Conway where the Defendant drops off
6 the parts, the same parts that had been stripped off of the
7 vehicle, to the body shop in an attempt to reattach those
8 parts as if they're newly acquired used parts and not the same
9 parts that had come off the vehicle. He assisted her with her
10 insurance claim to State Farm as well, Your Honor.

11 He was convicted on October 7th, 2013, of two counts of
12 insurance fraud. Those cases involve the Defendant in a
13 similar insurance scam. In one he insured a F-450 truck and
14 reported it stolen. Detectives later found the truck on his
15 family farm with the same VIN containing some of the parts as
16 to the F-450, including the frame. The other parts had been
17 chopped and reattached to the vehicle as well. The Defendant
18 was paid over \$35,000 on that insurance claim.

19 In the second conviction, he worked with a Co-Defendant
20 like in this case, Your Honor, to buy and insure a 2006 Ford
21 F-650 truck. The Co-Defendant reported that vehicle stolen,
22 and the Co-Defendant -- the insurance claim paid out over
23 \$38,000. The Co-Defendant, Judson gave him \$5,000 of that,
24 and he kept the rest, and also parts of that vehicle were
25 found to be in possession of Judson Stanley, and it had been

Motions

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1 chopped as well, Your Honor.

2 Your Honor, under 404(B) evidence of other bad acts is
3 admissible to show motive, identity and the existence of a
4 common scheme or plan. Regarding motive and intent, I've
5 included a couple of cases there for you. State versus Ford,
6 the Court found that in a trial for robbery testimony
7 regarding a previous robbery between the same parties was
8 appropriate under Lyle because the Court held that evidence of
9 the previous robbery was necessary to understand their motive
10 and intent in this robbery. In State v. Adams in that case
11 the Defendant's participation in an earlier convenience store
12 robbery was admissible under Lyle because it established his
13 intent and motive when he was present in a second convenience
14 store robbery. Also in State v. Simmons the Court found that
15 evidence of prior attacks on elderly women was admissible to
16 show Defendant's intent in entering the home of an elderly
17 woman. So, likewise, in this case, Your Honor, we think that
18 those prior convictions show motive and intent in this case.
19 They, they involve him making and assisting -- assisting in
20 insurance claims; getting paid on those claims. All the cases
21 involve him reporting thefts of vehicles and/or their parts,
22 removing the parts himself, being in possession of those
23 parts and participating in the filing of a false insurance
24 claim.

25 Similarly, Your Honor, I believe it fits under a common

1 scheme or plan. Under a common scheme or plan the trial court
2 must analyze the similarities and dissimilarities between the
3 crime charged and the bad act evidence to determine whether
4 there is a close degree of similarity. Again, we believe that
5 those prior convictions are very close in similarity to the
6 case at hand and that they show that he had a common scheme or
7 a plan in defrauding insurance companies by taking motor
8 vehicles, stripping parts off of them and making false
9 insurance claims as a result of that.

10 THE COURT: Okay. So in all of these you have the
11 allegations are he stripped down the vehicles, filed a claim
12 saying that the vehicle had been stolen or whatever or
13 stripped down and then used the parts?

14 MS. MANNING: Well, he was in possession of the parts.
15 In the case at hand, he was actually trying to reattach the
16 same parts back on. The previous cases he had, after
17 reporting the vehicle stolen, he had removed parts himself in
18 an attempt to conceal the identity of those vehicles, but he
19 had himself removed the parts and was in possession of those
20 parts, just like in this case he had removed parts and was in
21 possession of those parts.

22 THE COURT: Okay. I got you.

23 All right. Anything else?

24 MS. MANNING: No, Your Honor.

25 THE COURT: All right. Mr. Floyd.

Motions

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1 MR. FLOYD: May it please the Court. I do not believe
2 this is really even a Lyle issue. In all of the cases that
3 you analyze from the courts that come down dealing with Lyle,
4 the bad acts in some way are connected to the crime that
5 they're being tried for and used in in some way.

6 (Microphone falls off table.)

7 MS. THORNWELL: Sorry, Your Honor.

8 THE COURT: All right.

9 MS. THORNWELL: I apologize.

10 THE COURT: That's okay.

11 MR. FLOYD: In this particular case just because you've
12 got a prior conviction doesn't make it a prior bad act under
13 Lyle and that's what this is. Those convictions were in no
14 way related to this at all, and I don't believe it's Lyle to
15 start with. Even if, though, even if the Court was to say,
16 "Well, maybe it does," it certainly doesn't go to prove
17 identity. Even if it does, if the Court was to say, "Well,
18 maybe it is a Lyle issue," then the Court has to take that
19 next step over the probative value versus the prejudicial
20 value, and I certainly think the prejudicial value of
21 admitting a crime for the same thing that he's being tried for
22 and all that they're going to use it for is to say, "See, this
23 is the same evidence we're showing you now," is way more
24 prejudicial than probative.

25 THE COURT: Al right. Anything in reply?

1 MS. MANNING: I would -- Your Honor, the State would just
2 argue that, that it's actually more probative than prejudicial
3 because of the similarities, because this is, again, an
4 insurance, false insurance claim, that it is a common scheme
5 or plan. Beg the Court's indulgence for one minute.

6 THE COURT: All right.

7 MS. MANNING: Your Honor, the State is not arguing this
8 for the purposes of identity. We do believe though, however,
9 that it, that it does fall under 404(B) for motive, intent and
10 existence of a common scheme or plan. We believe that the
11 probative value outweighs the prejudicial effect.

12 THE COURT: All right. All right. I'm going to have to
13 take it under advisement. I want to read these cases that,
14 that she submitted and also do a little bit of research myself
15 on it. So I'll take it under advisement, and I'll let you
16 know. I mean, the fact of the matter is I'm going to
17 either admit it or not admit it, and so it shouldn't really
18 change the trial preparation any, but I'm going to take it
19 under advisement, and I'll let you know as soon as I get a
20 chance to read these cases; okay?

21 MS. MANNING: Thank you.

22 THE COURT: All right. Anything else?

23 MR. FLOYD: Not at this time from the Defense.

24 THE COURT: Okay. All right. So we're set and ready to
25 start tomorrow morning?

Motions

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1 MS. MANNING: Yes, sir, Your Honor.

2 THE COURT: All right. Got the jury coming in at 9:30.

3 I have one guilty plea that I'll have to take at 9:00 o'clock.

4 Soon as I finish doing that guilty plea then we'll go straight

5 into this. I'll let you know my decision on this, take up any

6 other pretrial motions and select the jury and get started;

7 okay?

8 MR. FLOYD: Yes, sir.

9 THE COURT: All right. Anything else we need to deal

10 with?

11 (No response.)

12 THE COURT: All right. Thank you all very much.

13 MS. THORNWELL: Thank you, Your Honor.

14 THE COURT: Thank you.

15 (Adjourned for the day.)

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1 I'm going to excuse you back to the jury room for just a
2 few minutes. If you can select a foreperson, write his or her
3 name on a sheet of paper, give it to the bailiff and we'll
4 bring you back into the courtroom at that time. Thank you
5 very much.

6 (Whereupon, the following takes place outside the
7 presence of the jury.)

8 THE COURT: All right. Any challenges to the selection
9 or composition of the jury by the State?

10 MS. MANNING: None from the State, Your Honor.

11 THE COURT: Any from the Defense?

12 MR. FLOYD: No, sir.

13 THE COURT: All right.

14 (Remaining jury panel excused by Court with call-in
15 instructions.)

16 THE COURT: All right. When we broke yesterday, I had
17 taken under advisement the State's motion to introduce the
18 Defendant's prior convictions for insurance fraud under Lyle.
19 As I understand, and I've read the cases, I think there is a
20 common scheme. It does show motive and intent and lack of
21 mistake. Now, I have to do a prejudicial effect versus
22 probative value analysis. What does the State intend to
23 present as its case in chief against the Defendant in this
24 case?

25 MS. MANNING: Do you mean regarding the prior convictions

1 or just in general?

2 THE COURT: No. Just the general, aside from the prior
3 convictions, if you take the prior convictions out of the
4 State's case, what do you have?

5 MS. MANNING: That the complaint was first made to our
6 office by the owners of a body shop in which the Defendant had
7 presented or had brought to them three or four vehicles that
8 were substantially similar in that they were all stripped the
9 same way. They were all high-end SUVs.

10 THE COURT: And I understand that. My question is is
11 what -- is it testimonial witnesses, exhibits, videos, audios?
12 I mean, you've got a long witness list.

13 MS. MANNING: Yes. We have testimonial evidence. We
14 have photographs. We have audio recordings.

15 THE COURT: What do the audio recordings and the videos,
16 what do they show?

17 MS. MANNING: The audio recordings are between the
18 Defendant and the employees of the body shop in which he
19 discusses committing insurance fraud with them.

20 THE COURT: Okay. All right. And what else? What is
21 the other testimonial evidence you've got?

22 MS. MANNING: We have the owner of the Cadillac Escalade
23 will be testifying that she and Judson conspired together to
24 commit this insurance fraud and the parts of that, as well
25 officers that responded, you know, that worked the

1 investigation. We have an expert from MAIT who will -- with
2 the Highway Patrol who will be here to talk about vehicle
3 parts and vehicles and he did like an expert analysis on that.

4 THE COURT: All right. That's fine. That's fine. All
5 right. Any argument, Mr. Floyd?

6 MR. FLOYD: Judge, as to that issue, I don't -- I -- as I
7 stated yesterday, I don't believe it's properly admitted under
8 Lyle.

9 THE COURT: Okay.

10 MR. FLOYD: But as I said yesterday, it's a prior
11 conviction. That doesn't necessarily kick in a -- as a Lyle
12 evidence situation, but having said that and mention the audio
13 recordings, there is talk on there about insurance fraud, and
14 there's one point where there's also talk about nothing that's
15 happened, but just talking about some stuff, and I would
16 submit to the Court that any conversations that aren't
17 directly connected to this particular vehicle are not
18 admissible.

19 THE COURT: Okay. Well, we'll deal with that evidentiary
20 matter when they seek to introduce it, but based upon what
21 they're saying their evidence is in this case, I do rule that
22 the prejudicial effect is not outweighed by the probative
23 value. Put it this way, if they -- the less evidence the
24 State has the more prejudicial it is to the Defendant, the
25 fact that you have a prior conviction could sway a jury, but

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1 based upon the State's contention as to the -- what they've
2 got to present in this case, I don't know that there's a whole
3 lot of prejudicial or that it's going to sway a jury. I think
4 they'll be swayed by the, the, the evidence that the State
5 purports to put up. So I'm going to allow the prior
6 convictions under Lyle. All right. But you do get your
7 instruction that it is simply to show a common scheme, motive
8 and intent, lack of mistake, but it is not proof of guilt in
9 this particular case. They'll get that charge. All right.
10 Anything further from the State?

11 MS. MANNING: Your Honor, only -- our -- in concern with
12 time and one of our witnesses, this is the witness we plan to
13 put up second her son is in critical condition in the hospital
14 and she wants very much to get back to him as soon as
15 possible, and I know our opening is brief. I don't know about
16 the Defense attorney's, but if it would be possible to, to get
17 -- my first witness is also very brief. So if it would be
18 possible to allow her to testify before lunch so she can get
19 back to her son. He's looking at surgery this afternoon.

20 THE COURT: Yeah. And I, I understand that, but we'll
21 just have to see what time it is. I mean, if it means pushing
22 lunch back to two or 3:00 o'clock, no, we're not doing that.

23 MS. MANNING: Okay. Right.

24 THE COURT: But we'll just have to see what kind of
25 time's involved. Okay?

1 THE CLERK: Please be seated. Please state your full
2 name and spell your last name for the Court, please.

3 MR. JORDAN: My name is Joe Jordan. I'm an agent with
4 the South Carolina Law Enforcement Division, J-O-R-D-A-N.

5 DIRECT EXAMINATION

6 BY MS. MANNING:

7 Q Agent Jordan, you just stated that you're an agent with
8 the State Law Enforcement Division. How long have you been an
9 agent with the State Law Enforcement Division?

10 A Since 1984.

11 Q What unit are you assigned to currently?

12 A I currently work in the insurance fraud investigations
13 section of the State Law Enforcement Division.

14 Q And how long have you worked investigating insurance
15 fraud?

16 A Twenty-one years.

17 Q Were you involved in the investigation of Judson Stanley
18 in this case?

19 A Briefly, yes.

20 Q How did the complaint first come to you?

21 A I was notified by my supervisor that a complaint had come
22 in and noticed that I recognized the name Judson Stanley as
23 being a person who had been convicted in the past of insurance
24 fraud.

25 Q What was the nature of this new complaint that came in?

Joe Jordan - Direct by Ms. Manning

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1 A It was a complaint indicating that a person or the
2 Defendant was removing parts from cars, filing claims, getting
3 paid and then replacing those parts that he had removed
4 previously.

5 Q Was this involving one vehicle or multiple vehicles?

6 MR. FLOYD: Objection, Judge.

7 THE COURT: Let me see the attorneys for a second.

8 (Whereupon, a bench conference is held in the presence
9 but out of the hearing of the jury.).

10 THE COURT: Sustained.

11 BY MS. MANNING:

12 Q You indicated that you noticed when you got the complaint
13 that the Defendant was someone you were familiar with?

14 A Yes. I had heard, I had heard his name and a scheme that
15 he used in, in previous matters.

16 Q Were there any similarities that you noted when you
17 received the complaint between the previous convictions of
18 insurance fraud and the complaint at hand?

19 A Yes. They sounded exactly the same.

20 Q How so?

21 A In that parts were removed, not, not torn off or like,
22 like, you know, in an accident or anything, meticulously
23 removed and then insurance claims filed, payment was received
24 and then those parts were replaced and the vehicle was made
25 whole again and the proceeds from the insurance were retained

1 by, by the Defendant.

2 Q Thank you, Agent Jordan. No further questions at this
3 time. Please answer any questions the Defense has for you.

4 CROSS EXAMINATION

5 BY MR. FLOYD:

6 Q Agent Jordan, where did the complaint originate from?

7 A I received a complaint notification from my supervisor,
8 Pete Logan.

9 Q Were you involved in any other part of the investigation?

10 A No.

11 Q After receiving the complaint what did you do with it
12 next?

13 A We contacted a local agent, Billy Howsare, and he
14 conducted the investigation. I'm geographically assigned in
15 Greenville, and so we contacted Billy and solicited his help
16 in the case.

17 Q So your only role, really, was you received some
18 information and passed it on to --

19 A That's correct.

20 Q -- Agent Howsare?

21 A That's correct.

22 Q Thank you, sir.

23 A Yes, sir.

24 Q I've got no further questions.

25 A Yes, sir.

Tracy Holmes - Direct by Ms. Manning

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1 THE COURT: Redirect?

2 MS. MANNING: No, sir, Your Honor.

3 THE COURT: All right. You may step down. The State can
4 call your next witness.

5 MS. MANNING: Thank you, Your Honor. The State calls
6 Tracy Holmes.

7 Whereupon, Tracy Holmes was called to the stand, duly
8 sworn by the clerk and testified as follows:

9 THE CLERK: Please be seated. State your full name and
10 last name and spell your first and last name for the Court,
11 please.

12 MS. HOLMES: Tracy Holmes, Tracy, T-R-A-C-Y, Holmes, H-O-
13 L-M-E-S.

14 DIRECT EXAMINATION

15 BY MS. MANNING:

16 Q Good morning, Tracy.

17 A Good morning.

18 Q Just so everybody knows where you're at today, you're
19 going through something kind of traumatic today; is that
20 correct?

21 A Yes.

22 Q What is that?

23 A My baby boy was in a four wheeling accident. He's in
24 pediatric ICU.

25 MR. FLOYD: I'm going to object, Judge.

1 THE COURT: Sustained. All right.

2 Q Ms. Holmes, we'll try to keep this as brief as possible.
3 Where do you live?

4 A I used to live in Myrtle Beach. Now I live with my
5 mother.

6 Q How long have you lived in the Myrtle Beach area?

7 A For 24 years.

8 Q What do you do for a living?

9 A I'm a full-time student.

10 Q Do you know the Defendant, Judson Stanley?

11 A I do.

12 Q Do you know him by Judson or do you know him by another
13 name?

14 A I know him by Jay.

15 Q Do you see Jay or Judson Stanley in the courtroom today?

16 A Yes.

17 Q And could you point out for the jury where he is?

18 A (Complies with request.)

19 Q The record will reflect that the witness has indicated
20 the Defendant. How did you first meet Jay Stanley?

21 A We were both on Match.com and he contacted me. I didn't
22 reply, and then he found me through Facebook, and we started
23 talking that way.

24 Q Approximately when was this?

25 A April of last year.

Tracy Holmes - Direct by Ms. Manning

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1 Q What was going on in your life at the time?

2 A I was going through a divorce.

3 Q What -- you said that Jay initially reached out to you.
4 What did he say to you when he reached out to you?

5 A It was first just hi, and then he said that he noticed or
6 he saw me on Highway 544 driving my vehicle, and I was curious
7 at that point how would he know what I drove and then that's
8 when I made contact with him.

9 Q So in his initial reach out to you he started talking
10 about your vehicle?

11 A Right.

12 Q Do you have any idea how he would have known what kind of
13 vehicle you drive?

14 A Maybe there was a picture of it on Facebook. I don't
15 know.

16 Q What, what, what else -- what did Jay say to you about
17 your car or how, how soon did Jay, again, start bringing up
18 your vehicle?

19 A We first started talking about our marriages or the, the
20 lack of marriage. He had some situations with his kids in
21 Georgia, and it was more on a personal level as far as
22 talking, and then he, he knew what kind of situation I was in
23 financially going through a divorce, and he kept saying that
24 he could help me out with my car, and as the weeks went by, he
25 just kept bringing it up more often.

1 Q And what kind of vehicle were you driving at the time?

2 A A Cadillac Escalade.

3 Q What year was it?

4 A 2007.

5 Q Was it in good shape?

6 A Uh-huh. Yes.

7 Q So he said he wanted to help you with your car. Did he
8 ever elaborate and tell you exactly what he meant by that?

9 A He did. He said that -- he was giving me scenarios. He
10 had said that he had helped out another woman in need who
11 needed money financially and that we could -- he would strip
12 the car and have the insurance replace the car, and I didn't
13 understand it all, but he brought paperwork and explained it
14 to me that if he stripped the car, took the parts off and
15 tried to say that it was used parts to the insurance company
16 that the insurance company would be paying for parts but he
17 would still have the parts, and therefore, pocket the money.

18 Q What was your reaction to him when he first proposed this
19 plan to you?

20 A I said no, but it come down to that, like I said, I was
21 going through a divorce. My husband was not helping me with
22 my three children. I was losing my house, and my son wanted
23 to go back to college, and he would not pay for his college
24 tuition, and Jay said that he could easily make us \$6000 each
25 within four days, and that was, I guess, back in April he was

Tracy Holmes - Direct by Ms. Manning

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1 still talking about that, and I desperately needed the money.

2 Q So I take it you changed your mind and decided to go
3 along with the plan; is that correct?

4 A I did eventually. Yes.

5 Q Once you decided that you were going to go along with the
6 plan and work with Jay, how did, how did the plan become more
7 definite? What were the details of the plan that developed?

8 A My biggest concern was that my estranged husband would
9 find out because the car was in his name, and I said, "Well,
10 how can you even do this with the car being in his name," but
11 he said that he had -- that he owned a garage in Conway, City
12 Collision, and that he worked out of there, and he would get
13 everything switched out and done without anybody ever finding
14 out about it because being that we were married that I had
15 half of it and there shouldn't be any concern that if I made
16 the claim. He told me what he would do, basically do to the
17 car. He took the car. He stripped it, and he brought it back
18 to me, and when I saw the car, I was just really surprised by
19 how it looked because everything was gone out of it.

20 Q Okay. Let's go back a little bit, and let's go into a
21 little more detail about that. So you agree that he was going
22 to take possession of your car; is that what you're saying?

23 A He wanted me to have my son strip it, and I said, "No, my
24 son's not going to get involved," and then he volunteered to
25 do it. He said, "I'll to take it and I'll take care of it."

1 I'll take it," -- he either said he was going to take it to
2 his sister's house or he would take it to his garage and do it
3 and bring it back.

4 Q Okay. And so where did he pick the car up from?

5 A My house.

6 Q You gave him the keys?

7 A I did. He actually left his vehicle for me to drive
8 there because I didn't have a vehicle. I didn't go anywhere
9 until he called me later and asked me to meet him at Food
10 Lion, it's in Forestbrook, to meet him to see the car.

11 Q Okay. So and, and approximately when, when was this that
12 he did pick up the car and you started the plan? When -- do
13 you remember about when this happened?

14 A You mean what date?

15 Q Well, or month or however --

16 A That, that was in -- that had to be -- it was during the
17 week of Harley Week in Myrtle Beach. So that would've been
18 May, around the mid, mid month of May.

19 Q Okay. You said he came to your house and picked up your
20 keys and took the vehicle for the purpose of stripping it.
21 How long did he have your vehicle?

22 A Just an afternoon.

23 Q And when was the next time you heard from him?

24 A That evening when he brought it back.

25 Q Okay. What, what, what did -- what happened?

Tracy Holmes - Direct by Ms. Manning

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1 A I saw the car. I was completely surprised about how
2 naked it looked and stripped and actually put it in my garage.

3 Q So he contacted you and said he was -- did he contact you
4 when he was finished with your vehicle?

5 A Yes.

6 Q Okay. And what did you do next? Did you meet him
7 somewhere?

8 A Met him at Food Lion in Forestbrook.

9 Q Okay. And what did you see when you met him at Food Lion
10 in Forestbrook?

11 A He was driving the Cadillac and had everything stripped
12 off of it, had the navigational system out, the TVs out, even
13 the siding on the side doors, he had taken the steps off of
14 the side. There are steps that folded out when you opened the
15 door. He had taken those off, which he, he told me he was
16 going to take some expensive parts, but I didn't realize it
17 would be completely empty.

18 Q How about the bumpers? Were the bumpers still attached?

19 A No. One of the bumpers he had taken off, and he had
20 taken the grill off. I think he actually took both bumpers.
21 He had taken the grill off as well.

22 Q What did you think when you saw your vehicle in that
23 condition?

24 A Extremely disappointed that I agreed to the entire
25 situation.

1 Q So what did you do next?

2 A We put the car in my garage. I told him I didn't want to
3 go through with it. He kept saying that we both needed the
4 money. He said he needed the money to pay a lawyer to fight
5 for custody for his boys in Georgia, and throughout the whole
6 week I kept saying, "I don't want to go through with it."
7 He's like, "Well, we've already got the parts off. We're
8 going to do this. It's going to be okay." He said that he
9 had done it before, and it was his garage, and everything
10 would be fine.

11 Q Okay. So how long did you keep your vehicle in your
12 garage?

13 A About a week.

14 Q Why did you keep it for so long?

15 A I didn't want to go through with it. He kept making a
16 plan on what to do and how to do it, and, "I just, I just
17 don't want to do it." I'm like, "Just put the parts back on,"
18 and he's like, "No, I've already got the parts off." I'm
19 like, "Give me the parts back," and then I was afraid that he
20 was going to contact my estranged husband at the time because
21 I was going through a very difficult divorce and tell him
22 because he kept insinuating anybody -- he would call me and
23 say things like, "Anybody that takes money out of my pocket
24 they're going to pay," and just making, I guess, backhanded
25 threats.

Tracy Holmes - Direct by Ms. Manning

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1 Q Did you feel like that was a threat to you?

2 A Absolutely. Yes.

3 Q Did he ever threaten you in other any way about the
4 situation?

5 A No. He talked about threatening other people, that he
6 would take -- that if anybody messed with him he'd take a
7 baseball bat to them, said that he had hit -- took people's
8 dogs and beat them or killed them or to intimidate.

9 Q So what made you change your mind finally and decide that
10 you would continue on with the plan?

11 A I guess I just figured I had a 50-50 chance getting away
12 with it, and that if we did get away with it I got \$6000 to
13 send to pay my rent, send my son back to school, and he was
14 just very adamant that everything would go well.

15 Q Who made the plan for the next step of the -- of this
16 endeavor?

17 A Well, he called me, and he said that we needed to go find
18 a spot to leave or dump the car, and he came to my house, and
19 we actually, I think, took my mom's car because I was using
20 her van at that point, and he took me, he showed me places or
21 told me where to go and showed me places that would be a good
22 spot to leave the car.

23 Q Did he instruct you any -- in any other way about what
24 you were to do?

25 A He found a restaurant on I think it was Grissom Parkway

1 and Pine Island Road, and he had me drive around that maybe
2 three or four times to see if there were cameras on the
3 building, and there were no, no cameras. So he was saying
4 this would be a good spot because he was looking at the
5 nightlights, and he told me to park the vehicle that night is
6 when the plan was and to park the vehicle nose in, facing the
7 bushes so that no one would notice the grill was missing when
8 -- if they rode by the, the road. I think it was Robert
9 Grissom, and he had told me to when I dumped the car to say
10 that, when I called for the wrecker, that the transmission
11 went out, and he told me I should go to Wal-Mart and buy
12 something to say that I actually had a plan going somewhere
13 and to keep the receipt from Wal-Mart or wherever it was I was
14 going to buy something. He had pretty much everything
15 detailed out the way it should happen each step.

16 Q What about how you were to get from the vehicle that you
17 were abandoning home?

18 A My son, to call my son to come get me, to tell him that
19 the car broke down.

20 Q So that was -- that's the plan that he alleged. What did
21 you, what did you do?

22 A I did it. I followed through with it. It was during
23 Memorial weekend. He said that would be a good time to do it
24 because of all the crime and everything that happened during
25 that time, and it happened to be raining that night and he

Tracy Holmes - Direct by Ms. Manning

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1 said that that was good because if there were any fingerprints
2 or anything on that side it would wash it off or that's what
3 the cops would say, that the fingerprints would be washed off,
4 and he even told me to wipe down the inside when I got out of
5 it, which I didn't, but when I left the car behind the -- I
6 think it was at the time the Ponderosa. I think it's named
7 something else now, but my son picked me up and we went to
8 Wal-Mart. I followed through with the plan. I bought some
9 things actually that I needed, kept the receipt, and he kept
10 calling me and asking was it done, was it done, and I said
11 yes, and he told me to call the wrecker, and I did. I called
12 the wrecker and told them that I had broke down and that the
13 car was there, and when that happened, the wrecker drivers
14 were supposed to be surprised, which they were, they didn't
15 know anything about it, that when they got to the vehicle that
16 the vehicle had been vandalized and then them call me and tell
17 me.

18 Q So after the wrecker called you and told you your vehicle
19 had been vandalized, what did you do next?

20 A I asked them if they would call the police and have the
21 police there for me, and I would be on my way.

22 Q Okay. Then what happened after that?

23 A Talked to the police that night. Even the people from
24 the wrecker company was walking around and trying to see what
25 was missing off of the car to help with the report, and Jay

1 called me, it was in the wee hours of the morning because the
2 wrecker didn't get there, I think, until about 2 a.m. because
3 they were so busy, to ask me if it was done and taken care of,
4 and I told him yes, and he was telling me that the following
5 day to make sure that I call the insurance company and place a
6 claim.

7 Q Now, did you tell the tow company where to tow the car?

8 A I did.

9 Q Where was that?

10 A To City Collision.

11 Q Whose idea was that?

12 A That was Jay's. He said that was his shop.

13 Q So do you know anybody at City Collision other than what
14 Jay told you?

15 A No. He told me he owned it. I believed him.

16 Q Had you ever been there before?

17 A No.

18 Q Ever met anybody that you know of that worked there other
19 than what Jay alleged?

20 A No.

21 Q Once the car was at City Collision, did something happen
22 that complicated the plan?

23 A Yes. The insurance adjuster was confused, I assume,
24 about where the car was, and he contacted my estranged husband
25 versus me, and he got involved, and he actually went and got

Tracy Holmes - Direct by Ms. Manning

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1 the car from City Collision and had it towed to another
2 company. I think Jay had text me that he was at City
3 Collision, and he left for 20 minutes and that my husband went
4 in and took the car. He was -- he called me really upset
5 about it, and at that point I'm like, "Okay. I'm, I'm done."

6 Q Did you make an insurance claim?

7 A I did. I called the insurance company, and I reported.

8 Q When approximately in the timeline of events did you call
9 the insurance company?

10 A The following morning after --

11 Q After you reported the car problem?

12 A Yes.

13 Q The following morning?

14 A Yes.

15 Q Okay. How did you report the claim?

16 A I called.

17 Q Did you call from your house?

18 A My cell phone.

19 Q Were you in Horry County?

20 A Yes.

21 Q Okay. Regarding your involvement in this incident, were
22 you charged?

23 A Yes. I've been indicted.

24 Q Do you remember what your charge is?

25 A Filing, filing a false claim with the insurance company.

1 I don't know exactly how it's worded.

2 Q What's the status of that, of that charge today?

3 A It's still pending.

4 Q Has anybody promised you anything regarding your
5 testimony here today?

6 A Absolutely not.

7 Q What made you want to come forward and tell the truth?

8 A I was going through a difficult divorce. I regretted
9 what I did. I don't have a record. I've never had a record,
10 and my, my son knew about it, my oldest son. He saw where the
11 car was vandalized and it's staying in the garage and it was
12 difficult for me to explain to him what I was doing, and I
13 just -- I want to make it right.

14 Q Did you ever hear from the Defendant after he was
15 charged?

16 A Yes.

17 Q In what form did you hear from him?

18 A He kept calling me and saying that we needed to come up
19 with a plan together to say that we, that neither of us had
20 anything to do with it and that we just needed to get our
21 story together, and after he was arrested he called me and
22 said that he was going to record me or something saying that
23 we did nothing wrong and etcetera. I don't think he ever
24 really had a recording, but then SLED got involved after my
25 ex-husband got involved, and I was contacted through SLED, and

Tracy Holmes - Direct by Ms. Manning

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1 I told them what happened.

2 Q Other than Jay calling you, e-mail, text?

3 A He text me several times. I -- he didn't have my e-mail,
4 but he would text me through Facebook and he would text me
5 through phone messages, and he would call quite often that I
6 didn't answer the phone.

7 Q Did you ever say anything to him along the lines of that,
8 that he had done nothing wrong or that you had done nothing
9 wrong?

10 A When we were discussing it after he first got out of
11 jail, we were like, "Okay. We're just going to say we did
12 nothing wrong, everything's fine and we're going to go along
13 with that story," but I didn't.

14 Q Now that it's all over how do you feel about what
15 happened?

16 A I'm very ashamed of my part in it and what I did. I
17 regret it.

18 Q What's the status of your vehicle now?

19 A It's still in impound.

20 Q What -- as far as the -- its condition, what condition is
21 it in?

22 A It's completely stripped. I don't have any parts on it.
23 I can't afford parts on it.

24 MS. MANNING: Beg the Court's indulgence for one moment.

25 THE COURT: All right.

1 BY MS. MANNING:

2 Q Let's go -- going back to the when you called the claim
3 in to the insurance company, what did you report to the
4 insurance company?

5 A That I -- that the car was having transmission problems
6 and that I had pulled over because the transmission was acting
7 up and which is true, the car had been having transmission
8 issues. It had just been out of the shop a couple of months,
9 and that I parked it and where I parked it and that when the
10 tow company come that the tow company called me and told me
11 that it had been vandalized and that I needed to make a claim
12 on it.

13 Q And was that a false claim?

14 A Yes.

15 MS. MANNING: The State has no further questions at this
16 time. Please answer any questions that the Defense has for
17 you.

18 THE COURT: Cross examination?

19 MR. FLOYD: Thank you.

20 CROSS EXAMINATION

21 BY MR. FLOYD:

22 Q Now, Ms. Holmes, you told Jay after he got arrested that
23 he had done nothing wrong?

24 A Well, he told me that he wanted us both to say that.

25 Q And you filed the claim on this vehicle?

Tracy Holmes - Cross by Mr. Floyd

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- 1 A I did.
- 2 Q How far is it from your house to -- what was the name of
- 3 the place you left the car, Smitty's?
- 4 A It was actually the Ponderosa.
- 5 Q All right. How far is that from your house?
- 6 A Probably six, seven miles.
- 7 Q Six or seven miles, and I think you said it was raining
- 8 that night?
- 9 A Uh-huh. It was.
- 10 Q So you drove six and seven -- six or seven miles in the
- 11 rain with no grill and no headlights?
- 12 A No. I had one headlight.
- 13 Q Really?
- 14 A Uh-huh.
- 15 Q Let me ask you, is this a picture of your bumper?
- 16 A My bumper didn't have scratches in it that I remember.
- 17 Q All right. Now, you also stated that when you met Jay he
- 18 immediately started talking to you about your car?
- 19 A Well, he said that's how he -- he said he recognized me
- 20 traveling down 544 in a Cadillac, and I'm like, "How do you
- 21 know what I drive?"
- 22 Q According to the statement that you gave, it was some two
- 23 weeks or so before he mentioned your car?
- 24 A I don't understand the question.
- 25 Q Do you remember giving a statement?

1 A No.

2 Q A handwritten statement?

3 A There's on Facebook he said, "I saw you driving down 544
4 today." He said, "Do you drive a Cadillac Escalade?"

5 Q Do you remember giving a hand -- or not a handwritten, a
6 typed statement to, I believe, Agent Howsare?

7 A That was two weeks after initial contact. That was
8 through Match.com, through Facebook and those things. Yes.

9 Q On June 17th you gave a written statement. Would you
10 like for me to show it to you?

11 A That's what it says. It was about two weeks after
12 Match.com. He contacted me on Match.com. I didn't respond.
13 Then he found my Facebook, and he started Facebook messaging
14 me on Facebook, so two weeks from initial contact on
15 Match.com.

16 Q So he didn't immediately start talking to you about your
17 car?

18 A That's because I wasn't talking to him.

19 Q But you had exchanged phone numbers? You'd --

20 A After that, yes, we did.

21 Q And now, you filed this claim with the insurance company?

22 A Yes. I did.

23 Q And after you drove the car without the grill and all on
24 it you parked it there. Did you park it -- did you find
25 anything unusual when you went back to look at it?

Tracy Holmes - Cross by Mr. Floyd

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- 1 A There was something. The hood was up. I didn't leave
2 the hood up on it.
- 3 Q Now, and your son came and picked you up?
- 4 A Yes. He did.
- 5 Q Now, Jay was arrested on June the 10th?
- 6 A Okay.
- 7 Q You didn't make any phone calls or statements until June
8 13th. That was when the agents approached you; correct?
- 9 A Correct.
- 10 Q That statement, was it recorded, handwritten, anything?
- 11 A When we first talked?
- 12 Q On June the 13th?
- 13 A I don't remember the date.
- 14 Q All right. Well, June 17th was when you did the written
15 statement?
- 16 A Okay.
- 17 Q Or the typed statement?
- 18 A Okay.
- 19 Q So three days prior to that, four days prior to that you
20 met with Agent Howsare; didn't you?
- 21 A I'm sorry. Agent who?
- 22 Q Howsare. Am I pronouncing it?
- 23 A Howsare.
- 24 Q Howsare?
- 25 A Yes. I did.

1 Q All right. At that meeting was that -- did you give a
2 handwritten statement at that time? Was that statement
3 recorded in any fashion?

4 A It was a verbal statement.

5 Q Okay. And again, you filed the claim with your insurance
6 agent?

7 A Yes. I did.

8 Q And you said, "Jay, you've done nothing wrong"?

9 A No. I didn't tell him he hadn't done anything. That's
10 what he wanted me to say, and I said, "Okay. So, we're just
11 supposed to walk around and say that we did nothing wrong?"
12 He said yes.

13 Q Your text says, "We did nothing wrong"?

14 A Yeah. That's what he said. Yeah.

15 Q And it wasn't until after the agents came to see you that
16 all of a sudden Jay was behind everything; correct?

17 A I think there's a bit more to it than that, but he was
18 arrested.

19 Q We'll see how, we'll see how it plays out. Thank you,
20 ma'am.

21 A You're welcome.

22 Q I've got no further questions.

23 THE COURT: Redirect.

24 MS. MANNING: Just briefly, Your Honor.

25 REDIRECT EXAMINATION

Tracy Holmes - Redirect by Ms. Manning

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1 BY MS. MANNING:

2 Q Ms. Holmes, whose idea was it to make the insurance
3 claim?

4 A Jay's.

5 Q Who instructed you what to say when you talked to the
6 insurance company?

7 A Jay told me what to say, how to say it.

8 Q When you gave the statement to Agent Howsare, or I'm
9 sorry, Howsare, when you gave the statement to Agent Howsare
10 do you remember where you were when you gave that statement?

11 A Yes. I was at my divorce attorney's office.

12 Q Was your attorney present?

13 A He was -- she was.

14 Q Thank you. No further questions.

15 THE COURT: All right. You may step down. Let me see
16 the attorneys for a second.

17 (Whereupon, a bench conference is held in the present but
18 out of the hearing of the jury.).

19 THE COURT: All right. The State can call their next
20 witness.

21 MS. MANNING: William Bailey.

22 Whereupon, William Bailey was called to the stand, duly
23 sworn by the clerk and testified as follows:

24 MS. MANNING: Your Honor, may I ask briefly, the witness
25 that just stepped down, may she be released?

1 THE COURT: Any objection?

2 MR. FLOYD: No objections, Judge.

3 THE COURT: All right. She's free to go.

4 MS. MANNING: Thank you, Your Honor.

5 MS. HOLMES: Thank you.

6 THE COURT: Thank you.

7 THE CLERK: Please be seated. State your full name,
8 spell your first and last name for the Court, please.

9 MR. BAILEY: William Bailey, W-I-L-L-I-A-M, B-A-I-L-E-Y.

10 MS. THORNWELL: May it please the Court, Your Honor?

11 THE COURT: Yes, ma'am.

12 DIRECT EXAMINATION

13 BY MS. THORNWELL:

14 Q Mr. Bailey, where are you employed?

15 A Corner Cars Towing.

16 Q And how long have you been employed at the towing
17 company?

18 A Three years this past 4th.

19 Q And what is your role at the towing company?

20 A Tow truck driver.

21 Q And as a tow truck driver, what, what, what does that
22 entail?

23 A Breakdowns, wrecks, police calls, impounds, anything that
24 needs to be towed pretty much.

25 Q Did you have the occasion to tow a 2007 Escalade?

William Bailey - Direct by Ms. Thornwell

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1 A Yes.

2 Q Do you know -- do you remember what day that was?

3 A I don't remember. It's been so long ago I don't remember
4 dates, days. I remember a roundabout times is about it.

5 Q Okay. Can you give me a roundabout time when it
6 happened?

7 A I know it was in the middle of bike week. We were
8 slammed. We had received the call around six or seven, but
9 she was also told that we wouldn't be able to get to it until
10 we are actually slowed down, and it was two, three in the
11 morning before we were actually able to get to the vehicle.

12 Q Okay. Do you remember where the vehicle was when you got
13 it?

14 A It was an old restaurant on the corner of Grissom and
15 Pine Island.

16 Q How, how did the car look when you got there?

17 A It looked like something you see in the movies when you
18 park it in a bad neighborhood.

19 Q Okay. Can you describe to the jury what you mean by
20 that?

21 A Headlights gone, bunch of parts missing, windows down.
22 The interior looked like, looked like it was about to go to
23 the crusher.

24 Q What did you do when you found the vehicle that way?

25 A I initially called Ms. Holmes and there was actually

1 another driver that showed up with me at the same time. So
2 while I was trying to call her he had called the police
3 department.

4 Q Did an officer show up that day?

5 A Yes.

6 Q Okay. What happened when the officer showed up?

7 A He asked who owned the vehicle, who had called us to tow
8 it and then he proceeded to take pictures, and then shortly
9 after, Ms. Holmes arrived.

10 Q So Ms. Holmes came to the scene as well?

11 A Yeah.

12 Q Okay. What happened next?

13 A After that she was dealing with the officer. We stood
14 back till they get done, and once they were done with the
15 vehicle, they told us that we were able to tow it off the
16 property.

17 Q Where did you take the vehicle?

18 A We took it -- she had asked to take it back to my
19 property and then it was going to some body -- I do not know
20 the body shop's name. It was another driver that was going to
21 tow it the next morning because we were so busy that night.
22 We couldn't get anything arranged to get it, get it gone that
23 night.

24 Q So you towed it back to your body shop?

25 A No. To the property.

William Bailey - Direct by Ms. Thornwell

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1 Q I'm sorry, your property?

2 A Yeah.

3 Q I apologize.

4 A Yeah.

5 Q And can you describe what type of property that is?

6 A It was actually my residence.

7 Q Okay.

8 A She had asked to -- asked me to take it to my house so
9 that she knew it would be safe, and then the next morning a
10 driver picked it up and took it to a body shop. I don't know
11 what body shop.

12 Q To be clear, when you arrived at the location, what was
13 the, what was the condition of the vehicle?

14 A Very terrible. It was in shambles.

15 Q Was the car taken from your location to the body shop?

16 A Yeah. The next morning.

17 MS. THORNWELL: I beg the Court's indulgence.

18 THE COURT: All right.

19 MS. THORNWELL: Nothing further from this witness, Your
20 Honor.

21 THE COURT: Cross examination.

22 MR. FLOYD: Very briefly, Judge.

23 CROSS EXAMINATION

24 BY MR. FLOYD:

25 Q Mr. Bailey, do you remember the -- I've heard you

1 generally describe the extent of the damage to the vehicle?

2 A There's just a bunch of parts missing. I don't know what
3 exactly, I mean, we didn't get too in-depth with messing with
4 it because we thought it was a crime scene or whatever was
5 going on. So we waited for the officer to do his thing and
6 all that, so.

7 Q Were both the headlights missing or one or do you recall?
8 If you don't --

9 A I don't recall.

10 Q Thank you, sir. And Ms. Holmes told you where to tow it?

11 A Yeah. I'm good friends with her son. I've known them
12 for a while.

13 Q Oh, okay. All right. Thank you, sir.

14 MR. FLOYD: I've got no further questions.

15 THE COURT: All right. Redirect?

16 MS. THORNWELL: No, Your Honor. May this witness be
17 excused?

18 THE COURT: All right. Any objection?

19 MR. FLOYD: No, Judge.

20 THE COURT: All right. You're free to go.

21 A Thank you.

22 THE COURT: You may step down. The State can call their
23 next witness.

24 MS. THORNWELL: The State calls Jeff Thomas.

25 Whereupon, Jeffrey Thomas was called to the stand, duly

Jeffrey Thomas - Direct by Ms. Thornwell

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1 sworn by the clerk and testified as follows:

2 THE CLERK: Please be seated. State your full name and
3 your last, spell, spell the first and last, too.

4 MR. THOMAS: My name is Jeff Thomas, last name, T-H-O-M-
5 A-S, first name Jeffrey, J-E-F-F-R-E-Y.

6 MS. THORNWELL: May it please the Court, Your Honor?

7 THE COURT: Yes, ma'am.

8 DIRECT EXAMINATION

9 BY MS. THORNWELL:

10 Q Officer Thomas, you're obviously an officer. Where are
11 you employed?

12 A Myrtle Beach Police Department.

13 Q How long have you been employed there?

14 A A little over 10 years.

15 Q Okay. And as an officer what are your job duties?

16 A Primarily I respond to calls for service, 911 calls,
17 typical disturbances, that kind of thing.

18 Q So you would be what's considered a road officer?

19 A Yes, ma'am.

20 Q Do you remember receiving a call on May 24th, 2015?

21 A I do.

22 Q What was the nature of that call?

23 A It was in reference to parts missing from a victim's car.

24 Q Do you remember where that was located?

25 A It was parked in the rear of Smitty's Bar. It was a

1 closed down bar at the time on the corner of Robert Grissom
2 and Pine Island Road.

3 Q Is that located in the County of Horry?

4 A Yes, ma'am.

5 Q And I assume it's within the city limits of Myrtle Beach?

6 A Yes, ma'am.

7 Q Okay. Who was present when you responded to the call?

8 A When I responded I believe there was a tow truck driver.
9 I believe I've got his name in the report, the complainant,
10 Scotty Miller. I believe he was there. There may have been
11 another driver at the scene. I described the, the one that
12 was talking to me. I just got his information for the report.

13 Q Okay. And when you got to the location, did you take a
14 look at the vehicle?

15 A Yes, ma'am.

16 Q Can you describe the vehicle to the jury?

17 A Based on recollection and what I remember in my report,
18 when I arrived there was parts missing all over the place.
19 According to the report, I've got in here that the -- one
20 second -- that the door was open. The hood was up, and there
21 were lots of parts missing from the front, back, sides,
22 interior, just pieces missing all over the place.

23 Q Did you get an opportunity to speak to someone about what
24 happened?

25 A Yes. I spoke to the victim, Ms. -- Ms. Holmes. She was

Jeffrey Thomas - Direct by Ms. Thornwell

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1 finally called to the scene by the tow truck driver, and she
2 informed me that she had had vehicle trouble, and she had had
3 to park her car in the rear of the bar and, and had contacted
4 a tow truck driver, the complainant I had spoke to, and he was
5 supposed to come tow the car later that night, but because it
6 was one of the bike weekends, it was extremely busy, and he
7 said he was unable to get to it. I didn't show up to the call
8 until 10 minutes till five in the morning. That's when --
9 that's shortly after the tow truck driver discovered it.

10 Q Based on that information that you did, what did you do
11 next?

12 A Once I looked all over, I waited for Ms. Holmes to show
13 up on scene. Once she showed up on scene, I spoke to her for
14 a little bit and walked around the car trying to determine
15 exactly what all had been missing. Honestly, I am sure my
16 report is missing quite a few things because there was a lot
17 of items missing from this car. I asked her about any crime
18 scene processing, and she declined on scene for that. I don't
19 recall the reason, however, and spoke to her at length about,
20 about what had happened and everything else and waited while
21 the tow truck driver hooked up the car.

22 Q When you spoke to Mrs. Holmes did you go through a list
23 of what's missing, what was missing? Did you put that in your
24 report?

25 A I tried to go over bare necessities, things that I could

1 tell obviously that I knew were missing, and I did verify that
2 by her, like the navigation system, I had to make sure that
3 these things were in the car before I was able to list it as
4 missing, and I believe I've got in here that she was supposed
5 to provide me later a detailed item list.

6 Q Did you prepare a report?

7 A Yes.

8 MS. THORNWELL: Beg the Court's indulgence.

9 THE COURT: All right.

10 MS. THORNWELL: Nothing further.

11 THE COURT: Cross examination.

12 MR. FLOYD: Very briefly, Judge.

13 CROSS EXAMINATION

14 BY MR. FLOYD:

15 Q Were many cars vandalized that weekend?

16 A I'm, I'm sorry. Say again, sir.

17 Q Were many cars vandalized that weekend?

18 A I'm sure, sir.

19 Q You don't have any personal knowledge of a number?

20 A It's been over a year ago. We do have a lot of incidents
21 going on during both bike weeks.

22 Q You don't have any personal -- well, let me ask it this
23 way. Do you recall if you responded or how many responses of
24 vandalized cars that weekend? If you don't recall I
25 understand.

Jeffrey Thomas - Cross by Mr. Floyd

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1 A I, I don't recall.

2 Q Thank you, sir. Was there ever, I guess you'd call it,
3 an addendum, an add-on list of parts that were missing from
4 the car other than what you've listed in your report?

5 A I noted in my report that I was supposed to get a
6 detailed list. Honestly, I do not recall if that took place.

7 Q Thank you, sir.

8 A I'm sorry. I don't mean to cut you -- I don't, I don't
9 see that it was -- I don't note it in here. So I don't know
10 for a fact that that took place.

11 Q Thank you, sir.

12 MR. FLOYD: No further questions.

13 THE COURT: All right. Redirect?

14 MS. THORNWELL: Nothing from the State, Your Honor. May
15 this witness be excused?

16 THE COURT: Any objection?

17 MR. FLOYD: No objection.

18 THE COURT: All right. You may step down and be excused.
19 All right. Ladies and gentlemen, it's almost 12:25. I think
20 it's a good time for us to go ahead and break for lunch. I'm
21 going to allow you to go to lunch on your own today. I'm
22 going to ask that you please be back in the jury room at 2:00
23 o'clock. That will give you an hour and a half to eat lunch
24 and get back. Please do not discuss the case even among
25 yourselves. Don't conduct any independent investigation.

1 Don't go looking on the Internet or through the newspaper or
2 trying to find out anything about the case. I hope you have a
3 good lunch and we'll see you back at 2:00 o'clock.. Thank you
4 very much.

5 (Whereupon, the following takes place outside the
6 presence of the jury.).

7 THE COURT: All right. Anything from the State before we
8 recess?

9 MS. MANNING: No, sir, Your Honor.

10 THE COURT: Anything from the Defense?

11 MR. FLOYD: No, sir.

12 THE COURT: All right. We'll stand in recess until 2:00
13 o'clock

14 OFF THE RECORD

15 (On the record. The following takes place outside the
16 presence of the jury.)

17 THE COURT: All right. Anything from the State before we
18 bring the jury in?

19 MS. MANNING: Nothing from the State, Your Honor.

20 THE COURT: Anything from the Defense?

21 MR. FLOYD: Judge, in regards to -- it's my understanding
22 the State intends on playing some recordings in this next --
23 through this next witness. I do have an objection to them.
24 If you'd rather us argue that now or would you rather me do it
25 when she goes to introduce them?

Louis Gabriel - Direct by Ms. Manning

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1 in.

2 (Whereupon, the following takes place in the presence of
3 the jury.)

4 THE COURT: All right. Welcome back, ladies and
5 gentlemen. We're ready to resume the trial of this case. I
6 hope everybody had a good lunch, but before we proceed, I need
7 to find out did anybody over the course of lunch hear
8 anything, read anything, discuss anything or gain any
9 additional information about this case while you were at
10 lunch?

11 (No response.)

12 THE COURT: All right. Good.

13 All right. The State can call your next witness.

14 MS. MANNING: Thank you, Your Honor. The State calls
15 Louis Gabriel.

16 Whereupon, Louis Gabriel was called to the stand, duly
17 sworn by the clerk and testified as follows:

18 THE CLERK: Please be seated. State your full name and
19 your last name and spell your first and last, please.

20 MR. GABRIEL: Louis Gabriel, L-O-U-I-S, G-A-B-R-I-E-L.

21 DIRECT EXAMINATION

22 BY MS. MANNING:

23 Q Mr. Gabriel, what do you do for a living?

24 A I own City Collision.

25 Q And what is City Collision?

- 1 A I do collision repairs and painting cars.
- 2 Q Where is that located?
- 3 A Conway, 701.
- 4 Q Is that in Horry County?
- 5 A Horry County.
- 6 Q How long have you operated City Collision?
- 7 A About a year and a half.
- 8 Q How long have you done auto body work?
- 9 A Going on 35 years.
- 10 Q Do you know the Defendant, Judson Stanley?
- 11 A I do.
- 12 Q Do you know him by Judson or do you call him another
- 13 name?
- 14 A I call him Jay.
- 15 Q Do you see him in the courtroom today?
- 16 A I do.
- 17 Q And can you please indicate where he is in the courtroom?
- 18 A He's over to the -- near his lawyer.
- 19 Q When did you first meet Mr. Stanley?
- 20 A Sometime last year.
- 21 Q What were the circumstances around you first meeting him?
- 22 A Wanted to fix a Mercedes.
- 23 Q Okay. Now, did Mr. Stanley work for you at City
- 24 Collision?
- 25 A No.

Louis Gabriel - Direct by Ms. Manning

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- 1 Q Did he own City Collision?
- 2 A No.
- 3 Q Did you let him kind of hang out around your shop during
- 4 that time?
- 5 A I did.
- 6 Q What kinds of things was he doing around your shop?
- 7 A He was doing some work on that Mercedes he brought.
- 8 Q So he was working on his own vehicle?
- 9 A Yeah.
- 10 Q Okay. Did he bring anything else to City Collision other
- 11 than his Mercedes?
- 12 A He did.
- 13 Q Okay. What else did he bring to you?
- 14 A He brought a black Tahoe, black Navigator and a white
- 15 Cadillac.
- 16 Q And what was he bringing those vehicles to your shop for?
- 17 What was the purpose of him bringing those vehicles to your
- 18 shop?
- 19 A For body repairs and some paint work.
- 20 Q What types of body repairs did those vehicles need?
- 21 A Needed bumpers, some wet sanding and buffing, some paint
- 22 work, a bunch of parts missing. I, I didn't get involved in
- 23 any of the parts that were missing, just the body parts he
- 24 would bring me and I'd put them on and paint them if they
- 25 needed painting.

1 Q So all the vehicles had parts missing? Is that your
2 testimony?

3 A They did.

4 Q And so he brought these vehicles to your shop. What --
5 were you doing the work on these vehicles or what, what was
6 the -- what was going on with these vehicles once they got to
7 your shop?

8 A Yeah. I was doing the work on them, fixing the --

9 Q Okay. What type of work were you doing on them?

10 A Fixing the damage that was on them. They were keyed, and
11 like I said, some of them would wet sand and buff. Some of
12 the panels had to be painted.

13 MR. FLOYD: Judge, I'm going to object. If we could
14 approach?

15 THE COURT: All right.

16 (Whereupon, a bench conference is held in the presence
17 but out of the hearing of the jury.).

18 THE COURT: All right. Go ahead.

19 MS. MANNING: Okay.

20 BY MS. MANNING:

21 Q So regarding the work on these vehicles, did you ever
22 overhear Mr. Stanley having any dealings with insurance
23 claims?

24 A Yeah. He was doing insurance claims.

25 Q Okay. Well, describe for me a little bit what you mean

Louis Gabriel - Direct by Ms. Manning

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1 when you say that.

2 A I'm assuming he did the insurance claims because I didn't
3 -- I wasn't doing them.

4 Q Okay.

5 A He was doing like supplements and stuff.

6 Q Okay. What do you mean when you say he was doing
7 supplements? For somebody like me that doesn't really work in
8 the auto body repair world, what -- describe what you mean.

9 A A supplement is something that is missing off the
10 original estimate.

11 Q Okay. So when a vehicle comes to your shop with damage,
12 maybe walk us through a little bit of that process.

13 A An estimate is written.

14 Q Okay.

15 A A preliminary estimate, and then when the car gets there
16 we take it apart, and if there's more stuff that's broken
17 other than what's on the estimate we call the insurance
18 company and they do a supplement and pay extra for the extra
19 damage that's on it.

20 Q Okay. And when you say that Mr. Stanley was doing
21 supplements, what do you mean when you say he was -- what does
22 that mean he was doing supplements? He was writing something
23 up? I mean, describe to me what that means.

24 A Yeah. He was writing a supplement for stuff that was
25 either missing off the original estimate, which I don't really

1 know what was missing off the original estimate. That's
2 something he was doing, and like scratched stuff that may have
3 been on the vehicle that was scraped. I know one adjuster
4 came out a number of times. I forget where he was from. He
5 went over the car a couple of times, and he had just walked
6 around and said he had gotten paid for some of the stuff that
7 he was asking for supplement on. So I don't really know what
8 that, that was about, but I know he was there a couple of
9 times.

10 Q Did you ever overhear Mr. Stanley talking on the phone to
11 insurance companies?

12 A Yes, ma'am.

13 Q What types of things would he say?

14 A That he was me from City Collision and he needed to
15 either find out what was going on with the supplement or find
16 out where the supplement check was because he didn't get paid
17 or whatever he had going on.

18 Q So you overheard him impersonating you, you yourself, to
19 insurance companies?

20 A Yes, ma'am.

21 Q Did you stop him? Did you say anything to him about it?

22 A No, because at that point it was just like let him do
23 what he had to do to keep burying himself, you know, with the
24 SLED agent.

25 Q Okay. Well, I think we're getting ahead of ourselves a

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1 little bit. Let's kind of -- so because you mentioned the
2 SLED agent, and I know SLED did get involved at one point, but
3 before we get to that, why -- now, was Jay working for you?

4 A No.

5 Q Okay. But you allowed him to be at your shop?

6 A He was like a, like a -- one of those persons that was
7 like hard to get rid of. You can tell him something but he
8 didn't listen, you know, like, like a little kid. You can
9 tell him to get out and leave and he'd come right back. You
10 know, like you slap a kid, they come right back, you know.

11 Q Did he do any work for you or any -- did he help you out
12 at all around the shop?

13 A Yes. Every once in a while we'd go pick up and drop off
14 cars.

15 Q And why did you allow him to do that for you?

16 A Basically because he was there, had nothing else to do.

17 Q Were you do it with -- were you helping him with work on
18 his Mercedes that he initially brought to you?

19 A Yes, ma'am.

20 Q Okay. Explain to us a little bit. Did he owe you money
21 or what was, what was going on with that situation?

22 A Originally it was brought in for an insurance claim to
23 get repaired, and I guess that didn't work. So he was trying
24 to get it repaired on his own and get it repainted and get it
25 back together, and he kept saying he would get money to do it

1 and get the parts and all this, and it never, never came
2 about.

3 Q Why, why did you decide to contact law enforcement?

4 A Why did I?

5 Q Yes.

6 A Well, after I figured out what was going on, I've been in
7 this business for all, all my life, and insurance fraud isn't,
8 isn't, isn't a good thing for a person that owns a body shop.
9 I deal with these people on a daily basis, and all these
10 insurance companies I deal with, they know me and they trust
11 me, and I didn't want to ruin my reputation with somebody
12 calling saying, "Hey, I need this or I need that," from my
13 body shop. So I have a good working relationship with all the
14 insurance companies I work with, and I didn't want to, want to
15 ruin that, and insurance fraud is against the law.

16 Q What was going on that led you to believe that insurance
17 fraud was happening that led you to contact law enforcement?

18 MR. FLOYD: Judge, I'm going to object. That's the
19 ultimate conclusion of law.

20 THE COURT: Overruled. Go ahead.

21 Q So, Mr. Gabriel, what, what, what were you observing?
22 What was going on that led you to believe that insurance fraud
23 was happening to the point that you needed to contact law
24 enforcement?

25 A The vehicles that were coming to the shop to get repaired

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1 had the same type of damage on them, missing parts, key
2 scratched, bumpers missing, running boards, roof racks,
3 mirrors, door handles, all the interior pieces that were
4 missing, and I just figured something was going, going wrong.

5 Q After you contacted law enforcement, what happened next?

6 A They sent down Mr. Howsare. Joe Jordan called me and
7 said that he was putting a local guy on, that he would come
8 and see me, and he did, came to the shop and got a recording
9 device for me and gave it to me, and we started recording and
10 trying to do what we had to do.

11 Q So did you record any conversations that you had between
12 you and Mr. Stanley?

13 A I did.

14 Q I'm going to show you what's been marked for
15 identification as State's Exhibit Three. You see it has
16 initials and a date on there. Do you recognize that, that
17 disk?

18 A Yes.

19 Q Is that disk a recording of the conversations that you
20 had between yourself and Mr. Stanley?

21 A Yes.

22 Q Is it a true and accurate representation of the
23 conversations as you remember them that happened between you
24 and Mr. Stanley?

25 A Yes.

1 Q Have those recordings seemed to be altered or changed or
2 parts deleted or anything that would misrepresent the
3 conversation that you had between you and Mr. Stanley?

4 A No.

5 MS. MANNING: Your Honor, at this time the State moves to
6 introduce into evidence State's Exhibit Three.

7 THE COURT: Any objection?

8 MR. FLOYD: Over prior objection.

9 THE COURT: All right. State's Exhibit Number Three
10 admitted into evidence over Defense objection.

11 (Whereupon, State's Exhibit Number Three [CD of
12 Conversations] admitted into evidence and appropriately
13 marked.)

14 MS. MANNING: I'd move to publish to the jury.

15 THE COURT: All right.

16 BY MS. MANNING:

17 Q Mr. Gabriel, I'm going to play a portion -- first of all
18 let me ask you this. Do you remember ever having a
19 conversation between you and Mr. Stanley where he directly
20 addresses committing insurance fraud with you?

21 A Yes.

22 Q I'll play this recording for you. Bear with me for just
23 a second while I set this up.

24 (State's Exhibit Number Three played in open court.)

25 Q Mr. Gabriel, is that -- do you remember that conversation

Louis Gabriel - Direct by Ms. Manning

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1 with Mr. Stanley?

2 A I do.

3 Q It is a little bit garbled. So in case anybody didn't
4 hear, what were you -- what was he proposing to you in that
5 conversation?

6 A He was proposing to take the jet skis and chop them up
7 and bury them and call the insurance.

8 Q Did you take him up on that offer?

9 A I did not.

10 Q Okay. Is that the only time he ever talked to you about
11 committing insurance fraud?

12 A He had mentioned some other vehicles he had in like
13 process, like this was like a job he had to do some other
14 stuff, some other insurance jobs like the ones we had done in
15 the past, but I think at that point we had gotten, gotten
16 enough and everything just stopped. Billy came in and did his
17 job and that was about the end of it.

18 Q Well, after this conversation you had about the jet skis,
19 did you continue to record more conversations that you had
20 between yourself and Mr. Stanley?

21 A Yes.

22 Q Let's talk a little bit about the Cadillac Escalade that
23 belonged to Tracy Holmes. What was the first thing you
24 remember happening about that Cadillac Escalade?

25 A The first thing I remember?

1 Q Let me, let me rephrase. Let me ask you a different way.
2 What was the first part of that Cadillac Escalade that you
3 saw?

4 A The first part I saw, him and his sister came, pulled up
5 to the shop, had the doors open, and they walked the parts in
6 the shop and asked me where did I want to put them, and I
7 don't remember what I said, probably wasn't too pleasant. So
8 I'm not going to say it. They ended up putting the parts in
9 the back of the shop, and that's all I remember.

10 Q Specifically do you remember what parts we're talking
11 about?

12 A Front and rear bumpers.

13 Q Now, had you even -- was the Cadillac Escalade even at
14 your shop at this point?

15 A No. It wasn't.

16 Q So you're saying parts to a Cadillac Escalade showed up
17 to your shop before the Cadillac Escalade was towed to your
18 shop?

19 A Yes.

20 Q Was it towed there the same day?

21 A I don't remember what, what day it got there.

22 Q But it got -- but the parts got there before the Cadillac
23 got there?

24 A Yeah.

25 Q Did you know anything about a Cadillac coming in to your

Louis Gabriel - Direct by Ms. Manning

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1 shop?

2 A He had been talking about that car for a couple of weeks
3 that he had another job coming.

4 Q Okay. I'm going to play another clip for you and see if
5 you can remember this one.

6 MR. FLOYD: Again, Judge, subject to prior objections.

7 THE COURT: All right. Now, this -- but this is the same
8 exhibit, State's Exhibit Three?

9 MS. MANNING: This is the same exhibit.

10 THE COURT: Okay.

11 MS. MANNING: Yes, sir.

12 THE COURT: All right.

13 (State's Exhibit Number Three played in open court.)

14 BY MS. MANNING:

15 Q Mr. Gabriel, in that recording Mr. Stanley says that a
16 Cadillac is coming in later in the week. Is that, is that
17 correct according to what you remember?

18 A Yeah.

19 Q Do you have any idea how Mr. Stanley would know that a
20 Cadillac was coming into your shop before it had even been
21 reported as vandalized?

22 A Do I have any idea?

23 Q Yeah.

24 A Yeah. I got an idea. He had it planned.

25 Q After you made these recordings, what, what did you do

1 next? What happened next? After you, after you finished
2 recording the conversations that you had had with Mr. Stanley,
3 what did you do next?

4 A What did I do next?

5 Q What happened next? Did you continue to record
6 conversations with him?

7 A No. I had a gentleman working for me that used to be
8 with the highway patrol, and I thought maybe he would have a
9 better, better chance of getting Mr. Stanley to talk a little
10 bit more to try to get him -- so things would be -- I have a
11 bad memory from all the years of painting in the body shop
12 business. He's a little bit crisper on the memory than I am.
13 So I handed, I handed him the, the reins of getting him
14 handled. So I gave him the little thingy, and he took over
15 the taping department.

16 Q Okay. Did you really -- did you have any other
17 interactions with Mr. Stanley up until the point where he got
18 arrested?

19 A I wasn't there the day he got arrested.

20 Q Okay.

21 A I had to go to Wilmington to pick up some parts.

22 Q Now, did you have any -- have you had any interactions
23 with Mr. Stanley after he got arrested?

24 A I did.

25 Q Okay. And what was that?

Louis Gabriel - Direct by Ms. Manning

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1 A He had the G-wagen at the body shop for storage for over
2 a year, and he had another Denali sitting there for a pretty
3 long time, and in the State of South Carolina, I was trying to
4 get the vehicles for storage and whatever I could get at that
5 point, but we went to court and the judge awarded him his
6 vehicles back, and I guess he's got them in his possession
7 now.

8 Q So the judge ultimately found against you and in favor of
9 him regarding --

10 A Yes.

11 Q -- the possession of this other Mercedes and, and against
12 you in regard to you getting paid for any work or storage that
13 you had on that vehicle; is that correct?

14 A Yes.

15 Q Now, I imagine you probably weren't pleased with that
16 verdict, weren't happy with that verdict; is that correct?

17 A Well, I, I knew better. I mean, you know, it's -- it
18 ain't no big deal.

19 Q Did that interaction -- has that colored or changed your
20 testimony in any way today?

21 A It hasn't.

22 Q Is everything you told here today the truth?

23 A It is.

24 MS. MANNING: Beg the Court's indulgence for one moment.

25 THE COURT: All right.

1 MS. MANNING: I have no further questions at this time.
2 Please answer any questions that the Defense attorney has.

3 A Okay.

4 THE COURT: Cross examination.

5 MR. FLOYD: May it please the Court? Judge, first I
6 would like to play the full conversations.

7 THE COURT: You're talking about State's Exhibit Number
8 Three?

9 MR. FLOYD: Yes, sir.

10 THE COURT: All right.

11 (State's Exhibit Number Three played in open court.)

12 MR. FLOYD: Excuse me.

13 (Attorney for State and Defense confer.)

14 (State's Exhibit Number Three played in open court.)

15 CROSS EXAMINATION

16 BY MR. FLOYD:

17 Q Mr. Gabriel, what date, what was the date that that
18 conversation took place on?

19 A I haven't the faintest.

20 Q Excuse me?

21 A I haven't the faintest idea.

22 Q All right, sir. And in that he's talking about towing
23 his own car; correct?

24 A He's talking about towing another car that he was
25 planning on another scam. Yeah.

Louis Gabriel - Cross by Mr. Floyd

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1 Q A Denali?

2 A A Denali. Yeah.

3 Q That belonged to him?

4 A Supposedly. I don't know who it belonged to.

5 Q All right, sir.

6 MR. FLOYD: And let's play the full.

7 (Counsel for State and Defense confer.)

8 (State's Exhibit Number Three played in open court.)

9 THE COURT: Excuse me. Can we turn that off for a
10 second? Do you have a question?

11 JUROR: Can I use the bathroom, please?

12 THE COURT: Okay. All right. Let's go ahead and take
13 about a five-minute break, give the jury a break. Do not
14 discuss the case even among yourselves at this point in time.
15 Okay? All right. Hold for one second. Have a seat just for
16 one second.

17 (Whereupon, the following takes place outside the
18 presence of the jury.)

19 THE COURT: All right. Anything from the State before we
20 take a break?

21 MS. MANNING: Nothing from the State, Your Honor.

22 THE COURT: Anything from the Defense?

23 MR. FLOYD: No, sir, Judge.

24 THE COURT: All right. Mr. Gabriel, we're still in the
25 middle of your testimony. So you cannot discuss your

1 the jury.)

2 THE COURT: All right. Ladies and gentlemen, welcome
3 back. We're ready to resume the trial of the case. We'll
4 resume with the playing of State's Exhibit Number Three.

5 (State's Exhibit Number Three played in open court.)

6 BY MR. FLOYD:

7 Q Mr. Gabriel, I'm going to show you a picture marked as
8 Defense Exhibit Number Two.

9 A Yeah. That's the Denali.

10 Q Is that the vehicle that was towed in?

11 A It is.

12 Q All right, sir. So at the start of that one they were
13 talking about towing a vehicle. This was that vehicle?

14 A Yeah.

15 Q And that belonged to Judson?

16 A I don't know. I had a couple of different people come in
17 telling me that it belonged to them. So I really don't know
18 who it belonged to.

19 Q But there was a certificate of title. Didn't you --

20 A I'm just telling you. People come into my office and
21 said it was theirs. I didn't see no title. I didn't see
22 nothing.

23 Q That was one of the vehicles that were --

24 A Yeah.

25 Q -- the subject --

Louis Gabriel - Redirect by Ms. Manning

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1 A Yes.

2 Q -- of the lawsuit against you in magistrate's court?

3 A Yeah.

4 Q And you were ordered to return that to him?

5 A Yes.

6 Q All right, sir. Now, on the last recording that we
7 listened to, Jonah Buck was on that recording also; wasn't he?

8 A I think so.

9 Q All right, sir. Now, what was the date on that
10 recording, the second recording?

11 A Not good with dates.

12 Q So you didn't keep track of any of the times that you all
13 talked or anything?

14 A No. Alls I did was keep that thing in my pocket. I
15 didn't keep track.

16 Q All right, sir. Thank you.

17 A You're welcome.

18 THE COURT: Redirect?

19 MS. MANNING: Just briefly, Your Honor.

20 REDIRECT EXAMINATION

21 By MS. MANNING:

22 Q Mr. Gabriel, did you know Tracy Holmes before any of
23 this?

24 A I never even met the woman. This is the first time I've
25 seen her today.

1 Q Okay. Now, Mr. Floyd was just asking you about the
2 Denali. Who came to your office claiming the Denali was
3 theirs?

4 A Ms. Darlene.

5 Q And what was -- what did -- what was going on with that
6 as far as what you understood?

7 A She came in and wanted to tow it out of there, and I said
8 she ain't towing it out of here till she paid me some money.

9 Q And she claimed it was hers?

10 A She claimed it was hers.

11 Q Did she --

12 A Didn't show me no title, no paperwork, no nothing, just
13 came in saying, "I want my truck." I'm like, "You can't have
14 it until you pay me money, somebody pays me. I don't care who
15 pays me."

16 Q Did Jay ever talk to you about an insurance fraud plan
17 involving that Denali?

18 A Yeah. He did.

19 Q What was that plan?

20 A I really don't know the plan. He wanted to slap it
21 together, I think, to make it look like it hit something, you
22 know. I really don't know.

23 Q Thank you. No further questions.

24 THE COURT: All right. You may step down.

25 A Thank you.

Rhonda Gabriel - Direct by Ms. Thornwell

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1 THE COURT: All right. The State can call your next
2 witness.

3 MS. THORNWELL: Your Honor, may we approach?

4 THE COURT: All right.

5 (Whereupon, a bench conference was held in the presence
6 but out of the hearing of the jury.)

7 THE COURT: All right. The State can call your next
8 witness.

9 MS. THORNWELL: Pleases the Court, the State calls Rhonda
10 Gabriel.

11 THE COURT: All right.

12 Whereupon, Rhonda Gabriel was called to the stand, duly
13 sworn by the clerk and testified as follows:

14 THE CLERK: Please be seated. State your full and your
15 last name, and spell your first and last for the Court,
16 please.

17 MS. GABRIEL: Rhonda Gabriel, R-H-O-N-D-A, Gabriel, G-A-
18 B, like boy, R-I-E-L.

19 DIRECT EXAMINATION

20 BY MS. THORNWELL:

21 Q Ms. Gabriel, where are you employed?

22 A I am an insurance adjuster.

23 Q Do you --

24 A Currently I'm an insurance adjuster. I was -- about a
25 year and a half ago I was kind of going to school for

1 insurance. So I was helping Lou at the shop a little bit.

2 Q Okay. And what is Lou? You call him Lou. What is he?

3 A My husband.

4 Q How long have you all been married?

5 A Almost 11 years.

6 Q Do you know the Defendant in this case?

7 A Mr. Stanley?

8 Q Yes.

9 A I've seen him a few times at the shop, but I don't go to
10 the shop very much, but I have seen him a few times there.

11 Q What, if anything, do you know about the dealings that
12 the Defendant had with your shop?

13 A I know that I had a shop, a tire store. We closed it
14 like just before Thanksgiving 2013. December the 1st, 2013,
15 Lou opened up City Collision on 701. Approximately around the
16 15th, I'm saying the 15th of December because it was just
17 before my kids got out of school for winter break. There was
18 a G-wagen there, a Mercedes, a black, like a 2002, 2003
19 Mercedes, and I did not see it brought there, but I got there
20 one day and Lou was saying that somebody was possibly going to
21 have a car fixed here, a gentleman had brought up a car.
22 Probably about three weeks after that, got a phone call from
23 Progressive Insurance. Now, I didn't take the first phone
24 call. Lou did, but I remember Lou telling me, "About what day
25 did this Mercedes get here," and I told him it was somewhere

Rhonda Gabriel - Direct by Ms. Thornwell

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1 around December the 15th of 2013. Well, about two or three
2 weeks after that another phone call from Progressive Insurance
3 called the shop. I happened to be there. I took the call,
4 and they were saying, "What work's been done to the Mercedes,"
5 and I said, "At this point, nothing." They asked me my
6 opinion because I write estimates. They asked me what kind of
7 damage is on it? I said, "To me it just looks like somebody
8 sanded it, maybe some parts taken off. I don't see like any
9 dents, anything like that," and they said, "Well, if he
10 proceeds with that we're going to file for -- go after him for
11 insurance fraud," and then about sometime in February, not
12 sure of the date in February, Mr. Stanley came up driving a, a
13 black, I want to say it was either a Tahoe or Yukon, not sure
14 which one. He came up there, and Lou was not there. I
15 happened to be there with my kids. He wanted an estimate, and
16 so I walked out there with him, and there was a black Yukon or
17 Tahoe that had been keyed. The front bumper was missing, and
18 he was asking me, he says, "This is my friend's -- she -- her
19 boyfriend." "I think," he said, "Between me and you I think
20 her boyfriend got pissed off at her, and he keyed it up and
21 she needs money. She's going to sell it overseas, and I just
22 need an estimate just to kind of get it fixed up enough to
23 sell it," and so I was walking around. I didn't think nothing
24 of it. I said, "Well, yeah, probably we could wet sand and
25 buff this. We don't have to paint everything," and then I

1 noticed one of its tires. He was going around. He was
2 showing me every little nick, and I thought it was a little
3 weird that he knew where every little bit of damage was, and I
4 remember looking at it, and I said, "That tire's been
5 slashed," and he act so shocked. He was like, "Oh, I didn't
6 see that before," and then I do recall the front bumper was
7 off because around a tire you have what they call a fender
8 liner. A fender liner is a plastic black piece that goes
9 around the wheel and also connects to the bumper, and it was a
10 windy day a little bit, and I saw that fender liner kind of
11 blowing, and I remember asking -- telling him -- I said, "If
12 you drive this too much you're going to rip that fender liner
13 off," and he said something to this effect about he'd take
14 care of that. I've seen him up there a few more times after
15 that. I didn't really talk to him much.

16 Q Okay. At some point did you become --

17 A Suspicious.

18 Q -- aware of --

19 A I became very suspicious when a couple of times I was up
20 there and I saw a couple of different vehicles and they all
21 looked pretty much the same, and his story, the first story
22 about selling a car overseas when you got Craigslist and you
23 got all these used car dealerships, you need money, go to the
24 -- go there to sell it, and I just thought it was kind of -- I
25 thought it was a little too much.

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1 Q When you got suspicious, what did you do?

2 A I called the Department of Insurance and gave them my
3 suspicions.

4 Q And just so the jury is aware, what agency is the
5 Department of Insurance that you called?

6 A I called -- I'm sorry -- I called the South Carolina
7 Department of Insurance, the fraud hotline.

8 Q Okay. Are you aware of where that fraud line comes to?

9 A I know it came to Columbia and I spoke with the Attorney
10 General.

11 Q So it came to the Attorney General. Your call came to
12 the Attorney General?

13 A Yes.

14 Q And why exactly did you call the fraud hotline?

15 A Because I was studying to be an insurance adjuster and I
16 know that even -- I've been in the body shop business for
17 almost 11 years, and if I saw something that I thought was not
18 right, we were supposed to report it, even if we -- our
19 suspicions were wrong you should report it, and I surely don't
20 like paying for other people's fraudulent claims because it
21 makes the rest of our insurance company, you know, everybody
22 else's insurance goes up. So I -- just didn't set too well
23 with me the thought of somebody ripping the insurance company
24 off.

25 MR. FLOYD: Objection, Your Honor, conclusions of law.

1 THE COURT: Overruled.

2 MS. THORNWELL: I beg the Court's indulgence.

3 THE COURT: All right.

4 BY MS. THORNWELL:

5 Q Ms. Gabriel, have you had any other suspicious activity
6 happen to you since you've made the call to the insurance
7 fraud division?

8 A Yes. I had a few months ago two nights in a row that I
9 know of there was a, might not have been black, but it was a
10 dark colored SUV was out in my yard like they were watching
11 me, and I also had a dog and a cat that got gone at the exact
12 same time this vehicle I saw two nights in a row. As a matter
13 of a fact, my oldest child went outside, and he flipped the
14 lights to look for like a bat or something, and the person
15 turned around and he did see their taillights as they were
16 leaving, and I have a curvy long driveway.

17 MS. THORNWELL: No further questions, Your Honor.

18 CROSS EXAMINATION

19 BY MR. FLOYD:

20 Q Who was it?

21 A I don't know.

22 Q Okay. Ms. Gabriel, is this the car that you were talking
23 about, the G-wagen?

24 A The G-wagen. Yes, sir.

25 Q And is that one of the two cars that were ordered

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1 returned to Mr. Stanley by the --

2 A Yes, sir.

3 Q And outside of the little bit of testimony you've given
4 here today that's all the information you've got about this?

5 A That I saw personally. Yes.

6 Q Thank you.

7 MR. FLOYD: I have no further questions.

8 THE COURT: Redirect?

9 MS. THORNWELL: No, Your Honor.

10 THE COURT: All right. You may step down.

11 MS. THORNWELL: Your Honor, may Mr. and Mrs. Gabriel be
12 excused?

13 THE COURT: Any objection?

14 MR. FLOYD: No objection.

15 THE COURT: All right. They're free to go.

16 MS. MANNING: Thank you.

17 THE COURT: All right. We'll go ahead and break?

18 MS. MANNING: Your Honor, our next witness we anticipate
19 lasting beyond five o'clock, so.

20 THE COURT: All right. Ladies and gentlemen, we're going
21 to go ahead and break for the day. It's a little bit early,
22 but the next witness I think is going to take some time. So
23 I'm going to allow you to go home for the evening. Please do
24 not discuss the case even among yourselves, don't discuss it
25 with any family or friends, don't conduct any independent

1 investigation into the case, don't try to find out anything
2 about the case. I'm going to ask that you please be back in
3 the jury room at 9:15 tomorrow morning. They'll have some
4 coffee and a little bit of breakfast for you if you want a
5 biscuit or something of that nature. They'll have it there
6 for you. Hope everybody has a good evening, and we'll see you
7 back at 9:15 tomorrow morning. Thank you very much.

8 (Whereupon, the following takes place outside the
9 presence of the jury.)

10 THE COURT: All right. Anything from the State before we
11 break for the evening?

12 MS. MANNING: Nothing from the State, Your Honor.

13 THE COURT: Anything from the Defense?

14 MR. FLOYD: No, sir, Judge.

15 THE COURT: All right. We'll go ahead and we'll stand in
16 recess until 9:15 tomorrow morning. All right.

17 MS. MANNING: Thank you, Your Honor.

18 MS. THORNWELL: Thank you.

19 THE COURT: Well, I'll take the bench at 9:30. I'll get
20 them back at 9:15 so they can get a cup of coffee or get
21 whatever. I'll take the bench at 9:30. Okay? All right.

22 (Adjourned for the day.)
23
24
25

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1 (State v. Judson Stanley, 2014-GS-26-4985. On the record,
2 July 15, 2015. The following takes place outside the presence
3 of the jury panel.)

4 THE COURT: All right. Anything from the State before we
5 bring the jury in?

6 MS. MANNING: Nothing from the State, Your Honor.

7 THE COURT: Anything from the Defense?

8 MR. FLOYD: No, sir.

9 THE COURT: All right. Let's go ahead and bring the jury
10 in.

11 (Whereupon, the following takes place in the presence of
12 the jury.)

13 THE COURT: All right. Ladies and gentlemen, welcome
14 back. I hope everybody had a good evening. We're ready to
15 resume the trial of this case. Before we do so, I need to
16 ask, during the course of the evening has anybody heard
17 anything, read anything, discussed anything or investigated
18 anything about this case that was not presented during the
19 trial?

20 (No response.)

21 THE COURT: Very well. Good. All right. The State can
22 call their next witness.

23 MS. MANNING: Thank you, Your Honor. The State calls
24 Jonah Buck.

25 Whereupon, Jonah Buck was called to the stand, duly sworn

1 by the clerk and testified as follows:

2 THE CLERK: State your full name, spell your first and
3 last for the Court, please.

4 MR. BUCK: Jonah Edwin Buck, J-O-N-A-H, B-U-C-K.

5 DIRECT EXAMINATION

6 BY MS. MANNING:

7 Q Jonah, what do you do for a living?

8 A Currently I'm a painter, auto body painter by trade.

9 Q How long have you done that type of work?

10 A About 18 years.

11 Q Is that -- have you had any other careers?

12 A I have -- I'm a certified mechanic out of high school,
13 and I became a city police officer, then for about a year and
14 a half, then I became a state trooper for about seven, eight
15 years.

16 Q Seven -- you say 17 years?

17 A Seven or eight, seven.

18 Q Seven or eight years?

19 A Roughly seven and a half years.

20 Q You had something fairly traumatic happen to you at the
21 end of that highway patrol career; is that correct?

22 A I did.

23 Q Tell us a little bit about that.

24 A I was involved in -- I was always a go-getter and I
25 always shook the bushes. I didn't sit around. So I was, was

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1 getting involved in, in things, and towards the end of my
2 tenure with the highway patrol I was involved in a head-on
3 collision where I was -- fractured my skull and fractured
4 several other things, had reconstructive surgery on my hands,
5 and I had surgeries and all that -- all kinds of stuff and
6 therapy, and I returned back to work some light duty and
7 eventually was able to return to full duty, and at the same
8 time I was going through a rather tough divorce and just, you
9 know, being able to see your children every day and make sure
10 they're safe. I love my children. I have four of them. At
11 the time I had two. You're able to -- it, it just -- it's a
12 part of you that you, you never, you know, as a father it's
13 just instilled in you. There became a point when I decided
14 that I didn't want to be a state trooper anymore, that I
15 wanted to go off and paint on my own. So I left the highway
16 patrol and in great standings with a great record, and slowly,
17 what was a great life and laughter, happiness and things like
18 that became just a dull, it came to a dull roar pretty quick,
19 and I, and through my life I had never, you know, I grew up in
20 a Catholic school. I had a wonderful upbringing. I don't
21 drink. I've never done any drugs, never experimented with
22 them or anything. Then one day I just got -- never took any
23 medicine while I was in surgery or therapy or anything. Then
24 one day I just got to a low point in my life and took some
25 that -- took some medicines and pills, Percocet, things that I

1 had to dull the pain, and then dull the pain up here as well,
2 and it became a problem for two years, two years exactly, and
3 I did it so well that I was able to hide it from everybody. I
4 was, I was good at it. I was too proud to tell anybody about
5 my problem. My family is very proud of me. I never had any
6 problems growing up, never been in any trouble, and however,
7 leaving the highway patrol it gave me a sense of somewhat
8 relief. I could let my guard down. I could be me a little
9 bit more. Like I said, I love to laugh. I'm a big jokester,
10 and so one day I was, I was sitting there, and I was having
11 some, some arguments with my wife, and I realized that I was
12 at the lowest point in my life, and I was one -- I just looked
13 at myself, there could be nothing worse than being a pill
14 addict for two years. It was two years to the day, and then I
15 thought a little bit more, and I realized that the only thing
16 worse than being a pill addict for two years is two years and
17 one day. So I decided to go check into a rehab center. The
18 program was 90 days long, and I stayed there for five and half
19 months, and I came home, and I do not count the days that I've
20 been clean. I don't add them up. I don't brag about them.
21 Every day I wake up and say I'm sober today, and that is my,
22 my major, like I say, it was a two-year thing. I'm 40 years
23 old. It was right around when I was 36 years old, well 35
24 years old. So it happened. I don't have any excuses, and I'm
25 ashamed of it, but it's something that I dealt with and took

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1 care of.

2 Q And about how long was it that you completed your
3 treatment program for that?

4 A It was right at four years ago.

5 Q Have you been clean ever since?

6 A Yes, ma'am.

7 Q Clean here today?

8 A I am clean today.

9 Q I commend you for realizing that you had a problem and
10 have taken care of it. A lot of people can't get over that
11 and they, you know, just the fact that you did that speaks a
12 lot.

13 I want to talk to you a little bit. Where were you
14 working in May of 2014?

15 A I was working with Lou Gabriel at, at City Collision.

16 Q What type of work were you doing for him?

17 A I was a painter for him, occasionally did some body work,
18 I handled -- I never dealt with customers or anything like
19 that unless he wasn't there and it was somebody we knew. He
20 had a different pricing plan than, than, than I did so.

21 Q Do you know the Defendant, Judson Stanley?

22 A I do.

23 Q Do you know him by Judson?

24 A I know him by Jay.

25 Q Do you see Jay Stanley in the courtroom today?

1 A I do.

2 Q Where is he?

3 A Sitting at the table in the pink shirt.

4 Q When did you first become aware or, or see Judson Stanley
5 that you, that you remember?

6 A You know, I -- when I worked for Lou I worked in the
7 back. I kept to myself. We, we were pretty productive. It
8 was just two guys working there, and we, we stayed pretty
9 busy. Lou always -- Lou had always referred to him as frizz
10 head. He never would tell me his name, and I never could put
11 the connection, and one day we were talking, and I was just
12 trying to figure out who frizz head was, and he says it's the
13 guy that comes up here with the ponytail, and that was when I
14 realized who Jay was, and it was -- he had been coming up
15 there maybe that I can remember a couple of weeks that I knew
16 of.

17 Q Okay. What types of things was he doing that you
18 noticed, was he doing around the shop?

19 A He wasn't doing anything around the shop. He mainly
20 stuck with Lou. I did not get involved in him and Lou's
21 business. Lou didn't keep me informed of that. It was --
22 that, you know, I try to, to keep a low profile when it comes
23 to everybody else's business.

24 THE COURT: Excuse me. I'm sorry. Can you speak up a
25 little bit more legibly --

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1 A I'm sorry.

2 THE COURT: -- and into the microphone. I'm having
3 trouble understanding. If you could speak -- slow down and
4 speak a little bit more clearly. All right. Go ahead.

5 Q How did you feel about, about Jay or Judson Stanley being
6 there? Did you have any feelings about him?

7 A You know, at first I didn't. Jay was -- he's, you know,
8 he's well spoken. He carries himself well. He's always very
9 clean, and he always had a smile on his face. He was, you
10 know, I didn't know him. That was, you know, the only thing
11 that I knew of was what I saw, never talked to him other than
12 it might be a hey or hello. It was a couple of weeks after he
13 was at the shop that I, I began -- I only got to know him
14 because Lou asked me to, to get to know him, to, to take over
15 his, his role.

16 Q What -- as you got to know him more and as you're around
17 him more, what sorts of things did you notice? Did anything
18 stand out to you?

19 A The fact that he was representing himself as an employee
20 with City Collision and talking to the insurance companies and
21 doing his own supplements on a couple of vehicles that were
22 there that after a while I went to Lou and questioned about
23 the damage. I noticed that -- we normally will get an
24 estimate on a vehicle and we will do the repairs off of the
25 estimate that the insurance company paid to do. We weren't

1 getting any estimates off the vehicles Jay was bringing. He
2 would tell us what to do or ask us to do them, do the repairs
3 or ask Lou to do them, and it was unusual the type of repair
4 that he wanted done because that's not what the insurance
5 company would have paid to do, and it --

6 Q What, what do you mean? Can you explain what was unusual
7 about the type of repair he was asking you to do versus what
8 the insurance company was putting on their estimate?

9 A Well, insurance companies are very thorough, and, and if
10 you have a scratch that protrudes through the clear coat,
11 which you have a, you know, you have a prior, a base coat and
12 a clear coat on a vehicle. They're adamant that they -- that
13 you paint the, the entire panel, blend it into the next panel,
14 and Jay would ask us to wet sand it, which is water and a real
15 fine piece of sand paper, try to wet sand the scratches out,
16 which we were able to do, and buff out the panel and make them
17 look new. There were, I think, a black Tahoe that we had --
18 we ended up having to paint a door and a rear quarter on, but
19 the rest of it we were able to buff out like he asked, which
20 was, in that case if, as an example, if an estimate was \$4500
21 and we only did a quarter of the paint work, the customer
22 could pocket a good, you know, amount of money.

23 Q Tell us about the vehicles that Judson Stanley was
24 bringing into City Collision.

25 A The one that I, I -- the first one I remember, this is --

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1 it, it -- that I got -- I started to notice things happening
2 was a black Tahoe. I believe it was a Tahoe. It -- from my
3 memory, I normally go by the wheels on a car, and this one was
4 missing a few. It was a black Tahoe that was -- it looked
5 like it'd been we call it keyed. It's just a standard term
6 that somebody keyed the car. It was missing the front bumper
7 and, and some various parts. I, I can't tell you exactly.
8 Lou always put them together, too. I just painted the stuff,
9 and that there was some navigation equipment, some electronic
10 equipment --

11 MR. FLOYD: Judge, I'm going to object. May we approach
12 the bench?

13 THE COURT: All right.

14 (Whereupon, a bench conference is held in the presence
15 but out of the hearing of the jury.)

16 BY MS. MANNING:

17 Q Jonah, you were, I believe, telling us about the Tahoe?

18 A Yes, ma'am. Again, there was -- I remember the rear
19 quarter being -- every -- this vehicle was the start of what I
20 noticed in other vehicles that it was -- seemed to be a
21 pattern, that there seemed to be a scratch on all four
22 corners, the bumper was missing. Like I said, the wheels, at
23 first there was, I believe, one or two missing, but then they
24 ended up in the back of the truck after the adjuster would
25 come out. It had just some, some stock steel wheels on it

1 when it had factory aluminum wheels on it. I remember one or
2 two on that one. I, I can't say if it was two or one. I can
3 picture the back wheel being a steel wheel and the rim was in
4 the back of it with a tire on it. It just wasn't there when
5 the truck -- when the adjuster was there, and the, again, some
6 electronic equipment inside like the TV monitor in the back
7 and things in the center console, things like that was
8 missing. The front bumper was missing, and it didn't have any
9 -- we didn't have to do any body work to it that I remember.
10 It was all very, very cosmetic.

11 Q So that's the first vehicle that, I guess, you're saying
12 you noticed --

13 A Yes, ma'am.

14 Q -- that came from Mr. Stanley? Tell us what happened
15 after -- regarding that vehicle. Did anything arouse your
16 suspicion about that vehicle after you noticed the parts that
17 were missing?

18 A Just the fact that we didn't -- we never saw an estimate.
19 We, we obviously figured that, that somebody was, in my
20 opinion, they were trying to save some money, which was common
21 in the body shop business, especially if you have a high
22 deductible, and then a -- we were -- Jay would bring the parts
23 to the vehicle for us to install. We didn't order any parts
24 whatsoever, and even in a body shop, when you order parts, if
25 you have a white vehicle, black vehicle, purple vehicle, it's

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1 very ironic or very uncommon that you can get the color of the
2 vehicle that you -- if it's a used part and it's already
3 painted, and the bumper just happened to match this one
4 perfectly and the electronics. He, he would bring all the
5 stuff to the vehicle that the vehicle needed. We did not
6 purchase anything, which that's not standard. We -- you
7 normally -- we purchase the parts, like the insurance company
8 paid, and we install them. That's how we would make money is
9 through our parts and our, our labor.

10 Q When you say that the parts matched the vehicle, you were
11 talking about paint color. Was there anything else that made
12 you think that the parts matched the vehicle?

13 A There was, I think -- there seemed to be on the -- we
14 painted -- repainted the bumper on the Tahoe, I believe, and
15 what was odd about it was there was some scratches on the
16 bumper that also came from the fender as well. They were very
17 light, but they protruded into the bumper, and they matched up
18 perfectly with the bumper on the car before we painted it.

19 Q So you're saying that scratches on the parts lined up
20 with scratches that were still on the vehicle?

21 A Still assembled on the truck. Yes, ma'am.

22 Q In your years of experience working with vehicles, do you
23 -- what did that make you think was going on?

24 A The Tahoe, honestly, I let that one kind of ride a little
25 bit. I didn't -- again, I did not want to get into Lou's

1 business. I was just there to work. That's all. Lou and I
2 have been, been best friends for a very long time, and I, I
3 didn't question his, his way of thinking or anything he does.
4 I didn't ask him, you know, how are you getting paid on this
5 or anything. It wasn't until a different vehicle came in that
6 I started to ask questions.

7 Q Okay. And what's the different vehicle that came in that
8 caused you to start asking questions?

9 A It was a black Lincoln Navigator.

10 Q Okay. Tell us about the black Lincoln Navigator.

11 A It, too, had the, the very -- just about the same type of
12 damage, the same pattern. It was -- this one was missing all
13 of the electronics except for I want to say the stereo was
14 still in it, but it was missing the, the air conditioning, the
15 navigation unit and, and things of that sort, and this vehicle
16 had some mileage on it. So there was some, some pretty good
17 scratches in this vehicle and outside it that the -- when you
18 lined up the parts on this one, especially the, the inside
19 controls, the -- from the equipment that was mounted inside
20 the truck they -- when you mounted the, the equipment that --
21 well, actually in the, the Navigator the owner showed up one
22 day. I don't -- can I go there with this?

23 Q Go ahead.

24 A That the owner showed up and said that she had a funeral
25 to go to, that I needed to mount the air conditioning and the

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1 electronic control stuff back in the truck, and by this time I
2 had already -- we had an, an adjuster come out and was looking
3 at it, and I had already gone out and spoken with the adjuster
4 and asked him if he saw any red flags here, that something's
5 not adding up, that who steals the bumpers off of cars, who
6 had -- who would take the time, they don't just pop off, to
7 steal a bumper off a truck, and, you know, and key all four
8 corners like the previous one we had, and she came in, I said
9 -- I, I can't remember -- I think it was Tina Bell that owned
10 it, and she came in and said, "You're supposed to have the
11 electronic stuff put in the truck," and I said, "No, ma'am."
12 I said -- and by this time I was already washing my hands of,
13 of this deal because I could tell something bad was going
14 awry, and I told them, I told her that I was -- I had no idea
15 where any of the parts for that truck were, nothing, and she
16 said, "Well, Jay says they're in the shop." So I called Lou,
17 and I asked Lou where were the electronics to this vehicle,
18 and Lou said he had no idea, and I said, "Well, she's here
19 wanting me to put these in, and I'm not, I'm not going to do
20 this. I'm not going to take part in putting this in here."
21 So I believe Lou called Jay, I believe. I did not -- I had no
22 correspondence with Jay at this time, and I think I talked to
23 Jay from the shop, and Jay told me they were in a box in the
24 corner of the shop where Lou had a little Porsche kit car that
25 he made. They were in a corner with a big ladder and stuff

1 stood and all that, and they were in that box, and I went. I
2 still couldn't find them. Tina Bell came in the shop and
3 found them. I -- so I took them out, and I talked to -- I
4 called Lou again, and Lou said, "Just do as, please do as
5 you're told, and get them done," and I, I think the ball was
6 already rolling with Mr. Howsare. So I put them in, and it
7 was just ironic that the, again, this vehicle had mileage on
8 it. It was dirty inside and things. The -- there was some
9 scratches and things on the electronics that lined up with the
10 electronics that were still mounted in the car, and again, it
11 was another situation where it was ironic that the customer
12 would bring all of that stuff and we wouldn't replace it. I
13 mean, again, that's, that's how we made our money and another
14 vehicle that we never saw an estimate for, and as soon as that
15 vehicle was done was when I saw Jay doing the first
16 supplement, and he went outside, and he nitpicked everything
17 on the vehicle that even your most seasoned guy wouldn't pay
18 attention to, and he -- I think it was a 37 or \$3800
19 supplement that he did and called the insurance company and
20 presented it to them.

21 Q Okay. When you say that's when Jay was doing a
22 supplement, what do you mean?

23 A The supplement is, again, for example, say the, the
24 obvious damage is \$4500. You can repair that and there might
25 be a chip in the roof. There might be a chip in a body panel.

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1 There might, you know, somewhere that you might be able to --
2 an adjuster, and of course, you know, they do a great job, but
3 they don't catch everything, and we don't either. However,
4 these -- if they're going to supplement something, it's
5 typically something they supplement that they can place that
6 happened with the collision that caused the original damage,
7 not something that's old, and these were things that you could
8 tell that somebody deliberately did. So the supplement form
9 is where you go back over the vehicle. Say you're working on
10 it, and just as an example the adjuster pays for a front
11 bumper and, and paint the front fender and blend it into a
12 door so it all matches, and while you're doing that you find a
13 busted fog light or you find a radiator that's leaking,
14 something like that, that's a supplements because they didn't
15 see it to begin with. The supplements he was doing was every
16 little nick and chip and piece that was missing, and like I
17 said, after the adjuster did the estimate on the Navigator, he
18 was able to come up with a long list that supplemented the --
19 supplemented the vehicle, it was either 37 or \$3800.

20 Q And so I'm understanding your testimony that Judson was
21 writing these supplements?

22 A Yes.

23 Q And he was writing them as if he was an employee of City
24 Collision?

25 A Yes.

1 Q Was he doing anything else as if he was an employee of
2 City Collision representing himself as one?

3 A He would call the insurance companies and say he was -- I
4 remember one time that I can recall standing behind him and
5 he, he represented himself as Lou Gabriel from City Collision
6 because I went and told Lou that, you know, I said,
7 "Something's not right here." I said, "He, he's in there
8 telling the insurance company he's you," and from that point
9 on Jay did represent itself as Jay Stanley from City Collision
10 and we -- Lou and I were the only employee there.

11 Q I'm going to show you some photos. These have been
12 marked as, for identification, I've got State's Nine, State's
13 10, 13, 14 and 15. Ask you to look at those if you will. Do
14 you recognize those photos?

15 A I do.

16 Q What are those photos of?

17 A These four here I took. I took these before I would
18 mount the equipment into the Navigator with my cell phone just
19 to make, again, I was uncomfortable putting the equipment in
20 the vehicle, and I wanted some kind of something to show that
21 it wasn't there to begin with, but these are the inside of the
22 Navigator here with the stereo still in it. I think I
23 testified there was one electronic that was still mounted in
24 the vehicle and that's how you could, you could see some of
25 the scratches and things. This one here is, I believe, to the

1 Cadillac, a Cadillac --

2 Q Okay.

3 A -- that I guess we'll talk about later.

4 Q I might have included that one a little prematurely.

5 A Okay.

6 Q But the ones that you recognize, what are the numbers on

7 those?

8 A Let's see. We have Number Nine, Number 10, Number 13 and

9 Number 14.

10 Q And those accurately depict the scene as you remember

11 when you saw those, those items?

12 A Yes.

13 MS. MANNING: The State moves to introduce into evidence.

14 MR. FLOYD: Can I see them?

15 THE COURT: All right. And these are for which vehicle?

16 MS. MANNING: These are the Navigator.

17 MR. FLOYD: Judge, I've got an objection.

18 THE COURT: Okay. I'm going to sustain the objection.

19 MS. MANNING: Okay.

20 BY MS. MANNING:

21 Q All right. Mr. Buck, at some point Lou spoke to you

22 about both of your concerns with the activities of Mr.

23 Stanley?

24 A Correct.

25 Q What, what developed from there?

1 A I then -- at that time I -- he told me that Rhonda had
2 called an insurance fraud, and I told him that I had also --
3 this is the first time I let him know that I actually talked
4 to an adjuster that was there and asked -- and, and let him
5 know that I had suspicions of my own, and I, I believe that it
6 was my opinion that he did, too, and I, I think -- you know,
7 Lou's very fast-paced and, you know, he testified yesterday,
8 he does have a very short-term memory. Lou didn't wear a
9 paint mask for many years, and he got to the point where he
10 didn't feel -- at this point he was wearing a recording
11 device.

12 THE COURT: I'm sorry. Again, you're going to need to
13 speak up into the microphone a little bit more clearly. I'm
14 having trouble understanding you.

15 A At this time he was wearing a recording device, and he
16 was feeling like he, he was getting nowhere, that he wasn't
17 getting the information that he needed and he came to me. I
18 had let Lou know about some, some things that I had done over
19 the years that I made him feel comfortable that I could help
20 him out, and he asked me would I take over and see if I could
21 gain Jay's trust, get to know him.

22 Q When you say you told him about some things you'd done
23 over the years, are you talking about --

24 A My experience as a police.

25 Q -- in your career?

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1 A Yes.

2 Q Okay. Continue. I'm sorry.

3 A So we did. I agreed that that evening that we would call
4 Jay and Lou was out of the picture from that point. Lou was
5 -- actually, Lou did become sick, which was kind of a good
6 thing at the time because he was able to stay away from the
7 shop and I could tell Jay that he was sick, and I -- that we
8 had some business we had to take care of and this was at the
9 time -- at the point where Lou made me aware of what was going
10 on. I didn't know that Rhonda had called SLED or the
11 insurance fraud, and that he made me aware of all the details,
12 and at the time Lou wore the recording device. I didn't even
13 know about it until just shortly before he asked me to, to
14 handle it.

15 Q Did you begin wearing the recording device at that point
16 forward?

17 A I did, and in fact, Mr. Howsare had been coming to the
18 shop a few times, and I never exchanged conversation with him.
19 I didn't, and I could figure out kind of who he was and all
20 that, and I, you know, I thought, again, things were going
21 awry. So I, I kind of kept to myself.

22 Q At the time that you began wearing the recording device
23 was there a vehicle in particular that Mr. -- that the
24 Defendant was dealing with that sort of -- what was the
25 vehicle that was -- I'm sorry. Let me rephrase it. What was

1 the, the particular vehicle that was being worked on at the
2 point when you started wearing the recording device?

3 A We had obtained -- Jay had talked about a Cadillac that
4 he was going to be bringing, and this was for a couple of
5 weeks. I heard about this white Cadillac. Now, I don't know
6 if this was the Escalade or what. I, I, you know, he had, he
7 had one of his own, and I knew there was one he had -- was
8 going to go pick up that was -- had some collision damage on
9 it as well, but this particular time we had a white Escalade,
10 a pearl white Escalade at our shop that I can recall.

11 Q Tell me at that point what did you know about that
12 Cadillac Escalade at the shop?

13 A I knew nothing about it. Again, I didn't handle the
14 repairs or anything. However, it was ironic that the front
15 and rear bumpers were missing and all the navigational
16 equipment was missing, the electronics, things that were
17 consistent with the current vehicles that we had repaired, and
18 the -- I thought it was kind of on the odd side that they had
19 brought the bumpers to this vehicle before the vehicle even
20 showed up at our shop and they were out back. It was a front
21 bumper and a rear bumper, and during this time I had taken
22 pictures of the bumpers and all its contents, its stickers,
23 any damage, things like that.

24 Q Okay. Get these in order. Just a second. Okay. I'm
25 going to show you what's been marked for ID as State's Four,

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1 Five, Six, Seven, Eight, 11 and 12, and you still have --

2 A And there's a 15.

3 Q -- Number 15, as well. So I'm going to hand you those
4 and let you look at those and tell me if you recognize those
5 photographs.

6 A I do.

7 Q What are those photographs of?

8 A These are photographs of the bumpers, the front and rear
9 bumpers of the Escalade, the pearl white Escalade in this case
10 with a particular grill that's in, in the front bumper and
11 there's some -- a picture of the inside of that Escalade
12 without the -- all the navigational equipment and the
13 electronics and there's -- I also -- these are pictures that I
14 took and there's pictures of the part numbers and the stickers
15 that were on the backs of the bumpers.

16 Q Okay. What -- you mentioned the grill, particular grill.
17 What was special about this grill?

18 A Through talking with Jay he was adamant that we had to
19 remove the grill. He -- at first he said it was a grill that
20 the customer -- it was an aftermarket grill that the customer
21 would recognize. So it had to be removed and he was going to
22 replace with a stock grill.

23 Q Okay.

24 A And I believe one of these pictures --

25 Q Which --

1 A I'm sorry.

2 Q Yes. If you could identify which photograph, do you have
3 a photograph that reflects the bumper and the grill?

4 A One of the -- yeah. I do, and it's after he removed the
5 grill and put it in back of a white Tahoe he was driving. I
6 took a picture of it hanging out of the back of the Tahoe.

7 MS. MANNING: At this time, Your Honor, the State moves
8 to introduce photographs Six -- I'm sorry, Four, Five, Seven,
9 Eight, 11, 12, 15 and Six.

10 REPORTER: Did you say 15 and Six?

11 MS. MANNING: Yes, ma'am.

12 MR. FLOYD: Without objection.

13 THE COURT: All right. State's Exhibits Four, Five, Six,
14 Seven, Eight, 11, 12 and 15 are admitted into evidence without
15 objection.

16 (State's Exhibit Numbers Four, Five, Six, Seven, Eight,
17 11, 12 and 15 [Photographs] admitted into evidence and
18 appropriately marked.)

19 BY MS. MANNING:

20 Q I'm showing you what you have identified as a picture of
21 the grill and bumper and this is State's Four. Is that --

22 A That's correct.

23 Q And is that how you remember? Is that how it was sitting
24 in the shop?

25 A It was sitting behind the shop. Yes.

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1 MS. MANNING: Move to publish to the jury, Your Honor.

2 THE COURT: All right.

3 BY MS. MANNING:

4 Q State's Exhibit Five, is that the same or similar at
5 another angle, the same thing?

6 A That is correct.

7 MS. MANNING: Move to publish to the jury.

8 THE COURT: All right.

9 BY MS. MANNING:

10 Q State's Exhibit Seven?

11 A Can I look at that again real fast? There was a detail
12 about this back bumper. I don't know if you can see on the
13 picture that we were standing outside, and Jay had -- there's
14 tabs on the back bumper that slide in. As you put it on the
15 car they slide into a metal bracket, and at this -- after we
16 had got done Jay actually ripped the stickers off of things.
17 In a couple of the pictures you can see my finger up there
18 where I'm holding the sticker back on the part when he went
19 out front, took pictures of it, and one, the rear bumper he
20 actually leaned down and ripped one of the tabs off it that
21 goes into the metal bumper, and he made the comment that a
22 good investigator would notice that this tab was -- fit that
23 bumper perfectly. So he ripped one of the tabs off.

24 Q That's --

25 A I can't see that --- if it was missing or not in that

1 picture, but I don't know if it was gone by that time.

2 Q And State's 12 and 11, those are you said stickers from
3 the bumper. Can you explain that a little bit?

4 A There's a part number. I wasn't sure if there was any
5 VIN that was related to the actual vehicle itself. You know,
6 it's a high-dollar vehicle, and I, I just -- they were the
7 stickers that he had started to peel off. You can see where
8 my fingers, I actually set it back up in there and tried to
9 get it to stick to it. So they were actual stickers from the
10 manufacturer with the part numbers on them.

11 Q You said State's 15 that was a picture of the interior?

12 A Yes.

13 Q Come back to State's Exhibit Six in just a minute. Do
14 you remember when you first contacted the Defendant with a
15 recording device?

16 A I do.

17 Q I'm not asking for a date.

18 A Right.

19 Q I'm just asking if you remember.

20 A I do remember. I placed a phone call to him to try to
21 initiate our contact. Before I actually called him, there was
22 -- I -- there was one -- this was the night that Lou had given
23 me the recording device. Jay was at the shop, and I, I said,
24 "Lou, I'll see you later," that evening, and I seized the
25 moment. I stood around outside smoking a cigarette waiting

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1 for him to come out, and I was just going to have some casual
2 conversation with him to try to get to know him and him get to
3 know me and he did. He came outside, and we started talking,
4 and we started just -- we didn't talk about cars. We talked
5 about women and, and cocaine. He did address the fact that
6 Lou said I had --

7 MR. FLOYD: Objection, Judge.

8 THE COURT: Sustained.

9 Q When you first started contacting him with a recording
10 device, was he open with you or was there, was there any
11 hesitation as far as trusting you or do you feel like he
12 immediately trusted you?

13 A You know, when you're, you're doing I say that type of
14 work, for lack of a better term, you learn to adapt to the
15 type of people that you're dealing with, whether you have to
16 lower yourself or raise yourself up, not judging anybody, but
17 I, you know, I'd heard how Jay talks and things like that and
18 it was, it was fairly easy to, to adapt to him and, and speak
19 with him the way that, you know, the way that he talks and get
20 comfortable with him and him get comfortable with me, yes, and
21 he knew that I was a former police officer. He, he would tell
22 me that several times.

23 Q As far as discussing committing any sort of insurance
24 fraud, was he open and clear with you about his plans or was
25 he more hesitant to share openly with you what exactly the

1 plan was?

2 A At first he, he never came right out and said it. He --
3 at times I would ask him about the, the, the parts on the cars
4 and things like that and just to, to see if he, he would say
5 anything, and he would catch himself. He'd almost say it, but
6 he'd catch himself and say that they're from, you know, it's
7 parts he bought somewhere, that they're not to that vehicle,
8 and at this time we were talking about the Escalade. The
9 other vehicles were pretty much out of the picture by now.
10 The insurance company was aware of the Navigator, and the only
11 thing we were linked to the Navigator still was Jay was still
12 trying to get a supplemental check which they just kept
13 telling him they were going to mail him one and they, they
14 never were. They were not going to send him the check.

15 Q Just so we can tell -- fill in the whole story here about
16 this Escalade, the Escalade showed up at your shop. Did it
17 stay at your shop?

18 A The Escalade did not. The -- it was a husband and wife
19 that owned it, and I think there was some -- a, a little
20 quarrel between them. I don't know what kind of problems they
21 were having. The husband did arrive at the shop one day and
22 demanded that the vehicle be released, that he was going to
23 have it removed and repaired at another facility, I believe
24 Truett's Collision in Myrtle Beach.

25 Q Did that throw a wrench in the plans as you understood

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1 them to be at that time?

2 A At first, no, because we hadn't discussed a whole lot of
3 parts and a whole lot of details about the Escalade. Again, I
4 was new to -- I didn't get involved in the parts and the
5 replacement and the money and the estimates. So this is -- I
6 didn't know that there was an estimate. I did -- I just know
7 that Jay was, was heading it up, and we were told at the time
8 just go with the flow. We were just going with whatever it
9 was he was doing, and the owner showed up and, and reluctantly
10 he noticed his bumpers in the backyard when I let him in the
11 gate. We had a gate area where the Escalade was kept, and
12 while walking around his vehicle, he noticed -- I say his
13 bumpers. I stand corrected. He noticed two pearl white
14 bumpers in the backyard, and the one bumper where the grill
15 was turned in the opposite direction, so he couldn't see that,
16 and he was adamant that that was his stuff, and I, again, not
17 knowing, I just told him that that's, you know, we, we work on
18 several cars here. We don't -- it's not just your car, and he
19 wanted to see his stuff, and I, I was able to keep him from
20 going back there. He wanted to see the parts, and I was able
21 to keep him from going back there and looking at them, and he
22 removed the vehicle from the, from the property. Lou was a
23 little upset, but he told me to go ahead and if that's what he
24 wants to do we had no bill on it whatsoever. We didn't do any
25 repairs to it. We had parts to it, but we didn't do any

1 repairs to it.

2 Q You said you had parts to it. What parts did you have at
3 that time?

4 A The two -- the front bumper and the rear bumper.

5 Q Okay.

6 A And that was before the vehicle even got there.

7 Q Right. So once the vehicle was removed, did you tell the
8 Defendant that that had happened, that the vehicle had been
9 removed by the husband?

10 A I can't remember. I'm sorry. I don't recall if, if Lou
11 told him or if I told him. There was a confrontation with the
12 owner. He was, he was rather irate, and he was upset, and he
13 and his wife were going through some, some, some turmoil. So
14 he -- I think he was mad that it was being repaired there and
15 not at another facility.

16 Q Did you have a discussion with Mr. Stanley about the
17 vehicle having been removed by the husband?

18 A I did.

19 Q What, what was Mr. Stanley's reaction to that?

20 A He wasn't happy because, again, we had parts to the
21 vehicle and no vehicle to put them on and there was no money
22 to exchange hands yet. So he was able to take the vehicle
23 knowing that supposedly Jay had purchased these two parts for
24 the vehicle and several other parts. By this time Jay had --
25 was -- had let me know that he had everything to that Escalade

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1 that he had gone out and purchased. Ironically, it was all
2 pearl white, every piece matched that truck, every piece that
3 was missing.

4 Q So what was the plan for all these parts now that the
5 vehicle was no longer at your shop?

6 A I had some experience at Truett's teaching a waterborne
7 class. It's -- waterborne is a new paint that's out, and at
8 the time there was only three of us in the whole county that
9 were certified and you had to be certified to even spray it.
10 So I got to know Tommy Truett a little bit. So I told Jay
11 that -- he asked me did I have any pull at Truett's or if I
12 knew anybody. I said I knew Tommy Truett, and he said, "Well,
13 you have some pull then." I said, "Well, I don't know about
14 pull," but I knew Tommy Truett, and I could probably sell him
15 that stuff, let him know that we have every part that it's
16 missing except for a headlight or something, and but other
17 than that we had every part that that vehicle needed, and we
18 would sell it to him at a reduced rate.

19 Q Had you really worked out any deals with Truett's
20 regarding selling of parts?

21 A I'd never spoke with Tommy Truett. No.

22 Q So this was just something you were telling the
23 Defendant?

24 A That's correct.

25 Q So what did the Defendant -- did the Defendant tell you

1 what he wanted to do at that point?

2 A He was adamant that we, we -- again, he was upset because
3 he contentedly purchased these parts, and the vehicle was
4 gone, and the vehicle was pretty much collateral to get your
5 money for the parts that you purchased. However, we had no
6 rights to the vehicle to keep it. Again, you can have your
7 car repaired anywhere you want, and so we didn't have a bill
8 on it. We had no reason to keep it. We didn't purchase the
9 bumpers either. So we had no money involved in it, and we had
10 discussed -- with this time we started discussing prices and
11 how we were going to get the parts down to Truett's, and we
12 had discussed the plan to get them to Truett's after work, I
13 believe, but there was still the issue of the grill. It had
14 to be removed and a grill had to be purchased for it.

15 Q And the reason that the grill had to be removed was what?

16 A Again, at first, Jay implied that the grill could not be
17 in there because it was very similar to the one that the owner
18 would -- had put in there aftermarket, and it wasn't -- it was
19 a steel grill where most of them are usually plastic or some
20 kind of phenolic material. So he was adamant that he -- that
21 we get the grill out of there, that the customer would
22 recognize it. I never -- at this, at this point I kept trying
23 to get him to let me know that it was the, the actual grill
24 and the bumper to the vehicle, and he, at this point, he did
25 let me know. I mean, we were -- I was pretty sure that these

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1 were all the parts to the vehicle, but he didn't -- he never
2 came out and said it at that point. It wasn't --

3 Q Did he actually -- I'm sorry to interrupt. Go ahead.

4 A I'm sorry. It wasn't until he placed a phone call to a
5 gentleman who had an aftermarket grill, and Jay didn't have
6 any cash at this time. So he wanted to trade the grill for an
7 aftermarket grill, and he was talking on the phone to him, and
8 it was at that time that Jay told him he had to exchange the
9 grill and he would give him one, one more -- it's worth more,
10 for a factory one it's worth less because it was the
11 customer's grill, and it -- he would recognize it, and it
12 could not be in there, and he said that on the phone to the
13 gentleman that he called.

14 Q I'm going to show you, I'm going to show you what's been
15 marked as State's Exhibit Two. Do you recognize this?

16 A Yes. I do.

17 Q How do you recognize it?

18 A After listening to it I initialed it and dated it.

19 Q So you've listened to the recordings on this disk?

20 A In their entirety. Yes.

21 Q Are they true and accurate as you remember them regarding
22 conversations that you had between you and Mr. Stanley?

23 A They are.

24 MS. MANNING: The State would introduce into evidence at
25 this time, Your Honor.

1 THE COURT: Any objection?

2 MR. FLOYD: Not at this time, Judge.

3 THE COURT: All right. State's Exhibit Two admitted into
4 evidence without objection.

5 (State's Exhibit Number Two [CD - Conversations] admitted
6 into evidence and appropriately marked.)

7 MS. MANNING: Move to publish to the jury.

8 THE COURT: All right. Go ahead.

9 MR. FLOYD: Excuse me, Judge, I said no objection at this
10 time. I meant to say subject to my prior objections.

11 THE COURT: Okay. So noted.

12 (State's Exhibit Number Two played in open court.)

13 BY MS. MANNING:

14 Q The phone cut off there for a minute. Do you remember
15 that?

16 A I do. I think I had called him from my cell phone or it
17 was -- my cell phone or the shop phone, and I think one of
18 them lost service.

19 Q All right. I'm going to play you a little bit from the
20 next one.

21 (State's Exhibit Number Two played in open court.)

22 Q Do you remember having that conversation with the
23 Defendant, Mr. Buck?

24 A I do.

25 (State's Exhibit Number Two played in open court.)

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1 Q Now, Mr. Buck, I, I am skipping around a little bit. Is
2 that correct?

3 A Yes.

4 Q These are much lengthier recordings?

5 A That's correct.

6 Q Yeah. And in the interest of time I'm playing you some,
7 some clips that I think are, are pertinent to what we're
8 talking about here.

9 (State's Exhibit Number Two played in open court.)

10 Q Mr. Buck, is that the conversation you were referring to
11 earlier when you were talking about him saying that that was
12 the grill from the car, from the original car?

13 A That is correct.

14 Q Now, that last recording is different from the previous
15 recordings because it was done instead of over the telephone
16 it was a recording when you were actually present with Mr.
17 Stanley; is that correct?

18 A That's correct.

19 Q And you got -- and where were you during that recording?

20 A The one where he's talking on the phone about the grill
21 we were in the office of the shop that I worked in.

22 Q And that day when you recorded that conversation, the end
23 of that recording something is -- something happens that's,
24 that's captured on the recording. Do you remember what that
25 is?

1 A Well, before I say that, there's more to that so you can
2 understand. Jay had delivered a, a white SUV to our shop, and
3 I can't tell you -- I believe it was a Tahoe, Denali,
4 somewhere along those lines. It was wrecked, and he had
5 talked about it for a while. This was a vehicle that he
6 talked about some -- the details were sketchy, but somehow or
7 another we were going to assemble it together to look like it
8 was involved in a deer collision. Jay went to pick it up with
9 a woman. I believe her name was Darlene, used her black SUV
10 to go pick it up in, in Lou's trailer, his tow dolly, and Jay
11 got to the shop with it, and where he pulled up was parallel
12 to our two buildings, and Jay hopped out of the vehicle and
13 left the car in drive and the vehicle coasted over and smashed
14 into one of our buildings. This was another black, again, I
15 think it was a Tahoe, Escalade, Denali type thing. It was in
16 very good shape. It may have done \$1500 worth of damage. I
17 didn't -- I -- it was unusual that it happened. It just hit
18 the very left corner of the vehicle up against the building,
19 dented the building, but it messed up the vehicle a little
20 bit, just the front bumper and headlight assembly, things like
21 that, and I say that to say this because at the end of the
22 conversation that they're talking about Jay gets a phone call
23 or places one to the owner of that vehicle, and they start
24 arguing about how the vehicle is completely disassembled, and
25 that from the conversation that I heard, the vehicle was

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1 disassembled in a manner consistent with the other ones where
2 all the bumpers were taken off, all the parts were taken off,
3 and I guess she was pretty upset. The part that I remember
4 the conversation was she was going to bar him from coming in
5 or something and he said he would climb through the window.
6 That's, that's what I remember.

7 Q Okay. Let's talk about the day that Jay got arrested.
8 Were you present when he got arrested?

9 A I was.

10 Q Now, earlier in that day did he bring anything to the
11 shop?

12 A We had finally got a plan together. My initial plan was
13 to -- obviously we were never going to Truett's. So I needed
14 to get him -- he, he wanted to take the stuff down there or
15 have somebody do it with him. So I needed to find a way to
16 get him to come to the shop with the stuff. So I --again, we
17 got kind of comfortable with each other, and I told him that I
18 had Tommy Truett on board to purchase the parts. So he pulled
19 in the parking lot with a, a white SUV as well, similar to the
20 other ones that he drives, and he came in, and I, you know, I
21 went outside and looked, and I was in contact with Mr. Howsare
22 through this time. He was in the area, and he had all the
23 parts to the -- that he explained to me on the phone that
24 would fit the white, the pearl white Escalade that Truett's
25 had in the back of the vehicle.

1 Q So your understanding was that those were the parts that
2 he was discussing all along for this white Escalade?

3 A Yes. They were all cleaned and wrapped in bubble wrap
4 and, and very well, very well presented.

5 Q What did he do with those parts?

6 A At that time he -- I talked him into bringing all the
7 stuff into the shop where we could kind of inventory, look at
8 it and see what we were going to do with it, and he unloaded
9 some parts and brought them into the office and that's where
10 we started piling some parts.

11 Q Okay. So he piled up the parts that he brought. Did he
12 take any parts away?

13 A We had -- I believe by this time or shortly after we went
14 out and removed the grill out of the bumper or it was already
15 -- it was removed at that time, and he put the grill in the
16 back of the, the SUV he was driving. That was when I took a
17 picture of it hanging out the back of it.

18 Q I'm showing you what has been entered into evidence.
19 This is exhibit, State's Exhibit Six. Is that the photograph
20 you're referring to?

21 A Yes.

22 Q And that is the original or the, the grill that Judson
23 had brought --

24 A That's the --

25 Q -- the aftermarket grill that's loaded into the back of

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1 the Tahoe that he drove up with them or the whatever white
2 vehicle he drove up in that day?

3 A That's the aftermarket grill we removed from the bumper
4 out back.

5 MS. MANNING: Beg the Court's indulgence for just a
6 minute.

7 BY MS. MANNING:

8 Q And just to clarify, the, Mr. Buck, the parts and the
9 bumpers that you remember that Mr. Stanley had brought to you,
10 what condition were they in? Were they dented, were they
11 damaged or were, were they clean? When, when you saw them
12 what was their condition?

13 A Other than a little bit of dirt, they were in, in great
14 condition.

15 Q They didn't look like they had been wrecked or needed to
16 be hammered out or anything like that?

17 A No repairs that I noted. In fact, that day we had quite
18 a bit of conversation about scuffing them and just spraying
19 them, and it was going to be a quick thing, but those, you
20 know, with the -- in the body shop business we call it a
21 substrate, and a substrate is a surface, a certain type of
22 panel, its thickness, and bumpers are a different substrate
23 than metal, obviously. It's plastic or phenolic type, and
24 when you paint a metal bumper, or, I'm sorry, a metal surface
25 that adjoins to a plastic surface or neoprene, and this is if

1 you, if you go to any car dealer today and you look at a brand
2 new car, and now that you know it, if you look at the car the
3 bumper is always a different color. It's a different shade
4 because it's a different substrate, and it absorbs the paint
5 differently. It was just an amazing coincidence that these
6 bumpers being -- and this is a tri-stage paint meaning you
7 spray three different colors to achieve the goal, to achieve
8 your goal, which was the color match. It's a very difficult
9 paint, very expensive, and those bumpers matched that vehicle,
10 the shade and everything like somebody painted them on the
11 car, and that's typically when you can't get the right shade
12 that's what you do is you mount them on the car and you paint
13 them and blend them into the other substrate that it wouldn't
14 match up to.

15 Q And Mr. Buck, just in the interest of full disclosure, I
16 know the Defense is going to get into this. So we'll go ahead
17 and ask you. You have had a previous conviction in your
18 history?

19 A I have.

20 Q And what was that or what were those?

21 A During my time with my, my addiction to prescription
22 medication, I -- when I left the highway patrol I still had
23 insurance. I kept my insurance up on myself and my family,
24 and I knew that I was going to go into business for myself,
25 and the medicine, the doctor visits, all that stuff was very

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1 expensive, and I, I had quite a few friends that were doctors,
2 and this was before we had a prescription monitoring system,
3 and I had gone to several doctors to, to stockpile my
4 medications, and it was, it was asthma medicines along with
5 my, my pain medication, things like that because I knew I was
6 going to be canceling my insurance, and they -- even being a
7 police officer I didn't, I mean, I obviously knew it was
8 wrong. It was not the right thing to do. I didn't know there
9 was a law against it, and I learned that there was quickly,
10 and I -- someone -- a woman, a SLED agent from -- gosh, Pam
11 Hucks, I believe it was, had come to visit me and talk to me
12 about it, and I told her about, you know, my plans and things
13 like that, and she knew that I was going to enter into -- been
14 my plans to go in the rehab center was, was before this, and I
15 -- or somewhere around there anyway, but she had served me
16 with a warrant and I -- the judge -- I went in front of the
17 judge and his office and they gave me a PR bond.

18 Q Okay. Anything else? Breach of trust?

19 A I did. I have a -- I think it was three, four years ago,
20 again, I worked for myself, and I don't have the greatest
21 disposition when it comes to not getting paid, and I had some
22 parts that I was not getting paid -- I did get paid on but the
23 check had insufficient funds and it bounced. So I refused to
24 give the gentleman back his parts until I got my money, and I
25 got served with a warrant for breach of trust, which was not

1 taking his parts, but he trusted me with the parts and let me
2 have them to work on, and I refused to give them back. That
3 was just -- it was being stubborn and wasn't the smartest
4 thing to do, but I spent quite a bit of money on them, and I
5 did what I said I was going to do, but the, you know, and the
6 check didn't clear, it -- things went awry in that case. So
7 I, I was -- I pled guilty to the breach of trust. I did it.
8 There was no doubt about it. So the -- I didn't go to trial
9 or anything. I did that.

10 Q Are you telling the truth here today?

11 A I am.

12 MS. MANNING: I don't have any further questions of this
13 witness at this time, Your Honor, but can we approach?

14 THE COURT: All right.

15 (Whereupon, the following takes place in the presence but
16 out of the hearing of the jury.)

17 THE COURT: All right. Ladies and gentlemen, we're going
18 to go ahead and take our morning break, give you an
19 opportunity to go back to the jury room, stretch your legs,
20 use the restroom, get something to drink, whatever the case
21 may be, but please do not discuss the case even among
22 yourselves at this point in time. We'll take about a 10, 15-
23 minute break and then we'll come back and resume at that time.
24 If you've got any exhibits just leave them right there on the
25 rail. There we go. Thank you.

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1 MS. MANNING: You're not going to play them at all?

2 MR. FLOYD: At all.

3 THE COURT: Okay.

4 MR. FLOYD: From Mr. Buck.

5 MS. MANNING: Okay.

6 THE COURT: All right. That'll be fine. Okay. Sounds
7 good.

8 Well, let me ask you this, just for scheduling purposes,
9 how many more witnesses does the State got?

10 MS. MANNING: After this witness we have three witnesses,
11 one of which will be -- we'll try to have qualified as an
12 expert.

13 THE COURT: Okay. All right. All right. All right.
14 Anything from the State before we bring the jury in?

15 MS. MANNING: No, Your Honor.

16 THE COURT: Anything from the Defense?

17 MR. FLOYD: No, sir.

18 THE COURT: All right. Let's bring the jury back.

19 (Whereupon, the following takes place in the presence of
20 the jury.)

21 THE COURT: All right. Ladies and gentlemen, welcome
22 back. We're ready to resume the trial. Mr. Floyd, cross
23 examination.

24 MR. FLOYD: May it please the Court?

1 THE COURT: Yes, sir.

2 CROSS EXAMINATION

3 BY MR. FLOYD:

4 Q Mr. Buck, just a few questions for you. You testified
5 that you had told Lou that you overheard Jay using his name?

6 A Yes.

7 Q Can you give me an approximate date that that was on?

8 A I cannot. I can tell you that it was around, again, the
9 first two weeks that he was being -- that he was there at the
10 shop. I think it was in May.

11 Q It was in May?

12 A If I recall..

13 Q Now, after the car had been moved to Truett's, you and
14 Jay had a conversation and it was about losing money because
15 parts had already been purchased?

16 A That's correct.

17 Q As a matter of a fact, I believe you were referring to
18 trying to recoup your losses; correct?

19 A I don't believe those were my words.

20 Q Okay. And the parts were in bubble wrap?

21 A Some of them were, yes.

22 Q All right, sir. And you've been convicted for unlawful
23 prescription drugs and breach of trust?

24 A That's correct.

25 Q And you've also been sued numerous times by people trying

Jonah Buck - Cross by Mr. Floyd

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1 to get their property back?

2 A When you own a business it's one of the losses that you
3 have to take.

4 Q One, two, three, four, five, six, several times, that's
5 the cost of running your business?

6 A If you'd like to give me the names and dates I can break
7 them down for you and tell you what happened with them.

8 Q All right. 2008 looks like it was settled.

9 A I didn't --

10 Q And then again 2008, December 2008, the first one was
11 September. The next one is December, and you settled that,
12 and again in 2010 and it's the same one.

13 MS. MANNING: Your Honor, I'm going to object.

14 THE COURT: Grounds?

15 MS. MANNING: The Defense attorney is trying to impeach
16 the witness using things that were not crimes, so not a crime
17 of dishonesty. He can't try to prove someone's character by
18 conduct that's not a crime of dishonesty.

19 MR. FLOYD: I'll move on, Judge.

20 THE COURT: Well, I overruled. I'm going to allow it.
21 It's cross examination. Go ahead.

22 MR. FLOYD: I'll move on. I think he's answered my
23 question sufficiently. Thank you.

24 THE COURT: All right. Redirect?

25 MS. MANNING: Just briefly, Your Honor.

1 REDIRECT EXAMINATION

2 BY MS. MANNING:

3 Q Mr. Buck, the lawsuits he mentioned, what, what are the
4 nutshell, the big picture circumstances? What do those have
5 to do with?

6 A Again, as I had my own business I became more mature and,
7 and much wiser instead of keeping parts, and, and basically it
8 turn -- it boils down to not getting paid. When -- most of my
9 business was I was private. I didn't have a, you know,
10 business. I did -- I painted Harleys, high-end Harleys. I
11 painted for Harley Davidson. Any business that I interacted
12 with I never had a problem with. It was always an individual,
13 and I can say this, that through my tenure as a state trooper
14 I met a lot of individuals. I met one or two of every kind.
15 Once I started painting, whether for Lou, I met some of the
16 worst people I've ever met, and those are the people that you
17 deal with, and they know that they can take advantage of you
18 in a heartbeat. They know that they can give you something to
19 paint, and you can charge them all the money in the world, and
20 they can call the police and come pick it up, and there's no
21 paperwork or anything. I just got wiser and smarter instead
22 of keeping it, found different ways to get my money and taking
23 them to court. I -- he mentioned some of them were settled,
24 mentioned that I was sued or brought to court, but doesn't
25 mention all of them that were settled.

1 Q And the testimony that you gave here today, that was the
2 truth?

3 A So help me God.

4 MS. MANNING: No further questions, Your Honor.

5 MR. FLOYD: We got one question in reply, Judge.

6 THE COURT: And with regard to what?

7 MR. FLOYD: For what she's raised.

8 THE COURT: Well, no. We do direct, cross, redirect.
9 She can only redirect if she exceeds that. We're not doing
10 re-cross. You can step down.

11 A Thank you, Your Honor.

12 MR. FLOYD: It's in direct regard to the question she
13 asked and his response.

14 THE COURT: But we don't -- you don't have re-cross.

15 MR. FLOYD: Very well.

16 THE COURT: Step down.

17 MS. MANNING: Your Honor, may this witness be excused?

18 THE COURT: Any objection?

19 MR. FLOYD: No, sir.

20 THE COURT: All right. Let me see the attorneys for a
21 second.

22 (Whereupon, a bench conference is held in the presence
23 but out of the hearing of the jury.)

24 THE COURT: All right. The State can call your next
25 witness.

1 MS. MANNING: The State calls Jason Baxley.

2 Whereupon, Jason Baxley was called to the stand, duly
3 sworn by the clerk and testified as follows:

4 THE CLERK: Okay. Please be seated. State your full
5 name, spell your last name and spell your first name for the
6 Court.

7 MR. BAXLEY: My name is Jason Richard Baxley, J-A-S-O-N,
8 Richard, R-I-C-H-A-R-D, Baxley, B-A-X-L-E-Y.

9 DIRECT EXAMINATION

10 BY MS. MANNING:

11 Q Thank you. Mr. Baxley, where do you work?

12 A I'm currently employed by State Farm Insurance. I've
13 worked there since February the 1st of 1999.

14 Q What's, what's your position there?

15 A My title is SIU claim representative. SIU stands for
16 special investigative unit.

17 Q What are some of the duties that you have in that
18 position?

19 A As a claim representative for SIU, basically my job is to
20 investigate claims that are referred to my unit or my team or
21 to myself due to what we refer to as NICB indicators of
22 potential fraud. NICB is the National Insurance Crime Bureau,
23 and they put out a list of factors or tenants or whatever you
24 want to call it, a list of items that may indicate that a
25 claim has the potential to be fraudulent, and my job is to

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1 investigate those claims.

2 Q Do your duties also include the care, custody and control
3 of claims records?

4 A They do.

5 Q Are you familiar with a claim made by Tracy Holmes
6 regarding her Cadillac Escalade in 2014?

7 A I am aware of that particular claim.

8 Q Tell the jury a little bit, if you can, how do claims
9 normally come into State Farm?

10 A There are a number of ways for a claim to actually come
11 to State Farm. A claim could be presented in person at an
12 agent's office. It could come through the internet. It could
13 come through a telephone, through an application. There are
14 multiple ways to come for a claim to be reported, but
15 essentially once the claim is reported to State Farm, the
16 process at State Farm is that it goes through a -- to a team,
17 which is call ILR or initial loss reporting, and that
18 particular team is responsible for making sure that every
19 claim that they get, gather information from that claim
20 that'll basically route the claim to the appropriate person to
21 handle.

22 Q Did the claim in this case regarding the Cadillac
23 Escalade did it come in one of those ways?

24 A It did, and it went through ILR. It's my understanding
25 that the claim was presented to State Farm on May the 24th of

1 2014.

2 Q And what was the claim?

3 A The initial facts of the claim were reported that the
4 vehicle had been vandalized and several parts were stolen.

5 Q Once the claim comes in, what's the normal claims process
6 for a claim like this?

7 A Well, essentially for any claim at State Farm, once the
8 claim is filed the -- whoever is handling the claim they
9 basically want to review the facts of loss, determine what
10 coverages apply and any deductibles and then assess the damage
11 and determine what should be paid on the merits of the claim.

12 Q Did State Farm send out an adjuster to assess the damage
13 and write an estimate in this case?

14 A On this particular claim, initially, State Farm sent an
15 estimator to inspect the vehicle, and I believe that that was
16 -- initially it was done some time around May the 28th, I
17 believe.

18 Q Okay. I'm going to show you what's been marked for
19 identification as State's 26. Do you recognize this document?

20 A I do. This is a State Farm estimate that was prepared by
21 Wendy Ahearn, who is an estimator at State Farm.

22 Q And it regards what vehicle?

23 A This particular vehicle is identified as a 2007 Cadillac
24 Escalade ESV, VIN number 1GY, as in Yankee, F as in Frank, K
25 as in kilo, 66677R as in radar, 357261.

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1 Q And is it your understanding that's the vehicle that
2 we're here about today?

3 A Yes. It's my understanding that this vehicle is owned
4 and insured by David Holmes.

5 MS. MANNING: Your Honor, at this time the State would
6 move to introduce into evidence State's 26.

7 THE COURT: Any objection?

8 MR. FLOYD: Without objection.

9 THE COURT: All right. State's Exhibit Number 26
10 admitted into evidence without objection.

11 (State's Exhibit Number 26 [State Farm Estimate] admitted
12 into evidence and appropriately marked.)

13 BY MS. MANNING:

14 Q After the initial estimate on this vehicle, what happened
15 next?

16 A Well, I'm not really sure I understand the exact
17 question. A lot of things happened, but it got to the point
18 where a second estimate was done or a supplemental estimate.

19 Q Okay. And through the process of doing these estimates,
20 did State Farm come up with a value for this claim?

21 A Yes. Initially I believe that the amount of the estimate
22 was \$9,845.19 prepared, prepared by Wendy Ahearn, but a
23 supplemental estimate was done after the vehicle was moved to
24 Truett's Collision, and I believe the supplemental estimate
25 amount was \$8,753.24. So that brought the total amount of

1 damages to \$18,348.43 after the deductible, and what we refer
2 to in the insurance industry as -- there's a state law in
3 South Carolina that if the damages to the vehicle are 75
4 percent or more, the state mandates that the vehicle must be
5 deemed a total loss. In the insurance industry you're always
6 worried that there could be, even though a supplement may be
7 written, you could have a second and third or fourth or fifth
8 supplement, and if you ever get to the point where it's 75
9 percent or more, you have to deem it a total loss and the
10 vehicle is handled in that way. So in the insurance industry,
11 anytime you get close to the 75 percent, you're always worried
12 that it might eventually total. So we refer to it as a
13 borderline total loss, and in this particular instance, after
14 the second estimate was completed, we considered this a
15 borderline total loss. So we determined what the actual value
16 of the vehicle would be at the time of the loss and that was
17 determined to be \$26,975.

18 Q So had this claim proceeded through the claims process
19 and ultimately ended up with a check being cut to the
20 policyholder, what would the, what would the claim amount have
21 been paid by State Farm?

22 A The potential exists that it would have been handled as a
23 total loss with us paying the 26-9-75 minus the deductible, or
24 I'm sorry, that was after the deductible, so 26-9-75 or we
25 would have paid for the estimate amount, which at that time

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1 was written to 18-3-48-70-43.

2 Q Both those amounts being over \$10,000?

3 A Yes.

4 Q Why did this claim go into the SIU division?

5 A It was referred to SIU because of the -- as I noted
6 earlier, the NICB indicators and because of a call that was
7 received indicating that -- well, multiple -- there's three
8 things that I would say. There was NICB indicators were
9 noted. When our estimator, one of the estimators went by the
10 shop, City Collision, he had concerns because there were
11 multiple vehicles at the shop that had similar damages, which
12 is unusual, and the fact that SLED contacted State Farm
13 Insurance.

14 MS. MANNING: Beg the Court's indulgence.

15 BY MS. MANNING:

16 Q Mr. Baxley, I don't have any further questions at this
17 time. Please answer any questions the Defense attorney has
18 for you. Thank you.

19 CROSS EXAMINATION

20 BY MR. FLOYD:

21 Q Just a couple of questions for you, Mr. Baxley. Who
22 submitted the claim?

23 A There is no way for me to know exactly who was submitted.
24 It's my understanding that the claim was submitted by Tracy
25 Holmes.

1 Q All right, sir. And you said an adjuster went out on May
2 28th?

3 A Let me review my notes to make sure on the date, but I
4 believe that it's May 28th. Can I see the exhibit that we
5 entered earlier?

6 Q Certainly.

7 A I believe that it's May 28th. Yes.

8 Q And where was that done?

9 A Initially from reading the notes, the vehicle was
10 supposed to be seen at City Collision. The estimator who was
11 supposed to see it had a problem finding the vehicle. It's my
12 understanding that at that point he contacted both Tracy
13 Holmes and David Holmes or attempted to contact them in an
14 effort to determine the location, and eventually the vehicle
15 was inspected according to this information, I believe, at
16 City Collision.

17 Q Does your information indicate who was at City Collision
18 when your adjustor was there?

19 A It does not.

20 Q Thank you, sir.

21 MR. FLOYD: I've got no further questions, Judge.

22 THE COURT: Redirect?

23 MS. MANNING: No, sir, Your Honor.

24 THE COURT: All right. You may step down.

25 The State can call your next witness.

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1 MS. THORNWELL: Thank you, Your Honor. May it please the
2 Court? The State calls Billy Howsare.

3 Whereupon, William Joseph Howsare was called to the
4 stand, duly sworn by the clerk and testified as follows:

5 THE CLERK: Please state your full name and your last,
6 spell first and last for the Court, please.

7 MR. HOWSARE: William Joseph Howsare, W-I-L-L-I-A-M,
8 Howsare, H-O-W-S-A-R-E, but I'm commonly referred to as Billy,
9 B-I-L-L-Y.

10 MS. THORNWELL: Thank you, Your Honor. May it please the
11 Court?

12 DIRECT EXAMINATION

13 BY MS. THORNWELL:

14 Q Mr. Howsare, can you tell the jury where you're employed?

15 A The South Carolina Law Enforcement Division, more
16 commonly known as SLED.

17 Q And how long have you been employed with SLED?

18 A Fifteen years.

19 Q And currently what are your job duties at SLED?

20 A I'm a criminal investigator for the Pee Dee Region, which
21 encompasses 14 counties in the Pee Dee Region.

22 Q Is Horry County one of those counties that you cover?

23 A It is.

24 Q Can you tell the Court how you became involved with this
25 particular case?

1 A Yes, ma'am. On May the 14th, 2014, I was actually in this
2 building for another matter, and I was notified by my
3 supervisor that I needed to contact Mr. Joe Jordan, who's with
4 the insurance fraud unit with SLED, regarding a case in Horry
5 County where they needed me to try to obtain a recording
6 device to take to the owner of City Collision, Mr. Lou
7 Gabriel, to try to record some conversation between he and
8 another young man that -- where some alleged insurance fraud
9 was taking place.

10 Q Were you able to get that recording device?

11 A Yes. I was.

12 Q When did you obtain that recording device?

13 A On the same day, May the 14th.

14 Q Were -- when did you get that recording device to Mr.
15 Gabriel?

16 A That, that afternoon. I can't give you a particular time
17 but it was that very afternoon.

18 Q So Mr. Gabriel received the recording device on May 14th?

19 A He did.

20 Q When did you get that recording device back from Mr.
21 Gabriel?

22 A On May the 21st.

23 Q So Mr. Gabriel had the recording device and was recording
24 conversations between May 14th and May 21st?

25 A Yes, ma'am.

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- 1 Q Who else did you have to get a recording device for?
- 2 A I got one for Mr. Buck, Jonah Buck.
- 3 Q Do you know when you got that recording device?
- 4 A June the 2nd.
- 5 Q How long did Mr. Buck have that recording device?
- 6 A He had it up until June the 10th, which --
- 7 Q So he had it from June the 4th to June the 10th?
- 8 A Yes, ma'am. June the 10th is the day that the arrest was
- 9 effected.
- 10 Q During the time that you had each individual recording
- 11 their conversations, what were you doing?
- 12 A I was just -- I was making contact back and forth with
- 13 Mr. Gabriel as regards of any activity that was going on with
- 14 the shop, and if any, you know, anything that looked, like I
- 15 said, was going on as far as Mr. Stanley's concerned.
- 16 Q Once Mr. -- let me ask this. When you got the recording
- 17 device back from Mr. Gabriel, did you just download that
- 18 information?
- 19 A Yes, ma'am.
- 20 Q So you didn't have -- there was no ability for you to
- 21 listen to it while it was going on?
- 22 A No, ma'am.
- 23 Q And the same thing for Mr. Buck?
- 24 A That's correct.
- 25 Q Were you in communication with Mr. Buck as well?

1 A Yes, ma'am.

2 Q Okay. What if anything did Mr. Buck tell you that caused
3 concern for you?

4 A Well, can we back up?

5 Q How --

6 A We can?

7 Q Yes.

8 A Well, what happened was on May the 28th I was contacted by
9 Mr. Gabriel and told that there was a white Escalade at his
10 shop, garage, whatever you want to call it, and he said that
11 the vehicle was towed there, and so I went over and looked at
12 it, and, you know, observed the vehicle and the stripped-down
13 manner in which the parts, you know, bumpers were removed and
14 things of that nature on that particular day.

15 Q Okay.

16 A And then, like I said, you know, that's when another
17 recording device was obtained on the 2nd and taken to Mr.
18 Buck, and then Mr. Buck had been in contact with me letting me
19 know what was going on as far as the phone calls regarding the
20 Escalade.

21 Q What if any concerns did you have about -- what did you
22 know about the parts that belonged to the SUV?

23 A Well, I didn't know anything about the parts up until --
24 well, let me take that back. There was, there was a bumper,
25 two bumpers on property which Mr. Gabriel showed me and which

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1 Mr. Gabriel informed me that Mr. Stanley and his sister had
2 brought the bumpers prior to the Escalade actually arriving on
3 the property.

4 Q So when you went on May 28th --

5 A Yes, ma'am.

6 Q -- there was the Escalade that was there as well as two
7 other, two bumpers?

8 A Yes, ma'am.

9 Q And it was your understanding from Mr. Gabriel that those
10 two bumpers had, had come to the shop prior to the actual
11 Escalade getting to the shop?

12 A That's correct.

13 Q Okay. Did you find out about any other parts?

14 A Yes, ma'am. On June the 10th I received a phone call from
15 Mr. Buck stating that Mr. Stanley was in route to his shop and
16 with what he believed to be were parts from the Escalade that
17 he was going to take to his shop and unload at his shop or Mr.
18 Gabriel's shop.

19 Q What did you do next?

20 A I was in transit to the shop, and as I approached the
21 shop I noticed a white SUV parked out in front of the shop.
22 So I called Mr. Buck and asked Mr. Buck if Mr. Stanley had
23 already arrived, and he said, "Yes. He's here now. That's
24 his vehicle he's driving out front, the white SUV." So there
25 was a vacant building. It's not directly across, kind of

1 parallel across the street from the City Collision garage. So
2 I parked my vehicle in the parking lot across the street and
3 was observing the activity going on from the shop to the
4 vehicle, the white vehicle that was in front of the shop.

5 Q Okay. And what activity, what kind of activity were you
6 observing?

7 A I could see parts, what appeared to be auto parts being
8 unloaded out of the vehicle and going into the office area of
9 the, of the garage.

10 Q Were any parts also being loaded onto the vehicle?

11 A That I did not see because I kept seeing a white male
12 with dark hair kind of looking across the street, and I really
13 didn't want to raise my suspicion. So I kind of pulled out of
14 the parking lot and that's when I got on the phone with Agent
15 Jordan and, you know, told him what was going on and asked him
16 what he thought we needed to do and went from there.

17 Q Okay. And what did you do?

18 A Well, based upon what, you know, I observed with what was
19 believed to be the parts from the Escalade, I called the Horry
20 County Sheriff's Department and asked if they had a uniformed
21 officer that could meet me and assist me with going to the
22 body shop to effect an arrest on Mr. Stanley.

23 Q And did that happen?

24 A Yes, ma'am.

25 Q Okay. What happened with the parts that were at that

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1 location?

2 A They were taken into custody.

3 Q Do you have those parts in evidence?

4 A Yes, ma'am.

5 Q You've had the custody and control of those parts?

6 A Yes, ma'am.

7 Q After you got those parts what did you -- what, if
8 anything, did you do with the parts to determine whether or
9 not they came off that vehicle?

10 A Let me see if I can get the exact date. I think it's in
11 my other paperwork, but I can't -- as far as the exact date, I
12 contacted South Carolina Highway Patrol, their MAIT team.
13 MAIT, I'm not exactly sure what the acronym is for, but what
14 they do is they, they reconstruct accidents. They gather --
15 look parts and all kind of things off of cars, tool marks, all
16 kind of things, and they sent me Trooper Tyler Luther to come
17 and observe and look at the parts that were obtained and then
18 go to Truett's Body Shop, which is where the vehicle was still
19 located, and myself and Trooper Luther went out there and, you
20 know, took his camera and he did all his stuff and --

21 Q And you were present while Trooper Luther did all of
22 that?

23 A Yes, ma'am. Yes, ma'am.

24 Q And then after Trooper Luther was finished, did you take
25 the parts back into your custody?

1 A Yes, ma'am.

2 Q Okay. Where, where are those parts now?

3 A They're locked up in an office.

4 Q So they're still in your custody?

5 A Yes, ma'am.

6 Q I think during some previous testimony there was talk of
7 you speaking to other individuals. Who else did you speak to
8 as a result of the investigation? Were there -- who were the
9 other individuals that you spoke with?

10 A I spoke with Tina Bell. I spoke with Lisa Hunt. I spoke
11 with Darlene Norris, Suggs. I'm not exactly sure, Benton.
12 She's got like three last names. So I'm not sure which one
13 she actually goes by. I spoke with -- I've spoken with Ms.
14 Reavis, which is Mr. -- Hannah Reavis, which is Mr. Stanley's
15 sister.

16 Q There was some talk about you speaking to Tracy Holmes.
17 What day did you --

18 A I'm sorry. Tracy Holmes. Yes. What happened was I
19 notified -- let's see, let me get the exact date. I contacted
20 Mr., Mr. Holmes because the registration for the vehicle was
21 actually in his name, and he was very reluctant in talking to
22 me over the phone and referred me to his attorney, which his
23 name was Hayes Stanton, who was handling their, their divorce,
24 and Mr. Stanton told me during the course of some family court
25 hearings that the vehicle had been given to Mrs. Holmes to

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1 operate and if I needed to speak with any -- speak about the
2 vehicle I needed to speak with her and that she was being
3 represented by Julaan Derrick-Lawrence, who is an attorney in
4 Conway as well. So I contacted Ms. Lawrence and told her what
5 I needed to speak to her about, and she said she would have
6 her client come to her office, and on June the 13th of 2014 I
7 met with Ms. Holmes in Ms. Lawrence's office and interviewed
8 her regarding the, the vehicle and what had taken place with
9 the vehicle.

10 Q Based on the information and your investigation, who all
11 was charged in this incident?

12 A Mr. Stanley and Ms. Holmes.

13 MS. THORNWELL: I beg the Court's indulgence. I

14 THE COURT: All right.

15 MS. THORNWELL: I have no further questions for this
16 witness.

17 THE COURT: All right. Cross examination.

18 MR. FLOYD: May it please the Court?

19 THE COURT: Yes, sir.

20 CROSS EXAMINATION

21 BY MR. FLOYD:

22 Q Agent Howsare, in regards to Lisa Hunt, you interviewed
23 her. Did she give you a statement?

24 A She gave me a verbal statement. Yes, sir.

25 Q Was it recorded?

1 A No, sir.

2 Q In regards to Darlene Benton, did she give you a
3 statement?

4 A Again, she gave me a verbal statement.

5 Q Was it recorded?

6 A No, sir.

7 Q Tracy Holmes I know gave you a written statement?

8 A Yeah.

9 Q But at any point did she give you a recorded statement?

10 A No, sir. And just, just so I can clarify, we don't
11 record statements. We, we don't, as a policy, we don't record
12 statements. We get statements in writing from the
13 individuals.

14 Q Well, you just said you didn't get a statement in writing
15 from Lisa Hunt or Darlene Benton.

16 A It's because she didn't provide one.

17 Q Now, you testified about some auto parts being unloaded
18 from a car. You actually searched that car; didn't you?

19 A Yes, sir.

20 Q And the -- was there a receipt book in the car?

21 A Yes, sir.

22 Q Where is it?

23 A Well, there was -- it wasn't, it wasn't a receipt book,
24 but it was a, it was a folder complaining -- containing
25 numerous documents.

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- 1 Q There wasn't a wire bound receipt book in the car?
- 2 A Not that I'm aware of. No, sir.
- 3 Q Did you do an inventory of the car?
- 4 A No, sir.
- 5 Q Doesn't SLED usually when they search a car do an
- 6 inventory of it?
- 7 A To be honest with you, this is the first vehicle in my 15
- 8 years I've been with SLED that I've actually had to do a
- 9 search. Normally we're assisting other agencies, but no, sir.
- 10 There was not an inventory done.
- 11 Q All right. So at the time that you arrested Jay --
- 12 A Yes, sir.
- 13 Q -- you had not even spoken with Tracy Holmes?
- 14 A No, sir.
- 15 Q Had you spoken with any of these people that you say you
- 16 interviewed?
- 17 A Could you -- I don't understand what you're saying.
- 18 Q The people that I just asked you about, Lisa Hunt,
- 19 Darlene Benton.
- 20 A Have I spoken with them?
- 21 Q Yes, sir.
- 22 A Yes, sir.
- 23 Q Prior to Jay being arrested?
- 24 A No, sir.
- 25 Q And at which point did you get the recordings back?

1 A On -- as far -- I got the recording device back from Mr.
2 Buck on June the 10th after the arrest was effected.

3 Q All right.

4 MR. FLOYD: Begging the Court's indulgence for just a
5 second, Judge.

6 THE COURT: All right.

7 MR. FLOYD: Thank you. I've got no further questions.

8 THE COURT: All right. Redirect.

9 MS. THORNWELL: I beg the Court's indulgence.

10 THE COURT: All right.

11 MS. THORNWELL: Your Honor, may I approach the witness?

12 THE COURT: All right.

13 REDIRECT EXAMINATION

14 BY MS. THORNWELL:

15 Q Mr. Howsare, I'm going to show you what's been marked for
16 identification purposes State's Exhibit Number 27. Can you
17 take a look at that for me?

18 A Yes, ma'am.

19 Q Do recognize that?

20 A I do.

21 Q What is that?

22 A These are copies of documents that were in the folder
23 that were taken out of the white SUV on the day of the arrest.

24 Q And is that all the documents that were taken out?

25 A Yes, ma'am.

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1 Q Have they been altered or changed in any way?

2 A No, ma'am.

3 MS. THORNWELL: Your Honor, the State would like to move
4 in State's 27 into evidence.

5 THE COURT: Objection?

6 MR. FLOYD: No, sir.

7 THE COURT: All right. State's Exhibit 27 admitted into
8 evidence without objection.

9 (State's Exhibit Number 27 [Documents out of SUV]
10 admitted into evidence and appropriately marked.)

11 MS. THORNWELL: I beg the Court's indulgence.

12 THE COURT: All right.

13 MS. THORNWELL: Nothing further from this witness, Your
14 Honor.

15 THE COURT: All right. You may step down. The State can
16 call their next witness.

17 MS. MANNING: Your Honor, the State calls Trooper Tyler
18 Luther.

19 Whereupon, Tyler Luther was called to the stand, duly
20 sworn by the clerk and testified as follows:

21 THE CLERK: Please be seated. State your full name and
22 your last name and spell both, please.

23 MR. LUTHER: Okay. My name is Tyler Jennings Luther, T-
24 Y-L-E-R, L-U-T-H-E-R.

25 DIRECT EXAMINATION

1 BY MS. MANNING:

2 Q Trooper Luther, where do you work?

3 A I'm employed with the South Carolina Highway Patrol,
4 actually on the MAIT team, and it's the multi-disciplinary
5 accident investigation team.

6 Q How long have you been employed -- how long have you been
7 employed by the Highway Patrol MAIT team?

8 A I've been on the MAIT team just over four years.

9 Q Could you briefly describe the nature of your work?

10 A We investigate complex collisions, fatalities, anything
11 that would be outside the realm that a normal trooper could
12 conduct. We have a lot of training that a normal trooper does
13 not have. Right now I'm somewhere in the vicinity of 800
14 hours of training and that's in advanced collision
15 reconstruction. You want me to go through all of my training
16 with --

17 Q Sure. Please. Tell us a little bit about some of your
18 training.

19 A I am certified through ACTAR, which is an international
20 accreditation. Right now it's the only accreditation for a
21 collision reconstructionist in Canada, the U.S. and Mexico.
22 It's basically you have to have so much, so many hours of
23 training. You apply to it, and it's an eight-hour test. It's
24 equivalent to what we would consider a bar exam for a lawyer.
25 It's what we consider the Holy Grail of collision

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1 reconstruction, something you strive toward in the collision
2 reconstruction field. I am certified as a collision
3 reconstructionist and what that entails that most people don't
4 know is that your hit-and-run with death. I know you guys see
5 the newspaper. So there's a lot of them in Horry County.
6 We'll go out to a scene, my team and I. We'll pick up the
7 pieces that are out there at the scene. I mean, it could be a
8 piece of a headlight. We'll take that, track it. If there's
9 any kind of identification numbers on it we'll track it by, by
10 the identification numbers. When we do locate a vehicle, we
11 do what we consider fragmentation analysis, which is the
12 science of putting the pieces back together with the car,
13 photographing, photographing them in the position where they
14 would have been prior to the collision.

15 MR. FLOYD: If I may, Judge, what exactly are you
16 offering him?

17 MS. MANNING: I'm trying to offer him as an expert in the
18 field of fragmentation analysis.

19 THE COURT: All right. Go ahead with your questioning.

20 A You want me to continue with my training?

21 Q Please. Continue with your training.

22 A I've also been --

23 MR. FLOYD: Judge, we'll, we'll stipulate.

24 MS. MANNING: Okay. And, and I -- so just --

25 THE COURT: Excuse me. I mean, you're stipulating to

1 what? We've got to create a record here.

2 MR. FLOYD: Oh, I'm sorry. She's offering him as an
3 expert in --

4 MS. MANNING: The field of fragmentation analysis.

5 MR. FLOYD: Yes, sir.

6 THE COURT: All right. And that's without objection?
7 That's without objection, Mr. Floyd?

8 MR. FLOYD: Yes, sir.

9 THE COURT: All right. You want to go ahead and tender
10 him at this time?

11 MS. MANNING: Your Honor, I'll -- sorry. Your Honor, I
12 offer him as an expert in the field of fragmentation analysis.

13 THE COURT: All right. All right. Without objection I
14 find this witness to be an expert in the field of
15 fragmentation analysis.

16 Now, ladies and gentlemen of the jury, I'll give you some
17 additional charges on expert testimony when I charge you on
18 the law in the case, but for the time-being, all you need to
19 know is that typically a witness can only testify as to his or
20 her personal knowledge, observations, what they saw, what they
21 tasted, what they smelled, what they witnessed personally.
22 There is an exception for witnesses who are classified as
23 expert witnesses, which means that in addition to Mr. Luther
24 being able to testify as to what he personally observed, saw,
25 tasted, smelled, he will be allowed to render an opinion in

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1 the field in which he is qualified as an expert. All right.

2 Go ahead, Ms. Manning.

3 MS. MANNING: Thank you, Your Honor. Your Honor --

4 BY MS. MANNING:

5 Q Or I'm sorry, Mr. -- Trooper Luther, I believe you
6 explained this earlier. You said fragmentation analysis has
7 to do with taking a vehicle part and matching it up to the
8 vehicle that it belongs to; is that correct?

9 A That's correct. That's correct.

10 Q And what sort of situations do you come across this
11 normally?

12 A Normally dealing with hit-and-runs. Anytime we have a
13 hit-and-run with death, my team will go out and -- a little
14 bit about my team. We do cover the Pee Dee Region, which for
15 us is eight counties, but anytime we -- they have a hit-and-
16 run with death the highway patrol or local agencies, because
17 we do assist local and state agencies on cases, but anytime we
18 do have a hit-and-run with death we'll go out, and if there's
19 any parts in the roadway whatsoever we collect those, take
20 those into evidence, examine them, and like I said, we will --
21 if there's any kind of identification numbers, anything at
22 all, we'll run those leads until we can locate a vehicle.
23 When we do locate that vehicle, we take those parts, match it
24 to that vehicle, and it might be the tiniest detail. Like I
25 said, it could be a piece of glass, a pop rivet, anything that

1 we can match back to that particular vehicle to say, yes, he
2 was present at the scene of this collision.

3 Q Can you please tell the jury how you came to be involved
4 in this case at hand?

5 A My sergeant notified me to get in touch with Special
6 Agent Howsare, and I think it was August 5th. I called Agent
7 Howsare, and he advised me that he was working a case, and he
8 needed somebody to try to look at some parts to see if I --
9 you could match them to a vehicle. So I left my office in
10 Florence, came down and met with Special Agent Howsare at his
11 office over in the old courthouse, and inside his office he
12 had a lot of parts, car parts, front bumper, back bumper, roof
13 racks. I don't know the extent of the list of parts, but it
14 was a stack of car parts, and some of them bubble wrapped and
15 taped, and he said, you know, "Is there anything you can do to
16 help me identify these car parts, to which car they
17 particularly came off of?" So I told him, "Well, let me look
18 at them." So I sat so there for, I don't know the exact
19 amount of time, but what I was looking for was any kind of,
20 any kind of tool mark, anything that would stand out that
21 shouldn't normally be on a car part, any kind of broken tabs.
22 When a, when a part's removed from a car, unless you have the
23 proper tools to do it, it's almost impossible not to break a
24 tab or break a snap, and when it's done improperly, if
25 somebody's using a screwdriver, if two parts meet together,

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1 whoops, sorry, if two parts meet together, when that
2 screwdriver goes in and it's moved, you're going to have a
3 mark on both parts, and they're going to coincide. It's going
4 to line up, and that's where the fragmentation analysis comes
5 in. It's just matching those parts back together. So I
6 unwrapped some of the parts which I thought were kind of odd
7 because they were bubble wrapped, but yet they were taped with
8 scotch tape, not packaging tape like you would imagine if you,
9 if you bought them at a dealership or wherever, but I started
10 digging through trying to find anything that stood out, and
11 what I found there were some, some parts. The rear bumper it
12 had -- there were some -- a hole in the rear bumper in the --
13 on the side wall of the rear bumper. One hole was drilled.
14 You could tell it was manufactured that way. There's a clip
15 in there. There was a little hole above it that shouldn't
16 have been there. I mean, you could tell it was maybe they
17 were having a problem with the, the mud flap attached to the
18 bumper at one time. So they put an aftermarket screw in to
19 hold it, but you could tell Cadillac didn't do it. So I noted
20 that. I kept looking. The back -- he had two mirror covers,
21 left and right mirror. They were what I would identify as a
22 pearl white color. I started looking at the mirror covers,
23 and like I said, in the crease where those mirror covers
24 should have met the actual mirror, there were tool marks from
25 a screwdriver, a straight edge object, and I told him, "If we

1 can go to the car, you know, these should line up." You know,
2 there's no way they could pop it off without leaving a mark
3 on, on both sides. There was also the door jamb, the plastic
4 piece that goes inside the door jamb, they were missing tabs,
5 and I said, "If you've got the car, those tabs should be
6 inside the bolt hole," because when they popped them off
7 obviously they broke the tabs or they would still be on the
8 part, but you could tell these were not new car parts. So we
9 loaded, took everything we -- most everything that we had. We
10 loaded it in the back of my truck and myself and Agent Howsare
11 drove to Truett's Body Shop.

12 When we got to Truett's, I got my camera out, and I
13 started taking pictures of a Cadillac Escalade. It was a --
14 looked like a pearl white, the same color as the car parts
15 that he had in evidence, and I went around and photographed
16 the vehicle. We did call and get permission from the owner,
17 Tracy, called her to get her permission to look at the vehicle
18 because it was still hers. At that time, we started taking
19 the car parts. I would photograph, like I said, I went all
20 the way around and photographed, which is common, what we do
21 any time we work a collision, too. So to me I was treating it
22 like it was a collision. So I did my pictures, and I started
23 photographing the car part, and then the car, and then I would
24 put them together and photograph it to see if they lined up,
25 and we do have pictures of some of the -- Judge, can I?

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1 Q Just -- let me, let me get you to introduce these --

2 A Okay.

3 Q -- or just identify these first if you don't mind. I'm
4 showing you, showing -- I'm going to pass you some pictures --

5 A Okay.

6 Q -- what's been marked for ID --

7 A All right.

8 Q -- as State's 21, 22, 16, 17, 18, 19, a packet that has
9 been marked as State's Exhibit 20.

10 A Got you.

11 Q And then also a few blowups. We've got State's 23, 24
12 and 25. While he's looking at those, I'm going to let you
13 just see these.

14 A Okay.

15 Q Have you seen that one?

16 A Yes. Yes, ma'am.

17 MR. FLOYD: I apologize for the delay, Judge.

18 THE COURT: All right.

19 BY MS. MANNING:

20 Q This is State's 20, and I'm just going to ask you to
21 note, she has labeled the bottom of each of these
22 alphabetically.

23 A Okay.

24 Q So if you refer to them, you need to refer to them, you
25 can look at that.

1 A All right. Thank you.

2 Q Do you recognize those photographs?

3 A I do.

4 Q Are those photographs that you took?

5 A Yes, ma'am. They are.

6 Q Do they fairly and accurately represent the vehicle as
7 you observed it when you did your examination?

8 A Yes.

9 MS. MANNING: Your Honor, at this time the State moves to
10 introduce into evidence the State's Exhibits that I previously
11 listed.

12 THE COURT: All right. Any objection?

13 MR. FLOYD: No, Judge.

14 THE COURT: All right. State's Exhibits 21, 22, 16, 17,
15 18, 19, 20, 23, 24 and 25 are admitted into evidence without
16 objection.

17 (State's Exhibit Numbers 16, 17, 18, 19, 20, 21, 22
18 [Photographs] and 23, 24 and 25 [Posters] admitted into
19 evidence and appropriately marked.)

20 BY MS. MANNING:

21 Q Trooper Luther, did you arrive at any conclusions as a
22 result of your examination and comparisons?

23 A I did.

24 Q And what was your conclusion?

25 A Upon looking at the parts that SLED had in evidence and

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1 looking at the vehicle that was at Truett's Body Shop,
2 comparing the two parts together, it is my opinion the parts
3 that we compared were definitely taken from that vehicle.

4 Q And how sure are you of this conclusion?

5 A One hundred percent.

6 Q I'd like to ask you at this time if you can explain to
7 the jury using your photographs for the purposes of
8 explanation and illustration how you came to the conclusion
9 that you did?

10 A Your Honor, can I step down?

11 MS. MANNING: May the witness step down, Your Honor, and
12 address the jury?

13 THE COURT: All right. As long as he's near a microphone
14 where the court reporter can pick up his audio.

15 A Okay. I'll talk loud.

16 Q And I've got the blowups there for you right there
17 leaning against the jury box or --

18 A I'll start with the blowups.

19 REPORTER: You need to be at that microphone, that box
20 right there is a microphone.

21 THE COURT: That box right there.

22 A Right. Okay. Can you hear me? Now, these lines
23 apparently came out in printing. They were not part of what
24 we did here. What you see here is the mirror cover that I was
25 speaking to you about a few moments ago, and this is the

1 actual vehicle that we matched them to. What you see are tool
2 marks left by a screwdriver or whatever was used to remove
3 this, this mark. Thank you. And this is a far out shot on it
4 that I, that I took, picture, but if you can see like right
5 here how those tool marks line up perfectly. You're not going
6 to be able to recreate that tool mark. It's on the evidence
7 and it's on the vehicle. Looks like they tried multiple times
8 to get it off, but whenever -- but this tool mark right here
9 is the one we're referring to. It is perfect in every way.
10 This is a different mirror from the other side, and it seems
11 like when they enlarged it it's kind of distorted a little
12 bit, but here's the tool mark on the actual piece SLED had.
13 There is a perfect mark here and a line there where a straight
14 edged object was shoved in there and it was removed. You're
15 not going to have this mark lining up with this mark if it was
16 not removed from that vehicle. I don't if you all can see it,
17 if I'm standing in your way, but that's a different mirror.
18 That's -- so you got both mirrors covers popped off.

19 This is what I was referring to a few minutes ago about
20 the aftermarket screw hole. This is the bumper that was
21 SLED's evidence and this is the actual vehicle. Down here
22 you'll see a hole that was done by Cadillac, got a clip in it.
23 If you'll notice this hole and this hole, that's aftermarket.
24 Somebody for whatever reason put a screw in there. This is
25 the bumper that SLED had in evidence. This is the actual car.

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1 They line back up. If they came off a different car you
2 wouldn't have those two holes in the same spot. This one's a
3 little bit smaller.

4 Q Trooper Luther, if you can state what the number is that
5 you're referring to?

6 A Oh, I'm sorry. The first one I referred to was State's
7 evidence 23. The second one was State evidence 24, and the
8 most recent one was State's evidence 25, and now I'm going to
9 show State's evidence 21, which is just reaffirming the
10 mirrors, and I'll, I'll pass it around, but this is a far off
11 shot. This is the vehicle that was at the body shop, and this
12 is the mirror cover with the plastic, and I'll pass it around
13 for you, but if you'll look in this corner right here there's
14 a tool mark and coincides with the actual mirror cover, and
15 this is a blown-up shot of the same thing. If you'll look to
16 see the way this is cut and the way that is cut, they line up
17 perfect for a screwdriver or whatever object was used to pop
18 it off, and this is, like I said, State's evidence 22 and 21,
19 and there again, this is the -- this is showing -- this, this
20 is State's evidence 19. It's actually showing the screw hole
21 again, just a different, not blown up version.

22 A lot of the parts we couldn't get to line up because you
23 didn't have a tool mark or something that would say exactly it
24 came from that vehicle. We lined up as much as we could.
25 Some of the tabs had been broken off that would have, you

1 know, lined up perfectly, and they were, I would assume, broke
2 off for a reason. So you couldn't line it up, you know,
3 because whenever you take a bumper and you break it loose
4 you're going to have a, you know, plastic's going to break one
5 way, it should match back up. Well, the tabs had been
6 clipped. So you were missing about an inch of plastic in
7 there. I mean, so they wouldn't -- the bumper wouldn't line
8 back up perfectly on the back end. Like I said, we found
9 enough on the sides that 100 percent that bumper came from
10 that vehicle.

11 Q Other than the tool marks, did you notice any other, any
12 other -- any -- was there any -- were there any other reasons
13 that led you to believe that some of those parts had come from
14 the, the vehicle?

15 A To me the paint matched, I mean, like testified to, I
16 think it was Buck testified to earlier, there's going to be
17 some differences in the paint, and this paint was matched
18 perfect. There was also some dirt marks on the vehicle that
19 lined up with the dirt marks on the evidence that SLED had,
20 and I don't, I don't know how you would line -- have two
21 separate vehicles that had the exact same color of dirt
22 between the two, and I think that's on Exhibit 17, State's
23 evidence 17, but you can actually see the dirt where the part
24 is lined up with the, the vehicle.

25 Q Trooper Luther, is it your testimony that you are a

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1 hundred percent convinced that those are the -- the parts that
2 you examined are the parts that came off of that vehicle?

3 A Without a doubt.

4 Q Thank you. No further questions. Please answer any
5 questions the Defense attorney may have?

6 A Yes, ma'am

7 CROSS EXAMINATION

8 BY MR. FLOYD:

9 Q Trooper Luther --

10 A Yes, sir.

11 Q -- did you say that was an aftermarket bumper?

12 A No, sir, not an aftermarket bumper. It was an
13 aftermarket screw hole.

14 Q Okay. The screw hole was in the bumper?

15 A Well, it was in the, it was in the bumper, and it was
16 also in the plastic where the wheel well.

17 Q All right. I misunderstood what you said.

18 A Yes, sir.

19 Q I apologize for that. And the tabs that you're referring
20 to are they --

21 A Yes, sir. Hold on one second, and I'll find one for you.

22 Q Sure.

23 A There's one there, but I've got a close-up of it.

24 There's one. That would be State's evidence 20-I, and I'll
25 show you on the -- what I -- there you go, 20-J.

1 Q How about that?

2 A 20-L, 20-M, 20-N, 20-O. There were, there were two back
3 there. I took multiple shots of those two, but I'll show you
4 on the bumper where -- how it's been clipped. State's
5 evidence 20-22 or ZZ I think that's supposed to be -- no. 20-
6 22 [sic].

7 Q Okay. Thank you, sir.

8 A Yes, sir.

9 Q Thank you, sir. No questions. No further questions,
10 excuse me.

11 THE COURT: Redirect?

12 MS. MANNING: No redirect, Your Honor.

13 THE COURT: All right. You may step down.

14 A Thank you, sir.

15 MS. MANNING: Your Honor, may this witness be excused?

16 THE COURT: Any objection?

17 MR. FLOYD: No, sir.

18 THE COURT: All right. He's free to go. Thank you very
19 much. It's an exhibit just set it right there. Leave it.

20 Yeah. Make sure you don't have any exhibits. All right. I
21 think we're going to go ahead and break for lunch. It's time.

22 MS. MANNING: Yes, sir.

23 THE COURT: All right. Ladies and gentlemen, we are
24 going to go ahead and break for lunch at this time. We've
25 ordered lunch for you and so you can eat here. If you choose

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1 that you don't want to eat here and you want to go somewhere
2 for lunch, that's fine, too, but you'll need to be back in the
3 jury room at 1:30 so you'll have -- we'll take about an hour
4 break, give you an opportunity to eat lunch, but please be
5 back at 1:30 if you choose to leave. Do not discuss the case
6 even among yourselves at this point in time. It's too early
7 for deliberations. Don't conduct any independent
8 investigations. Hope you have a good lunch, and we'll be back
9 at 1:30. Thank you very much.

10 (Whereupon, the following takes place outside the
11 presence of the jury.)

12 THE COURT: All right. Anything from the State before we
13 break for lunch?

14 MS. MANNING: Nothing from the State, Your Honor.

15 THE COURT: Anything from the Defense?

16 MR. FLOYD: Could I have just a little bit longer than an
17 hour?

18 THE COURT: Okay. How much longer?

19 MR. FLOYD: Maybe 30 minutes, an hour and a half?

20 THE COURT: For what reason? I want to make sure we're
21 getting this thing going.

22 MR. FLOYD: Well, that's to meet with my client and his
23 witnesses.

24 THE COURT: Okay. Let's shoot for an hour and then we'll
25 see.

1 MR. FLOYD: Okay.

2 THE COURT: See what we do.

3 MR. FLOYD: All right.

4 THE COURT: Okay?

5 MR. FLOYD: Thank you, Judge.

6 THE COURT: All right. Thank you.

7 OFF THE RECORD

8 (On the record. The following takes place outside the
9 presence of the jury.)

10 THE COURT: All right. Anything from the State before we
11 bring the jury in?

12 MS. MANNING: No, Your Honor, nothing from the State.

13 THE COURT: Okay. You all have got another witness?

14 MS. MANNING: No, Your Honor, that was our last witness.
15 We're going to rest at this point.

16 THE COURT: Okay. Rather than bringing the jury in and
17 resting and then sending them back out, I'll allow you to do
18 it on the record, and I apologize. I probably should have
19 done that before we dismissed them for lunch, but what did I
20 do with my glasses, but the State does rest at this time?

21 MS. MANNING: Yes, Your Honor.

22 THE COURT: Okay. Anything from the Defense?

23 MR. FLOYD: Yes, sir, Judge. I need a little bit of
24 time. I have two witnesses that I've talked to that told me
25 they were here this morning and were told to leave. They are

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1 THE COURT: All right.

2 Whereupon, Judson Stanley was called to the stand, duly
3 sworn by the clerk and testified as follows:

4 THE CLERK: Please be seated. State your full name,
5 spell your first and last, please.

6 MR. STANLEY: Judson Alan Stanley.

7 THE COURT: If you'd spell your name, please.

8 MR. STANLEY: Yes, sir. J-U-D-S-O-N, Alan, A-L-A-N,
9 middle name, last name Stanley, S-T-A-N-L-E-Y.

10 THE COURT: All right. Mr. Floyd.

11 MR. FLOYD: May it please the Court?

12 THE COURT: Yes, sir.

13 DIRECT EXAMINATION

14 BY MR. FLOYD:

15 Q Judson, how old are you?

16 A Twenty-seven years old.

17 Q And where do you live?

18 A With my mom, in Conway.

19 Q And how far did you go in school?

20 A Went through high school, dropped out, got my GED shortly
21 after. After that I took a class at Coastal Carolina
22 University, got my real estate license. It took me a few
23 times. I failed the exam, but finally got it. So that's
24 about as far as I went on education.

25 Q Have you had any other training?

1 A No, sir.

2 Q Have you taken any courses dealing with car dealing?

3 A Oh, yes, sir. I forgot about that one. I did that I
4 think it was about a year and a half ago, two years ago I took
5 the car dealers course, passed it. They give me my
6 certificate and been trying to get a bond with a local bank to
7 sell cars. You know, you've got to have the bond and you base
8 it off credit. I went through a lengthy divorce that cost me
9 a lot of money. My credit wasn't so good. So that's kind of
10 been the hold up on that, but I did pass that course, got the
11 certificate and just, just been trying to, you know, get a
12 bond and be, you know, be able to buy them.

13 Q Show you this and ask you if you can identify it for me.

14 A Yes, sir. It's the Car Dealer Training LLC, Ms. Kat
15 Messenger. That was her class. It was an eight-hour course,
16 and I passed this course March 27th, 2014.

17 MR. FLOYD: Offer this as Defense Exhibit One.

18 THE COURT: Any objection?

19 MS. MANNING: No objection.

20 THE COURT: Defendant's Exhibit Number One admitted --

21 MR. FLOYD: Excuse me. It's Five.

22 THE COURT: Five. All right. Defendant's Exhibit Number
23 Five admitted into evidence without objection.

24 (Defense Exhibit Number Five [Certificate] admitted into
25 evidence and appropriately marked.)

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1 BY MR. FLOYD:

2 Q And have you taken any other courses?

3 A No, sir, not that I can remember. I was supposed to be
4 in real estate school the first, I think it was the first and
5 second week of July. This trial was scheduled. So that kind
6 of threw that out the loop. I've got an application in
7 California to take the real estate exam out there, as well as
8 Florida, but I wanted to get through this before I can move
9 forward with, with that to, you know, try to start back, you
10 know, selling real estate. When I got my license I believe it
11 was in 2008 or nine. The real estate market kind of crashed.
12 A lot of people, the housing values were -- they weren't
13 worth, they weren't worth -- they wasn't, they wasn't worth,
14 worth -- my words are sticking. Basically the housing market
15 crashed. The housing prices were declining. Most people
16 were, you know, they owed more on the house than it was worth.
17 I think in my first six months I had \$14 million worth of
18 listings, two hotels in Myrtle Beach, and we couldn't even get
19 an offer on them. I mean, just nobody could get financing.
20 Everybody's finances was hurt. So that's the reason why the
21 real estate career kind of got put on hold.

22 Q All right. And in regards to why we're here today, how
23 did you meet Tracy Holmes?

24 A It was online. I believe it was on Match.com first or
25 Facebook. I don't remember. I hate to say one and it's the

1 other, but it was either Match.com or Facebook. We started
2 talking on there. It was nothing sexual. I mean, it was, you
3 know, just friends cutting up. She was going through a bad
4 divorce. You know, I explained to her I went through a bad
5 divorce, went through some custody issues involving my kids
6 trying to get custody of my kids, but I was out on bond
7 waiting on court on that, and you know, those things got kind
8 of postponed, it messed me up. So we, we had familiar, I
9 reckon you could say, like experiences through life, you know,
10 as far as our kids, you know, she loved her kids. Her ex-
11 husband was trying to take her kids from her. I felt her
12 pain. You know, like I said, it was nothing sexual. It
13 wasn't, you know, nothing on that degree. It was just a
14 friendship and that's all it ever was.

15 Q And how long did this go on?

16 A I don't remember the exact date that I met her. I know
17 it was in the first part of 2014. I want to say maybe around
18 March or April because my birthday is April 18th. I want to
19 think it was maybe at least a month before that. Like I say,
20 I don't want to tell you a lie and give you exact date because
21 I don't remember the exact date, but around about that time.

22 Q And we've heard testimony about her car. Did you ever do
23 any work on her car?

24 A Yes, sir.

25 Q And what did you -- what kind of work was it? Tell us.

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1 A I replaced the front bumper, the back bumper. Prior
2 before this claim she hit like a concrete, I don't know what
3 they call it, like I reckon at Wal-Mart for example you've got
4 the little concrete curbing. She hit the curbing. She didn't
5 want to file a claim. She didn't want her husband to think
6 she was drinking and driving or, you know, she was doing some
7 kind of mischief she shouldn't be. I think -- she told me
8 before she was on eggshells with the guy, and she was scared
9 to basically do anything. I mean, the guy was trying to not
10 have to pay her in court. He was trying to get out of paying
11 as much child support as he could. So she asked me to fix the
12 vehicle. I repaired the bumpers, put them back on the car,
13 and I've got a -- give Mr. Floyd the -- a copy of the receipt
14 that I give her when I done the work.

15 Q I'm going to show you this and ask you if you can
16 identify it.

17 A Yes, sir. That's it. It says on here the invoice is to
18 Tracy Holmes, remove and replace front and rear Escalade pearl
19 white bumper to damage repair and replace the caps on the
20 mirrors where there were rotten markings all over them, and I
21 told them I, I had a set, I'd put them on the car for no
22 additional charge. The charge was 650 bucks, which is about,
23 give or take, four to \$600 cheaper than she could have went to
24 a dealer and done it, and most likely, and they'd probably
25 even charged her more than that.

1 MR. FLOYD: Offer this, Defense Exhibit Six.

2 THE COURT: Any objection?

3 MS. MANNING: No objection, Your Honor.

4 THE COURT: All right. Defendant's Exhibit Number Six
5 admitted into evidence without objection.

6 (Defense Exhibit Number Six [Invoice] admitted into
7 evidence and appropriately marked.)

8 BY MR. FLOYD:

9 Q Did you do anything else to her car?

10 A I washed it a few times, detailed it for her. That's
11 about it. There was -- I did drive it one time. She was
12 having transmission problems. I told her what it sounded to
13 me, and I'm no certified mechanic, but I've been messing and
14 buying junk cars and scrapping cars, you know, buying them
15 from the junkyard since I was 14, 15 years old. What it
16 sounded to me is that the lifter in the motor it had a bad tap
17 to it and the transmission had a whining, and usually when a
18 transmission whines it's either the inner workings of the
19 transmission's shot, needs a new transmission, or it could
20 simply be the torque converter. I've owned Escalades. I had
21 a Escalade in high school, a 2000 model. They're notorious
22 for the torque converters going out. So I explained to her, I
23 said, you know, "If the car is still under warranty or some
24 insurance companies will actually pay, you know, for a motor
25 or transmission, rear end, far as the actual drive train. It

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1 just states in the policy if it's under coverage or not." So
2 I give her my opinion on it, and I told her, I said, "Look, I
3 would take it to the Cadillac dealer and fix it." I said, "I
4 could try to fix it for you." I said, "But if it's under
5 warranty there's no use for you to pay me when, you know, the
6 dealer would pay for it if it's under warranty."

7 Q Did you do anything else to her car?

8 A No, sir.

9 Q When was the last time you saw her prior to you being
10 arrested?

11 A I haven't seen her. I spoke with her on the phone
12 several times. I know no more than 10 times. I think I sent
13 a few messages on Facebook asking her to, you know, "Let's get
14 this thing resolved." You know, I told her, I said, "I can't
15 get in no more trouble. I mean, I'm trying to do right. I'm
16 trying to go back to school. I don't need more headaches,"
17 and she told me she would speak with Julaan, and Julaan
18 Derrick she's -- that was her divorce attorney at the time.
19 She's always called her my aunt because I've known her since I
20 was five years old. My dad's brother is married to her
21 sister, and, and I asked her, I said, "Let's go to Julaan's
22 office." I said, "And let's get this, you know, situated," I
23 said, "Because it's not -- I've not done nothing wrong here,
24 that you asked me to fix your car. I fixed your car prior to
25 this claim." I explained to her I could fix the motor and the

1 transmission and that was it. I mean, it was no -- nothing
2 implicating any kind of fraud or any of that.

3 Q Did you tell her to file the claim?

4 A I told her that -- I give her my opinion on it. I said,
5 "If it was me," I said, "if the motor and the transmission and
6 stuff is under warranty or your insurance company says they'll
7 cover it, you know, those were related damages, then file the
8 claim." I mean, that's what his insurance, insurance is for.
9 I mean, people get it so twisted, they're always scared to
10 file a claim because the rates will go up or, you know,
11 they're scared that they're going to have to pay more in
12 insurance but that's what you pay insurance for, and she's
13 like, "Jay, I don't want my rate to go up." I said, "It's not
14 a matter of a rate going up." I said, "It's you pay for
15 insurance. Your car is messing up. You're going through a
16 divorce. You don't have the money to really pay out of
17 pocket," because it's going to put her other bills on, on --
18 going back, you know, and basically in debt. I said, you
19 know, "File the claim." I said, but you know, I never said to
20 file anything other than, you know, what I seen on that car
21 that, you know, that far as damages and the transmission and
22 the motor.

23 Q When was it that you found out about the car being
24 vandalized?

25 A She -- I want to think she phoned me that night or that

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1 next day, and she said she left it in Myrtle Beach at some
2 restaurant and got vandalized is what she said. Said the
3 bumpers were gone off of it, and I'm assuming it's the bumpers
4 that I repaired previously. She said the transmission was
5 acting up, and she parked the car because she didn't want it
6 -- she was scared it would blow up on her, that was her words.

7 Q And did you help her file the claim of the insurance with
8 the vandalism?

9 A No, sir, I did not. I never called State Farm Insurance.
10 I never filed a claim on her behalf, nor ever said I was Tracy
11 Holmes or her ex-husband or any body shop manager. I never
12 filed the claim. I wasn't there when they done the original
13 estimate. I wasn't there when they done the supplement on it.
14 To my understanding from going through the motion of
15 discovery, the estimates were done at Truett's. You know, I
16 helped Lou Gabriel at his body shop in Conway. I mean, I, I
17 knew the guy down there but, you know, I didn't know him that
18 well. You know, I know there was a mention about, and I want
19 to think Mr. Buck testified yesterday to the fact that he
20 thought I was there at the body shop or they come out there
21 but I think that's incorrect. I never remember anybody ever
22 come in that shop because the car was only there for two to
23 three -- I think it was only there for like two to three days.
24 So, and I mean, it, it takes longer than that, you know, to
25 get an estimate done. I mean, usually that's a weekly

1 process, a week, two weeks to send somebody out..

2 Q Did you have any communications with Ms. Holmes after
3 that?

4 A After the -- she filed the claim?

5 Q Yes.

6 A Yes, sir.

7 Q Okay. And what did you all talk about?

8 A She explained to me what was missing off of the car. She
9 didn't go into detail with everything. She said that the hood
10 was lifted up when, when he got back to the car or something.
11 The window was either broke out or down, and I told her, I
12 said, "Look, I've got an Escalade." I've got an '07 Escalade
13 just like hers. Mine's black. Hers is pearl white. I've had
14 numerous Escalades, and I told her, I said, "Look, I've got
15 parts." I said, "And what I don't have I can get, can either
16 get them out of a junkyard. I can order them online from
17 LKQ." I buy stuff off eBay, and I can get these parts a heck
18 of a lot cheaper than the insurance company, and most of the
19 time insurance company's only going to pay you for
20 aftermarket, which I think is wrong. If a car comes with a
21 genuine Chevrolet bumper on it or a genuine Cadillac bumper,
22 you want to put back what's on the car. I mean, you don't,
23 you don't -- and that's where I've got into arguments with
24 them in the past with because they don't put back on the car
25 what was originally on the car, you know, and an insurance

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1 company should put -- if a bumper's a GM bumper, you put a GM
2 bumper back. Don't try to put a, you know, a Chinese or
3 Japanese bumper that costs a hundred dollars or \$150 knowing
4 it's just going to flake and mess up, and I explained to Ms.
5 Holmes I had some parts. I didn't have everything for that
6 car, and you know, I could sell her those parts cheaper than
7 the insurance would, would pay for them, and she could put
8 money in her pocket, and like I say, I had some of them, but I
9 didn't have everything, and from going over the list here on
10 the incident report that the Myrtle Beach police officer
11 testified yesterday to, I mean, there's stuff on this list
12 that is not even right. For example, they've got on here
13 three in-car DVD screens. Anybody knows anything about a
14 Cadillac Escalade knows they don't come with three in-car
15 screens. I mean, if it's an extended Escalade it comes with
16 two flip down TVs and a navigation unit if it come fully
17 loaded from the factory. There's -- and she's testified
18 yesterday that, you know, this was -- I helped her conspire to
19 do this and this was my idea. I would never have anybody file
20 a claim stating there's more damages than what's on the car,
21 especially say that there's three TVs when I know, I've got an
22 Escalade. I know what comes factory on them. I mean, that's,
23 that's ludicrous. It's absurd. Another thing on here, she
24 says the back-up video camera monitoring has been stolen.
25 According to the pictures that Ms. Manning provided us

1 yesterday, the bumper pictures we went over, I can see the
2 back-up camera on the car. I mean, that's a complete lie.
3 You know, I don't understand why she would say that. She's
4 saying on here that -- it says one touch screen navigation
5 system. Escalades do -- some of them do come with a touch
6 screen navigation system, and, and hers did have one, and then
7 it's got under that one car stereo and one in-car touch screen
8 vehicle control. There's not no in-car touch screen vehicle
9 control, and the car didn't have a stereo. I mean, that's,
10 that's incorrect, and then again, these are damages that Ms.
11 Holmes stating that was done to her vehicle. I mean, I don't
12 know what kind of person files a claim and alleges that, that
13 there's more items on a vehicle than it comes with. I mean,
14 it's like saying that you file a claim on a wheels and tires
15 for example and tell the insurance company the car had six
16 wheels when it only comes with four. I mean, this, this --
17 the car didn't have this stuff, and again, that's something
18 obviously Ms. Holmes told this insurance company that it was
19 taken off of her vehicle.

20 Q I'm going to show you what's been marked as State's
21 identification 20, if I'm reading correctly, 20, and ask you,
22 I think the picture you're referring to about the backup
23 camera --

24 A Right.

25 Q -- was in that exhibit?

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1 A Okay. Here it is, Mr. Floyd. As a matter of a fact,
2 here's two pictures, and if we could show the jury this camera
3 because I want them to understand on this backup camera.

4 Q Come around here.

5 A All right. Your Honor.

6 REPORTER: He needs to stand in front of that mike.

7 THE COURT: Yeah. Near the microphone so the court
8 reporter can pick up what's being said.

9 Q You're referring to 20-C.

10 A Yeah.

11 Q All right. And --

12 A Twenty -- 20-C and 20-B. Let me see. Ladies and
13 gentlemen of the jury, the backup camera is located right
14 here, and I'm going to give you this where you all can pass it
15 around individually where each of you all could see because
16 it's, it's a slightly small camera. I mean, it's no more than
17 probably an inch wide, maybe two inches long that's located
18 right under that Cadillac emblem. It's a little black camera,
19 and basically what it does on a navigation screen these
20 Cadillacs come equipped with a rear video control I think is
21 what they call it. When you put the car in reverse, you back
22 up, you can actually see what you're backing up to, you know.
23 Like if you're backing up to a trailer and you don't want to
24 hit it and damage the vehicle, this is what this camera is
25 designed to do, and this picture here it's the same picture.

1 I don't know if the camera is more farther off or on it but
2 you can pass that around. Like I say, it's that little black
3 square tab directly under the actual Cadillac emblem. I know
4 it's small, but you know, it is there and that's what it's
5 designed to do.

6 Q You can have, have a seat, Jay.

7 A (Complies with request.)

8 Q Now, Jay, you were arrested, I believe, on June the 10th.

9 A I believe, I believe that's right. Yes, sir.

10 Q Did you have any contact, conversations with Ms. Holmes
11 after that?

12 A I had, I would say, it was probably no more than -- I
13 don't want to lie and tell you the wrong number. I'll just
14 put it this way, I don't think there was no more than 10
15 conversations, and it was probably more or less on the lines
16 of seven to eight. I contacted her when I got out of jail. I
17 was with my sister. She's present in the courtroom, Ms.
18 Hannah Reavis. We were at Arby's on 544 near the Wal-Mart,
19 near Myrtle Beach, near Ocean Lakes. We were getting lunch.
20 I called her, telephone called her. I put her on speaker. I
21 think I called her on my sister's phone. I had my phone,
22 voice recorded the conversations. She act like she didn't
23 understand why I was being charged. She, I mean, to be honest
24 with you, she just kind of acted stupid about the whole thing
25 like she didn't get it, she didn't know, you know, she was

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1 playing like she didn't know. She said in -- on the, on the
2 phone on speaker in front of my sister, she said, "Jay, don't
3 worry about it. Go home," because I told her, I said I was
4 tired, I'd been in the holding cell all night at J. Reuben.
5 My hair was all messed up. I smelt like onions, you know, I
6 needed a shower. I needed sleep, and she said, "Jay, go home
7 and go to sleep. Don't worry about nothing. You haven't done
8 anything wrong." She said, "You helped me, you helped me fix
9 my car. That was it," and, and I told her, I said, "Now,
10 that's your word," and I voice recorded.

11 MS. MANNING: Your Honor, I'm going to object.

12 THE COURT: Sustained.

13 Q Let me -- Jay, did you all exchange any text messages?

14 A Yes, sir. On the phone and on Facebook as well, I
15 believe.

16 Q I'm going to show you this and ask you if you can
17 identify it.

18 A Yes, sir. It's on here. It's page 95 out of 196 from
19 the discovery Ms. Manning's office provided. I told Mr. Floyd
20 on here is an image and I -- because she act like she was in
21 so disbelief that I got charged that I actually sent, I want
22 to think it was a copy of the bond paperwork or the warrant
23 because I wanted to, you know, to prove to her like, "Look,
24 you know, I was charged with your vehicle, and they said that
25 I'm the one that filed the claim on this car, and I never

1 filed the claim." So I sent her the image and she said back

2 --

3 MS. MANNING: Objection.

4 THE COURT: Sustained.

5 A She said back, "I don't" --

6 MS. MANNING: Objection.

7 THE COURT: You can't say what she said. That's hearsay
8 evidence. You can only testify as to what you said.

9 Q Can you identify that piece of paper?

10 A Yeah. This, this come off of, of Facebook, and basically
11 on here it says, "I don't know what to tell you."

12 MS. MANNING: Objection.

13 THE COURT: Sustained.

14 A "We did nothing wrong."

15 THE COURT: Hold.

16 MS. MANNING: Your Honor.

17 THE COURT: Strike the last thing. When I sustain an
18 objection don't talk any further. All right. Mr. Floyd.

19 MR. FLOYD: Offer it into evidence.

20 MS. MANNING: Objection. It contains hearsay.

21 A Judge, can I ask a question real quick?

22 THE COURT: No.

23 MR. FLOYD: All right.

24 THE COURT: Okay. I sustain the objection. How is it
25 marked? Okay. Let's mark it. That'd be Defendant's Exhibit

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1 --

2 REPORTER: Seven.

3 THE COURT: -- Number Seven. The State's objection is
4 sustained.

5 MR. FLOYD: So that is not in evidence?

6 THE COURT: That's correct.

7 BY MR. FLOYD:

8 Q All right. Judson, moving forward, tell me about your
9 relationship with Lou Gabriel.

10 A Let's see, Lou. I met him through his brother, Paul.
11 Paul owns a body shop over in Conway off Highway 548. Paul
12 has always been a good friend. I mean, he's a stand up guy,
13 had two kids. One's got, I think, cerebral palsy or something
14 like that, always -- like he calls me his son. Every time he
15 sees me he says, "That's my son, Jay. Jay, what are you
16 doing," because he knows I'm a go-getter and I used to be a
17 more go-getter than I am now, but he knows I've always got
18 energy and trying to make a dollar, you know, trying to fix a
19 car, trying to, you know, make money, and I was there one
20 afternoon. His brother come in. Lou, I met Lou, and I think
21 he just moved down here, just opened up a body shop, and Paul
22 does a lot of work for several different car lots. He's
23 always full, and you go to him and you want a vehicle fixed,
24 you know, he'll tell you it's going to be two or three weeks,
25 sometimes a month, sometimes two months. He said, "My

1 brother, he's got a new body shop he just opened up. He can
2 get you in and out. He don't have a lot of customers. He's
3 trying to get clientele," and that's where I met Lou at. I
4 think we -- maybe we exchanged numbers there or the next week
5 or two Paul give me his number.

6 Q And did you work at Lou's shop any?

7 A Yes, sir. I did.

8 Q And for how long?

9 A I reckon you could say I was never like a hired employee.
10 Basically I just helped him because he was helping me. Like
11 he said yesterday on his testimony, we took cars back and
12 forth. One of the dealerships he did a lot of work for was
13 the Dodge place there on 501. I don't remember the name, but
14 it's the big one on the right, and basically I was just kind
15 of like his shop hand, and you know, I helped the guy, you
16 know. I thought at one point in time we were good friends.
17 He said yesterday on testimony that I was like a kid, that he
18 couldn't get, he couldn't get rid of me. My mom will tell
19 you, she's sitting here in the courtroom today, Ms. Melody
20 Brown, she's took me to that shop before. She's seen me work
21 and help him. If, if anybody don't want me around them I, you
22 know, I don't have a problem not being around somebody. Me
23 and him never had -- we got into one argument the whole time I
24 was ever there. I mean, I helped this, this guy out of the
25 kindness of my heart because he was helping me and he was

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1 giving me a good job, he was helping me paint a car and
2 basically doing it cheaper than the average person would do it
3 for, and I think like the paint job was like 4500. He said he
4 would do it for two grand. So that's kind of why I was
5 helping him. I mean, I reckon you could say I was getting
6 paid to be there, but it was basically going to be deducted
7 off of a paint job on a vehicle that I had there.

8 Q And Jonah Buck, how well did you know him?

9 A Jonah, when, when I first started hanging around Lou
10 there at the body shop, Jonah wasn't even around, and, and
11 just like Lou said yesterday on testimony, he was the only one
12 there, me and him. So Jonah come after I was helping Lou.
13 From the get go I never trusted the guy. I never liked him.
14 His brother told me, he said, "Look," he said, "Now," he said,
15 "That Jonah guy, be careful with him."

16 MS. MANNING: Objection.

17 THE COURT: Sustained.

18 Q You can't say what someone else has said. Now, did you
19 have -- how many cars did you have at City Collision?

20 A I had two, a 2003 Mercedes G500, which is my vehicle, and
21 I had a 2006 GMC Yukon Denali, which is my vehicle. It's the
22 same one Mr. Floyd showed the title to you all yesterday, and
23 it's also the same vehicle that Mr. Gabriel alleged that I had
24 insurance on or I had plans to file a claim on, and that
25 vehicle never had insurance on it. The vehicle was bought

1 for, I think, 25 or \$3500. I got it out of Salt Lake, Utah.
2 The value of the vehicle was 13,000. I buy these cars direct
3 from the insurance auction. I get them for a fraction of the
4 cost because they have damages, they need repairs, but I can
5 repair them cheaper than the insurance company writes the
6 estimate for because, again, I know where to buy the parts
7 from and I can get them in bulk and I can save money by doing
8 that, and the vehicle was took there, had some frame damage on
9 it. He was hunting a frame on it, but and not to move so
10 fast, but basically he said that I -- I can't remember if he
11 said I filed a claim on it or I had plans to file a claim on
12 it and I put insurance on it, there's never been no insurance
13 on that vehicle, and I think even in one part of his testimony
14 he said it wasn't my car. That's incorrect. Again, Mr. Floyd
15 presented the title to it yesterday. Now, these -- the
16 Mercedes went first. I think the timing was roughly around
17 the timing that Ms. Rhonda testified to that the first time
18 she seen me there because that was the first car I ever
19 brought there. He was supposed to do the paint job on the
20 vehicle. We started sanding on it, and the roof had like a
21 ding in it. We were fixing it. That vehicle, he never
22 finished the paint job on it. He kept saying he's busy, he
23 couldn't get to it. Shortly after that I brought that Denali
24 there because it needed -- frame damage. He had a frame
25 machine. He said he would help me fix the vehicle, the same

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1 deal. He was like, "Jay, just help me around the shop, help
2 me run these cars back and forth. When we got extra time,
3 we'll get on it and fix it." I said, "Okay. Cool," but long
4 story short, he never fixed the vehicles. Those vehicles sat
5 at that shop -- I know that Mercedes was there for almost a
6 year. Shortly after that we got into an argument one day, and
7 I think basically it was over his ex-wife. Ms. Rhonda that
8 testified I think it was yesterday, she's a good woman. I
9 never had a harsh word to her. She was always respectful to
10 me. I think I probably had three conversations with the woman
11 the whole time, you know, I was there. Lou was always jealous
12 of her, you know, and she's younger. He's older. I'm a young
13 guy, but you know, he's my friend. I'm not going to try to
14 make advance to his wife. I think maybe in Lou's head maybe
15 he thought threatening I was down there, but I was there to
16 fix cars and work. I wasn't there to, you know, to -- out for
17 his wife, and I think that's kind of what made him like angry
18 towards me.

19 MS. MANNING: Objection.

20 THE COURT: Sustained.

21 Q Let me, if I could, Jay, show you some pictures. Is that
22 a picture of the Yukon Denali that you had in City Collision?

23 A Yes, sir, Mr. Floyd. The first picture here, ladies and
24 gentlemen of the jury, this is the exact day the car come from
25 the shipping that we rolled it off in my aunt's yard there.

1 As you can see, it's, it's got front end damage.

2 Q Let me, if I could, let me get them marked for evidence
3 so you can refer to them and the jury will know what pictures
4 you're referring to.

5 A All right.

6 MS. MANNING: No objection.

7 Q I'm going to show another document to you that we've
8 marked for identification and ask you if you can --

9 A Yes, sir. This is the title to the vehicle. Me and my
10 grandfather went to the DMV. It says dated on here 4-20,
11 2015. The title was a Miami title, and when you buy them from
12 the insurance auction you got to transfer the titles. Like I
13 say, these vehicles come from various other different states.
14 For some reason the title on this one was a Miami title, but I
15 bought the car from Salt Lake, Utah, auction online,
16 transferred the title to a South Carolina title, and the
17 reason for that, I didn't have -- the car is still not
18 repaired, but I had to file a claim and delivery on Mr.
19 Gabriel's body shop. I filed the first one, and I've got it
20 in my paperwork because I want to be precise with the dates.

21 Q And I don't mean to interrupt you.

22 MR. FLOYD: Judge, I've marked this -- it's been marked
23 for identification purposes Defense Number Three. I would
24 move it into evidence.

25 THE COURT: Any objection?

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1 MS. MANNING: No objection. No.

2 THE COURT: Defendant's Exhibit Number -- you said three?

3 MR. FLOYD: Yes, sir.

4 THE COURT: Three admitted into evidence without
5 objection.

6 (Defense Exhibit Number Three [Title] admitted into
7 evidence and appropriately marked.)

8 BY MR. FLOYD:

9 Q Now, and referring to the exhibit numbers, pictures of
10 the car, in what condition and at what time?

11 A Your Honor, may I step up and show the jury these
12 pictures?

13 Q You can step up right and just refer to them by the
14 numbers of the exhibits.

15 A Exhibit Nine here, this is the Denali, like I say, the
16 day that it come in from the shipper when the day they dropped
17 it off, and I'll hand that to you. You all can pass it around
18 there. As you can see, it's got front end damages. Now,
19 these damages were sustained from, obviously, a prior
20 insurance claim with a different owner because, like I say,
21 it's an insurance auction. The auctions go there for various
22 different purposes. It could be theft recoveries, flood
23 vehicles like in Louisiana, any wrecked vehicle, it goes to
24 the auction because the damages are more than the value of the
25 car or at least that's how the insurance company looks at it.

1 Defense Exhibit Eight here is the Denali after I removed the
2 damages, and basically what I wanted to do was take all the
3 parts off, assess the damages, confirm that the frame was
4 warped, confirmed it did need a radiator, it needed front end
5 parts. That's the condition of the vehicle at the time that
6 it went to Mr. Gabriel's body shop. If we could get those
7 other pictures.

8 Q Jay, I'm going to show you this picture and ask you if
9 you can identify it.

10 A Yes, sir. It's Defense Exhibit Four. It's a picture of
11 my Mercedes G-wagen that I took when -- I think this was the
12 day after or the same day, but I think it was late afternoon
13 because I can tell by the picture there that, you know, you
14 can tell it's almost dark, but this is my Mercedes at Lou's
15 shop. He's put it behind the shop. As you can see, it's got
16 some rust marks on the back there where I reckon it maybe
17 rained or something. There's still tape around the windows
18 where he attempted to tape it up to paint it, but again, he
19 never fixed these damages.

20 MR. FLOYD: This has previously been marked, Judge, for
21 identification purposes number four. I'd move it into
22 evidence.

23 THE COURT: Any objection?

24 MS. MANNING: No objection, Your Honor.

25 THE COURT: All right. Defendant's Exhibit Four admitted

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1 into evidence without objection.

2 (Defense Exhibit Number Four [Photograph] admitted into
3 evidence and appropriately marked.)

4 BY MR. FLOYD:

5 Q Jay, I'm going to show you some other pictures here, I
6 believe.

7 A Right.

8 Q If you would identify them and tell them what -- tell the
9 jury here what they show?

10 A These pictures here are pictures of my Mercedes after I
11 took Mr. Gabriel to court on two separate occasions, the first
12 time I filed a claim and delivery on him. We basically
13 settled in front of -- Judge Livingston is a Magistrate Court
14 Judge in Myrtle Beach, real nice lady. We settled in front of
15 her, and I think it was two of her staff members or office
16 assists. I requested or I filed it. He requested a jury
17 trial. He met me the morning of court. He said, "Jay, you
18 know, I feel bad. I'm going to fix your vehicles. I'm going
19 to do what's right and just" --

20 MS. MANNING: Objection.

21 THE COURT: Sustained.

22 Q You can't say what someone else said. What do those
23 pictures depict?

24 A Okay. Damages to that Mercedes, and I want to jump back
25 to the -- I'm not going to say anything on him, but so I filed

1 the suit with the local magistrate court because I was trying
2 to get my vehicles back. He didn't want to give them to me.
3 He said, "In order for you to get your vehicles you're going
4 to have to" --

5 MS. MANNING: Objection.

6 THE COURT: Sustained.

7 A In order to get the vehicles I would have to pay storage
8 fees.

9 THE COURT: Sustained. You can't say what someone else
10 said.

11 Q Did the court order the cars returned to you?

12 A Yes, sir. They did.

13 Q And those pictures depict the damage to these?

14 A Correct. And I had to re-file it later with Judge
15 Mayers' office. My grandfather, he's present in the courtroom
16 today, Mr. Clarence Smart. He was with me when I filed it,
17 went in front of the judge, explained to the judge. My little
18 boy is sick with leukemia. He's only five, I think five years
19 now. I've not seen him in two years due to his mama and tried
20 to file family court, you know, contempt of court to bring her
21 into court. She don't show up for court, and I don't have the
22 money I used to, and you know, every time I file it it costs
23 money that I don't have, and hopefully I can get past this.

24 MS. MANNING: Objection, Your Honor. Relevance.

25 Q Moving forward.

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1 THE COURT: Sustained.

2 MR. FLOYD: Moving forward, Judge. We would move these
3 pictures into evidence.

4 THE COURT: How are they marked?

5 MR. FLOYD: They are not marked yet, Judge.

6 THE COURT: Got to get them marked for identification.

7 A Thomas, Thomas, I can go back to the court proceeding
8 with Judge Mayers and oh, those pictures.

9 THE COURT: Yeah. You got to wait until she marks it
10 down.

11 MR. FLOYD: Don't -- hold on.

12 A I got -- I'm sorry about that

13 REPORTER: Judge, it's 10 through 13.

14 THE COURT: Defendant's Exhibits 10 through 13, any
15 objection?

16 MS. MANNING: No objection.

17 THE COURT: Defendant's Exhibits 10, 11, 12 and 13
18 admitted into evidence without objection.

19 (Defense Exhibit Numbers 10, 11, 12 and 13 [Photographs]
20 admitted into evidence and appropriately marked.)

21 BY MR. FLOYD:

22 Q Now, so you and City Collision ended up having a rocky
23 relationship?

24 A Correct. And if I can touch back on the magistrate
25 court, and I'm not going to say anything that he said. I'm

1 just going to say what the judge said. I filed the claim and
2 delivery --

3 MS. MANNING: Objection.

4 THE COURT: Sustained.

5 Q Moving forward, tell us what happened on June the 10th.

6 A June the 10th, I took some replacement parts that would
7 fit her vehicle to the body shop in Conway. I spoke with
8 Jonah, I believe it was, the morning of or the night before,
9 the employee there that Lou -- like I said, we -- me and Lou's
10 relationship was already kind of rocky. Jonah took over. I
11 think Lou was sick or something. Took the parts to the shop.
12 We -- I spoke that night with Jonah for, I don't know,
13 probably 30, 40 minutes on the phone, explained to him I had
14 the replacement parts that would fix her vehicle. Some of the
15 parts would need to be painted, you know, they were used
16 parts. They, they, they weren't perfect condition parts.
17 Told him I would bring the parts down there. I was down there
18 probably an hour and a half to two hours, just guessing. When
19 I pulled in I seen a black Charger across the street, which
20 ended up being Mr. Howsare's police cruiser, and I asked Jonah
21 about that, and Jonah told me before I got there, he said, "A
22 buddy of mine that works for the county" --

23 MS. MANNING: Objection.

24 THE COURT: Sustained.

25 Q You can't say what someone else said.

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1 A That makes it hard because, I mean, that's, that's what
2 they said.

3 THE COURT: That's the rules of evidence. You got to
4 follow the rules of evidence.

5 Q Now, tell us about the parts that were going to be sold
6 to Truett's or that you and Jonah wanted to sell to Truett's.

7 A The, the parts that were going to be sold to Truett,
8 replacement parts for the car, again, these parts wasn't all
9 of the parts for this vehicle. I mean, like far as the
10 navigation unit, there was never a navigation unit down there
11 at the shop. I had one I was going to sell her, but I didn't
12 have it with me that day. I think there's center caps on
13 here. Those center caps, her car didn't need center caps.
14 The TVs, there was, I think, three. She said on here in-car
15 DVD screens. I didn't have three screens at that shop because
16 the car never needed those. I mean, granted, that's what she
17 put down here and claimed, but it didn't need them. I mean,
18 she was lying. The backup camera that we showed you the
19 pictures of was still on the car. I didn't have a backup
20 camera at that shop. You know, I didn't have hardly -- all
21 these extras that were claimed, and I'm not -- I don't know
22 exactly all what was on the claim, I mean, again, I'm looking
23 at the incident report what she stated to the officer the, the
24 night or the day this happened, but you know, I didn't have
25 all those parts. I had some parts that would, that would fit

1 that vehicle, but not everything.

2 Q And there's been some testimony about a grill plate --

3 A Correct.

4 Q -- or grill.

5 A Correct.

6 Q Tell us about that.

7 A The, the first time I repaired her vehicle, again, she
8 had front end bumper damage from the concrete thing. I, I
9 forgot exactly where, where she hit it at or whatever, but the
10 grill's attached to the actual bumper. If you know what
11 you're doing you could take the grill off the actual bumper.
12 In some pictures the prosecution's got, you got a grill on a
13 bumper, then you got the grill off the bumper. It's, it's all
14 interchangeable. You could take an aftermarket grill and put
15 it to a factory GM bumper, which is manufactured through GM or
16 Chevrolet. When I repaired it the first time I told her, I
17 said, "Look, I got a bumper and a grill I'm going to put on
18 there." She never liked that grill. She said that was -- I
19 don't know. It just wasn't her --

20 MS. MANNING: Objection.

21 THE COURT: Sustained.

22 A The --

23 Q Did you change the grill?

24 A Correct. And I kept the original grill and she was fine
25 with that. She said, "That's fine." She said --

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1 Q Don't say what she said.

2 A I apologize about that. So I kept the original, original
3 grill, put the other grill on the car.

4 Q On the 10th which grill was in the car you were driving?

5 A The, the car that I was driving the day of the body shop
6 was my sister's Tahoe, which is an '07. The grill that was --
7 you, you -- you're asking me the grill that was in the back of
8 the car or the actual car I was driving?

9 Q The grill that they've referred to as being in the back
10 of the car --

11 A Correct.

12 Q -- that was referred to.

13 A The one in the pictures; correct?

14 Q Correct.

15 A Okay. That was the grill that was off of the car on the
16 previous repair fix.

17 Q Okay. And what color was that grill?

18 A Chrome in color, and actually, well, there was, there was
19 two grills. There was the black one that, you know, they
20 don't have and is not in pictures. I don't know that grill
21 just grew wings and flew away, but the one grill in the
22 picture is the chrome grill.

23 Q All right. And we have reviewed the pictures. How long
24 have you been doing repair work on cars?

25 A Probably since I was 14 or 15 years old.

1 Q In years how many?

2 A Let's see, I'm 27 now. So let's just say I was -- I was
3 -- I think I was around 15 when I got my license, I could
4 drive, so 15, that's five, that's 20, so seven and five, 12,
5 13 years.

6 Q And you reviewed the pictures that Trooper Luther was
7 referring to yesterday?

8 A Correct.

9 Q And what did you see from your experience in working on
10 body shops and all?

11 A There's inconsistencies, and in a minute we're going to
12 bring forward the bumpers and show you, and I'm going to point
13 out these inconsistencies. For example, on the back of the
14 bumper there's two mounts, and you know, if you've changed one
15 before you would know. I don't know if Trooper Luther has
16 ever changed a Cadillac Escalade bumper, but if he has and I'm
17 going to explain, you know, far as the bumpers and screw
18 holes. The bumper goes up under the vehicle, and like I say,
19 it's a plastic cover, and when they say the bumpers got
20 stolen, these aren't steel bumpers that would be like on a
21 Chevrolet or GMC or a Dodge pickup truck that's got the big
22 heavy-duty bolts. All these are are plastic cover. Usually
23 there -- I think there's no more than 8 to 10 screws holding
24 it on. The bumper goes down, goes up under the vehicle and
25 there's two screws. On the pictures that I'm assuming -- I

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1 believe it was Trooper Luther took of the vehicle, you can see
2 there's two plastic pieces, pearl white in color. They're
3 still attached to the vehicle, and there was another picture
4 that had better ones than this, Mr. Floyd, where we can -- it
5 was a like a zoom in shot of it.

6 Well, that's a real good one there, but -- all right.
7 Mr. Floyd, I think I've got five pictures here of these --
8 it's basically the -- it's the piece of the bumper, and it's
9 still mounted on the vehicle with the, the two screws in it,
10 and if it was took off properly they would have took off the
11 two screws because you damage the bumper, you know, with,
12 without doing that. As a matter of a fact, I don't even -- I
13 don't know if even the bumper would go on the car if you
14 damaged those two because it's got no way to hold itself
15 under. It would just would lie on the outside, the outer side
16 of the, the bumper itself screws. If I could stand and I'll
17 present these to the jury because I want them to be able to
18 see these pieces.

19 Q Okay. When you talk about the pictures there's a little
20 place that's written on them. It'll have 20 and a letter.

21 A All right. The first one here is 20-N. Again, this is
22 the metal bracket. This bracket is attached to the actual
23 car. When that bumper goes down, it cuffs in inward, and when
24 you're installing it these screws here would hold the bottom
25 of the bumper on. That's the, the pearl white tab there.

1 Here's another one, and you could see it -- how it's -- I
2 don't know what kind of tool this is -- would be used to cut
3 it or pry it, but you can see there's ridges in how it was
4 took off, cut or pried off. Let me see if there's another one
5 here. Here's -- this is, let's see, 20-E. That shows the
6 actual bracket, and like I said, there's two on each side.
7 It's a metal bracket that's mounted, I believe, to the lower
8 tow package of the vehicle. This is 20-M here, and again,
9 there's two of them. There's one on each side for each mount.

10 Q Now, Jay, at any time did you remove any parts from this
11 Cadillac Escalade?

12 A No, sir. Only the ones that, that I replaced prior.

13 Q And what would that have been?

14 A The front bumper, the front grill, the back bumper and
15 the caps that were damaged because, you know, of the rocks. I
16 could -- I reckon it was road damage where the rocks hit the
17 vehicles and flakes the paint off.

18 Q Is there anything else in regard to the parts that you've
19 noticed?

20 A On the, like I say, the, the, the back bumper, the mirror
21 caps if we could bring those forward, and I want to show those
22 to the, the jury. These are the, the same caps that Trooper
23 Luther and, and Ms. Manning said that there was consistencies
24 in the tool marks, and I'm going to point out some key details
25 on that. There's, there's no consistent, consistencies here.

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1 MS. THORNWELL: Your Honor, if I may.

2 THE COURT: All right.

3 MS. THORNWELL: For the record, the proper foundation has
4 not been laid for those to come into evidence yet.

5 THE COURT: All right.

6 MR. FLOYD: I guess I'm going to have to interrupt his
7 testimony and put Agent Howsare back on the witness stand.

8 THE COURT: No. As I understand these -- let me see the
9 attorneys for a second.

10 (Whereupon, a bench conference is held in the presence,
11 but out of the hearing of the jury.)

12 THE COURT: Let's get them marked first.

13 BY MR. FLOYD:

14 Q Jay.

15 A Yeah. Yes, sir.

16 Q Did we make a request from the State to provide the
17 actual items rather than pictures?

18 A Yes, sir.

19 Q And to your knowledge was that request made of Agent
20 Howsare?

21 A Yes, sir.

22 MR. FLOYD: And Judge, these were delivered by Agent
23 Howsare this morning at our request.

24 THE COURT: All right. Let's get them marked then for
25 identification. What are they marked as?

1 REPORTER: Fourteen and 15.

2 THE COURT: All right. I'm going to go ahead admit
3 Defendant's Exhibits 14 and 15 over State's objection.

4 MR. FLOYD: Thank you, Judge.

5 (Defense Exhibit Numbers 14 and 15 [Mirror Covers]
6 admitted into evidence and appropriately marked.)

7 BY MR. FLOYD:

8 Q I'm going to show you these, Jay, and if you could
9 identify them, tell us what they are.

10 A Yes, sir. These are mirror covers, but these are mirror
11 covers not of an Escalade. See, if these are mirror covers of
12 an Escalade -- if you will, Mr. Floyd, those three papers
13 there. I'll show you the difference. Judge, may I get up and
14 show these to the jury?

15 THE COURT: Wait a minute. Let --

16 MR. FLOYD: Ask that these be marked for identification
17 purposes.

18 A There's two other, too, Mr. Floyd.

19 THE COURT: Hold for a second until he asks a question.

20 BY MR. FLOYD:

21 Q Because I may have the wrong things here. Those, too?

22 A Yes. Yes, sir. Okay. This is basically an outline
23 print, and this is straight from Palmetto Chevrolet. You can
24 see on the bottom left-hand corner it says copyright 2015
25 General Motors. This is from their specs online. Judge, if I

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1 may get up?

2 THE COURT: No. They're not in evidence yet.

3 Q No. Just identification for right now.

4 A All right.

5 MS. MANNING: Yeah. I, I have an objection to, to this.

6 THE COURT: I mean, I don't even know what they're marked

7 as, what they're identified as or anything like that.

8 MR. FLOYD: I'm getting ready, getting ready to identify

9 them, Judge.

10 BY MR. FLOYD:

11 Q Are those the other pages you were talking about?

12 A Yes, sir. This is of a Cadillac Escalade mirror here.

13 Q Let me get them marked. We'll mark them for

14 identification at this point.

15 THE COURT: All right. So for the last four so we'll

16 have a record, how are they marked, the last four exhibits?

17 MR. FLOYD: Eighteen, 19, 17 and 16.

18 BY MR. FLOYD:

19 Q If you would, Jay, tell us what those are and refer to

20 them by their numbers, please.

21 A Okay. Those other exhibits.

22 Q No. No.

23 THE COURT: No. Have a seat.

24 Q Just identify what those four pieces of paper are.

25 THE COURT: Answer the question that your attorney asks.

1 A Right.

2 Q Refer to them by their numbers and identify what they
3 are.

4 A The first one here is Defense Exhibit 18.

5 Q And, and what is that?

6 A That's a Cadillac Escalade mirror.

7 Q All right.

8 THE COURT: Do not show it to the jury. It's not in
9 evidence.

10 A Okay. I'm sorry, Your Honor. I didn't know.

11 THE COURT: All right.

12 Q Just --

13 THE COURT: Identify what it is by the number.

14 A Okay. The other ones, Defense Exhibit 19.

15 Q And what does it depict?

16 A A Cadillac Escalade mirror.

17 Q All right. And next?

18 A Defense Exhibit 17.

19 Q And what is that?

20 A That's the -- basically an outline of an Escalade bumper
21 from Palmetto Chevrolet.

22 Q All right. And the next one?

23 A Defense Exhibit 16, this is the Escalade mirror. Again,
24 this is from Palmetto Chevrolet.

25 MR. FLOYD: At this time, Judge, I'd move into evidence

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1 16, let me show to the State, and 19 and 18.

2 THE COURT: Sixteen, 19 and 18.

3 MR. FLOYD: Yes, sir.

4 THE COURT: All right.

5 MS. THORNWELL: Your Honor, our objection is the proper
6 foundation has not been laid to introduce into evidence.

7 There's no way to say that these are from the -- a 2007
8 Escalade at all.

9 THE COURT: All right. Defendant's Exhibits 16 -- what
10 were they?

11 MS. THORNWELL: I'm sorry, 16, 18 and 19, Your Honor.

12 THE COURT: All right. They're admitted into evidence
13 over State's objection.

14 MS. THORNWELL: Thank you.

15 THE COURT: Thank you.

16 (Defense Exhibit Numbers 16, 18 and 19 [Diagrams]
17 admitted into evidence and appropriately marked.)

18 BY MR. FLOYD:

19 Q Stay in your seat.

20 A All right.

21 Q Tell us about the mirrors and the inconsistencies.

22 A Okay. I can show these to the jury now?

23 Q No. Just testify about it.

24 A Okay. Exhibit 19 and Exhibit 18, this is an actual
25 Escalade mirror. This mirror was manufactured for 2007 to

1 2014 models. I believe 2014 they changed it and it's the 2015
2 style now, which is a totally different mirror. These are the
3 same mirrors I've got on my car. As you can see, the bottom
4 of them's chrome, where these here are black. These mirrors
5 are for a '07 to a 2014 Yukon, Tahoe, Suburban. These don't
6 come factory on an Escalade. These are not factory mirrors.
7 There are identification numbers inside of them, part numbers.
8 These part numbers would, would come back to those make cars.

9 MS. MANNING: Objection.

10 A They wouldn't come back to one of those.

11 THE COURT: Hold for a second. There's an objection.

12 MS. MANNING: He's testifying part numbers would come
13 back. I don't think he is qualified to make a conclusion such
14 as that.

15 THE COURT: Okay. Overruled. I'll allow it. Go ahead.

16 A The, and again, these mirrors they, they come on 2007
17 Tahoes, Yukons, Suburbans, and they fit up to year 2014.
18 These are not Escalade mirrors. There's no chrome on these
19 mirrors whatsoever, and the pictures here of the vehicle
20 you'll see that -- I'm assuming it was Trooper Luther or Agent
21 Howsare put these mirrors on the actual vehicle. In order to
22 put them on the vehicle you'd have to snap them in. Okay. In
23 doing so, you would have to take the mirror back off. So you
24 would have to pry the mirror back off. He's -- Trooper Luther
25 said that the, the marks on the mirror covers were, were

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1 consistent to the ones on the vehicle. That's incorrect.
2 These mirrors they had to put them on the vehicle, and when
3 they put these mirrors on the vehicle, they scratch these
4 mirrors taking them off. I don't know how much they scratched
5 them or, or how deep they pried them, but there's pictures
6 here of the Escalade at the body shop with these mirrors, not
7 Escalade mirrors. They'll work, but they're not Escalade
8 mirrors. As you can see, it lines up, you know, there, there
9 -- all this stuff is, is basically interchangeable. Exhibit
10 18 here, this is an Escalade chrome mirror. This black piece
11 right here, if this was really an Escalade mirror and if it
12 was really off of that car, all this would be chrome. That
13 mirror tilts. They're powered mirrors. They move. You can
14 see this picture here is labeled 200-00 [sic]. This is the
15 passenger-side mirror. Now, it's this mirror cover on the
16 Escalade that Ms. Claims [sic] filed a, a claim on. As you
17 can see, the turn piece is chrome. The mirror -- if the
18 mirror is out, outward on the car like this and it turns in,
19 you got the, the mirror itself inside. All the power
20 components run through. You got a, a light here for at night
21 that turns on. That mirror, when it's mounted on the car, it
22 sits like this. You can hit a button on the driver's side and
23 it tilts inward. There's a piece here that actually rotates
24 like the -- it's mounted on the actual mirror. It's mounted
25 on the car. So it's -- this is -- whatever that piece is it's

1 got the power. It basically is what turns the mirror. This
2 -- as you can see, this is all plastic. This don't turn.
3 That piece is chrome. Okay. So on an Escalade mirror, as in
4 the, the picture I just showed, as in this picture here,
5 Defense Exhibit 18, you can see the little line here and where
6 it goes down. This is the turn assembly that the --
7 components that actually makes the mirror turn. It's chrome,
8 and you can see on the bottom here on this piece it's chrome.
9 This mirror is not chrome, ladies and gentlemen of the jury.
10 It's not an Escalade mirror. It's a Yukon, Tahoe mirror.
11 It's not the mirror from the car. There's no way it could be.
12 An Escalade doesn't come factory with these mirrors.

13 Far as the, the tool mark consistencies that Trooper
14 Luther was testifying to yesterday, and if we could, if we
15 could I want to put those back on the board, and I want us to
16 look at a few things on those pictures. For one, the -- I
17 think there was three exhibits; right, Mr. Floyd?

18 Q Yes.

19 A There's black lines throughout these exhibits. I don't
20 know if this was intentionally done. I don't know if it was
21 the copy machine or whoever they had print these off, but
22 there's lines. Those same lines are on the vehicle, and I was
23 sitting over there yesterday. I, I couldn't see the actual
24 display he showed you here, but I just want to touch on this
25 because me and Mr. Floyd noticed this yesterday, and I think

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1 this is important. As you see those lines on the mirror,
2 which some of the lines on the car, the lines run outside of
3 the actual picture.

4 MR. FLOYD: If I may, Judge?

5 A And to the right and left of that board you can see the
6 -- it's like a -- it looks to me as a printing defect, but I
7 didn't want you all to get that misunderstood and think that
8 that was either a dirt marking or a line consistent with the
9 vehicle because it's not. That's, that's a, a printer error.
10 Again, on those boards, and if we could put them on the thing,
11 Mr. Floyd, I want to come forward and I want to point out.

12 Judge, I can step up?

13 THE COURT: Let your attorney.

14 Q All right. Come on around.

15 A Let's start with this one. This is Exhibit 23, Mr.
16 Floyd?

17 Q 23.

18 A Exhibit 23, as you can see this black lines. This is ink
19 because if these black lines were actually on the car, if
20 these were dirt marks, mud marks, whatever Trooper Luther
21 testified to, why is that same line, the ink over here on the
22 white of the board, totally separate from the actual picture.
23 Yeah. I could see that, you know, there's a line here and the
24 line runs over here. These are ink marks, and if they weren't
25 ink marks then why do you see the, the ink on the white of the

1 board. This ain't in the picture, but these lines are the
2 same lines, and, and to me, Mr. Floyd, I almost feel these ink
3 lines were purposely done to fabricate a picture to make one
4 think that these markings are on the actual car when they're
5 not. These markings aren't on the car. These, these are ink
6 marks. Both of these exhibits, every one of them, have got
7 lines, and as you can see there's ink here. It's not a line
8 on this car right here. This is -- there is ink or something
9 wet laid down on all these boards, and I find it hard to
10 believe how could three exhibits here have the same kind of
11 lines in each exhibit that's got the black markings on the
12 outside of the boards.

13 Q Just a second.

14 A Hold on. This, this point on the, the tool marks because
15 I want them noticing that, too.

16 Trooper Luther indicated there was consistencies of tool
17 marks. What he failed to tell you was -- get those other
18 pictures. What he failed to explain is is this is this cover
19 on the actual car that was claimed on the claim. As you can
20 see, when they popped it on, I mean, it's -- there's, there's
21 no gap in the seam. So they basically what they done was they
22 took this mirror and they put it on the vehicle to see if it
23 would fit, and I can understand that, you know, thoroughly,
24 but the thing is is this mirror had to come back off. In
25 order for this mirror to come back off, they would have to pry

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1 it. It just don't -- I mean, this thing pops on, and you see
2 all these rivets here. It locks on. That's what holds it on
3 the vehicle. So he's saying that the tool marks were
4 consistency here. There's a big mark here. Why isn't there a
5 mark right across from that mark? These were the exact
6 mirrors. You've got a big mark here. You would most likely
7 have a big mark there. Why are these little ones down here
8 for? These don't line up.

9 The same way with this one here. Where, where's the tool
10 mark on the, on the actual mirror itself? You can see there's
11 a -- and this may be a rock mark, tool mark, who's to say?
12 This is on the actual vehicle. This little pearl like edge
13 here, this ain't on this mirror. What, what you see here, for
14 example, this mirror here, that edge right here to the left is
15 this. The little pearl white thing here, that's on the actual
16 vehicle. It's not the same mirror. It's not an Escalade
17 mirror. If it was an Escalade mirror, again, this would be
18 chrome. The piece on the inside of the car is chrome. Pass
19 these, Mr. Floyd. This is Exhibit 18.

20 MS. MANNING: Your Honor, I'm going to object at this
21 point.

22 THE COURT: All right.

23 MS. MANNING: The Defendant is, is testifying outside the
24 scope of his knowledge. He's coming to the conclusions,
25 expert opinion conclusions, and he's not been qualified as an

1 expert.

2 THE COURT: Overruled. I'll allow it. Go ahead.

3 A I've got Exhibit 19 and Exhibit 18 here. My sister
4 printed this off last night. This is an Escalade mirror, '07
5 to 2014 is what this mirror fits to. Granted, you can put it
6 on a Tahoe. You could put it on a Yukon. I mean, they're
7 similar parts, but this is an Escalade. It's got chrome
8 wheels on it. This is a chrome mirror. I want to pass these
9 around. I'm going to point out a key point. This is Exhibit
10 19, that mirror, the other way around. This is Defense
11 Exhibit 16. This is an outline straight from Palmetto
12 Chevrolet yesterday of a Cadillac Escalade mirror, a real true
13 Escalade mirror. Pass that around. This is 20-00.

14 Q Three zeros, 20?

15 A Exhibit 20-000. This is this mirror cover attached to
16 the Cadillac Escalade that Ms. Holmes made a claim on. As you
17 can see, this piece right here is chrome. It's the swivel
18 piece. The swivel piece that controls the mirror would be
19 inside of here. They wouldn't make a, a chrome swivel piece
20 and not have it run congruent with, with the mirror as in the
21 print-off from Palmetto Chevrolet. This chrome piece right
22 here shows it's not the right mirror. If it was the right
23 mirror this piece right here would be solid black. It would
24 be the same material this plastic piece here is made of, two
25 different mirrors. There's no way this mirror could have come

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1 off of the vehicle that was claimed. There's no way.

2 Q Okay. Have a seat, Jay.

3 A (Complies with request.) Thomas, should we do the
4 bumpers now, too?

5 Q Jay, did you notice anything about the bumpers?

6 A Yes, sir. I did. On the back bumper if we could bring
7 that forward, and I'm going to point out the inconsistencies
8 there as well.

9 Q Again, did you make a request, did we make a request of
10 Agent Howsare to bring the actual body parts into the
11 courtroom?

12 A Yes, sir. We did. And, and I told Agent Howard that I
13 would want -- Howsare that I would want all that the day that
14 he served my sister's subpoena to come to court as well in her
15 front yard.

16 THE COURT: All right. We need to get it marked?

17 A Give me just one second, Mr. Floyd. I'm going to be with
18 you. I want to get all these pictures here straight. I'm
19 going to get them mixed up.

20 Q While you're looking for that --

21 MS. MANNING: Yeah. No objection to these coming in.

22 MR. FLOYD: Judge, these items were marked for
23 identification, and I don't know if I actually moved them into
24 evidence.

25 THE COURT: What numbers?

1 MR. FLOYD: One and Two.

2 THE COURT: I don't have those in. Any objection to
3 Defense Exhibits One and Two?

4 MS. MANNING: I'm sorry. No objection, Your Honor.

5 THE COURT: All right. Defendant's Exhibits One and Two
6 admitted into evidence without objection.

7 (Defense Exhibit Numbers One and Two [Photographs]
8 admitted into evidence and appropriately marked.)

9 A All right. I'm ready, Thomas.

10 Q Okay. While we're here, show us what.

11 A Ladies and gentlemen of the jury, I'm going to hold it up
12 for you all like that. This bumper --

13 REPORTER: You're going to need be close to that
14 microphone.

15 A This bumper come off of, of the vehicle that, that had
16 the claim. As you can see, this piece right here and this
17 piece right here that's been cut or ripped, tore or whatever.
18 The bumper itself comes outward. These two -- this is Exhibit
19 20-22 [sic]. This is the plastic tab that was obviously still
20 mounted on the vehicle at the time Trooper Luther took these
21 pictures. As you can see, pay attention to how it's tore or
22 cut, pried, however. It's not consistent. I'm going to -- if
23 you'll hold these up here, Thomas, and we're going to pass,
24 pass all, all these around. It's not -- see this is -- it's,
25 it's at a jagged edge. Those pieces of plastic are rough

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1 edge. I mean, you could see a different object or it was
2 removed in a, a different way than this bumper was. If, if
3 this bumper was off of the vehicle, those tabs or plastic,
4 whatever they call them, would match up. You could put the
5 two together, and if, if proper forensics, if they, they sent
6 those, and SLED has a lab for this kind of stuff, if those
7 were the tabs, they would match up, like it would match to the
8 bumper. These are cut at a, a diagonal way. I don't know if
9 they were broke, tore or what. I mean, it can't be the same
10 bumper. There's no way. If, if those tabs matched up and
11 they could compare the two pieces of plastic left on the
12 vehicle, and I'm assuming the crime scene or Truett's
13 Collision or wherever, they would fit the bumper. They don't
14 fit, no different the mirrors. Mirrors don't -- they fit.
15 They'll go on there, but they're not a true Escalade mirror.
16 There's no way. 20-WW you can see this is where to me it
17 looks like Trooper Luther took a picture of the -- this bumper
18 on the vehicle of Ms. Holmes because you can see they don't
19 line up. You've got a straight line in the bumper here.
20 You've got a jagged edge on the, on this clip. Couldn't be.
21 This couldn't be the bumper. 20-44 [sic] -- let's go ahead
22 and start passing those around there. They can still see.
23 Again, you could see the bumper, and then you could see the
24 actual tab. There's inconsistencies there. It's not that --
25 if that, that'd lined up perfect, then, yeah, this would be

1 the bumper. Can't be the bumper. 20-L and 20-J, 20-22 [sic],
2 I'm going to pass these around, and again, these are the, the
3 pieces on the vehicle not matching up to this bumper.

4 Q All right. Jay, we've heard some talk about other
5 vehicles?

6 A Correct.

7 Q Have you been charged with anything else, questioned
8 about anything else in regards to this matter?

9 A No, sir, Your Honor. I mean, no, sir, Mr. Floyd.

10 Q I just wanted, just wanted to clear that up. Now, we've
11 gone over a lot of stuff and we've talked about a lot of
12 stuff. Have I left anything out that you wanted to address?

13 A Let's see. We got the bumpers. We got the mirrors
14 there. I would like to touch back on the condition of my two
15 vehicles that I had at Mr. Gabriel's body shop, the same
16 vehicles that I had to file a claim and delivery to be able to
17 get my property back.

18 Q All right.

19 A And there's a -- if -- I'm going to probably have to go
20 get them. There's a whole stack of, of pictures there, and I
21 want to get the interior pictures, too. If you could, Thomas,
22 that whole stack of papers there.

23 Q All right.

24 A There's a bunch of them. I think there's well over
25 probably 200 pictures. Do we need to mark each, each one of

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1 these for exhibits?

2 Q Those have already been marked. Well, those are your
3 pictures. Pick out what you're going to testify to and I'll
4 have to mark them.

5 THE COURT: That's -- has that been admitted into
6 evidence? Okay. Never mind. Go ahead and put it back then.

7 MS. MANNING: Your Honor, the bumper has been displayed
8 to the jury. So I think it has been admitted into evidence at
9 this time.

10 THE COURT: All right. What was that? Which exhibit was
11 that? 20, okay. I thought it was in. It wasn't in, but
12 we'll go ahead and admit Defendant's Exhibit Number 20 into
13 evidence over Plaintiff's objection since it's already been
14 presented to the jury.

15 (Defense Exhibit Number 20 [Bumper] entered into evidence
16 and appropriately marked.)

17 A Thomas, do we need to play the voice record of Trooper
18 Luther before we --

19 THE COURT: All right, sir, you can't prepare your case
20 while you're on the witness stand. You can't talk to your
21 attorney. You can't ask him questions. All you can do is
22 respond to his questions.

23 A Yes, sir.

24 THE COURT: Now is not the time to be preparing for the
25 case.

1 I tell you what, let's go ahead and take a short break.
2 It looks like this is going to take a while. Ladies and
3 gentlemen, it's a good time for us to go ahead and take about
4 a 10 or 15-minute break. Do not discuss the case even among
5 yourselves at this point in time. It's too early for
6 deliberations. All right. We'll take about a 10 or 15-minute
7 break and we'll come back.

8 (Whereupon, the following takes place outside the
9 presence of the jury.)

10 THE COURT: All right. Anything from the State before we
11 break?

12 MS. THORNWELL: Nothing from the State, Your Honor.

13 THE COURT: All right. Anything from the Defense?

14 MR. FLOYD: No, sir.

15 THE COURT: All right. Mr. Stanley, we're in the middle
16 of your testimony. You're -- go ahead and go finish going
17 through your photographs, but don't discuss anything with
18 anybody; okay?

19 A Yes, sir.

20 THE COURT: All right. Let's take about a 10 minute-
21 break.

22 OFF THE RECORD

23 (On the record. The following takes place outside the
24 presence of the jury.)

25 THE COURT: All right. Anything from the State before we

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1 bring the jury back in?

2 MS. MANNING: No, Your Honor.

3 THE COURT: Anything from the Defense?

4 MR. FLOYD: No, sir.

5 THE COURT: All right. Let's go ahead and bring the jury
6 in.

7 (Whereupon, the following takes place in the presence of
8 the jury.)

9 THE COURT: All right. Ladies and gentlemen, welcome
10 back. We're ready to resume the trial of the case. Mr.
11 Floyd, you can continue with your direct examination.

12 BY MR. FLOYD:

13 Q All right. Jay, I'm showing you what has been marked as
14 Defense Exhibit 21. If you would, for identification
15 purposes, if you would just identify what that is.

16 A These are various different pictures of the 2006 Yukon
17 Denali that I bought from the insurance auctions, the same
18 ones we showed pictures of earlier. This is after the car
19 left Mr. Gabriel's shop and this is after I was successful in,
20 you know, the claim and delivery suit I filed against him.

21 Q Those pictures just of the -- that car is the -- pictures
22 of the other one in there, also?

23 A The Mercedes?

24 Q Yes, sir.

25 A Yes, sir. The Mercedes G500.

1 MR. FLOYD: We'd move these into evidence, Judge, as
2 Defense Exhibit 21.

3 THE COURT: All right. State's?

4 MS. MANNING: Your Honor, I'm going to object to
5 relevance. I think they're just being admitted in order to
6 confuse the jury.

7 THE COURT: What's --

8 MS. MANNING: And overwhelms them with materials.

9 THE COURT: All right. What's the relevancy?

10 MR. FLOYD: The damage that was done to his car while
11 over at City Collision.

12 THE COURT: All right. I sustain the objection.

13 MR. FLOYD: I'm trying to make sure I've covered
14 everything. I believe that's it, Judge. I have no further
15 questions.

16 THE COURT: All right. Cross examination.

17 MS. MANNING: Thank you, Your Honor.

18 CROSS EXAMINATION

19 BY MS. MANNING:

20 Q Mr. Stanley, the car dealer course that you mentioned at
21 the beginning of your testimony, that's -- isn't it true
22 that's just regarding selling cars?

23 A Well, it's a class you take in order to get a dealer
24 license to sell cars.

25 Q To sell cars. It doesn't have anything to do with auto

1 body work or anything about that?

2 A Correct.

3 Q Correct. Mr. Stanley, I'm, I'm confused about your
4 testimony, and maybe you can help clear it up because at the
5 beginning you testified that Tracy Holmes hit a concrete
6 barrier and because of that you had to replace her front and
7 back bumpers?

8 A That's correct.

9 Q And you produced a receipt?

10 A Correct.

11 Q This is Defense Exhibit Six. This is the receipt that
12 you produced?

13 A Correct.

14 Q Now, this is a -- this isn't a carbon. This is an
15 original receipt. This is the receipt that you would hand
16 somebody else?

17 A No. That's incorrect. That's the receipt I would keep.
18 I would hand her the yellow copy.

19 Q You would -- you, you give the carbon and you keep the
20 original?

21 A Correct.

22 Q And that's what you normally do?

23 A That's what I've always done even throughout rental
24 property with tenants.

25 Q Okay. You haven't produced the receipt book?

1 A We don't have the receipt --

2 Q Isn't that correct?

3 A We don't have the receipt book.

4 Q Well, it's your receipt book?

5 A Correct. My receipt book was in the car the day and hour
6 that Mr. Howsare got the stuff out the vehicle, but he
7 testified yesterday that there was a receipt book, then
8 changed his story, and said no it was a manila folder.

9 Q Okay. Well, he did -- we did introduce into evidence the
10 things that he removed from the vehicle?

11 A Correct. And there was also a receipt book with that
12 stuff in the, in the vehicle.

13 Q And so this is dated May 2nd, 2014?

14 A Exactly, prior before her filing the claim.

15 Q But we don't know -- we can't see where this came out of
16 the receipt book. We can't see if this was written yesterday
17 or if this was legitimately torn out of a receipt book in
18 between dates that would, would correspond with that being the
19 actual time. It's, it's the original receipt. So we have no
20 way to verify that other than your testimony; isn't that
21 correct?

22 A Correct. But that receipt book --

23 Q Thank you.

24 A Hold on.

25 Q Yes or no is sufficient. Thank you. Now, so you removed

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1 her front and back bumpers and that's why you had her original
2 bumpers in order to drop them off at City Collision?

3 A It was different bumpers. The, the grill -- when I
4 replaced her bumpers, I put a bumper and grill --

5 Q But I just want a yes or no. Were the, were the bumpers
6 that you took to City Collision, is it your testimony that
7 those were the bumpers that you removed from her vehicle on
8 May 2nd?

9 A The, the grill was because I put a different grill on her
10 car when I repaired it the previous time. The front bumper
11 had damage to it. It was no good. The only thing good on
12 that bumper was the actual grill.

13 Q So you're saying all the -- okay. So you're saying you
14 removed two bumpers from her vehicle and a grill and you kept
15 the original grill?

16 A Correct.

17 Q And you did not keep the -- you did not produce the two
18 bumpers to City Collision?

19 A The, the bumper that I removed from the vehicle had
20 damage on it. It was no good. Okay. The two bumpers I took
21 to City Collision were totally separate bumpers that had
22 nothing to do with this vehicle.

23 Q But it was the original grill that had come off the
24 vehicle?

25 A Correct. And I replaced her -- that original grill with

1 a separate grill that was pearl white on it, that was already
2 mounted on a pearl white bumper.

3 Q And it's your testimony that she hit a concrete barrier
4 and managed to damage both the front and back grill -- bumpers
5 of her vehicle?

6 A The back bumper had a prior damage on the driver's side
7 back end, scruff marks.

8 Q Okay. Okay.

9 A I don't know if that was --

10 Q So that's not your testimony. Okay.

11 A I don't know if that was related to the actual thing she
12 hit with the front that -- I know there was prior scratches on
13 the back end, and she said she wanted it repaired.

14 Q Got it, and you were arrested you said June 2014?

15 A I believe it's right, June 9th, June 10th, something like
16 that.

17 Q And it's just today on your third day of trial that you
18 produced a receipt and a story about replacing bumpers?

19 A I've told Mr. Floyd this, this all along.

20 Q Have you ever told the investigator?

21 A What do you mean the investigator?

22 Q Of this case.

23 A I spoke with him at J. Reuben Long. He told me I was
24 being charged with insurance fraud for making a fraudulent
25 insurance claim on an Escalade. I explained to him, "I own an

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1 Escalade, but it's not the same Escalade. This is a pearl
2 white extended Escalade owned by Tracy Holmes," and when, when
3 he first told me about it I'm like, well, maybe somebody --

4 Q I just want a yes or no. Had -- did you tell him about
5 this before today?

6 A I told him that I'd done prior repairs to the car. Yes,
7 I did.

8 Q You did?

9 A Yes.

10 Q Okay. Okay.

11 A And that was at J. Reuben Long when I asked him to go in
12 the interview room to speak with him why I was being
13 charged.

14 Q Thank you, Mr. Stanley. Okay. So you testified that
15 you've gotten -- that you've dealt with insurance companies.
16 You've, you've made claims with insurance companies. You got
17 into arguments with them about vehicles. Is that correct?

18 A Yes, ma'am.

19 Q How, how many times have you made claims with insurance
20 companies since let's say 2009. Would it surprise you if I
21 told you it was 16, 16 different insurance claims since 2009?

22 A That's totally inaccurate. I don't know where you're
23 getting your information from but it is totally unreliable.

24 Q Oh, okay.

25 A It's not 16, 16 claims.

1 Q Let's go through it. You want to?

2 A Are you basing these claims off like a windshield getting
3 -- a rock hitting a windshield or are you trying to say that
4 each one of these 16 claims had something to do with car
5 parts?

6 Q I'm claiming that you made 16 insurance claims on
7 vehicles, well, 16 insurance claims, most of them on vehicles.

8 A Yeah. I think that number is a little, a little too far-
9 fetched. That don't sound accurate at all.

10 Q Okay. Let's talk about it. 2009 claim on your Mercedes
11 G-wagen. This was with Nationwide Insurance. Does that ring
12 a bell?

13 A I remember --

14 Q Looks like you were paid \$1100 on that one.

15 A That sounds like to me there was a windshield claim.

16 Q Then a month later, June 15th, 2009, another claim on your
17 Mercedes G-wagen. This was an animal hit and that was around
18 approximately \$6000 claim.

19 A And that was in -- on what year and what date?

20 Q That was just a month after that first one. It was June
21 15th, 2009.

22 A Okay. I didn't -- I believe, again, the first one I
23 think it was just the windshield only. Those windshields are,
24 are fairly high.

25 Q Okay. But then the second one was an animal hit, and

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1 then about two weeks later we have another claim on that
2 Mercedes G-wagen. This one is a collision claim. This was
3 with Nationwide Insurance again.

4 A That's, that's inaccurate. I wouldn't have filed a claim
5 two weeks later on a collision hit. If, if I just hit a deer
6 two weeks before, most likely the car would be in the body
7 shop. I wouldn't be back out on the road with it. I would
8 have it repaired, and then, you know, back on the road. That
9 don't make no sense.

10 Q Okay. And then we have another claim a few days later?

11 A A few days later?

12 Q Uh-huh. On the Mercedes?

13 A It's totally inaccurate.

14 Q And that's a \$1400 claim. Then we have August 2009 a
15 claim on a 2004 F450 vehicle. That was reported stolen, and I
16 believe the parts were found on your property, and that what
17 you were paid \$35,000.

18 MR. FLOYD: Judge, that was his dad.

19 THE COURT: Sustained. Ask a question. Don't testify.
20 Ask him the question.

21 MS. MANNING: Yes, sir. Yes, sir.

22 THE COURT: Okay? Sustain the objection. Strike the
23 last comments made by the Attorney General's Office.

24 BY MS. MANNING:

25 Q Do you remember a claim made in 2009 on a 2004 F450 in

1 which you were paid \$35,000?

2 A Yes. I do.

3 Q Do you remember a claim in 2010 regarding a 2006 F650 in
4 which you were paid \$38,000?

5 A I wasn't paid the direct \$38,000. It was actually a
6 friend of mine, but I do remember the claim.

7 Q But you received payment from that claim?

8 A Yeah. I received the payoff on the vehicle.

9 Q 2012 claim, an accident in December 2012. This, this was
10 with -- let me make sure I tell you -- this was with
11 Progressive Insurance. Do you remember that claim?

12 A I think the dates are a little off on that because you --
13 from what -- from hearing you say it it's like every other
14 week there's a claim and it's not the case. I mean, that --
15 it would take a complete idiot to file that many claims on --
16 you said I hit a deer. Then you said I got in a wreck two
17 weeks later. If I hit something, a car goes to the body shop.
18 I'm not out riding in it.

19 Q Okay. What about, do you remember a vandalism claim in
20 January 6th, 2013, on your Mercedes G-wagen?

21 A I do remember that, and I think that took place at my
22 mobile home park from --

23 Q Okay. Do you remember a vandalism claim a few days later
24 on a Chevy Tahoe? This was on January 8th, 2013, on another
25 vehicle, a Chevy Tahoe. This involved another individual

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1 named Pamela Squires [sic] and that payout was \$18,000?

2 A Ma'am, I don't have a Tahoe. I've never owned or
3 possessed a Tahoe. I've never filed a claim on a Tahoe, and
4 again, I don't know where you're getting this information
5 from, but it's totally inaccurate and untrue. Some of it is,
6 but I don't own a Tahoe. So how would I file a claim on a
7 Tahoe?

8 Q Are you denying that you were involved in the claim of
9 Pamela Spires [sic] --

10 A I think at one point --

11 Q -- in which a claim was paid of \$18,000?

12 A I think at one point in time that they had me under
13 investigation of that claim. I spoke with the detectives
14 regarding that claim. I was on GPS at the time. They
15 verified that I was at home asleep because I couldn't leave
16 the house after 7:00 o'clock at the time that, that claim took
17 place. So that they verified there is no way I could ever had
18 anything to do with it, but again --

19 Q To do with what exactly?

20 A The claim itself. You're saying I filed a claim. I
21 remember the claim she filed, but you just said that I filed a
22 claim on a Tahoe. I don't own a Tahoe, and she didn't have a
23 Tahoe. She had a Yukon.

24 Q But you were investigated regarding potential involvement
25 in that claim?

1 A Yes, ma'am. I was.

2 Q All right. A few days later we have a claim on -- I
3 should say a week later, January 16th, 2013. That was a
4 vandalism claim with GeoVera Insurance?

5 A That was on a house I bought to, to re-fix. The copper
6 and stuff was stolen in it. The -- and they, when they cut
7 the copper, the -- they hit the water pipe, but that has
8 nothing to do with a vehicle. That was a house claim, and
9 again, that was a house contract on that. I think it was like
10 a \$20,000 contract. My plans were to rehab the house, fix it.

11 Q But you remember it?

12 A I remember it.

13 Q Thank you.

14 A It was never paid anything on it.

15 Q Okay. October 27th, 2013, we have another animal
16 collision, and that is with National General Insurance.
17 That's on a 2007 Escalade?

18 A Correct.

19 Q 2000 -- a couple of months later we have another animal
20 collision. That's on your Mercedes G-wagen. That, that was
21 with Progressive Insurance. Do you remember that one?

22 A Correct.

23 Q And then obviously the case we're here on today as well.
24 Now, were you involved at all with a vandalism claim made by
25 Lisa Hunt on March 15th, 2014, for approximately \$7700?

1 A Never done any of the damages. Again, that claim was
2 investigated.

3 Q Did you have anything -- were you involved in that at all
4 in that claim in that vehicle and the damage? Were you
5 involved in anything to do with that vehicle?

6 A You mean involved as in damaging the vehicle or --

7 Q How were you involved with that vehicle?

8 A I wasn't involved with that vehicle. Lisa is a friend of
9 mine. I did repair it, but I was never involved with, with
10 damage and what happened. Mr. Howsare investigated that
11 claim. Lisa explained to him it was --

12 Q Okay. So, so you were -- you are aware of that claim?

13 A I'm aware of it, but again, I was hired to fix that
14 vehicle because she had a claim on it.

15 Q Okay. What about April 1st, 2014, Lincoln Navigator, Tina
16 Bell?

17 A That's --

18 Q It's a \$10,000 claim?

19 A Correct. And that, and I'm going to touch on that one
20 for a minute. That claim, Tina is a friend of Lisa's. Okay.
21 Her boyfriend sold the vehicle. There's police reports to
22 verify that. When she got the vehicle back by that guy's
23 father, I think he had a drug problem, the vehicle had damages
24 on it.

25 Q Okay. What kind of damages did the vehicle have on it?

1 A The, the door, the fender, and I've got pictures of that.

2 Q Isn't it true that the bumpers were missing, the
3 navigation system was missing, the outside parts were missing,
4 the roof rack? Is that more or less what you remember?

5 A No, ma'am. That's incorrect, and as a matter of a fact,
6 all this stuff you just listed I don't think none of it was
7 ever took, and if you'll look in the actual estimate you'll
8 see the navigation unit was never claimed, nor the roof racks
9 were ever stole, nor were the bumpers ever removed. As a
10 matter of a fact, the bumpers wasn't hurt at all on that
11 vehicle. They were intact and in place, and if you can get a
12 copy of that claim from that insurance company I think those
13 pictures would indicate.

14 Q Okay. Thanks, Judson. Appreciate that. So that was --
15 so you have a, you have an extensive history with insurance,
16 making insurance claims?

17 A I wouldn't say it's extensive because earlier you just
18 said that I had 16 claims.

19 Q You don't have an extensive history with insurance
20 companies making insurance claims?

21 A If, if I may finish. You said I had 16 claims.

22 Q Yes or no is sufficient.

23 THE COURT: You can answer yes or no, and then I'll allow
24 you an opportunity to explain your answer.

25 A Thank you.

1 THE COURT: So answer the question first.

2 A No, ma'am.

3 THE COURT: And then you can explain your answer.

4 A No, ma'am.

5 Q You don't have -- okay.

6 THE COURT: Okay. Now if you need to explain your answer
7 you can explain your answer.

8 A Okay. If I may, Ms. Manning, you said I had 16 different
9 claims. You've been, you've been accurate in some of them and
10 you've been inaccurate in more than just some of them. You
11 stated that I filed a claim on a Tahoe. Just as I stated
12 before, I don't have a Tahoe, never owned a Tahoe. My
13 sister's got a Tahoe. Ms. Squires' vehicle wasn't a Tahoe.
14 Okay. And yeah, they looked at me on that because I was her
15 boyfriend at the time, and they also investigated her ex-
16 husband. They verified I had nothing to do with it because I
17 was on GPS. You know, they -- he tried to blame me of doing
18 it, and I think it was an act that, you know, I been charge --
19 I think I was on, on -- had a charge pending or something
20 then, and they were trying to make the damage look like I did
21 it, but they verified I was on home detention. I had a GPS
22 on. I could have never vandalized or had anything to do with
23 her vehicle, and when you say that, you keep saying, well,
24 just a few weeks later, just two days later. What kind of
25 person files a claim and then files another one the next day

1 or just a week later, two weeks. That don't make no sense.
2 It's a, a complete idiot. Granted, I got a GED. I'm not an
3 idiot. Okay. The deer hits, I live on Pee Dee Highway out in
4 the country about 12, 15 miles out of town. If you -- you
5 might not live out in the country, but my granddaddy's got a
6 big farm, and I don't -- I'm not sure how many acres he's got,
7 but it's a big farm, and we deer hunt. You know, there's deer
8 out there. You know, I hit one every year. My granddaddy hit
9 one or hit two the previous year. My sister hit one. My
10 mom's front yard is a deer crossing. She's here present in
11 the courtroom. She'll tell you. I can't tell you how many
12 mornings I've woke up once I was a little boy in elementary
13 school and there'd be a dead buck laying in the front yard, a
14 dead doe. That's what deer cross. I mean, this is the
15 country. That happens. So when you say that I've had two or
16 three, four deer hits, I hit the deer, you know, and if you'll
17 look back at the claim when I filed, filed the claim I kept
18 the parts with the deer blood on them to verify, "Look, if you
19 think I didn't hit a deer, let's send the blood off to a lab.
20 Let's get analysis on it. Let's verify that was a white
21 tailed deer." I'm not going to -- what benefit is it to file
22 a claim saying you hit a deer when it's going to cost to fix
23 the vehicle? I don't get what you're saying there. How is
24 that -- it's not profitable is what I -- I reckon what I'm
25 trying to say is is if I hit a deer and the damages are \$5000

Judson Stanley - Cross by Ms. Manning

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1 it's going to cost me \$5000. I mean, we're talking bumper
2 covers here. We're talking grills. We're not talking car
3 electronics or wheels and tires. I mean, and again, you said
4 I had 16 claims. I didn't have 16 claims. You're mentioning
5 claims that I never filed.

6 MS. MANNING: Your Honor, has the Defendant answered the
7 question at this time?

8 THE COURT: Yeah. That's fine.

9 MS. MANNING: Thank you.

10 BY MS. MANNING:

11 Q Mr. Stanley, you testified that you buy damaged cars from
12 the insurance auction and then repair them cheaper than the
13 insurance estimate; is that correct?

14 A That's correct.

15 Q You buy them damaged?

16 A Yes. I do.

17 Q You are aware you can't put insurance on a vehicle to
18 claim damage that already exists and then repair it?

19 A I want you to repeat that one more time.

20 Q You are aware that you can't buy a damaged vehicle, put
21 insurance on it and then try to repair it under that insurance
22 coverage?

23 A Correct.

24 Q Okay. So you've come here today and your, and your
25 testimony is that all the parts that you showed up to City

1 Collision with are parts that you bought?

2 A They're, they're parts that I've had off various
3 different vehicles and parts that I've bought.

4 Q Who did you buy them from?

5 A On Craigslist and two of the items were off eBay and
6 Palmetto Chevrolet. I called Palmetto Chevrolet yesterday to
7 get a receipt of previous parts. They don't keep a record of
8 it in the computer.

9 Q So you have no paperwork to verify any of that
10 information?

11 A Well, I would have paperwork to verify that information.

12 Q Do you or do you not have paperwork to verify that
13 information?

14 A I don't but then I would like to respond to that question
15 if the Judge will allow.

16 THE COURT: Respond just to that question.

17 A Yes, sir. I would have paperwork, and I would have
18 receipts verifying these parts if the receipt book never grew
19 wings and flew out of that car. Mr. Howsare testified
20 yesterday there was a receipt book. Then he says no there
21 wasn't a receipt book, it was a manila folder. I had
22 documentation in that car that would prove these parts that I
23 owned them. I mean, that's why I carry a receipt book.

24 Q But if you bought parts from someone else you wouldn't
25 have written a receipt. Someone else would have written you a

Judson Stanley - Cross by Ms. Manning

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1 receipt.

2 A That's what I'm saying, and I do it in my own receipt
3 book. That's why I carry the receipt book.

4 Q Where is the paperwork that they gave you?

5 A Ma'am, when, when you buy a car, say for instance a grill
6 on Craigslist, and I'm going to answer your question, but I
7 want to explain thoroughly.

8 THE COURT: No. You can't ask a question. Just answer
9 her question.

10 A When you buy car parts on Craigslist and you go to pick
11 them up, for example, I'll give you an example, say a guy has
12 got a grill, he's got it on line for 50 bucks. I go to pick
13 it up. They don't -- a regular individual is not going to
14 walk out their house and say, "Well, here's a receipt for the
15 parts you bought." It's up to me as an individual to get a
16 receipt to have documentation. That's why I carry a receipt
17 book. That's why it would be in my book. I don't buy parts
18 from like -- I bought parts from Palmetto Chevrolet. They
19 give me a receipt, but they don't save it in the computer.
20 If, if they were -- if, if I get a receipt book the receipt's
21 going to be in my book. You don't have the book because the
22 book somehow come up missing. If you had the book and, and
23 all that was --

24 MS. MANNING: Your Honor --

25 THE COURT: All right. Sustained.

1 BY MS. MANNING:

2 Q So your testimony is you have nothing today to verify,
3 you have nothing to produce here today to verify who, where,
4 when, how you bought those parts?

5 A I don't have no -- hold on. I'm going to answer your
6 question. I mean, I've given you --

7 THE COURT: Do not ask a question. Answer her question.

8 A I don't have any documentation, but I've got witnesses
9 that's going to testify that the bumpers that I took to that
10 shop are not from that vehicle.

11 Q You have witnesses that are going to testify to that?

12 A Family members and they're also going to testify that
13 I've had -- deal and sell in numerous car parts. I've got car
14 parts sitting under my mom's garage right now, and they're
15 going to explain to you that I've been selling car parts,
16 buying cars, junk cars my whole life.

17 Q Okay. I think you've answered the questions. Thank you.

18 A Very good. Thank you.

19 MS. MANNING: Beg the Court's indulgence for one minute.

20 THE COURT: All right.

21 BY MS. MANNING:

22 Q Just one last question, just to verify your previous
23 testimony, your testimony, as I understand it, is that those
24 parts that you put into evidence and those parts that you
25 brought to City Collision that those are the parts -- that

Judson Stanley - Cross by Ms. Manning

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1 those parts that you put into evidence and the photographs and
2 whatnot, that those are the parts that you brought to City
3 Collision that were in your possession?

4 A I took parts to City Collision on two different
5 occasions. Okay. The first occasion was pearl white bumpers
6 for my Escalade.

7 Q Okay. If I may, I'm asking you, are the parts that you
8 put into evidence the parts that you are saying were in your
9 possession that you took to City Collision?

10 A That's correct.

11 Q Thank you. I don't have any further questions.

12 THE COURT: Redirect?

13 MR. FLOYD: No, sir.

14 THE COURT: All right. You may step down.

15 A Do I leave all this here, Judge, or take it with me?

16 THE COURT: Just leave it. Those are exhibits. Just
17 leave them right there. All right. Ladies and gentlemen,
18 it's about 12:25. We're going to go ahead and break for
19 lunch. We do have lunch coming for you. I don't know if it's
20 here yet or not, but if it's not here now it will be here
21 shortly. I'm going to excuse you back to the jury room. It's
22 about 12:25. If you decide not to eat here and you leave for
23 lunch, we're going to cut it a little bit shorter. I'll need
24 you to be back in the jury room at about 1:45. Well, wait a
25 minute, it's 12:25, one, about 1:15. That'll give you about

1 50 minutes. Otherwise we'll have lunch here for you. Do not
2 discuss the case even among yourselves. Don't conduct any
3 independent investigation. Hope you have a good lunch and
4 we'll come back after lunch. Thank you very much.

5 (Whereupon, the following takes place outside the
6 presence of the jury.)

7 THE COURT: All right. Anything from the State before we
8 break for lunch?

9 MS. MANNING: Nothing from the State, Your Honor.

10 THE COURT: Anything from the Defense?

11 MR. FLOYD: No, sir.

12 THE COURT: All right. I'm going to have them come back
13 at 1:15, but I'll probably take the bench at about 1:30. So
14 that'll give you a little bit over an hour. Okay?

15 MR. FLOYD: Thank you, Judge.

16 THE COURT: All right. We'll be in recess until then.

17 OFF THE RECORD

18 (On the record. The following takes place outside the
19 presence of the jury.)

20 THE COURT: All right. Anything from the State before we
21 bring the jury in?

22 MS. MANNING: No, Your Honor.

23 THE COURT: Anything from the Defense?

24 MR. FLOYD: No, sir.

25 THE COURT: All right. Let's bring the jury back in.

Hannah Reavis - Direct by Mr. Floyd

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1 (Whereupon, the following takes place in the presence of
2 the jury.)

3 THE COURT: All right. Ladies and gentlemen, welcome
4 back. We're ready to resume the trial of the case. I hope
5 everybody had a good lunch. I want to thank you for being
6 prompt, for anybody who may have left for being back on time.
7 Mr. Floyd, Defense can call your next witness.

8 MR. FLOYD: The Defense calls Hannah Reavis.

9 Whereupon, Hannah Reavis was called to the stand, duly
10 sworn by the clerk and testified as follows:

11 THE CLERK: Please be seated. State your full name,
12 first and last, then spell it.

13 MS. REAVIS: Hannah, H-A-N-N-A-H, Reavis, R-E-A-V-I-S.

14 DIRECT EXAMINATION

15 BY MR. FLOYD:

16 Q Hannah, how old are you?

17 A Twenty-six.

18 Q And what relationship are you to Jay?

19 A It's my brother.

20 Q And now, on the date that he got arrested I believe you
21 had gone over to City Collision?

22 A Yes, sir.

23 Q Would you describe what you observed?

24 A I got the phone call saying that my car was going to be
25 towed. So I hurried up and took my kids to my grandma's, and

1 sorry, and I called my mom and said, "They're trying to tow my
2 car. My girls' car seats are in it." Can I take a minute?
3 Sorry.

4 Q That's all right. I just want you to describe what you
5 observed that day when you got to City Collision.

6 A So my mom pulls me up. I get out the car. SLED Agent
7 Howsare meets me, and he begins to tell me if I don't sign a
8 consent my car will be towed in, I possibly could go to --

9 MS. MANNING: Objection.

10 THE COURT: Sustained.

11 Q Don't, don't say what anybody said. Just describe what
12 you observed when you got to City Collision.

13 A Well, we talked for a few minutes, and then my car doors,
14 I was asked to look inside my car before it was handed back in
15 my possession. So the passenger side door was open, and I saw
16 my brother's vanilla [sic] folder laying in the passenger
17 side. Car was ransacked. Glove compartment was popped down.
18 My personal papers were thrown in the floorboard. There was
19 papers scattered all over the driver's seat, papers in the
20 floorboard there, also. So I kind of knew my car had already
21 been ransacked through before I even gave consent or even made
22 it there on the scene, and I wasn't allowed to touch anything.
23 So then we moved to the back of my car. He mashed the button.
24 My back hatch come open, and there was two black windshield
25 wipers, two little tiny black almost looks like a piece off

Hannah Reavis - Direct by Mr. Floyd

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1 the back of my car, not sure if it went to my car, but it was
2 just like, kind of like a little black piece that snapped on
3 and a black grill, and I said, "I'm sorry but why is my black
4 grill," because me and my husband own a 2007 black Cadillac
5 Escalade, also, and I says, "Well, why is my grill getting
6 taken from us." "Well, it was in the car. So we need it as
7 evidence."

8 Q Don't say what somebody else said, just what you
9 observed. You observed a manila envelope?

10 A The vanilla [sic] envelope with all the papers scattered,
11 and on top of the vanilla [sic] envelope was a spiral ring
12 receipt book.

13 Q And have you seen that book before?

14 A Sir?

15 Q Have you seen that book before?

16 A Yes. Actually, my brother stays quite a few nights with
17 us during the week, and I've always seen his receipt book, and
18 it was sitting in my car, and I was not allowed to touch my
19 car at all, but it was sitting in my car when the passenger
20 door was opened for me to look at what was located in my
21 vehicle at the time.

22 Q Thank you, ma'am. I've got no further questions.

23 THE COURT: No. You need to stay seated.

24 Q You've got, you've got to answer the Attorney General's
25 questions.

1 THE COURT: All right. Cross examination.

2 MS. THORNWELL: Yes, Your Honor, briefly. May it please
3 the Court?

4 CROSS EXAMINATION.

5 BY MS. THORNWELL:

6 Q Ms. Reavis, I believe you said that your relationship
7 with Mr. Stanley is that he is your brother?

8 A Yes.

9 Q So you love your brother; right?

10 A Yes.

11 Q And you would do anything to help your brother; right?

12 A Yes.

13 Q Including taking some car parts to City Collision;
14 correct?

15 A Who taking parts?

16 Q You.

17 A Yes. If they belonged to our car, yes.

18 Q So isn't it true that you actually took some car parts to
19 City Collision prior to him taking your car and taking the car
20 parts?

21 A Most definitely.

22 MS. THORNWELL: I beg the Court's indulgence.

23 THE COURT: All right.

24 MS. THORNWELL: Nothing further, Your Honor.

25 THE COURT: All right. Redirect?

Melody Brown - Direct by Mr. Floyd

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1 MR. FLOYD: Nothing.

2 THE COURT: You may step down. All right. The Defense
3 can call their next witness.

4 MR. FLOYD: The Defense calls Melody Brown.

5 Whereupon, Melody Brown was called to the stand, duly
6 sworn by the clerk and testified as follows:

7 THE CLERK: Please be seated. State your full name,
8 first and last, and spell it.

9 Ms. Brown: Melody, M-E-L-O-D-Y, and last name is Brown,
10 B-R-O-W-N.

11 THE COURT: All right. Mr. Floyd.

12 DIRECT EXAMINATION

13 BY MR. FLOYD:

14 Q Melody, how old are you?

15 A I'll be 54 in August.

16 Q And where are you employed?

17 A Horry County Schools.

18 Q And what is your relationship to Jay?

19 A He's my son.

20 Q On the day that he got arrested, did you go up to City
21 Collision?

22 A Yes, sir. I was home cleaning house, and my daughter
23 called upset and said that they were getting ready to tow her
24 car, and they were arresting Judson, and would I please take
25 her to the, to the business, and so I went and got her and we

1 went there.

2 Q And what did you observe?

3 A When I drove up Hannah's car was parked in front, and
4 Officer Howsare was out there, and I never got out the car
5 because I wasn't dressed to get out because I had been
6 cleaning the house all day. So the only thing I saw was
7 Officer Howsare open the back hatch of Hannah's car, and there
8 was a big black grill, and I said, "Well, why's Judson in
9 trouble for that because that belongs to Hannah." I said,
10 "Hannah, isn't that your Escalade part," and I even made that
11 comment to Mr. Howsare, and when Judson got his papers in I
12 was looking on the counter, and I said, "Judson, this is wrong
13 because this has got a picture of Hannah's car with a white
14 griller in it." I said, "That's not what was in there." I
15 said, "I remember specifically seeing a black one and saying,
16 'isn't that yours, Hannah'," and that's the only thing I saw,
17 but I do know that he doesn't go anywhere without that receipt
18 book because it's everywhere. Every time you get in a car
19 he's got it for his documentation.

20 Q I was going to call your father but I think I'm going to
21 go ahead and just address it with you. Describe where you all
22 live.

23 A We live out in the country on Pee Dee Highway, and I can
24 sit on my front porch and the deer will go right behind me as
25 I'm sitting. I mean, it's even been where I've been sitting

Melody Brown - Direct by Mr. Floyd

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1 on the porch and the deer pass by and about that time a car
2 would hit it in the road right in front of my house. My
3 father not too long ago he hit three deers and wasn't two,
4 less than two to three weeks, and there's cars -- I mean, deer
5 all the time up and down that road. My son-in-law hit a deer,
6 and on that same road with my grand-girls in there and the
7 airbags exploded and they, they called me crying, "Nana, Nana,
8 we've been in a wreck." So I mean, they're up and down that
9 highway like crazy.

10 Q Pee Dee Road, that's --

11 A It's Pee Dee Highway.

12 Q Pee Dee Highway.

13 A Yes, sir.

14 Q And that's --

15 A That's off of 701 South.

16 Q Little Pee Dee is right behind it?

17 A It runs from 701 to the caution lights on 378 all the way
18 across to Galivants Ferry, that whole road through there.

19 Q Thank you, ma'am.

20 A You're welcome.

21 Q I have no further questions.

22 THE COURT: All right. Cross examination.

23 MS. THORNWELL: Briefly, Your Honor. May it please the
24 Court?

25 CROSS EXAMINATION

1 BY MS. THORNWELL:
2 Q Ms. Brown, Mr. Stanley is your son; right?
3 A Yes, ma'am.
4 Q You love him; right?
5 A Yes, ma'am.
6 Q And you would do anything for him; right?
7 A Yes, ma'am, except for lie for him, and I won't do that
8 because I always tell the truth.
9 Q Okay.
10 A Whether he's mine or not.
11 Q Okay. I believe that if I understand your testimony
12 correctly is that you all live where there are a lot of deer?
13 A Yes, ma'am.
14 Q Would it surprise you that some of these incidents didn't
15 even happen near your house?
16 A In front of my house?
17 Q Right.
18 A Yes, ma'am, because I've seen them right between.
19 Q I'm not talking about the deer.
20 A Okay.
21 Q I'm talking about the collisions that were reported.
22 A I'm not understanding what you're talking about.
23 MR. FLOYD: Judge, I'm going to object.
24 A So I don't know. I can't answer that.
25 THE COURT: Hold for a second.

Melody Brown - Cross by Ms. Thornwell

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1 MR. FLOYD: I'm going to object. She's got no knowledge
2 of any of the things that were raised on cross examination.

3 THE COURT: Well, I don't know. I'll allow the question.
4 Go ahead.

5 Q Some of the collisions that were talked about didn't
6 happen in front of your home. Would that surprise you?

7 A Correct. Probably in between my house and my parents are
8 down the -- on that road I'm sure.

9 Q And in 2009 where was Judson living?

10 A God, I can't even go back. He's lived with me the whole
11 time except for when he was married, that short period of
12 time.

13 Q And would it surprise you that in 2009 he was married?

14 A I can't remember. I know, I know my grandson is going on
15 six. He's six years old. So that's about what time. Yes.

16 Q About 2009 he would have been married and not living with
17 you?

18 A Well, him and his wife and child would come periodically
19 and stay at my house for long weekends or holidays and stuff
20 whenever I was out of school.

21 MS. THORNWELL: Beg the Court's indulgence.

22 THE COURT: All right.

23 MS. THORNWELL: Nothing further, Your Honor.

24 THE COURT: All right. Redirect?

25 MR. FLOYD: No redirect, Judge.

1 THE COURT: All right. You may step down. The Defense
2 can call your next witness.

3 MR. FLOYD: Judge, one more witness. We'd call Clarence
4 Smart.

5 Whereupon, Clarence Smart was called to the stand, duly
6 sworn by the clerk and testified as follows:

7 THE CLERK: Please be seated. Please state your full
8 name, spell your first and last, last name for the Court,
9 please.

10 MR. SMART: My name's Clarence Smart, C-L-A-R-E-N-C-E, S-
11 M-A-R-T.

12 DIRECT EXAMINATION

13 BY MR. FLOYD:

14 Q Mr. Smart, I'm not going to ask you how old you are, and
15 I'm not going to go over the deer again. I'm going to ask you
16 if you recall the condition of Jay's cars when he got them out
17 of City Collision?

18 A I sure do.

19 Q Could you tell the Court?

20 A Yes. They were ransacked. He had busted the windshield
21 out of the --

22 MS. THORNWELL: Objection, Your Honor. Relevance.
23 We're, we're here talking about this 2000.

24 THE COURT: What's the relevance?

25 MR. FLOYD: The relevance is damage that's been done at

Clarence Smart - Direct by Mr. Floyd

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1 City Collision.

2 THE COURT: Okay. Sustain the objection.

3 MR. FLOYD: Thank you, sir.

4 A That's it?

5 Q That's it.

6 A Okay.

7 Q I have no further questions.

8 THE COURT: All right. Cross examination.

9 MS. THORNWELL: None from the State, Your Honor.

10 THE COURT: All right. You may step down. You can call
11 you next witness.

12 MR. FLOYD: The Defense rests, Judge.

13 THE COURT: All right. Anything in reply from the State?

14 MS. MANNING: Your Honor, I beg the Court's indulgence
15 for one moment.

16 THE COURT: All right.

17 MS. MANNING: Your Honor, the State has one brief reply
18 witness.

19 THE COURT: All right.

20 MS. MANNING: Your Honor, the State calls Trooper Tyler
21 Luther.

22 Whereupon, Tyler Luther was called to the stand, duly
23 sworn by the clerk, and testified as follows:

24 THE CLERK: Please be seated. State your full first and
25 last name and spell it, please.

1 MR. LUTHER: Tyler Jennings Luther, T-Y-L-E-R, L-U-T-H-E-
2 R.

3 DIRECT EXAMINATION

4 BY MS. MANNING:

5 Q Trooper Luther --

6 A Yes.

7 Q -- thank you for reappearing. Just a couple of brief
8 questions. You were here during the Defendant's testimony; is
9 that correct?

10 A I was.

11 Q And you heard the Defendant testify?

12 A Yes.

13 Q He testified about bumpers not matching the vehicle?

14 A Correct.

15 Q Can you -- did his explanation change your opinion in any
16 way?

17 A No. It did not.

18 Q Are you still 100 percent convinced that those bumpers
19 came from that vehicle?

20 A Yes.

21 Q Can you -- Mr. Stanley testified regarding in the picture
22 the bumper not lining up. Can you -- I'll see if I can find
23 the picture briefly. Trooper Luther, I'm showing you what's
24 been marked into evidence State's Exhibit 25.

25 A Yes.

Tyler Luther - Direct by Ms. Manning

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1 Q Do you remember looking at this picture?

2 A I do.

3 Q And I believe that's the picture he was referring to when
4 he was talking about the bumper not lining up to the vehicle.
5 Can you explain what's going on here?

6 A Because we don't -- I wasn't going to sit there and bolt
7 it back to the vehicle. I held it up as close as I could, I
8 mean, I could have slid it in a little tighter when I took the
9 picture, but what I wanted to do is show the, the piece SLED
10 had versus the vehicle that was in evidence. What I did was
11 take a far off shot and then I would move the evidence close
12 together and take another shot as to show the -- what I was
13 trying to point out, and with the screw holes here and as far
14 as the -- I think he touched on the clips --

15 Q Yes.

16 A -- underneath the bumper that they didn't line up. I
17 think I told you guys that when I testified that they didn't
18 line up because they were broke from the back of the vehicle
19 and they were clipped, somebody snipped them or cut them or
20 however they clipped them from the bumper. There was a piece
21 -- there is some, some piece somewhere missing that would line
22 those up or could possibly line those up.

23 MR. FLOYD: Judge, I'm going to object. I think he's
24 just reiterating his testimony from earlier.

25 THE COURT: Overruled.

1 Q And so is it your testimony that that bumper came off of
2 that vehicle?

3 A Yes.

4 Q You are 100 percent sure?

5 A Yes.

6 Q And regarding printer lines on these pages, I believe you
7 had testified earlier -- thank you, and there, and there's one
8 on this exhibit that you were just holding. This is State's
9 Exhibit 25?

10 A Yes.

11 Q There is some lines from these getting blown up and now
12 so there's some on this?

13 A Yes.

14 Q This one as well?

15 A Right.

16 Q This is State's Exhibit 23?

17 A They're not in -- they're -- those lines are not in the
18 original pictures, the, you know, but yes, I think I actually
19 touched on that when I first put it on the, on the billboard
20 that there was some, there is some distortion when you blow
21 the pictures up and also there are, for whatever reason, a
22 printer line through there, but that's not what I was pointing
23 out when I was giving my testimony.

24 Q So when you were talking about tool marks corresponding,
25 were you referring to the printer lines or were you referring

Tyler Luther - Direct by Ms. Manning

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1 to something else?

2 A No, ma'am. I was not referring to the printer line. I
3 was actually referring to what the arrows are pointing at.

4 Q Okay. Let me hand you State's Exhibit 23. I think
5 that's what you were motioning towards.

6 A Yes. I was actually pointing at the, the mark right
7 here, the tool mark that lines up perfectly that the arrow's
8 actually pointing to. I was not pointing to the whatever this
9 line is here.

10 Q Is it still your testimony that you are 100 percent sure
11 that that is the mirror cover that came off of that vehicle?

12 A Yes.

13 Q Thank you. And just one more thing, I'm showing you -- I
14 thought I had it. Well, let me hand you this stack.

15 A Okay.

16 Q You might find it quicker than me. You had testified
17 about dirt marks, and I believe when the Defendant testified
18 he was, again, talking about dirt marks lining up, talking
19 about these printer lines. Was that what you were referring
20 to when you talked about dirt lines or dirt marks lining up?

21 A No, ma'am.

22 Q What were you referring to when you talked about dirt
23 lines lining up?

24 A It was actually dirt that was on both the back of the
25 vehicle and on the bumper, and if I can find the picture,

1 I'll show it to you.

2 Q I think I may have found one. This is -- let me show you
3 State's Exhibit 17. I'm sorry, 16, State's Exhibit 16. Is
4 that one of the pictures?

5 A That is one, and also I think it was State's Exhibit 20-
6 DD as well, the dirt on both parts, the actual vehicle and the
7 bumper there and there.

8 Q So this is the vehicle and this is the bumper, and you're
9 talking about the dirt that that --

10 A I'm talking about -- exactly.

11 Q You're talking about -- are you talking about dirt like
12 on the vehicle or are you talking about dirt from between the
13 two parts?

14 A Between the two parts. It's --

15 Q So this would have been dirt that worked its way in
16 between these two parts that was there so long that it made an
17 impression on both the vehicle --

18 A It's, it's on the --

19 Q -- and the part?

20 A Correct. It's on the actual vehicle that was impounded
21 and the bumper that was taken as evidence and that's the other
22 one there.

23 Q And after hearing the Defendant's testimony is it still
24 your testimony that you are 100 percent sure that those
25 bumpers came off of that vehicle?

Tyler Luther - Cross by Mr. Floyd

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1 A Yes.

2 Q Thank you, Trooper Luther. I don't have any further
3 questions for you.

4 THE COURT: All right. Cross examination.

5 CROSS EXAMINATION

6 BY MR. FLOYD:

7 Q So, Trooper, basically your opinion today is the same as
8 your opinion yesterday?

9 A Yes, sir.

10 Q Thank you.

11 THE COURT: Redirect?

12 MS. MANNING: No, sir, Your Honor.

13 THE COURT: All right. You may step down.

14 A Thank you, sir.

15 THE COURT: All right. The State can call your next
16 witness.

17 MS. MANNING: Beg the Court's indulgence for one moment.

18 THE COURT: All right.

19 MS. MANNING: No further witnesses, Your Honor. The
20 State rests.

21 THE COURT: All right. All right. Ladies and gentlemen,
22 the State has presented their case. The Defendant has
23 presented his defense. The State has presented their reply,
24 and so that is the end of all of the testimony and evidence to
25 be presented in this case. Just like at the close of the

1 State's case in chief, now is the time of the trial where I
2 need to take up some matters of law with the attorneys. So
3 I'm going to excuse you back to the jury room while we discuss
4 these legal matters. It shouldn't be that long. We'll bring
5 you back out shortly, but it'll give you an opportunity to
6 stretch your legs, use the restroom, get something to drink,
7 whatever the case may be, but I caution you, again, do not
8 discuss the case. It's still too early for deliberations.
9 Don't conduct any independent investigation. Hope you have a
10 good break, and we'll bring you back in just a minute. Hold
11 for a second. Now, let's -- I want to make sure everybody
12 finishes looking at the pictures before we excuse you all.
13 All right, sir. If you want to just leave them right there on
14 the rail, and I'll excuse you back to the jury room. Thank
15 you very much.

16 (Whereupon, the following takes place outside the
17 presence of the jury.)

18 THE COURT: All right. Any motions at this time?

19 MR. FLOYD: Judge, the Defense would make a motion for a
20 directed verdict on the sufficiency of the evidence, and renew
21 our motion that we made at the close of the State's case.

22 THE COURT: All right. Your motion is noted. I'm going
23 to deny it. Anything further?

24 MS. MANNING: Nothing from the State, Your Honor.

25 THE COURT: Anything from the Defense?

Closing by Mr. Floyd

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1 that is different from the facts as you find them to be or
2 references the law that is different from the law as I will
3 charge you at the close of their arguments, then you're to
4 disregard that portion of their closing arguments because this
5 is not evidence. It's not a charge on the law. It's just
6 their contention as to what they think the facts have shown or
7 what the evidence has shown and what the law is to be applied
8 in this case.

9 All right. Mr. Floyd.

10 MR. FLOYD: May it please the Court?

11 THE COURT: Yes, sir.

12 MR. FLOYD: Good afternoon. It's been a long couple of
13 days, and now the case becomes yours, as I said before, yours
14 to seek the truth, to find the verdict, and just as the Judge
15 just told you, he will give you the law and he will tell you
16 what the law is, the evidence you've heard from the witness
17 stand and from the exhibits here. If I misstate anything
18 then, just as the Judge said, disregard it.

19 There are a few things that I want to point out to you
20 that I remember hearing during the trial of the case, and
21 that's what I'm going to do now, and then I'm going to talk to
22 you a little bit more.

23 There are several things, and it started at the very
24 start where Tracy Holmes admitted that she told Jay, "You've
25 done nothing wrong." There's parts where Jay had to sue Lou

Closing by Mr. Floyd

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1 to get his cars back from the shop. You've got some issues of
2 insurance claims where you've heard they were small claims,
3 they were other people's claims, there were animal wrecks.
4 That's evidence that the State's trying to use to convict, but
5 it doesn't apply. They're throwing everything they've got up
6 there to say convict when it's not applicable.

7 Now, we talk about the body parts. You've heard the
8 trooper testify. You've also heard Jay testify that didn't
9 appear to be a match. The clips show that a different bumper
10 was there, and the tabs that appear to be missing were tested,
11 but then one thing that was said that really caught my
12 attention, and I believe Jonah Buck said it, he said the paint
13 on the bumpers appeared different. I know a little bit, and
14 you can analyze paint. Our SLED has that capability, but
15 there was no paint analysis done. These are little things.
16 There's all kinds of things, and you all have heard the
17 testimony. You've heard that there was a receipt book in the
18 car that apparently is now missing, and in that receipt book
19 was where Jay kept all of his records about parts that he
20 purchased from online or at other sales or that he may have
21 just had in his garage.

22 You've heard from the State mentioning of other cars, for
23 that matter, of other people. No other people have come in
24 here to testify. No investigation's ever been done on these
25 other cars that they're mentioning. All that's at issue here

Closing by Ms. Manning

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1 today is what's in the indictment that you will have in your
2 jury room that has to do with this cream colored Cadillac.
3 You've heard a bunch of testimony over these few days, but one
4 thing that stood out to me, also, is where are all the other
5 parts? There's supposed to be a navigation system. Where is
6 it? Where are all these other parts? Everything was at Lou's
7 garage.

8 Those are just a few things that stood out to me, stood
9 out in my mind. I'm sure there's many more, but now's the
10 time for you to take the evidence, for you as the jury to look
11 at the evidence, to judge the evidence, to judge the State's
12 case because if the State comes in here and they have to prove
13 to each and every one of you beyond a reasonable doubt, the
14 Defense does not believe that's gone on, and we ask you to
15 return a verdict of not guilty.

16 THE COURT: Ms. Manning.

17 MS. MANNING: Thank you, Your Honor. May it please the
18 Court?

19 THE COURT: Yes.

20 MS. MANNING: Mr. Floyd. Ladies and gentlemen of the
21 jury, who commits insurance fraud? I'd like you to listen to
22 something that's in evidence.

23 (State's Exhibit Three played in open court.)

24 MS. MANNING: Isn't this insurance fraud, somebody who's
25 going to get rich quick, somebody who's looking to get

1 something for nothing. Most hard working people, most honest
2 people, a lot of us get up every day, go to work, come home at
3 the end of the day after an honest day's work, get up the next
4 day and do it all over again, but for some people that's not
5 good enough. For some people they're always looking for a
6 scheme, a scam, a way that they can get rich quick and get
7 something for nothing. Judson Stanley belongs in that group.

8 You've heard a lot of testimony over these last few days.
9 What -- just briefly I want to go over a few of the high
10 points for you. The first person you heard testify was Agent
11 Joe Jordan with SLED. He told you that when this complaint
12 came in it peaked his interest because he was familiar with
13 the name of Judson Stanley because of previous convictions for
14 insurance fraud involving a similar scheme which involved
15 vehicles being, parts being removed and the complaint that
16 came in sounded similar in nature to what he was familiar
17 with. From there he sent the complaint on for further
18 investigation.

19 You heard next from the tow truck driver and the, the,
20 the police officer who responded to the vandalism, and they
21 told you that the vehicle was in bad shape when they saw it,
22 that it had been stripped and that it looked bad. The tow
23 truck driver told you that when the call came in it was a few
24 hours before he could get to the vehicle because it was a busy
25 night. When he got to the vehicle he called the police, he

Closing by Ms. Manning

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1 called Tracy. They made the report, and that the first thing
2 the next morning he delivered that vehicle to City Collision,
3 within 24 hours easily of it having been reported vandalized.

4 You heard from Tracy Holmes. Tracy Holmes told you that
5 the initial contact between her and the Defendant was him
6 reaching out to her, first on Match.com, also through
7 Facebook, and that immediately he knew about her vehicle, "I
8 saw you driving down Highway 501 in your Cadillac Escalade."
9 She thought that was strange she -- that he would know that,
10 but he did, and very soon after they met he began talking to
11 her about wanting to do a deal with her car, a deal meaning
12 that he wanted her to allow him to strip the parts off the
13 car, have her report it vandalized, have -- report an
14 insurance claim, he would keep the parts, install the same
15 parts back on the car and that he would let her keep \$6,000 of
16 the insurance settlement and he would get the rest. You heard
17 her say that she didn't want to go along with that at first,
18 but she was desperate for money and she listened to him, and
19 eventually she caved and she, she said, "Okay. I'll go along
20 with this."

21 You heard how he stripped her vehicle, returned it to her
22 and she let it sit in her garage for about a week because she
23 didn't want to go through with it, she was having second
24 thoughts, but he kept pressuring her and finally she agreed.
25 He drove her around, helped her pick out a spot for her to

1 leave it, told her what to say to the police and told her what
2 to say to the insurance company. She did as he said. She
3 filed the claim at Judson's direction.

4 You heard from Lou Gabriel, the owner of City Collision.
5 You heard recordings between him and Jay. You heard Jay
6 solicit him to try to commit insurance fraud involving jet
7 skis. "I know somebody who can put insurance on these jet
8 skis for you. We'll report all ten of them gone at once.
9 I'll chop them up with a backhoe and you can make an insurance
10 claim."

11 The other couple very important things I think you hear
12 from those recordings and from testimony, Lou testified to you
13 that the bumpers to that Escalade showed up at his shop before
14 the Escalade ever did. Now, how in the world did the
15 Defendant, Judson Stanley, know before the car was ever
16 reported vandalized that City Collision was going to need two
17 pearl white Cadillac Escalade bumpers with a grill?

18 You hear in the recordings when Judson Stanley is talking
19 to Lou, at one point he says, "I got a Cadillac Escalade
20 that's coming to you next week." Now, how in the world did
21 Judson Stanley know a week before the Cadillac Escalade was
22 report vandalized that it would be coming in to the shop to be
23 repaired?

24 You heard Rhonda Gabriel testify, too. She was Lou's
25 wife, and she told you that as Lou began to tell her what was

Closing by Ms. Manning

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1 going on around the shop, she's the one that said, "Whoa, wait
2 a minute. We need to contact the authorities. This is, this
3 is getting out of hand. It's something -- we don't want to be
4 involved in this. It's time to tell somebody what's going on
5 here."

6 You heard from Jason Baxley from State Farm. He's the
7 one that told you that a claim was filed and the value of the
8 claim. He had two different ways of valuing it. They had not
9 made a decision whether they were going to do it by the
10 estimate and the supplement, that would have been \$18,000, or
11 by just totaling out the car, and that would have been
12 \$25,000, both of those being over \$10,000.

13 You heard Investigator Howsare testify. He told you that
14 he observed parts from the vehicle, these are the additional
15 parts, not the two bumpers, but the rest of the stuff, the
16 mirror covers, the running boards, the roof rack, he observed
17 those parts coming out of Judson's vehicle and being deposited
18 at Lou's City Collision garage. He watched that happen. He
19 watched the grill, the distinctive grill that the husband
20 would recognize if he saw it and know that it was his grill,
21 he watched that grill get loaded into Judson's car to be taken
22 away.

23 Next you heard from Trooper Tyler Luther. You heard of
24 his extensive training, his work on the MAIT team, responding
25 to hit and run accidents when there's a piece of a vehicle

1 left behind, and he has to take that piece of a vehicle and
2 figure out who's guilty of hit and run, who, who hit somebody
3 and left the scene and identifying those vehicles by the parts
4 that are left behind. He was qualified as an expert in that
5 field, and he told you beyond any doubt, he was 100 percent
6 sure that those parts that Judson Stanley brought to City
7 Collision were the parts off of the Cadillac Escalade. He
8 made that decision by looking at dirt marks, tool marks, after
9 market drill holes.

10 Now, you heard the Defendant testify. You want to know
11 what the Defendant was really thinking, what was really going
12 on during all of this, listen to the tapes when he didn't know
13 anybody was listening. If you have any question as to what,
14 what was really going on, listen to the tapes, listen to what,
15 what Jay said when he didn't know anyone was listening.

16 The Judge is going to instruct you on the law.
17 Presenting a false claim for payment basically says that
18 anybody who causes to be presented a false claim for insurance
19 payment to an insurance company in this state or anybody who
20 knowingly assists, solicits or conspires with another to
21 present a false insurance claim to an insurance company in
22 this state is guilty of insurance fraud. Mr. Stanley is, is,
23 is charged with the over \$10,000 amount and that has to do
24 with the estimate on the vehicle being over \$10,000. That's
25 what the insurance company would have paid had this claim

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1 come, come to fruition. Judson Stanley has not only caused to
2 be presented by stripping the vehicle, but he certainly
3 assisted, solicited and conspired with Tracy Holmes to present
4 this insurance claim.

5 One final thought I want to leave you with, and that's
6 one last clip.

7 (State's Exhibit played in open court.)

8 MS. MANNING: Ladies and gentlemen of the jury, the
9 evidence is clear. The evidence is overwhelming. You get to
10 take all this evidence into the jury room with you and look
11 over it again. The other thing you get to take in the jury
12 room with you is your common sense and your life experiences.
13 You get to use that when you look through this evidence, and I
14 ask you to do that, and I ask you to come back with the only
15 true, just verdict in this case and that is a verdict of
16 guilty. Thank you.

17 THE COURT: All right. Ladies and gentlemen, all of the
18 evidence has been presented to you in this case, the parties
19 have made their closing arguments, and now is the time of the
20 trial when I will charge you with the law to be applied in
21 this case.

22 Now, the indictment in this case charges the Defendant
23 with presenting a false claim for payment. I remind you that
24 the fact that the Defendant was arrested, charged and indicted
25 in this case is not evidence in this case and cannot be

1 considered by you as evidence of guilt in this case, nor does
2 the Defendant's arrest, charge and indictment create any
3 presumption or inference of guilt. This document is simply
4 the formal written instrument which contains the charge made
5 against the Defendant. It is the formal document by which
6 this case is brought into this court. The Defendant pleads
7 not guilty to this indictment, and that plea puts the burden
8 on the State to prove the Defendant guilty. A person charged
9 with committing a criminal offense in South Carolina is never
10 required to prove his innocence.

11 I charge you that an important rule of the law is that
12 the Defendant in a criminal trial, no matter what the
13 seriousness of the charge may be, will always be presumed to
14 be innocent of the crime for which the indictment was issued
15 unless guilt has been proven by evidence satisfying you of
16 that guilt beyond a reasonable doubt. This presumption of
17 innocence does not end when you begin your deliberations, but
18 it accompanies the Defendant throughout the trial until you
19 reach a verdict of guilt based on evidence satisfying you of
20 that guilt beyond a reasonable doubt.

21 The presumption of innocence is like a robe of
22 righteousness placed about the shoulders of the Defendant
23 which remains with the Defendant until it has been stripped
24 from the Defendant by evidence satisfying you of the
25 Defendant's guilt beyond a reasonable doubt.

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1 The presumption of innocence is not a mere legal theory.
2 It is not just a legal phrase. It is a substantial right to
3 which every Defendant is entitled unless you, the jury, are
4 satisfied from the evidence of the Defendant's guilt beyond a
5 reasonable doubt.

6 Now, what is a reasonable doubt in the law? A reasonable
7 doubt is the kind of doubt that would cause a reasonable
8 person to hesitate to act. Proof beyond a reasonable doubt is
9 proof that leaves you firmly convinced of the Defendant's
10 guilt. We know very few things in this world with absolute
11 certainty, and in criminal cases the law does not require
12 proof that overcomes every possible doubt. If, based on your
13 consideration of the evidence, you are firmly convinced that
14 the Defendant is guilty of the crime charged, you must find
15 the Defendant guilty. If on the other hand, you think a real
16 possibility exists that the Defendant is not guilty, you must
17 give the Defendant the benefit of that doubt and find the
18 Defendant not guilty.

19 Now, I remind you that, during this trial, you and I have
20 certain duties to perform. As the trial judge, my
21 responsibility is to preside over the trial of this case. I
22 also have the duty to rule on the admissibility of the
23 evidence offered during this trial. You are to consider only
24 the competent evidence before you. If any testimony was
25 ordered stricken from the record in this case during this

1 trial, you must disregard that testimony. You are to consider
2 only the testimony which has been presented from the witness
3 stand, any exhibits which have been made a part of the record
4 in this case, and any stipulations of counsel. I have the
5 additional duty to charge you the law applicable to this case.
6 As the presiding judge, I am the sole judge of the law of this
7 case. Your duty as jurors is to accept and apply the law as I
8 now state it to you. If you have any idea as to what the law
9 is or what the law ought to be and your idea is different from
10 what I now tell you the law is, you must disregard your idea
11 of what the law is or ought to be because you are sworn to
12 accept the law and apply the law exactly as I state it to you.

13 In every case tried in this court before a jury, the jury
14 is the sole and exclusive judge of the facts in a case. A
15 trial judge cannot intimate, state, comment on or make any
16 statement to a trial jury about the facts in a case. Since
17 you, the jury, are the sole judge of the facts in this case,
18 you are not to infer from what I have said during the progress
19 of this trial in ruling upon the admissibility of evidence, or
20 otherwise, or anything that I say now during the course of
21 this instruction to you, that I have any opinion about the
22 facts in this case. The law does not allow me to have an
23 opinion about the facts in this case. This is a matter solely
24 for you, the jury, to determine.

25 As jurors, your duty is to determine the effect, value,

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1 weight and truth of the evidence presented during this trial.
2 Now, necessarily, you must determine the credibility of
3 witnesses who have testified in this case. Credibility simply
4 means believability. Your duty as jurors is to analyze and to
5 evaluate the evidence and determine which evidence convinces
6 you of its truth. In determining the believability of
7 witnesses who have testified in this case, you may believe one
8 witness over several witnesses or several witnesses over one
9 witness. You may believe a part of the testimony of a witness
10 and reject the remaining part of the testimony of that same
11 witness. You may believe the testimony of a witness in its
12 entirety or reject the testimony of a witness in its entirety.
13 You may consider whether any witness has exhibited to you any
14 interest, bias, prejudice or other motive in this case. You
15 may also consider the appearance and manner of a witness while
16 on the witness stand.

17 Now, a person who has a past criminal record is competent
18 to testify during a trial. A past record does not affect the
19 ability of that witness to testify. The past record may only
20 be considered by you, if at all, in determining the witness'
21 believability. Remember, you are the sole judges of the facts
22 in this case and the believability of any and all of the
23 witnesses.

24 Now, the rules of evidence ordinarily do not permit
25 witnesses to testify to opinions or conclusions. An exception

1 to this rule exists for witnesses we call expert witnesses. A
2 witness who, by education and experience, has become expert in
3 some art, science, profession or calling may state an opinion
4 as to the relevant and material matter in which the witness
5 claims to be an expert, and may also state the reasons for
6 that opinion. You should consider any expert opinion received
7 in evidence in this case and, like any other evidence, give it
8 the weight you think it deserves. If you decide that the
9 opinion of an expert witness is not based on sufficient
10 education and experience, or if you conclude that the reasons
11 given in support of the opinion are not sound, or that the
12 opinion is outweighed by other evidence, you may disregard the
13 opinion entirely. An expert witness' testimony is to be given
14 no greater weight than that of any other witnesses simply
15 because the witness is an expert. Further, you are not
16 required to accept an expert's opinion, even though it is not
17 contradicted.

18 In order to establish criminal liability, criminal intent
19 is required. For example, the mental state required to be
20 proven by the State for a particular crime might be purpose,
21 intent, knowledge, recklessness or criminal negligence.
22 Criminal intent must be proven by the State beyond a
23 reasonable doubt. Criminal intent is always a matter that
24 must be determined by the jury from the circumstances
25 surrounding the situation. Intent cannot be proven to a

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1 mathematical certainty. Medical science cannot dissect a
2 person's brain and determine what the person had in mind, so
3 the law says that criminal intent may be inferred from the
4 circumstances shown to have existed. This is how you make a
5 determination of whether or not the element requiring intent
6 was present. Intent does not have to be proven by direct and
7 positive evidence, but intent may be established by inference
8 in the same way as any other fact by taking into consideration
9 the acts of the parties and all of the facts and circumstances
10 of the case. Criminal intent is a mental state, a conscious
11 wrongdoing. You must determine what the Defendant intended to
12 do based on the circumstances shown to have existed. Criminal
13 intent can arise from an action or a failure to act. It may
14 arise from negligence, recklessness or an indifference to duty
15 or to consequences that is considered by the law to be the
16 equivalent of criminal intent.

17 Now, if a crime is committed by two or more people who
18 are acting together in committing a crime, the act of one is
19 the act of all. A person who joins with another to commit an
20 unlawful act is criminally responsible for everything done by
21 the other person which happens as a probable or natural
22 consequence of the acts done in carrying out the common plan
23 and purpose. For example, two people can be guilty of killing
24 another person when only one of the two had a gun, there was
25 only one bullet, and only one of the two fired the shot that

1 caused the death. If two or more people are together, acting
2 together, assisting each other in committing the offense, the
3 act of one is the act of all or, as it is sometimes said, the
4 hand of one is the hand of all.

5 Prior knowledge that a crime is going to be committed,
6 without more, is not sufficient to make a person guilty of
7 that crime. Mere knowledge that another person is going to
8 commit a crime, even if the Defendant is present when the
9 crime is committed, is not sufficient to convict the Defendant
10 as a principal. Guilt as a principal is shown by actual or
11 constructive presence at the scene as a result of a prior
12 arrangement. Therefore, a finding of a prior arranged plan or
13 common scheme is necessary for a finding of guilt as a
14 principal. The State must prove beyond a reasonable doubt by
15 competent evidence the theory of the hand of one is the hand
16 of all.

17 A principal in a crime is one who either actually commits
18 the crime or who is present aiding, abetting or assisting in
19 committing the crime. When a person does an act in the
20 presence of and with the assistance of another, the act is
21 done by both. Where two or more, acting with a common plan or
22 intent, are present at the commission of a crime, it does not
23 matter who actually commits the crime. All are guilty. The
24 hand of one is the hand of all. Present at the commission of
25 a crime means to be sufficiently near to aid and abet and

Charge

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1 assist in the commission of the crime. However, mere presence
2 at the scene of a crime is not sufficient to convict one as a
3 principal on the theory of aiding and abetting. Intent is
4 also a necessary element, for there must have been a common
5 design or intent to commit the crime, and the crime must have
6 been committed pursuant thereto with the person aiding and
7 abetting by some overt act. Intent means intending the result
8 which actually occurs, not accidentally or involuntary.
9 Intent may be shown by acts and conduct of the Defendant and
10 other circumstances from which you may naturally and
11 reasonably infer intent. The State must prove these elements
12 beyond a reasonable doubt.

13 Now, you have heard evidence that the Defendant was
14 convicted of a crime and committed bad acts other than the one
15 for which the Defendant is now on trial. This testimony, if
16 you conclude it is true, may only be considered by you on the
17 question of the Defendant's intent, motive and the existence
18 of a common scheme or plan. This testimony may not be
19 considered by you for any other reason or purpose. You may
20 give this evidence the weight and value, if any, which you
21 find it should have on the sole issues of intent, motive and
22 common scheme or plan. You must not consider evidence of the
23 commission of another offense or bad act as proof of the
24 Defendant's guilt of the charge pending in this trial.

25 Now, the Defendant is charged with presenting a false

1 claim for payment. To convict the Defendant of this crime,
2 the State must prove beyond a reasonable doubt that the
3 Defendant knowingly caused to be presented a false claim for
4 payment to an insurer transacting business in this State or
5 knowingly assisted, solicited or conspired with another to
6 present a false claim for payment.

7 Now, there are two possible verdicts which you may find
8 in this case. No significance should be given to the order in
9 which I state these verdicts to you. I simply have to state
10 one first and one second. The possible verdicts in this case
11 are either guilty or not guilty. Ladies and gentlemen, your
12 verdict must be a unanimous one. Mr. King, as foreperson,
13 when the jury agrees on a verdict, you will write that verdict
14 here on the indictment, sign your name and date it, then knock
15 on the door and tell the bailiff that the jury has reached a
16 verdict.

17 Now, I'm going to excuse you back to the jury room for
18 just a few minutes, but please do not begin your deliberations
19 at this time. I have to discuss with the attorneys as to
20 whether or not they have any objections or challenges to my
21 closing charges. If they do and I deem that they're
22 appropriate, then I'll bring you back in and make whatever
23 additional charges or corrections I need to make. If there
24 are none to be made, we'll send the indictment and the
25 exhibits back to the jury room and the bailiff will instruct

Charge .

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1 you then that you can begin your deliberations, but please do
2 not begin your deliberations until you're instructed to do so
3 by the bailiff. Okay. Thank you very much. I'll excuse you
4 back to the jury room.

5 (Whereupon, the following takes place outside the
6 presence of the jury.)

7 THE COURT: All right. Any exceptions or challenges to
8 the jury charge by the State?

9 MS. MANNING: No, sir, Your Honor.

10 THE COURT: Any by the Defense?

11 MR. FLOYD: No, sir.

12 THE COURT: All right. Let's make sure we've got all
13 these exhibits.

14 (Exhibits reviewed and approved by counsel for the State
15 and Defense.)

16 (Alternate discharged by Court.)

17 THE COURT: All right. Anything from the State before we
18 recess?

19 MS. MANNING: No, sir, Your Honor.

20 THE COURT: All right. Mr. Floyd, anything from the
21 Defense?

22 MR. FLOYD: No, sir.

23 THE COURT: All right. We'll stand in recess until we
24 get a verdict or further question from the jury.

25 (Deliberations begin at 3:15 p.m.)

DOCKET NO. 2014-GS-26-04985

WITNESSES

SA William J. Howsare - SLED

The State of South Carolina

County of Horry

COURT OF GENERAL SESSIONS

TERM 2014

ARREST WARRANT NUMBER

2014A2610201536

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: NOV 18 2014**VERDICT**

Guilty

Foreperson of Petit Jury

Date: July 16th 2015

THE STATE

vs.

Judson Stanley

W/M

Indictment for**PRESENTING FALSE CLAIMS FOR
PAYMENT**

SC Code: 38-55-170(1)

CDR Code: 3519

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.2014 NOV 17 AM 9:13
DefendantMEI ANI - HARRY COUN.
CLERK OF COURTDATE RECEIVED
I hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

2015 JUL 16 PM 4:39

FILED

CLERK OF COURT

CERTIFIED COPY

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

**INDICTMENT
PRESENTING FALSE CLAIMS FOR PAYMENT
VIOLATION OF SECTION 38-55-170(1)**

At a Court of General Sessions, convened on _____, 2014, the Grand Jurors of Horry County present upon their oath:

That Judson Stanley, did in Horry County on or about May 25, 2014 knowingly present or cause to be presented to, or assist, solicit, or conspire with another to present a false claim for payment to State Farm Insurance Company, an insurance company licansed to do business within the State of South Carolina, in an amount over Ten Thousand Dollars (\$10,000.00). This is in direct violation of Section 38-55-170(1) of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such
case made and provided.

CERTIFIED COPY

2015 JUL 23 AM 1:04

Melanie Higgins-Ward
CLERK OF COURT
Horry County

OFFICE OF THE ATTORNEY GENERAL

Alan Wilson
ALAN WILSON (MBM)
ATTORNEY GENERAL

MELANIE HUGGINS-WARD
CLERK of COURT

2015 JUL 22 PM 2:28

FILED
HONOLULU COUNTY

RECEIVED

JUL 24 2015

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

SC Court of Appeals

HORRY

STATE

VS.

JUDSON STANLEY

AKA:

Race: W

Sex: M

Age: 27

DOB:

SS#:

Address:

City, State, Zip:

DL#:

SIL#:

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒

INDICTMENT/CASE#: 2014-GS-26-04985

AW#: 2014A2610201536

Date of Offense: 09/17/2013

S.C. Code §: 38-55-170(1)

CDR Code #: 3510

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: PRESENTING A FALSE CLAIM FOR PAYMENT OVER \$10,000

In violation of § 38-55-170(1) of the S.C. Code of Laws, bearing CDR Code # 3510

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Melanie Huggins Ward
Assistant Attorney General SC Bar # 72618

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 100 days/months/years or ☐ under the Youthful Offender Act not to exceed X years and/or to pay a fine of \$ X provided that upon the service of X days/months/years and or payment of \$ X, plus costs and assessments as applicable, the balance is suspended with probation for X months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 10/7/2013☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-66 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ 0 plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. 39

Recipients:

May serve W/E beginning

Substance Abuse Counseling ☐

Fine:

Random Drug/Alcohol Testing ☐

\$14-1-206 (Assessments 107.5%)

\$

Fine may be pd. in equal consecutive weekly/monthly

\$14-1-211 (A)(1)(Conv. Surcharge)

\$100

pmts. of \$ 2500 Beginning 8/16/2015

\$14-1-211 (A)(2)(DUI Surcharge)

\$100

\$ Paid to Public Defender Fund

\$56-5-2995 (DUI Assessment)

\$12

\$56-1-286 (DUI Breath Test)

\$25

Proviso 47.9 (Public Def/Prob)

\$500

\$14-1-212 (Law Enforce. Funding)

\$25

\$14-1-213 (Drug Court Surcharge)

\$150

\$50-21-114 (BU) Breath Test Fee

\$50

\$56-5-2942(J) (Vehicle Assessment)

\$40/ea

Proviso 90.5 (SCCJA Surcharge)

\$5

3% to County (if paid in installments)

\$

TOTAL

\$

☐ Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation

Clerk of Court/Deputy Clerk

Court Reporter:

Melanie Huggins Ward
Grace Hurley

Presiding Judge:

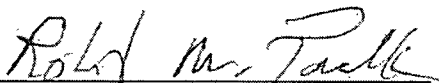
Judge Code: 2148

Sentence Date: July 16, 2015

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."

February 10th, 2016



Robert M. Pachak
Appellate Defender

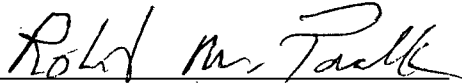
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

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February 10th, 2016



Robert M. Pachak
Appellate Defender

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ATTORNEY FOR APPELLANT

RECEIVED

FEB 10 2016

SC Court of Appeals