

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Oconee County
Court of General Sessions
R. Lawton McIntosh, Circuit Court Judge

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SC Court of Appeals

Appellate Case No. 2013-001895

The State,

Respondent,

v.

James Richard Bartee, Jr.,

Appellant.

RECORD ON APPEAL
VOLUME II OF II

Alan Wilson
Attorney General

William M. Blitch, Jr.
Assistant Attorney General
S.C. Bar No. 15608

Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3727

Christina T. Adams
Solicitor, Tenth Judicial Circuit
Post Office Box 8002
Anderson, South Carolina 29622
Telephone: (864) 260-4046

ATTORNEYS FOR RESPONDENT

Jack B. Swerling
1720 Main Street, Suite 301
Columbia, South Carolina 29201
Telephone: (803) 765-2626
S.C. Bar No. 5457

Katherine Carruth Goode
229 Congress Street
Post Office Box 1175
Winnsboro, South Carolina 29180
Telephone: (803) 799-4440
S.C. Bar No. 8951

ATTORNEYS FOR APPELLANT

INDEX

Index	i
Indictment No. 2012-GS-37-00597	1
Arrest Warrant No. N-130838	3
Sentence Sheet	4
Excerpts from Transcripts:	
Motion Hearing Transcript, dated February 8, 2013	5
Trial Transcript Volume I, dated August 26, 2013	11
Mark Gregory	
Direct Examination	16
Cross Examination	42
Redirect Examination	45
Michael Sloan	
Direct Examination	51
Cross Examination	70
Redirect Examination	72
Alfred Johnson	
Direct Examination	75
Cross Examination	100
Redirect Examination	114
Trial Transcript Volume II, dated August 27, 2013	123
Jimmy Williams	
Direct Examination	146
Cross Examination	162
Redirect Examination	168
Brandy Duncan	
Direct Examination	169
Cross Examination	182

David Smith	
Direct Examination	190
Cross Examination	194
James Singleton	
Direct Examination	195
Mark Gregory	
Direct Examination	196
Cross Examination	213
Redirect Examination	226
Recross Examination	228
Shawn Stallo	
Cross Examination	230
Redirect Examination	236
Trial Transcript Volume III, dated August 28, 2013	237
Joe Harden	
Direct Examination	238
Cross Examination	241
Joseph Milbert	
Direct Examination	246
Cross Examination	255
Redirect Examination	286
Laurianne Fletcher	
Direct Examination	298
Cross Examination	302
Redirect Examination	309
Recross Examination	310
Nicholas Blackwell	
Direct Examination	314
Cross Examination	369
Trial Transcript Volume IV, dated August 29, 2013	409
Paul Harris	
Direct Examination	410
Cross Examination	412

Michael Sloan	
Direct Examination	413
Cross Examination	450
Redirect Examination	477
Randy Sexton	
Direct Examination	486
Cross Examination	502
Alfred Johnson	
Direct Examination	511
Cross Examination	533
Redirect Examination	534
Lewis Stevenson Hunnicutt	
Direct Examination	535
Cross Examination	548
Redirect Examination	550
Susan Stukas	
Direct Examination	551
Cross Examination	559
David Ryan Stancil	
Direct Examination	560
Cross Examination	578
Redirect Examination	579
Recross Examination	581
Warren Frederick Sanders	
Direct Examination	582
William John Kundolf	
Direct Examination	599
Cross Examination	606
Christopher Kundolf	
Direct Examination	607
Cross Examination	611
Glenn Michael Eades	
Direct Examination	612

Trial Transcript, dated August 30 and September 3, 2013	617
James Richard Bartee, Jr.	
Direct Examination	623
Cross Examination	738
State's Exhibit 1 (CD-Audio Recording)	Filed Separately
State's Exhibit 8 / Court's Exhibit 2 (Transcript)	846
Defendant's Exhibit 6 (Civil Court filings)	905
Defendant's Exhibit 7 (Transcript)	925
Certificate of Counsel	933

State's Exhibit 1 (CD-Audio Recording) is omitted from this printed Record on Appeal and counsel are seeking to have it transported to the South Carolina Court of Appeals pursuant to court order.

1 MR. WAGNER: Yes, sir.

2 THE COURT: -- doesn't contravene what I was
3 ruling. Okay?

4 MR. WAGNER: Yes, sir.

5 THE COURT: Not the intent of my ruling.

6 MR. WAGNER: Yes, sir.

7 THE COURT: All right. Are you ready to proceed?

8 MR. BRANNON: I am. And, Your Honor, I do have my
9 witness in here. I hope I'm not violating my own...

10 THE COURT: Do you have all of your Witnesses in
11 here?

12 MR. BRANNON: No, just the next one.

13 THE COURT: Okay. That's fine.

14 Bring the jury in, please.

15 (The jury entered the courtroom at approximately
16 1:34 p.m.)

17 THE COURT: Call your first witness.

18 MR. BRANNON: May it please the Court, I call
19 Dr. Randy Sexton to the witness stand.

20 (Whereupon, the witness, Dr. Randy Sexton, was
21 sworn by the clerk of court.)

22

23

24

25

1 Whereupon,

2 Randy Sexton

3 Having first been duly sworn, was examined and testified
4 as follows:

5 Direct Examination by Mr. Brannon:

6 MR. BRANNON: May it please the Court?

7 THE COURT: Yes, sir.

8 By Mr. Brannon:

9 Q. Doctor, if you would please state your full name
10 and spell your last name for the court reporter.

11 A. Dr. Randy Sexton, S-e-x-t-o-n.

12 Q. All right. And, sir, are you -- what kind of
13 doctor are you?

14 A. I am Board certified in family practice, and I've
15 been in practice almost 20 years, and I currently have
16 been doing emergency medicine for the, full-time for the
17 past ten years.

18 Q. So you are a medical doctor?

19 A. Yes, sir.

20 Q. Okay. All right. Where did you do your
21 undergraduate studies?

22 A. At Northwestern University in Chicago.

23 Q. And medical school?

24 A. Oh, my undergraduate?

25 Q. Yes.

1 A. I'm sorry. California State University in San
2 Bernardino, California, and medical school at Midwestern
3 University in Chicago.

4 Q. Okay. And, after medical school, what did you do?

5 A. I was on an Army scholarship with assignment to go
6 to Fort Bragg, North Carolina, at Womack Army Medical
7 Center, and I was trained as a family practice doctor
8 there. Subsequently I did flight surgeon with the 159th
9 Aviation Brigade associated with the 82nd Airborne.

10 Q. All right. And how long did you serve in the
11 military?

12 A. Actually before I went to medical school. I was an
13 Air Force officer for five years.

14 Q. So in total how long were you in the Service?

15 A. Over ten years.

16 Q. Okay. All right. And upon your discharge or
17 however you get out of the Army, what did you do then?

18 A. Well, I got out of the Army as a Major, and then I
19 accepted an assignment doing family practice and
20 covering the emergency room in Southern Georgia.

21 Q. All right. And when did you come -- or, excuse me.
22 Do you live in South Carolina now?

23 A. Yes, sir. I live in my home town of Seneca, South
24 Carolina.

25 Q. Okay. And when did you come to live in Seneca,

1 South Carolina?

2 A. 2003.

3 Q. All right. Do you know James Richard Bartee,
4 Junior?

5 A. Very well, sir.

6 Q. Okay. And how long have you known Rick?

7 A. I've known Rick for six and a half years.

8 Q. How did you come to know Mr. Bartee?

9 A. Rick opened up his Aikida dojo in 2007 in March and
10 I joined in April.

11 Q. Okay. So you came to know him by becoming one of
12 his students; is that correct?

13 A. Yes. I've been with Aikida six and a half years.

14 Q. And are you continuing under his study at this
15 point?

16 A. Yes, sir, I am.

17 Q. Okay. All right. Have you and Mr. Bartee ever had
18 an occasion to talk about -- let me rephrase.

19 Talk to me about Aikido. What is Aikido?

20 A. Essentially Aikido is the art of conflict
21 resolution basically using your verbal skills and your
22 body positioning; and if it develops into a physical
23 confrontation, how to properly defend yourself with the
24 least amount of force against a person to minimize any
25 type of injury to the person, to help them regain

1 control. It's not about controlling them but helping
2 them to regain control.

3 Q. Okay. And I'm trying to put what you have just
4 said into a picture. If I come toward you and I'm close
5 enough that I could strike you and I swing, what would
6 your move be?

7 A. Well, the first thing I would do is simply move out
8 of the direction of that energy so that I don't take the
9 brunt of that force. The way to do that is I actually
10 connect with you by moving in to you and sliding past
11 you to become beside you in the process of blending with
12 that energy rather than being in front of it.

13 Q. Okay. So it's to get out from in front of the
14 energy; is that correct?

15 A. Yes, sir.

16 Q. All right. Now I want to take you back to your
17 practice as an emergency room doctor. Is it fair to say
18 that as an emergency room doctor you never know who or
19 what is going to come through the door?

20 A. No, sir. I remember the very first day I did
21 emergency medicine rotation at Fort Bragg, North
22 Carolina, my instructor said, rule number one of
23 emergency medicine, when you walk into that room, assess
24 it. Be sure you feel comfortable you can come out
25 alive.

1 Q. Okay.

2 A. If you check records, you will find that many, many
3 emergency room doctors have been attacked and even
4 killed in their own emergency room. So you become very,
5 very good at that.

6 Q. All right. Now, you have been studying Aikido for
7 six years or a little more than six years I believe was
8 your testimony. When you are assessing a patient in the
9 emergency room, did you know that you were in effect
10 practicing Aikido before you started to take Aikido?

11 A. No, I did not.

12 Q. Okay.

13 A. Actually, the principles of Aikido actually are
14 conflict resolution, and in medical school and my
15 training and experience you learn how to use those
16 principles as simply, like I said, basically you don't
17 want to be in front of the person's anger, their energy,
18 their frustration. You want to try to find a sense of
19 blending connection with the person, helping them to
20 feel like you are not their enemy by blending with them
21 and redirecting that energy, and trying to calm the
22 person down, reminding them of things that might be
23 important to them, keeping them focused on the situation
24 rather than arguing with them or being in front of that
25 negative energy.

1 After I'd been in Aikido for just a few months I
2 began to talk to Rick about that --

3 Q. Okay, let me stop you. I want to say early on in
4 your medical practice, maybe before you honed this
5 skill, did you -- have you ever had an occasion where
6 you didn't try to get out from in front of the energy
7 and maybe you inflamed a patient from psychological
8 standpoints?

9 A. (Laughs.) Yeah. You do. I mean, that's part of
10 the experience of learning to be particularly an
11 emergency room physician. You are catching people at
12 very emotional moments.

13 Q. All right. So give me an example of what you might
14 say to inflame a patient.

15 A. May I give you an example?

16 Q. Yes. As long as it's a person, something that you
17 have personal knowledge of.

18 A. Just this past two weeks I had a patient that was
19 very angry at a family member -- and I'll keep this very
20 generalized -- but very angry at a family member who had
21 filled out the commitment papers for them to be
22 evaluated in an emergency room.

23 My job as an emergency room physician is not to
24 diagnose the person, my job is to simply receive the
25 Court-ordered paperwork that a judge may fill out or a

1 magistrate saying this person is to be picked up by the
2 police, brought to the ER.

3 It is my job to evaluate them, to determine whether
4 or not that person needs a psychiatric evaluation by a
5 psychiatrist, which by law, depending upon the State,
6 can take several days. The psychiatrist has that
7 flexibility. My job is to diagnose whether or not they
8 need that evaluation.

9 I had this patient who was very angry at his family
10 member. When I began to talk to him and began to
11 explain to him what was happening, why he was there,
12 what I had -- and began to say to him the details of
13 what his family had said why he was there, he began to
14 focus his anger and his frustration at me, and gave me a
15 very angry look and made me feel a little threatened.
16 That's when I realized, okay, change your tactics.

17 So at that point I began to tell the patient that I
18 understood his frustration, I understood his anger, you
19 know, how this would be very frightening to him, trying
20 to get back on his side. So I'm slipping past that
21 energy, so to speak.

22 Q. Okay. Did it work?

23 A. Very effectively.

24 Q. Okay. All right. Now, I stopped you. But you
25 said that -- I believe you were about to say that you

1 and Rick had had conversations about this topic of
2 getting beside the energy in the past; is that true?

3 A. Oh, many, many, many times. Because again, Aikido
4 is about conflict resolution, this is exactly what we
5 do. This is what we have trained to do.

6 Q. Okay. Have you ever had a conversation with
7 Mr. Bartee about a gentleman named Nick Blackwell?

8 A. Several times.

9 Q. Have you ever seen Nick Blackwell?

10 A. Yes, sir, I have.

11 Q. Where did you see Nick Blackwell?

12 A. I remember very clearly the first time I ever met
13 Nick, we had just finished -- I was the dojo and we had
14 just finished our training for the day and I was folding
15 up my hakama, which is kind of a long pants thing that
16 you wear on top of your regular gear, and I was kneeling
17 on the mat folding that up on the far side of the dojo,
18 when I began to hear someone, and we had had someone
19 come in, and I naturally looked up to see who it is, and
20 he goes up and begins a conversation with Rick.

21 While I'm folding my hakama up, I hear him begin to
22 raise his voice quite loud, and that's when it really
23 got to my attention. The volume and intensity of it
24 increased significantly and that made me very concerned
25 whether or not this may escalate into a possible

1 conflict.

2 Q. Now let me stop you for just a second. The person
3 whose voice was escalating, the volume was getting
4 louder and that made you become concerned, was that Nick
5 Blackwell?

6 A. That was Nick Blackwell.

7 Q. Okay. Keep going. I'm sorry.

8 A. So, without seeming too obvious, I simply got up
9 and just sort of moseyed over to the far side of the mat
10 where Rick was standing in front of Nick near the trophy
11 corner, we had a little corner over there. It's
12 actually a trophy corner, it has a little case up there.
13 And -- at the corner of the mat. And I sort of
14 positioned myself sort of halfway between Rick and Nick
15 and listened to the conversation without any kind of
16 threatening manner, listening to what was going on.
17 Q. Okay. Did you overhear what Mr. Bartee was saying
18 to Mr. Blackwell?

19 A. Essentially he was telling him, basically, well
20 let's just focus on the campaign, let's keep in mind
21 what we're trying to do, let's go ahead and get you
22 those signs so you can go ahead and put them up, because
23 I found out later he was there to pick up some signs
24 that Rick had leaning against the wall there, yard
25 signs, and was redirecting his, his energy. Basically

1 he was practicing Aikido.

2 Q. Okay. Let me stop you. Did you hear Mr. Bartee
3 reference or mention Nick Blackwell's family?

4 A. In the beginning, no. But as he was walking Nick
5 out of the dojo, I did hear Rick talk about the fact,
6 You need to go ahead, put up the signs for us, then go
7 on home, take care of your family, and then we'll see
8 how this election goes and press on.

9 Q. Okay.

10 A. I remember that pretty clearly because of the
11 intensity of the conflict. It made me a little
12 concerned.

13 Q. Okay. Did Mr. Bartee ever raise his voice to
14 Mr. Blackwell?

15 A. No, not at all. After Rick talked to him, got him
16 calm, helped pick up the signs, and Rick actually walked
17 him out to his car, sort of escorting him very politely
18 out of the dojo.

19 Q. Okay. All right. Subsequently did you and
20 Mr. Bartee ever talk about the statement that you
21 overheard, think about your family, think about your
22 wife and kids, did you and Rick talk about that?

23 A. Yeah. The moment that Rick came back in the dojo I
24 talked to him --

25 Q. Okay.

1 A. And I can tell you what I said.

2 Q. Please do.

3 A. I looked at Rick -- and again, Rick is my -- it's
4 his dojo, and it's not my place to say who is there or
5 who is not there, and I'm simply a student. But I did
6 ask Rick. I asked Rick, I said, Rick, is he planning on
7 training with us?

8 And he said no, no. He's just here to pick up some
9 signs and he just wants to be involved in the campaign.
10 Because I was very concerned about what I was seeing and
11 what I was hearing about this is a potential student.
12 It struck me as this is not a man I want in my dojo, not
13 training with me, no.

14 Q. Can I ask you to give me some type of a time
15 reference for this exchange between Mr. Blackwell and
16 Mr. Bartee?

17 A. You mean the time of the year or -- rephrase the
18 question.

19 Q. The month. The month.

20 A. The month? It was, it was in the spring, I
21 remember that. It was at the time before any of this
22 ever started. The, the campaign was in full swing when
23 he was having a number of people that were helping him
24 deliver signs, place them in the yards. Rick can
25 probably tell you exactly when that was because we were

1 all canvassing the community putting out signs --

2 Q. Okay.

3 A. -- you know, "Rick Bartee for sheriff."

4 Q. Got you. Okay. Now I want to go back. And, now,
5 after this exchange that you witnessed and overheard,
6 did you and Mr. Bartee talk about focusing or trying to
7 refocus Mr. Blackwell on his family?

8 A. At that particular time, not after that first, our
9 first conversation.

10 Q. Okay. Did you ever have that conversation?

11 A. Yes, yes, we did. We did.

12 Q. Sorry for the improper question. When did you have
13 that conversation?

14 A. In the following week --

15 Q. Okay.

16 A. -- because that's exactly what Rick and I talked
17 about in the next session, about his using those type of
18 techniques and how he redirected that energy that he was
19 sensing towards Nick and how he was keeping it focused
20 and grounded and redirecting him. And, you know, and I
21 told him, I said there was an Aikido classic right
22 there.

23 Q. And, as Mr. Bartee -- this is somewhat important --
24 as Mr. Bartee was talking about his family, you said he
25 was escorting him out of the building?

1 A. Yes, sir. I mean, it, I'm sure Rick, or rather
2 Nick never sensed that, but it was quite obvious that
3 was exactly what he was doing.

4 Q. Okay. All right. Now, were you present in the
5 business, in the dojo, at any other times when
6 Mr. Bartee may have been telling other students or maybe
7 the parents of students about Mr. Blackwell and maybe
8 how they can refocus him if he were to come to the dojo?

9 A. Oh, yeah, yeah. I remember very clearly on a
10 Saturday morning we were in the dojo because typically
11 Saturdays is when most people would be coming to pick up
12 signs because that's when most people are off work and
13 stuff. And he said, you know, we may get different
14 people in here and just be made aware of them.

15 Q. Okay. And who is "he"?

16 A. Well, in particular what he was talking about at
17 that point was Nick.

18 Q. Well, no. But you said "he said"?

19 A. Oh, I'm sorry. Rick said.

20 Q. All right.

21 A. Rick said just don't, whenever we have people like
22 that, just be very polite, they're gonna be here to pick
23 up signs and help us out. Treat them with respect. Be
24 very nice to them, which we did.

25 But he did tell us particularly when I mentioned to

1 him in class in front of the other students that I was a
2 little concerned about what I had observed that week, or
3 actually the previous week.

4 And he said, if you see Nick raise his voice or
5 become angry, just be very polite, be calm, remind him
6 to go ahead and stay focused on the campaign, and if you
7 can somehow bring into the conversation about going
8 home, be sure he takes care of his family, takes care of
9 business, stay focused on the campaign, and not get
10 emotionally involved or upset about the campaign, please
11 do so.

12 Q. Okay. All right. And there were other students or
13 maybe parents of students there on that Saturday?

14 A. Yeah. Because on Saturday we usually have a pretty
15 good crowd.

16 Q. All right. Do you remember May 19, 2012, which was
17 a Saturday, at the dojo? Do you remember there being a
18 seminar with I think a world renowned Sinsai? Do you
19 remember that?

20 A. Yeah. Hiroshi Aikida. Hiroshi Aikida Sinsai is
21 the second person in our organization of Aikido, in our
22 branch of Aikido.

23 Q. Okay. And where is this gentleman from?

24 A. He's from Colorado.

25 Q. Okay. And did he travel here to put on this

1 seminar?

2 A. Yes. Yes, he did.

3 Q. Okay. And you were there?

4 A. Yes, sir.

5 Q. All right. Now, this -- it's called Lake Keowee

6 Aikido, correct? That's the name of the business?

7 A. Aikido of Lake Keowee, yes.

8 Q. Okay. Okay. All right. Are you aware of that

9 business through its members making contributions to

10 people in the community?

11 A. Oh, yes, yes. Rick is very big on helping people,

12 being involved with people. As a matter of fact, Rick

13 has encouraged me with my participation in the church,

14 being involved in the church.

15 Q. Okay. I'm gonna, I'm gonna stop you there. That,

16 May the 19th, was there a fee for that seminar?

17 A. Yes, there was. It costs, it costs a significant

18 amount of money to help us bring in good people --

19 Q. Okay.

20 A. -- because we need to pay for their plane tickets,

21 their housing, and Rick has volunteered to take -- and

22 they usually stay with Rick. But we do, we do cover

23 their costs of their expenses, and on an average, it's

24 between \$125 to \$175 per person.

25 Q. Okay. And I'm gonna ask you this. Did you pay the

1 fee that day?

2 A. Yes, sir. Yes, sir.

3 Q. Did you give more money than the fee, than the
4 actual fee?

5 A. On that particular day?

6 Q. Yes.

7 A. Not that I recall, no, sir.

8 Q. Have you ever paid more to offset expenses?

9 A. Yes, sir, I have.

10 Q. Okay. And do you know if other people have done
11 the same?

12 A. Yes, sir, I do. Many times Rick might say to us,
13 we might have this person or that person wants to attend
14 and they can't afford to do it. Most commonly Rick will
15 work with them financially. Sometimes we'll throw in an
16 extra \$20 to kind of help offset the fee of that. And
17 we've also been involved as a dojo providing additional
18 funds for people in need in the community, as well.

19 Q. Thank you very much.

20 The day that Mr. Blackwell came in, and you saw him
21 and you heard his voice increase in level, that day, did
22 you witness Mr. Bartee using Aikido principles to calm
23 Mr. Blackwell?

24 A. Oh, absolutely.

25 Q. Did it work?

1 A. Very effectively.

2 MR. BRANNON: Thank you, Doctor. I don't have any
3 more questions, but I'm sure the State will have some.

4 THE COURT: Cross-examination.

5 MS. SIMMONS: Thank you, Your Honor.

6 Cross-Examination by Ms. Simmons:

7 Q. Good afternoon, Dr. Sexton.

8 A. Good afternoon.

9 Q. Are you a licensed psychologist?

10 A. No, I'm not, ma'am.

11 Q. And are you a licensed psychiatrist?

12 A. No, ma'am.

13 Q. Did you make any campaign contributions to James
14 Bartee's sheriff's campaign?

15 A. I would consider that a very personal question,
16 ma'am.

17 MS. SIMMONS: Judge, I would ask that you instruct
18 the witness to answer the question.

19 THE COURT: I direct you to answer the question.

20 THE WITNESS: Yes, I did.

21 By Ms. Simmons:

22 Q. And what was the sum of that contribution?

23 A. \$50.

24 Q. Did you contribute to his legal defense fund?

25 A. No, I did not.

1 Q. And you are friends with James Bartee?

2 A. Yes, ma'am.

3 Q. And you are a, you are a student of James Bartee?

4 A. Yes, ma'am.

5 Q. How often would you say that you interact with him?

6 A. On an average, two to three times a week, depending
7 on my schedule.

8 Q. And were you familiar that he was in the Secret
9 Service?

10 A. Very much so.

11 Q. And he was extensively trained in investigations,
12 criminal matters, conflict management, evaluation of
13 conflict, and intelligence matters?

14 A. Yes, ma'am.

15 Q. And would the Secret Service advocate using Aikido
16 principles to alleviate conflict or would they urge the
17 use of law enforcement principles?

18 A. I would not separate the two. And the reason
19 being -- I can answer the question if you wish -- the
20 reason being is because I'm an ex military policeman
21 myself. The same principles that you use in conflict
22 resolution are the same principles that you utilize in
23 Aikido.

24 Q. So you are saying that in conflict resolution, you
25 should always use Aikido principles?

1 A. I'm saying using good conflict resolution, and you
2 can call them what you wish.

3 Q. Okay. How well do you know Nick Blackwell?

4 A. Only by the association of him coming in the dojo
5 and I've seen him. I've never seen him outside the
6 dojo.

7 Q. So you can make no representations as to his mental
8 health or stability?

9 A. No, ma'am.

10 Q. Or his intelligence?

11 A. No, ma'am.

12 Q. And you said you didn't want him training in your
13 dojo; is that correct?

14 A. Yes, ma'am.

15 Q. You didn't want him training in your dojo, but
16 would you be surprised to know that your friend,
17 Mr. Bartee, would let him into his home in the middle of
18 the night on multiple occasions?

19 A. That would not surprise me.

20 Q. And have you reviewed the evidence in this case?

21 A. No, ma'am.

22 Q. Do you believe if you were trying to get someone
23 not to do something using Aikido principles, it would be
24 wise to tell them, I think the best thing is to not let
25 them know what hit them?

1 A. I don't understand the question, ma'am.

2 Q. If you were trying to stop someone from committing
3 a kidnapping and an assault, in stopping them from doing
4 that, would you make a comment to them, I think the best
5 thing to do is not let them know what hit them, as in
6 take them from, take them in surprise?

7 A. I, I don't know how to answer that, because I don't
8 know the context of how that would be utilized.

9 Q. Okay. And --

10 A. If you told me the exact context, I could tell you,
11 give you some idea how I would respond.

12 Q. Okay. I'll move on.

13 If your friend is trying to stop Nick Blackwell
14 from kidnapping someone, would it be wise to say, I
15 think you should drive him off and somewhere where it
16 takes a long time to get back? If you're trying to stop
17 a kidnapping.

18 A. If you are trying to stop a kidnapping?

19 Q. Uh-huh.

20 A. It would not sound like good advice to me depending
21 on the situation.

22 Q. Would you call the potential kidnapping victim a
23 weasel? Would that be a good thing to do?

24 A. That would be a personal evaluation.

25 Q. Okay. Would your final comment to the person you

1 were trying to stop from kidnapping a judge say, I'll
2 let you loose when it's time? Would that be a wise
3 thing to say to that person if you were trying to stop a
4 kidnapping?

5 A. What I hear you saying are very unusual statements
6 that are -- I don't know how to respond to that. These
7 are very out of context. What I can tell you the
8 principles that you want to utilize is, one, if someone
9 is directing energy toward you and they are wanting to
10 go do something, if, like that example I was talking
11 about a minute ago.

12 If I told that man that your stepson is absolutely
13 in his right to commit you, that is when I begin to be
14 the force of that anger and your frustration and I'm
15 likely to sustain an attack or see an escalation of your
16 anger. What Rick would do in situations like this would
17 not to necessarily disagree with the person, but to
18 sidestep it and redirect them and refocus. That would
19 be the principles he would be after.

20 As far as calling other people names or saying
21 something, or whether or not that was a good or bad
22 idea, you'd better be very, very careful because that
23 person may very well take their anger and their
24 frustration out on you, and that is not the place you
25 want to be.

1 Q. So you are telling us that Mr. Bartee would try to
2 redirect things or sidestep things?

3 A. Yes.

4 Q. You never heard him kind of egg him on, for lack of
5 a better word, goad him into doing things?

6 A. I've known Rick for six and a half years. I've
7 seen him angry, I've seen him depressed, I've seen him
8 upset, I've seen him as a normal human being. But I
9 have never, in six and a half years, seen Rick escalate
10 anyone to aggression.

11 Q. And would it be fair to say that escalating anyone
12 to aggression, in common terms egging them on, would be
13 contrary to Aikido principles?

14 A. Yes, it would. And it would be totally out of
15 Rick's character.

16 Q. And were you present and can you make any comment
17 as to all the conversations Nick Blackwell and James
18 Bartee have had?

19 A. No, I have not.

20 Q. And you can't say anything regarding the context of
21 conversations that have occurred between them in the
22 middle of the night?

23 A. No, ma'am, of course not.

24 Q. And my last question is, so you, as a licensed
25 medical doctor, I think you have taken an oath to do no

1 harm, would you personally use Aikido principles if you
2 knew someone, if you were trying to stop a kidnapping
3 where someone could possibly get hurt, or would you call
4 law enforcement?

5 A. When you're dealing with people, you have to
6 evaluate the sincerity of their comments. You have to
7 evaluate the person. People say things in anger, they
8 say things in frustration. They say things just off the
9 top of their head. You have to evaluate whether or not
10 that person is serious or whether or not this is just
11 blowing off steam.

12 What I am licensed -- I'm not a psychiatrist nor am
13 I a psychotherapist. What I am is a licensed ER
14 physician in three separate states. And the law has
15 given me the authority to evaluate someone's psychiatric
16 evaluation to see if they need a psychiatrist.

17 The concerns that I have with Nick Blackwell is
18 that day in the ER [sic] he made me very concerned about
19 his ability to control his anger and his frustration.
20 That is not a man I want on the floor with me with a
21 sword in his hand.

22 Q. When you said ER, you have never treated Nick
23 Blackwell?

24 A. I have not treated him, no.

25 Q. And you saw him in the dojo?

1 A. I have seen him in the dojo.

2 Q. So you don't want him present in the dojo with you,
3 but Mr. Bartee is okay with him being at his house?

4 A. What Rick does in his home is his evaluation. What
5 he does in the dojo is one evaluation. Rick is, is
6 concerned about in the dojo being sure that we have
7 people who are safe and effectively able to train with
8 us. You do not want an emotionally unstable or
9 unfeeling or uncaring or a person with anger management
10 issues on the floor with a sword in his hand.

11 Q. Fair enough. And just to finish up here. So, I
12 may be simple-minded. But basically Aikido teaches you
13 how to redirect your energy and get people to do what
14 you think they should do or what you think they ought to
15 do?

16 A. Absolutely not.

17 Q. Explain.

18 A. Aikido is not about controlling the other person,
19 ever. Aikido is about helping them control themselves.
20 It's about helping them redirect their energy, their
21 frustration, so that they can make good, wise, calm
22 decisions themselves. It is never about domination of
23 another person. It is never about swaying the person to
24 do something inappropriate. It is about connecting with
25 a person on an emotional or even spiritual level to help

1 them maintain control of themselves.

2 If a drunk swings at me in a bar, if I hit him in
3 the face, now we're in direct conflict. On the other
4 hand, if I move in to him, take his balance from him,
5 help him regain control, and say, Listen. Let me buy
6 you a beer. If I have offended you in any way, I
7 apologize. Please let me buy you a beer.

8 If he chooses to escalate the situation, then I
9 have to do what's appropriate. But most of the time I'm
10 not gonna do that because I've completely redirected and
11 diffused his energy.

12 Q. Okay. So to over, to simplify this again, Aikido
13 principles are based upon -- when you teach Aikido, the
14 principles are training people to act in a way which
15 chooses them to make the right decision. Would that be
16 more of a fair characterization?

17 A. That would be more of a fair characterization.

18 MS. SIMMONS: Beg the Court's indulgence for one
19 moment?

20 THE COURT: Yes, ma'am.

21 MS. SIMMONS: Nothing further from this witness,
22 Your Honor.

23 MR. BRANNON: I have nothing, Your Honor. Would it
24 be appropriate for the witness to remain in the
25 courtroom now that he's testified? I do not intend to

1 re-call him.

2 THE COURT: Okay. You may stand down.

3 (Whereupon, the witness was excused and left the
4 witness stand but remained in the courtroom.)

5 MR. BRANNON: Mr. Al Johnson.

6 (Whereupon, the witness, Al Johnson, entered the
7 courtroom and approached the witness stand and was
8 sworn by the clerk of court.)

9 Whereupon,

10 Alfred Johnson

11 Having first been duly sworn, was examined and testified
12 as follows:

13 Direct Examination by Mr. Brannon:

14 MR. BRANNON: May it please the Court?

15 THE COURT: Yes, sir.

16 By Mr. Brannon:

17 Q. Please state your full name and spell your last for
18 the court reporter.

19 A. Sure. Alfred L. Johnson, J-o-h-n-s-o-n.

20 Q. Mr. Johnson, I'm gonna ask you what your
21 educational background is.

22 A. Sure. I received my undergraduate degree from
23 South Carolina State College at that time, I think now
24 South Carolina State University. My graduate degree is
25 from Central Michigan University, Mt. Pleasant,

1 Michigan. My primary training at this time ---

2 Q. Let me stop you. What was your undergraduate
3 degree in?

4 A. My undergraduate degree is in professional biology.

5 Q. What was your Master's degree or graduate degree
6 in?

7 A. My Master's graduate degree was in business
8 information management systems.

9 Q. Okay. And is that -- when did you get that degree?

10 A. (Laughs.) That degree was gotten in 1978.

11 Q. Okay. Did it deal with information systems at the
12 time?

13 A. It dealt with information systems, but not as we
14 see them today.

15 Q. I understand. Now, you were going to further
16 training. I'm sorry. Keep going.

17 A. Absolutely. Most of my other training with regard
18 to digital evidence, forensics and computer forensics
19 was achieved through being a Special Agent, a
20 supervisory special agent for the FBI. It includes
21 advanced operating systems like Unix, Lynix, and of
22 course the Windows Operating System along with a few
23 other exotic operations systems. I've probably been
24 trained for the equivalent of anywhere between ten and
25 15 years for the forensic sciences with regard to

1 computers.

2 Q. Okay. So you were trained by the FBI in area of
3 computer forensics; is that correct?

4 A. Let's call that my finishing school because prior
5 to the FBI I did start to take courses with regard to
6 computers, the operating systems, not forensics.
7 Computer forensics was a relatively new science, *per se*.

8 Q. Now, you stated in your response that you were
9 trained by the Federal Bureau of Investigation; is that
10 correct?

11 A. That's correct.

12 Q. Were you, in fact, employed by the Federal Bureau
13 of Investigation?

14 A. That is correct. I was a special agent,
15 supervisory special agent a total 21 years and now fully
16 retired. My total government service is 33 years
17 because I spent about 13 years as a Captain in the
18 United States Army.

19 Q. Okay. Now, as a special agent, were you continuing
20 to train in the area, in the computer area?

21 A. Absolutely. That is a requirement.

22 Q. Okay.

23 A. Because I was also a computer analysis and response
24 team designated and accredited computer forensics
25 examiner by the FBI Laboratory.

1 Q. All right. And you became the leader of a
2 division, correct?

3 A. Leader. That's an interesting term. Let's just
4 say that I managed a section within the training
5 division of the FBI that actually trained FBI Agents,
6 state and local law enforcement officers in digital
7 evidence forensics intrusions and cyber crimes.

8 Q. Okay. And where did this training take place? In
9 other words, was there a physical location where you
10 would do these training sessions?

11 A. Yes. The training took place at the FBI Academy at
12 Quantico, Virginia.

13 Q. And were you an instructor at Quantico?

14 A. I was an instructor at Quantico, that is correct,
15 for ten years.

16 Q. Okay. And were you teaching other agents and other
17 law enforcement individuals in the area of computer
18 forensics and computer analysis?

19 A. That is correct.

20 Q. All right. Sir, have you ever been accepted as an
21 expert in the area of computer forensics in the State of
22 South Carolina?

23 A. Yes, I have.

24 Q. Have you ever been accepted as an expert in a state
25 other than the State of South Carolina?

1 A. Yes, I have.

2 Q. Have you ever been accepted in an area of computer
3 forensics by a Federal Court?

4 A. Yes, I have.

5 Q. Where are you employed now?

6 A. I am presently the CEO and Chief Investigator of
7 JLE Investigations and Security, LLC, which is a company
8 based out of Charleston, South Carolina.

9 Q. And you own that company?

10 A. That is correct.

11 Q. All right. And what does that company do now?

12 A. The company primarily concentrates on digital
13 evidence forensics, and which includes cell phone
14 forensics and computer forensics. We also do other
15 types of investigations, crime scene investigations,
16 those types.

17 Q. All right. So you continued to practice what you
18 were trained to do, what you later trained others to do,
19 today; is that correct?

20 A. That is correct.

21 Q. And do you continue to keep up with the latest
22 developments and legal standards?

23 A. Absolutely. In fact, every year, even though it's
24 not required, every year I attend training to either get
25 another certification or to get at least 32 hours of

1 continuing education credit. And my last such endeavor
2 was between May and June of this year. And since I've
3 retired, I've been going through that training every
4 year, yes, sir.

5 MR. BRANNON: Okay. Your Honor, at this point I
6 would move to have Mr. Johnson accepted as an expert in
7 the area of computer forensics.

8 THE COURT: Any Voir Dire, or do you stipulate to
9 his expertise?

10 MR. WAGNER: We'll stipulate, Judge.

11 THE COURT: Ladies and gentlemen of the jury,
12 normally witnesses are limited in their testimony to
13 what they see, they hear, they feel, to their senses.
14 However, if a person because of their education or
15 experience has developed an area of expertise in an area
16 that can be helpful to the jury, they can be qualified
17 in that area and be allowed to give an opinion in that
18 area. In this case Mr. Johnson is stipulated to be an
19 expert in the field of computer forensics. He'll be
20 allowed to give his opinion in that area and the reasons
21 for his opinion.

22 Expert testimony is just like any other testimony
23 you will hear in this case. You may accept it, you may
24 reject it, or give it as much weight as you think it
25 deserves.

1 MR. BRANNON: Thank you, Your Honor.

2 THE COURT: Yes, sir.

3 By Mr. Brannon:

4 Q. Mr. Johnson, have you had the opportunity to review
5 this disk?

6 A. That specific disk?

7 Q. Let me rephrase. Have you had the opportunity to
8 review a copy or a disk with the same information on it?

9 A. I've had an opportunity to review the information
10 that I believe is on that disk.

11 Q. Okay. You have been involved in this matter for
12 quite some time; is that correct?

13 A. That is correct. Since about March the 6th of this
14 year.

15 Q. Okay. Now, if I put my hand down right here and I
16 pick it up, what have I left on that bench?

17 A. Since I can't see them, you have left latent
18 fingerprints.

19 Q. Okay. And is there a method by which you could, a
20 person trained could lift those prints?

21 A. Absolutely, yes.

22 Q. Okay. And, if those prints, if that print is
23 lifted, based on your training and expertise, what would
24 be the next step after you lift that print?

25 A. Once the print becomes lifted, it now becomes an

1 evidence item. It then needs to go and be analyzed or
2 really compared against fingerprints within the
3 automated fingerprinting database. Without a set of
4 fingerprints already on file, those prints would come
5 back as not on file. If there were a set of prints in
6 that database that matched those prints, then you would
7 have a hit with an identification of an individual who
8 owns those prints. Absent the prints already being on
9 file, there is no way to determine who owns that
10 specific set of fingerprints.

11 Q. So without -- if a technician lifted a latent print
12 and there was not a match on file, there would be
13 nothing to compare this to; is that correct?

14 A. That is correct.

15 Q. All right. Now, are you familiar with the term or
16 the three letters DNA?

17 A. Yes, I am.

18 Q. Okay. Now when -- let's say that involved in a
19 crime is some blood. Okay? Is it fair to say that
20 everybody's DNA is individual?

21 A. Yes, it is.

22 Q. And DNA is something like that set of fingerprints,
23 correct?

24 A. That is correct.

25 Q. With DNA, is it true that you have to have a known

1 specimen, in other words, the spot of blood, before you
2 can compare it, you have to know who it belongs to,
3 correct?

4 A. You have to have something to compare it with.

5 Q. Okay. All right. In the world of digital
6 forensics or computer forensics, is there DNA?

7 A. Yes.

8 Q. Okay. And how does a file, or how does a, how does
9 this disk develop DNA?

10 A. What we call DNA or an electronic fingerprint in
11 the digital evidence community, the term is called hash
12 or a hash value. What that is is a number, and that
13 number is unique to that file or disk because you could
14 have a hash for a disk and you can have a hash for a
15 separate file. It is unique ---

16 Q. Let me stop you. So, in other words, if this disk
17 had more than one file on it, there could potentially or
18 should potentially be three separate hash?

19 A. There will be three separate hashes for the files,
20 one for each file, and the disk itself will have a hash
21 value.

22 Q. How does it get the hash?

23 A. The hash is gotten through a software program that
24 is run against the file or the disk. That program
25 produces a number. That number is unique to that file,

1 and that file only, anywhere in the world. Any file
2 that has that same number is an exact duplicate of that
3 file to the exclusion of all others.

4 Q. Okay. Talk to me about that, that program that
5 creates the hash.

6 A. There are several programs that you can get to
7 create hash values. Some of those programs you can
8 actually download for free, they cost nothing. Most
9 forensics examiners use programs that are, I don't want
10 to use the term sanctioned, but are recognized in the
11 forensics community and even in some cases specifically
12 named in the Department of Justice National Institute of
13 Justice literature which are guidelines for law
14 enforcement.

15 The specific program that I use and have been using
16 for years is called Imager, which is created by one of
17 the companies that manufacture forensic software for all
18 the federal law enforcement agencies, used by your state
19 law enforcement agencies, and used by your intelligence
20 agencies.

21 Q. All right. Now I want to ask you what the federal
22 rules or the federal regulations require for capturing
23 digital information and specifically audio information.

24 A. Am I understanding you are asking me about the
25 process?

1 Q. No. Forgive me. What are the federal rules of
2 regulations?

3 MR. WAGNER: Objection, Your Honor.

4 THE COURT: What is your objection?

5 MR. WAGNER: The federal rules are going into legal
6 matters. I think that's outside the scope of business.

7 THE COURT: What is the applicability of the
8 federal rules to this case?

9 MR. BRANNON: Your Honor, I would follow that up
10 with -- I would bring it to the, to the level.

11 THE COURT: All right. Overruled.

12 MR. BRANNON: Okay. What are the --

13 I'll even rephrase the question.

14 By Mr. Brannon:

15 Q. What is the FBI's rule, or what rule does the FBI
16 follow in the maintenance of a digital file,
17 specifically audio?

18 A. Basically, the FBI, and again I'm not speaking
19 presently as an FBI Agent, I would be speaking as I was
20 when I was there when I taught and based upon what I'm
21 doing now because I do have conversations with agents
22 who do the work from time to time. So I just want to
23 make it clear that I am not speaking for the FBI at this
24 point in time.

25 Basically, we look at files -- the FBI looks at

1 files on computers in the digital evidence forensics
2 world utilizing the federal rules of evidence, and the
3 primary issues of the federal rules of evidence are
4 preservation, protection, and ensuring that what you are
5 working from, normally a copy of an original, has been
6 authenticated and accurately represents the original
7 itself.

8 What typically occurs is this. Let's say you
9 bought a disk like that one.

10 Q. And let me stop you. In this, in this situation,
11 this recording was captured on a digital mechanism that
12 had what is known as an SD card in it, so the recording
13 was captured on the SD card, not on the mechanism
14 itself.

15 A. Okay.

16 Q. Okay. With that understanding, put that into the
17 federal rules.

18 A. Okay. And let me make sure I understand. Do you
19 want me to give the procedure that would be used
20 normally in order to get that information from the card
21 to a usable form?

22 Q. Yes.

23 A. Okay. First of all, the SD card would normally be
24 imaged. What I mean by imaged, an exact replica of that
25 SD card is imaged utilizing forensics software which

1 produces a file that is a forensic exact copy of that SD
2 card. It's not the card, but it is an exact copy.
3 Within that image exists everything to include deleted
4 material from that SD card, and at that point in time
5 that image is treated as an original. You can do
6 whatever you want with the card after that because you
7 now have an authenticated, verified entity that is a
8 forensically correct absolute duplicate. All analysis
9 from that point on is done from the extraction or the
10 exporting of files from that image and each of those
11 files are hashed.

12 Q. Now, you said earlier that after the DNA or the
13 hash has been created, that if you move a file from one
14 disk to another, that it would take the hash with it,
15 correct?

16 A. The hash value is absolute at that point in time
17 unless something changes in the file.

18 Q. Okay. I got you. But that image has a hash as it
19 comes off of the SD card; is that correct?

20 A. That is correct.

21 Q. And then when you get -- each time -- am I correct
22 in that each time it is moved, another hash is created?

23 A. Each time it is exported another hash is created.
24 If it is moved or copied while the hash value is
25 present, while you can regenerate the hash, you don't

1 get a hash automatically with a move or a copy.

2 Q. Okay. All right. But you have the initial hash,
3 correct?

4 A. Yes.

5 Q. And then, when it's exported, that original hash
6 comes with it and a second one is created; is that
7 correct?

8 A. That is absolutely correct.

9 Q. And that's how you can trace the second export back
10 to the first export; is that correct?

11 A. That is correct.

12 Q. Okay. And that is the digital forensic DNA?

13 A. That is correct.

14 Q. All right. Now, in this case the jury has heard
15 the words or the terms cut and copy. Can you please
16 explain those terms?

17 A. Sure. First of all, copy is exactly what the term
18 says. You are copying file A from one place to
19 somewhere else as file A. When you complete this process
20 you have two files, the file on file A and a file on the
21 second device. The cut command really is kind of a new
22 version of what used to be called the move command on
23 operating systems. When you use the cut command or the
24 move command, you actually take the file from the
25 original machine and you place it on a second machine,

1 and it removes or deletes the file from the first
2 machine. So you would wind up with one iteration of the
3 file on the second machine as opposed to the copy
4 command which gives you an iteration on each machine.

5 Q. Now at this point in time you are not alleging this
6 disk has been tampered with in any way, shape or form?

7 A. No, I am not alleging that at all.

8 Q. Okay. All right. When one uses the cut mechanism
9 or the cut option, does it change anything in the file?

10 A. Inside of the file, the contents, the contents may
11 not change. However, data that we call meta data, which
12 is information about other information, in fact, does
13 change.

14 Q. Okay. What's in meta data?

15 A. The specific items that I'm referring to has to do
16 with the dates and time stamps of the files. Contrary
17 to -- most people know of one date and time stamp of a
18 file. The forensics examiner knows that there are
19 actually three date and time stamps that go with each
20 and every file. Those three date and time stamps are
21 the creation date, that is the date that the file was
22 created where it is; the last access date, that's the
23 date that tells me when the file was last accessed; the
24 last modification date, that's the date that tells me
25 when the file was last modified.

1 When you use generic operating system commands like
2 copy and move, those dates change dependent upon how you
3 have used them. When those dates change, the examiner
4 can now no longer tell you a time line of the file, when
5 the file was created, when was it last accessed, and,
6 most importantly, if the file in and of itself was ever
7 modified because the date changes to the date that you
8 copied or moved the file.

9 Q. All right. Now I want to take you back to March
10 the 6th of this year. Did you come to this Courthouse?

11 A. I did not come to this Courthouse on March the 6th.

12 Q. Were you at an evidentiary meeting with Mr. Bartee
13 and the Solicitor's Office?

14 A. I was at an evidentiary meeting with the
15 Solicitor's Office along with Agent Sloan and I believe
16 it was Deputy -- Deputy -- it wasn't Crawford. I'm
17 sorry, I don't remember the other deputy's name -- and
18 several others.

19 Q. All right. And at that meeting were you shown two
20 disks?

21 A. I was shown files on two laptops.

22 Q. Two files on two laptops. And were, were you led
23 to believe that those files are what is now captured on
24 this disk?

25 A. Yes.

1 Q. All right. When you viewed those, those files on
2 the two separate computers, did you find any DNA?

3 A. I did a hash on the files.

4 Q. Okay. Let me ask the question again. When you
5 first viewed those files on separate computers, did you
6 find any DNA?

7 A. No, I did not.

8 Q. What did you then do?

9 A. What I did at that point in time was conducted my
10 own hashes or created my own hashes on those files to
11 determine if, in fact, those files were the same.

12 Q. Okay. And through your, through your, through your
13 calculations or performing whatever it is to create the
14 DNA, did you find out that the file on this computer was
15 the same as the file on this computer?

16 A. Yes.

17 Q. Where was -- or was there the initial DNA that
18 would come with it?

19 A. When you say the initial DNA, you are talking about
20 the hash that I would need to compare to those two?

21 Q. Yes.

22 A. It was not available.

23 Q. So all you could tell as a result of that
24 evidentiary meeting was that those two files were the
25 same?

1 A. That is correct.

2 Q. And what we now know is the cut mechanism or the
3 cut feature was used when that SD card was downloaded to
4 the Anderson County Sheriff's Department computer,
5 correct?

6 A. It is my understanding that the cut feature was
7 used to transfer the file from their, from one device to
8 the computer, yes.

9 Q. And, therefore, the meta data was destroyed when
10 the cut mechanism was used?

11 A. I don't want to use the term "destroy" because the
12 meta data still exists. It is that the meta data in and
13 of itself could have been updated, and the only way to
14 know that was to look at it and see those three date
15 structures.

16 Q. And did you have the opportunity to do that?

17 A. On the files, I did have the opportunity when I was
18 there to look at those three date structures, but I did
19 not look at those three date structures.

20 Q. Okay. Do you know -- well, okay.

21 A. And there's a reason for that.

22 Q. Please do.

23 A. The reason is, it is a mathematical and scientific
24 certainty that if you use cut and move from the
25 operating system of a computer that the dates changed,

1 and if the dates were changed in and of itself, that
2 means that I have no mathematical or scientific proof as
3 to when this original file was created ---

4 Q. Okay. Now --

5 A. --- modified or accessed.

6 Q. -- I do want to clarify. I don't want to confuse
7 you. But you are not talking about a date that an
8 individual may have said on the recording. You are
9 talking about a date within the computer system itself,
10 correct?

11 A. I'm talking about the date that the file was placed
12 on the receiving device which would have been the SD
13 card, and after transfer, the computer.

14 Q. I got you. Is it your testimony today, based on
15 your experience and training and education, that there
16 is no way to compare this to the SD card?

17 A. That is correct. At this point in time there is no
18 way to do it.

19 Q. Okay. Now, you said earlier on that you had
20 trained law enforcement officers up from the State
21 level, correct?

22 A. That is correct.

23 Q. Have you trained -- while with the FBI trained law
24 enforcement officers from the State of South Carolina?

25 A. Yes.

1 Q. Have you trained law enforcement officers from the
2 South Carolina, South Carolina Law Enforcement Division?

3 A. Yes.

4 Q. So you have actually trained SLED people?

5 A. Yes.

6 Q. Have you trained them in these methods?

7 A. I trained them in computer forensics and the
8 analysis work of computer operating systems, yes.

9 Q. Okay. All right. Now, do you work with SLED now,
10 today?

11 A. At this point in time I have. SLED has graciously
12 given me an area at SLED. When I am working on cases
13 that contain contraband, I have to do their work in
14 their lab. So I do have, I believe it's about ten or 11
15 cases that I work at the SLED Lab because those cases
16 involve contraband material.

17 Q. Okay. Do they have procedures at SLED to make
18 sure -- does SLED know everybody that touches everything
19 that they touch?

20 A. I don't think anybody knows that.

21 Q. Well, when it comes to evidence, does SLED have
22 procedures?

23 A. Yes.

24 Q. Okay. So, when you go in to SLED to work on
25 whatever the evidence is, whatever the contraband is, do

1 you have to sign for it?

2 A. Absolutely. The procedures are, are definite,
3 succinct, and match the rules of evidence. When I go
4 in, and let's say this is now a new case. I go in, they
5 bring out the forensic copy of the disk complete with
6 the image that is on the disk already hashed with an
7 initial hash value. I sign for that disk. And at that
8 point in time -- and this came from the evidence server
9 or the evidence room -- and at that point in time when I
10 sign for that disk, I take it to my area where I have a
11 locked cabinet because I maintain that disk for the
12 duration of the investigation in the locked cabinet
13 because that's where I leave it.

14 I then rehash the disk and the files to verify the
15 hash that SLED has. 100 percent of the time since I've
16 been working in that laboratory, they've always matched.
17 Everyone must sign for whatever they did.

18 Q. Okay. And so you've always when working with
19 SLED -- and I assume that's in Columbia?

20 A. This is in Columbia.

21 Q. -- you have been able to match the DNA of the file
22 that you are looking at; is that correct?

23 A. That is correct.

24 Q. And someone at SLED has developed or given that
25 file its original DNA?

1 A. That is correct.

2 Q. Okay. All right. What types of things or elements
3 can affect this disk?

4 A. The disk in and of itself, because of what it's
5 made out of, is affected by extremes in temperatures,
6 humidity, in conjunction with extremes in temperature,
7 it could be affected by breakage, rough handling,
8 scratches. Primarily the physical things that could go
9 wrong. That's what that disk could be.

10 Q. And at SLED, I think you used the evidence room or
11 the evidence server. Is that a climate controlled area?

12 A. Yes. It's an air conditioned area where the server
13 itself maintains multiple images on it and it's like any
14 other computer system that's a high-used, high-volume
15 system is climate controlled, and the area that I work
16 in is also climate controlled.

17 Q. All right. Now this is my last question. You've
18 talked about and I've heard you say the federal rules of
19 evidence?

20 A. Yes, sir.

21 Q. Does South Carolina have rules of evidence?

22 A. They do.

23 Q. And what are the South Carolina Rules of evidence?

24 MR. WAGNER: Objection, Your Honor.

25 THE COURT: Sustained.

1 MR. BRANNON: Rephrase?

2 By Mr. Brannon:

3 Q. Based on your knowledge, expertise, and experience,
4 do you know what the South Carolina rules of evidence
5 are based on?

6 A. Yes.

7 Q. And what is that?

8 A. The federal rules of evidence.

9 MR. BRANNON: Thank you. Nothing further.

10 THE COURT: Cross-Examination.

11 MR. WAGNER: Sir, I've got just a few questions for
12 you.

13 Cross-Examination by Mr. Wagner:

14 Q. Were you paid to be here by the Defendant?

15 A. Yes, I was.

16 Q. And how much did you get paid?

17 A. You mean my hourly fees or what I've been paid up
18 to this point?

19 Q. Both.

20 A. Okay. My hourly fees are \$200 per hour for
21 investigations, \$300 an hour for any expert witness
22 testimony. And you asked for both?

23 Q. Yes.

24 A. And up to this point I believe the figure is
25 somewhere around \$7,000.

1 Q. And do you want this jury to believe or not that
2 Agent Shawn Stallo from ATF and Special Agent Michael
3 Sloan from SLED and Mark Gregory, narcotics and gang
4 task force member of the Anderson County Sheriff's
5 Office, and David Baker of the Anderson County Sheriff's
6 Office, and Jeff Kindley from SLED, tampered or changed
7 anything on this disk --

8 A. One thing I want to make clear, if I understand
9 your question correctly, is I am accusing no law
10 enforcement officer in the State of South Carolina or
11 outside of the State of South Carolina of tampering with
12 evidence in any way, shape, or form. That is not what I
13 am doing.

14 I am merely stating to you the facts as a
15 scientist, as an examiner, as an agent, as a person who
16 raised his hand and took an oath and have upheld that
17 oath for over 37 years.

18 MR. WAGNER: Thank you, Mr. Johnson.

19 Nothing further.

20 MR. BRANNON: Follow up, Your Honor?

21 THE COURT: Yes.

22 Redirect Examination by Mr. Brannon:

23 Q. Based on your education, experience and training,
24 is everything you testified today factually correct?

25 A. Factually and scientifically correct.

1 Q. Thank you. Is there any amount of money that could
2 get you to change your testimony?

3 A. Absolutely not, and I don't even need what I get.

4 MR. BRANNON: Thank you.

5 THE COURT: May this witness be excused?

6 Yes.

7 MR. WAGNER: No objection.

8 THE COURT: You may be excused, sir.

9 (Whereupon, the witness was excused and left the
10 courtroom.)

11 THE COURT: Call your next witness.

12 MR. BRANNON: Officer Hunnicutt.

13 (Whereupon, the witness, Officer Hunnicutt, entered
14 the courtroom and was sworn by the clerk of court.)

15 Whereupon,

16 Lewis Stevenson Hunnicutt

17 Having first been duly sworn, was examined and testified
18 as follows:

19 Direct Examination by Mr. Brannon:

20 Q. Mr. Hunnicutt, would you please say your full name
21 and spell your last name for the court reporter?

22 A. Lewis Stevenson Hunnicutt, H-u-n-n-i-c-u-t-t.

23 Q. Thank you, sir. Do you live around here?

24 A. I live in Long Creek.

25 Q. How long have you lived in Oconee County?

1 A. Um, about nine years now.

2 Q. Sir, do you vote?

3 A. Yes, sir.

4 Q. Do you know Rick Bartee?

5 A. Yes..

6 Q. How did you come to know Rick Bartee?

7 A. Um, deciding on who I was gonna vote for, I called
8 him and I called Mr. Crenshaw and talked to them at
9 length, and decided Mr. Bartee was who I was gonna vote
10 for, so that's how I got to know him.

11 Q. Okay. Before that phone call to Mr. Bartee did you
12 know he was?

13 A. No.

14 Q. So you weren't friends of his before then; is that
15 correct?

16 A. No.

17 Q. When you called him, did you ultimately sit down
18 and talk with him?

19 A. Not on the phone -- we talked on the phone but not
20 in person.

21 Q. All right. When did you meet him in person for the
22 first time?

23 A. The first time was at, Mr. Bubba Land (phonetic)
24 had a function, that's the first time that I saw him and
25 meet him in person.

1 Q. Is that a business in Oconee County that you were
2 talking about?

3 A. It was a picnic.

4 Q. Okay. And was that, did that have something to do
5 with the sheriff's campaign or sheriff's race?

6 A. It was a fundraiser.

7 Q. It was a fundraiser. Okay. All right. Have you
8 come to develop a friendship with Rick Bartee?

9 A. Yes, I have.

10 Q. All right. Now, sir, do you like cars?

11 A. I love cars.

12 Q. And do you know that Mr. Bartee has a similar
13 interest?

14 A. That's how we got, got to be really good friends.

15 Q. Okay. So you called him about the sheriff's race
16 but developed a friendship with him over other
17 interests, correct?

18 A. He asked me -- I'm disabled and stay home, and he
19 had asked me if I would show him around the neighborhood
20 and introduce him to some people and it kind of went
21 from there, we kind of developed a friendship.

22 Q. And did you, did you do that, did you show him
23 around?

24 A. Yeah.

25 Q. Okay. Have you been to his house?

1 A. Yeah.

2 Q. How many times?

3 A. I, I would be afraid to say. I mean, just probably
4 not a lot. His old house, probably maybe eight times.
5 New house probably six times, maybe, something like
6 that.

7 Q. Okay. I, I see you got a T-shirt on that says
8 Harley Davidson?

9 A. Yeah.

10 Q. Do you ride a bike?

11 A. Yes.

12 Q. All right.

13 A. When I can.

14 Q. I want to take you back to the Sunday before Labor
15 Day or Memorial Day, that holiday at the end of May,
16 whatever day that is.

17 A. That's Memorial Day.

18 Q. Memorial Day. Okay. Last year, the Sunday before
19 that, were you riding your motorcycle?

20 A. Yes, sir.

21 Q. When were you riding it?

22 A. I drove out over to Tim's, done a little window
23 shopping, and come back through, stopped at Hog Tails,
24 and then from there I started out 1:30 and then I went,
25 I noticed I had an oil leak on my bike, it was blowing

1 oil on the way, so I went by Mr. Bartee's house to see
2 if he was there to see if I could get some tools to fix
3 it with.

4 Q. Okay. Why would you go to his house for tools?

5 A. Because he's the car man. He's got tools.

6 Q. All right. So you ---

7 A. He's the only one I know in that area.

8 Q. Okay.

9 A. I don't know a whole lot of people in Ocone
10 County.

11 Q. So you were, you were riding your Harley in an area
12 around Mr. Bartee's house; is that correct?

13 A. Yeah.

14 Q. After you noticed the oil leak, did you call
15 Mr. Bartee before you went over to his house?

16 A. No.

17 Q. Just went over?

18 A. Just showed up.

19 Q. Were you able to get the tools to fix your bike?

20 A. Yes. Liz was there, Mr. Bartee was not there.

21 Q. Right. So, when you got there, is it your
22 testimony that Mr. Bartee wasn't home?

23 A. He was not home, no.

24 Q. Okay. You said Liz, right?

25 A. Yes, that's his wife.

1 oil on the way, so I went by Mr. Bartee's house to see
2 if he was there to see if I could get some tools to fix
3 it with.

4 Q. Okay. Why would you go to his house for tools?

5 A. Because he's the car man. He's got tools.

6 Q. All right. So you ---

7 A. He's the only one I know in that area.

8 Q. Okay.

9 A. I don't know a whole lot of people in Ocone
10 County.

11 Q. So you were, you were riding your Harley in an area
12 around Mr. Bartee's house; is that correct?

13 A. Yeah.

14 Q. After you noticed the oil leak, did you call
15 Mr. Bartee before you went over to his house?

16 A. No.

17 Q. Just went over?

18 A. Just showed up.

19 Q. Were you able to get the tools to fix your bike?

20 A. Yes. Liz was there, Mr. Bartee was not there.

21 Q. Right. So, when you got there, is it your
22 testimony that Mr. Bartee wasn't home?

23 A. He was not home, no.

24 Q. Okay. You said Liz, right?

25 A. Yes, that's his wife.

1 Q. Okay. And through your, your visits to his home
2 and the campaign did you come to know Liz, as well?

3 A. Oh, yeah, yeah.

4 Q. All right.

5 A. Not as well as I did him, but she knew me, I know
6 her.

7 Q. Okay. All right. How long -- at any point while
8 you were there, did Mr. Bartee get home or come home?

9 A. Yeah. It was a little while. I can't remember the
10 time frame how long we was there. It didn't take me
11 long to fix my bike. It was just a little simple line
12 on my bike, a little oil filter. And we sat and talked
13 and watched TV, he had a TV in his garage down there,
14 and so we sat and I was waiting on him, kind of waiting
15 on him to come in, and she said she didn't know how long
16 he would be, and I was gonna speak to him.

17 Q. Okay. So you were gonna wait just to say thank you
18 or say hello, right?

19 A. Yes.

20 MR. BRANNON: Approach the witness, Your Honor.

21 THE COURT: Yes.

22 By Mr. Brannon:

23 Q. Do you recognize that photo right there?

24 A. Yes, I do.

25 Q. What is that?

1 A. That's the upstairs at Mr. Bartee's house looking
2 out toward the lake. This is the patio downstairs going
3 into the garage.

4 Q. Okay. And are these -- do you recognize those
5 pictures?

6 A. Yes. Those were their intercoms.

7 Q. Okay. And, if you look at these two pictures here,
8 that's the intercom on the upstairs, right?

9 A. Uh-huh.

10 Q. And that's the intercom on the downstairs, right?

11 A. Yes.

12 Q. So these two, these pictures simply are close-ups
13 of those pictures; is that correct?

14 A. Yeah.

15 Q. When, when Mr. Bartee got home, how did you first
16 know he got home?

17 A. He yelled down the steps that -- he told Liz that
18 he was home and somebody was coming over and I don't
19 remember who he said was coming over.

20 Q. Okay. All right. Was the intercom system on?

21 A. Yes. The intercom has been on, because we had been
22 having some problems with harassment, him, I and several
23 supporters, and he had been leaving his intercom system
24 on.

25 Q. Okay.

1 A. That's how I know'd [sic] he was home because I'd
2 heard him drive up.

3 Q. Okay. You knew he was home because you heard him
4 drive up?

5 A. Yeah, I heard him drive up.

6 Q. Did you hear his car through the intercom system?

7 A. Right.

8 Q. Now, how do you think -- you don't hear all that
9 well, do you?

10 A. No. I'm hearing worse today because I got a head
11 cold.

12 Q. Okay. Did the intercom system allow you to hear
13 things that you would not otherwise have heard?

14 A. Oh, yes.

15 Q. Did you hear Mr. Bartee yell down or call down to
16 Liz that he was home?

17 A. Yeah. I, I heard him, his voice down the steps,
18 yes.

19 Q. Okay. And did you hear him say that somebody was
20 coming over?

21 A. Somebody was coming but I couldn't hear who.

22 Q. Okay. How long did you stay downstairs on that
23 lower portion?

24 A. Gosh. It's been a long time. Probably -- you mean
25 after he got there?

- 1 Q. Well --
- 2 A. The whole time?
- 3 Q. The whole time. Yeah. How long were you
- 4 downstairs?
- 5 A. Probably an hour and a half, I guess.
- 6 Q. Okay. All right. And was it light or dark?
- 7 A. It seems like it was just, it was dark whenever --
- 8 it was light when they got there and dark later. I
- 9 don't remember the time frame.
- 10 Q. But it was into the evening, correct?
- 11 A. Yeah.
- 12 Q. All right. At some point did you realize that
- 13 someone else had, in fact, come over?
- 14 A. Not until I went to the bathroom and I came back
- 15 out and Liz was standing outside the door.
- 16 Q. Okay. Outside of what door?
- 17 A. Right outside the garage door.
- 18 Q. Okay. And why was she standing right outside the
- 19 garage door?
- 20 A. She was listening to the intercom listening to the
- 21 conversation right up overhead.
- 22 Q. Right upstairs. Okay. And who -- did you know
- 23 that part, at least one of the people in that
- 24 conversation was Rick Bartee?
- 25 A. Yes.

1 Q. Later, did you come to know who the other person
2 was?

3 A. Yes, I did.

4 Q. And who was that person?

5 A. All I know is he said it was Nick.

6 Q. Nick?

7 A. And that was, the reason I know that is because
8 James has a habit of calling everybody in a
9 conversation, he'll say "Nick this" or "Steve this" or
10 "Doug this", you know, back and forth. It's a habit he
11 has.

12 Q. So he uses a person's name in a conversation or a
13 response, correct?

14 A. Correct.

15 Q. All right. Did you stand with Mrs. Bartee and
16 listen to that conversation?

17 A. Yes, I did.

18 Q. Did you hear Nick Blackwell talking to Rick Bartee?

19 A. Yes.

20 Q. What types of things -- did you hear -- tell me not
21 what he said but what kinds of things was Nick Blackwell
22 talking about?

23 MS. SIMMONS: Objection, hearsay.

24 THE COURT: Sustained.

25

1 By Mr. Brannon:

2 Q. Okay. Was the conversation taking place directly
3 above you on the porch?

4 A. Yes.

5 Q. Mr. Bartee and Mr. Blackwell were here somewhere on
6 this deck (points on photograph)?

7 A. Yeah. About just right outside the door, kind of,
8 more or less right about here, pretty close.

9 Q. Okay. Can you see up through that deck?

10 A. Yeah, but not real well.

11 Q. Okay. But you could see feet or something?

12 A. Feet and movement and that's about it.

13 Q. And you were directly below them or very close to
14 directly below them; is that correct?

15 A. Yes.

16 Q. Did you ever hear Mr. Bartee raise his voice?

17 A. No.

18 Q. Did you ever hear Mr. Bartee have a conversation
19 about kidnapping a judge?

20 A. Yes. Not *per se* him kidnapping. It was ---

21 MS. SIMMONS: Objection, hearsay.

22 THE COURT: Sustained.

23 A. --- I'd say ---

24 MR. BRANNON: You got to stop. Got to stop.

25 THE WITNESS: Okay.

1 By Mr. Brannon:

2 Q. Did Mr. Bartee plan a kidnapping during that
3 conversation?

4 A. No.

5 Q. And you are confident that it was Sunday, May 27,
6 2012, when this conversation took place?

7 A. I couldn't tell you the date, but I know that it
8 was the day before Memorial Day.

9 Q. Got you.

10 A. Because I'll be going on a ride the next day.

11 Q. All right. Did you hear the entire conversation?

12 A. Yeah.

13 Q. Did you at some point come upstairs into the Bartee
14 house?

15 A. After they had, after he -- they had left.

16 Q. Okay.

17 A. There was somebody upstairs, but I couldn't tell
18 you who was up there, but after everybody left, I came
19 upstairs.

20 Q. There was somebody other than Nick Blackwell and
21 Rick Bartee?

22 A. Uh-huh. No, not upstairs, but up in the main room.

23 Q. Correct. So, in other words, Nick Blackwell and
24 Rick Bartee were out on the porch?

25 A. Uh-huh.

1 Q. And there was somebody else --

2 A. Somebody else in the house.

3 Q. -- in the house.

4 When you came upstairs, who was there?

5 A. Nobody.

6 Q. So you know that whoever was having the
7 conversation with Mr. Bartee was already gone?

8 A. Uh-huh.

9 Q. Now, are there --

10 A. The reason being I heard him leave.

11 Q. I got you. Are there intercoms or speakers for the
12 intercoms in other rooms within the Bartee house?

13 A. Um, I think so. I'm not real sure.

14 Q. All right. Do you know that there's one at the
15 front door?

16 A. Yeah.

17 Q. Okay. And the back doors, obviously?

18 A. Well, there's one all the way, all the way around
19 the house at every entrance.

20 Q. There you go. All right. So you are confident
21 that when you came upstairs, Nick Blackwell and ---

22 MS. SIMMONS: Objection, leading.

23 THE COURT: Just rephrase.

24 MR. BRANNON: Yes.

25

1 By Mr. Brannon:

2 Q. Okay. When you came upstairs was Nick Blackwell
3 and whoever that other person was gone?

4 A. Yes.

5 Q. Rick Bartee never planned to kidnap anybody on that
6 day?

7 A. No.

8 Q. And you heard the whole conversation?

9 A. I heard the whole conversation.

10 MR. BRANNON: Thank you. I don't have anything
11 further, but the Solicitor's Office will.

12 THE WITNESS: Okay.

13 THE COURT: Cross-Examination.

14 Cross-Examination by Ms. Simmons:

15 Q. Mr. Hunnicutt, had you contributed to the Bartee
16 for sheriff campaign?

17 A. No, ma'am.

18 Q. Had you contributed your time to the campaign?

19 A. No, ma'am.

20 Q. You didn't help put out signs and campaign and
21 politic?

22 A. No.

23 Q. Did you happen to take the Defendant around Long
24 Creek and introduce him to people and help him politic?

25 A. I can't hear you.

1 A. Yes.

2 Q. --- despite your hearing disability?

3 A. Yeah. There was a speaker right there. I was
4 standing right next to it.

5 Q. And do you know if they were standing next to a
6 speaker?

7 A. They were standing pretty close to it.

8 Q. But you had no idea as to the quality of the
9 transmission you were hearing? You don't know if you
10 could hear everything?

11 A. It was good. He has good quality stuff.

12 Q. Despite your hearing disability, you are saying you
13 heard him say every word?

14 A. Yeah.

15 Q. And, in fact, you knew your friend got arrested,
16 right?

17 A. Yeah.

18 Q. Okay.

19 A. I read -- well, I saw it on the news.

20 Q. Okay. And that was back on May 30th of 2012?

21 A. I don't remember dates.

22 Q. Spring of 2012.

23 A. (Nodded head.)

24 Q. When you realized your friend had gotten arrested
25 for soliciting a kidnapping, did you call SLED and tell

1 them, Oh, my goodness, you made a mistake, and I heard
2 this whole conversation, and he didn't do it?

3 A. No, I didn't think it was relevant.

4 Q. The first time you told anybody that is today?

5 A. Yeah.

6 MS. SIMMONS: Thank you, Mr. Hunnicutt.

7 THE COURT: Redirect?

8 Redirect Examination by Mr. Brannon:

9 Q. Mr. Hunnicutt, today is not the first time you told
10 anybody, is it?

11 A. Oh, no, huh-uh.

12 Q. I mean, you told me, didn't you?

13 A. Yeah, I told you.

14 Q. Months ago, right?

15 A. Yeah.

16 Q. Okay. You are friends of Rick's?

17 A. Yeah.

18 Q. Do you lie for your friends?

19 A. No.

20 MR. BRANNON: Thank you.

21 THE COURT: May this witness be excused?

22 MR. BRANNON: Yes, sir.

23 MS. SIMMONS: No objection.

24 THE COURT: Thank you, sir. You may be excused.

25 THE WITNESS: Thank you.

1 (Whereupon, the witness was excused and left the
2 courtroom.)

3 THE COURT: Call your next witness.

4 MR. BRANNON: Stukas, Susan Stukas.

5 (Whereupon, the witness, Susan Stukas, entered the
6 Courtroom and was sworn by the clerk of court.)

7 MR. BRANNON: May it please the Court?

8 THE COURT: Yes, sir.

9 Whereupon,

10 Susan Stukas

11 Having first been duly sworn, was examined and testified
12 as follows:

13 Direct Examination by Mr. Brannon:

14 Q. Ma'am, would you please state your full name and
15 spell your last name for the court reporter.

16 A. Susan Tondée Stukas.

17 Q. Do you know Rick and Liz Bartee?

18 A. Yes, I do.

19 Q. You know their daughters?

20 A. Yes.

21 Q. Now, how did you come to know them?

22 A. My son DJ dated their daughter Taylor when they
23 were in high school.

24 Q. Okay. Are DJ and Taylor still friends today?

25 A. Yes, they are.

1 Q. And did you and your husband become friends of Rick
2 and Liz?

3 A. Yes, sir.

4 Q. All right. Did you at any point assist in any way
5 with the Bartee campaign for sheriff?

6 A. Yes, I did.

7 Q. And what types of things did you do?

8 A. I went to a few of the events that they had, we put
9 up a hot air balloon for one of the events that they
10 had, and I helped Liz do some office clerical work.

11 Q. Okay. All right. I want to take you to May 29 of
12 last year. Do you remember the date?

13 A. Yes, sir.

14 Q. Okay. Did you go to the Bartee house on May 29th?

15 A. Yes, sir.

16 Q. Approximately what time did you go to the Bartee
17 house?

18 A. Um, in the afternoon, probably around 3:00 to 3:30.

19 Q. Who went with you?

20 A. My daughter, Mary Beth.

21 Q. Mary Beth. Now, is that the daughter that dated...

22 A. No, sir.

23 Q. Your son dated their daughter. I got you.

24 A. Yeah. DJ dated Taylor.

25 Q. Okay. I got you. All right. Why did you go there

1 and who asked you to come?

2 A. Liz asked me to come and help her make copies and
3 do clerical work, make files for the campaign.

4 Q. Okay. All right. What were you making copies of?
5 Not necessarily what documents. But why were you making
6 those copies?

7 A. Just for things for their campaign.

8 Q. Okay. All right. Were you aware that there was a
9 court hearing the next day?

10 A. Yes.

11 Q. And were any of those copies being made in
12 preparation for the court hearing?

13 A. I'm not sure. I really didn't read them. I was
14 just putting them in the copy machine and...

15 Q. Okay. All right.

16 MR. BRANNON: Approach the witness?

17 THE COURT: Yes, sir.

18 By Mr. Brannon:

19 Q. (Handing photograph.) You were obviously in the
20 Bartee house that day, correct?

21 A. Yes, sir.

22 Q. Had you been in the Bartee house before that day?

23 A. Yes, sir.

24 Q. Are you relatively familiar with the interior of
25 the Bartee house?

1 A. Yes, sir.

2 Q. I'm gonna show you --

3 MR. BRANNON: May I approach?

4 THE COURT: Yes.

5 By Mr. Brannon:

6 Q. I'm gonna show you a sketch and ask you if you drew
7 the sketch.

8 A. Yes, I did.

9 Q. You drew it?

10 A. Well, I, I recognize the sketch. It was from when
11 I met with the private investigator.

12 Q. I got you.

13 A. I think he drew it. I think I drew the stick
14 figure.

15 Q. All right. Is that your signature on it?

16 A. Yes, it is.

17 Q. Okay. All right. Now I'll get back to this in a
18 moment.

19 The truth is you don't know who drew the sketch,
20 correct?

21 A. I, I think that Pete drew the sketch.

22 Q. Okay. All right. You think that?

23 A. Yes.

24 Q. All right. While you were at the Bartee house, was
25 Liz there at all times?

- 1 A. Yes.
- 2 Q. Was Rick Bartee there at all times?
- 3 A. Yes, as far as I knew.
- 4 Q. Okay. All right. So, while you were there, he did
- 5 not leave?
- 6 A. Not that I knew about, no, sir.
- 7 Q. Okay. When did you leave the Bartee house?
- 8 A. The next morning.
- 9 Q. Did you spend the night there?
- 10 A. Yes.
- 11 Q. Did your daughter spend the night there?
- 12 A. Yes.
- 13 Q. Where did you sleep?
- 14 A. In the guest room upstairs.
- 15 Q. Were you there around midnight when another man
- 16 came into the home?
- 17 A. Yes, I was.
- 18 Q. Do you know who that man was?
- 19 A. Yes, sir.
- 20 Q. What's that man's name?
- 21 A. Nick Blackwell.
- 22 Q. Were you there the entire time that Nick Blackwell
- 23 was there?
- 24 A. Yes, I was.
- 25 Q. Did Nick Blackwell know you were there?

1 A. Not to my knowledge, no.

2 Q. Okay. Now I'm gonna take you back. Your testimony
3 is that you put the stick figure on this; is that
4 correct?

5 A. Yes.

6 Q. Okay. Who's the stick figure?

7 A. Me.

8 Q. Okay. What is the stick figure laying on?

9 A. The couch.

10 Q. All right. While Mr. Blackwell was in the Bartee
11 home, where was he located?

12 A. At first he was sitting at the round table that was
13 behind the couch.

14 Q. Okay. And is that round table on the sketch?

15 A. Yes, it is.

16 Q. Okay. Did he get up and move around?

17 A. Yes, he did.

18 Q. Okay. Were you able to hear the conversation at
19 all times?

20 A. Yes, sir.

21 Q. Were you hiding from Nick Blackwell?

22 A. No. I mean, I didn't jump up and say "hello" but I
23 wasn't hiding.

24 Q. Okay. Did Mr. Bartee tell you anything before

25 Mr. Blackwell got there about his impending arrival, the

1 fact that he was coming over?

2 A. Yes, he did.

3 Q. Okay. Did he tell you to hide?

4 A. No.

5 Q. Did he tell you to stay there and watch TV?

6 A. He -- yes. He said that he would like for us to
7 stay, and that if Nick saw us, fine, and that if he
8 didn't, fine, too.

9 Q. Okay. All right. So he didn't care if Nick saw
10 you or not?

11 A. No.

12 Q. Okay. Now, what was Mr. Bartee's demeanor
13 throughout the conversation with Mr. Blackwell?

14 A. He was calm. I would describe him as fatherly,
15 almost. He was soft, soft-spoken, even toned, just very
16 calming, tried to be very calming.

17 Q. Okay. Most importantly, when the conversation
18 ended and Mr. Blackwell left, how was -- how did he --
19 did Mr. Bartee have anything to do with Mr. Blackwell's
20 leaving?

21 A. It appeared that James was trying to get Nick out
22 of the house.

23 Q. Did he escort him, if you will?

24 A. He walked with him to the back door.

25 Q. Okay. All right. And how long was that entire

1 conversation?

2 A. 15 to 20 minutes.

3 Q. Okay. All right. And again, you were present
4 during the whole time?

5 A. Yes, sir.

6 Q. Okay. All right. Now I'm just gonna jump a fence
7 right here. You're friends with the Bartees, right?

8 A. Yes, sir.

9 Q. Is everything you've said today in your testimony
10 truthful?

11 A. Yes, sir.

12 Q. Would you lie for your friend?

13 A. No, sir.

14 Q. Did you make monetary contributions to the Bartee
15 for sheriff campaign?

16 A. No. I went to a pizza fundraiser where we took the
17 family and had pizza one time.

18 Q. Okay. So you had pizza at a pizza fundraiser,
19 right?

20 A. Yes, sir.

21 Q. Okay. Did you make a contribution to his defense
22 fund?

23 A. No, sir.

24 Q. Okay. Your involvement in the campaign was
25 attending functions and helping them with the clerical

1 work; is that correct?

2 A. That's correct.

3 Q. The night that we're talking about is the night of
4 the 29th into the morning of the 30th; is that correct?

5 A. Yes, sir.

6 Q. You were there the whole time that Mr. Blackwell
7 was there; is that correct?

8 A. Yes, sir.

9 MR. BRANNON: Thank you, ma'am. I don't have any
10 more questions, but I'm sure the Solicitor's Office will
11 have some. I'll take that sketch back.

12 THE COURT: Cross-examination.

13 Cross-Examination by Ms. Simmons:

14 Q. Ms. Stukas, good afternoon.

15 A. Hello.

16 Q. Why did you spend the night at the Bartees that
17 night on the 29th?

18 A. It was late. It was late.

19 Q. You couldn't drive home to Pickens?

20 A. I live in Central.

21 Q. Pickens County?

22 A. Right.

23 Q. It's not a far drive?

24 A. No. It's probably about 25 minutes, but I didn't
25 have my car there so I just stayed the night.

1 sworn by the clerk of court.)

2 (Whereupon, the jury entered the courtroom at
3 approximately 3:39 p.m.)

4 THE COURT: Will you announce your witness, please.

5 MR. BRANNON: Mr. Ryan Stancil.

6 May it please the Court?

7 THE COURT: Yes, sir.

8 Whereupon,

9 David Ryan Stancil

10 Having first been duly sworn, was examined and testified
11 as follows:

12 Direct Examination by Mr. Brannon:

13 Q. Sir, please state your full name and spell your
14 last for the court reporter.

15 A. David Ryan Stancil, the last name is spelled
16 S-t-a-n-c-i-l.

17 Q. All right. Mr. Stancil, how old are you?

18 A. 24.

19 Q. And where do you live?

20 A. I live in Seneca, South Carolina. My address is
21 705 John M. Cannon Lane (phonetic).

22 Q. How long have you lived in Seneca or in Oconee
23 County?

24 A. Oconee County all my life.

25 Q. All your life. Where did you go to high school?

1 A. West Oak.

2 Q. All right. Did you graduate?

3 A. Yes, sir.

4 Q. What do you do for a living?

5 A. I run a music store.

6 Q. Okay. You run a music store. But what do you
7 really do for a living?

8 A. Play music.

9 Q. There you go. What instrument do you play?

10 A. Anything with strings on it.

11 Q. And if I would have been told that you're about the
12 best around, would that be correct?

13 A. (Laughs) Well, I don't know about that, but I
14 appreciate it.

15 Q. Isn't it true, sir, that later you intend to move
16 out of Ocone County?

17 A. Yes, sir, it is.

18 Q. And where would you be moving to?

19 A. Nashville, Tennessee.

20 Q. And why would you move to Nashville, Tennessee?

21 A. It's a great place to live.

22 Q. All right. Is there music opportunities there?

23 A. Absolutely.

24 Q. All right. What's the name of your business?

25 A. It's Jimmy Rogers House of Music. It was Cotton

1 County Music and More for about nine months. And then
2 back in, earlier this year it was Jimmy Rogers House of
3 Music.

4 Q. Okay. All right. Why are you here today?

5 A. Why am I here? To tell the truth (laughs).

6 Q. Okay. I mean, let me rephrase the question. How
7 did you get commanded to come here today?

8 A. I was subpoenaed to be here.

9 Q. By whom?

10 A. By the prosecution.

11 Q. And, and, and let's talk about that subpoena. Were
12 you subpoenaed for today?

13 A. There were several dates on there. Today was one
14 of those dates.

15 Q. Okay. Is it also true that there were several
16 weeks on that subpoena?

17 A. Yes, sir.

18 Q. It was big, right?

19 A. There, there was, from my knowledge there was at
20 the very least six to eight. I think there were more,
21 but I know there was at least that many.

22 Q. Are you talking about days or weeks?

23 A. Several different weeks.

24 Q. Okay. All right. And there's been a lot of talk
25 about this business card.

1 A. Yes, sir.

2 Q. Is it your business card?

3 A. No.

4 Q. Okay. Who's Frankie Pearson?

5 A. He was running for the County Council --

6 Q. All right.

7 A. -- in the Westminster area at the time as a
8 candidate.

9 Q. All right. And did you have some of Frankie
10 Pearson's cards at your music store?

11 A. Yes, we did.

12 Q. Were you supporting Frankie Pearson?

13 A. He, he was a friend. And we couldn't vote for him.
14 But we just let him leave some cards because the way our
15 business was there at the time there was a lot of
16 cruise-ins and events in Seneca, so there would be
17 people from all over the County coming in, you know, so
18 he asked if he could leave some cards.

19 Q. Got you.

20 A. Sure.

21 Q. Okay. Is that your writing on the back of it?

22 A. It is.

23 Q. Okay. All right. We'll talk about that more in a
24 little while.

25 Okay. You gave a statement in this case, didn't

1 you?

2 A. Yes, sir, I did.

3 Q. Okay. Who did you give the statement to?

4 A. Michael Sloan from SLED.

5 Q. This guy right there (pointing to Michael Sloan)?

6 A. Yes, sir.

7 Q. Is this a copy of the statement?

8 A. It is.

9 Q. All right. And, and have you seen that statement
10 or a copy of that statement before?

11 A. Yes.

12 Q. Okay. Where were you when you gave the statement?

13 A. Um, I was in a truck, I can't remember what kind of
14 truck it was, with Michael Sloan.

15 Q. All right. Well, where was the truck parked?

16 A. It was parked out in front of my music store.

17 Q. Okay. In fact, what does it say there? It says
18 location. What's it say?

19 A. You would have to show me where that is. I'm
20 trying to look here (laughs). Okay. It says parking
21 lot, Cotton County Music.

22 Q. Okay. Now, did Agent Sloan come into your
23 business?

24 A. He did earlier that morning, and then I got a
25 telephone call from the gentleman that was working at my

1 business kind of helping out. But I believe Rick [sic]
2 Sloan either called me -- yeah, he did because he left a
3 message and I called him back and told him when I would
4 be there.

5 Q. All right. And so did you, did you arrange to go
6 and meet him at your store?

7 A. I did. I told him I would be there around 11:00
8 because I had a student that was coming in right at that
9 time, so I said a little bit before then would be better
10 so that I can, you know, tend to my student.

11 Q. Right. So you wouldn't miss the lesson?

12 A. Right.

13 Q. Okay. Do you get paid for giving lessons?

14 A. I do.

15 Q. Okay. And did you ask him to get there before 11
16 so you could do that?

17 A. Right, yeah, prior to my student.

18 Q. Okay.

19 A. I told him I had no problem talking to him at all.

20 Q. Okay. What time did he get there?

21 A. Probably right at 11 if I'm not mistaken.

22 Q. Okay. All right. Did you miss your lesson?

23 A. I did.

24 Q. Okay. All right. You got a business, right?

25 A. Yes, sir.

1 Q. Does the business have a building?

2 A. Yes, we do.

3 Q. Okay. Do you have an office or a place to sit down
4 in the business?

5 A. At that time we were in a bigger building, and it
6 was an older building so it had a lot of offices in the
7 back. I had an office, the business partner has an
8 office there. Several back rooms at the time to go in,
9 so...

10 Q. All right. With that being said, why did you go
11 sit in the truck?

12 A. Because I was instructed to do so.

13 Q. By whom?

14 A. Michael Sloan.

15 Q. Did you say, Can't we do this here?

16 A. He said, You need to get in the truck..

17 Q. Okay. So you got in the truck?

18 A. I did.

19 Q. All right. Let me ask you this. Did Agent Sloan
20 have his gun on him?

21 A. He did.

22 Q. Did he have his handcuffs?

23 A. Yes.

24 Q. And he said, Get in the truck?

25 A. Yes, sir.

1 Q. Did he ever Mirandize you?

2 A. Can you...

3 Q. Did he read you your rights?

4 A. No, sir.

5 Q. Okay. All right. Once you got in the truck, what
6 did you think would happen if you just got out?

7 A. I would go to jail.

8 Q. Okay. What made you think that?

9 A. I felt like I was under arrest, like I had done
10 something wrong.

11 Q. Okay. All right. Now, we're gonna talk about that
12 statement. But did you sign that document?

13 A. I did.

14 Q. And when you signed the document, what else was
15 written on it?

16 A. Nothing.

17 Q. You signed a blank piece of paper?

18 A. I did. It was very nonchalant. It was just, Sign
19 here, he said he was gonna fill the rest of it out, it
20 would be faster.

21 Q. Okay. That's what he said?

22 A. Yes, sir.

23 Q. Okay. Let me back up. Do you know Nick Blackwell?

24 A. He came in the music store several times.

25 Q. Okay. Did he ever come in the music store with

1 Rick Bartee?

2 A. No. Bartee might have been there a couple times
3 when he came in, but there was never, they never came
4 there together.

5 Q. Okay. But he came in your store, "he" being
6 Blackwell, came in your store by himself or without
7 Mr. Bartee?

8 A. At the very least 15 times ---

9 Q. Okay. All right.

10 A. --- that I know of.

11 Q. All right. Now, in Mr. Blackwell's statement it
12 says that the person that handed him this card was a
13 white male, 35 to 40 years of age?

14 A. Right.

15 Q. How old are you again?

16 A. 24.

17 Q. And how many times have you come in your store
18 before you handed him this card?

19 A. Many.

20 Q. Okay. Did you know his name?

21 A. Yes, sir.

22 Q. Did he know your name?

23 A. Absolutely.

24 Q. You're not 35?

25 A. No. My hair is wearing a little thin, but, no, I'm

1 not 35.

2 Q. Okay. All right. Now, in your statement it says
3 that Rick Bartee came into the store and said Nick
4 Blackwell is out there and he wants the judge's name and
5 phone number or something like that, right? That's what
6 it says on this statement.

7 A. That's not on that statement.

8 Q. How did you come to know that Nick Blackwell wanted
9 the judge's name and phone number?

10 A. I think Nick Blackwell earlier that afternoon, of
11 the Seneca Fest, I can't remember what that date was,
12 that was while it was going on, came into my store and
13 asked if I would look up the judge's telephone number
14 and his address because he didn't want to look it up on
15 his own computer. He's all about ---

16 MR. WAGNER: Hearsay. Objection.

17 THE COURT: Overruled.

18 Go ahead.

19 MR. BRANNON: Thank you.

20 By Mr. Brannon:

21 Q. So Rick Bartee didn't say anything to you about
22 writing the judge's name on a business card, did he?

23 A. Absolutely not.

24 Q. Okay. Did Mr. Bartee say anything about a business
25 card to you?

- 1 A. No.
- 2 Q. Did he say anything to you about the judge's name
3 and phone number?
- 4 A. No, sir.
- 5 Q. Was Mr. Bartee at the Seneca Fest?
- 6 A. He was.
- 7 Q. Was he campaigning for sheriff?
- 8 A. He was. All of them were.
- 9 Q. Okay. All of them being Fricks and ---
- 10 A. The Sheriff's candidates ---
- 11 Q. --- and Williams and Crenshaw ---
- 12 A. Yes, sir.
- 13 Q. --- and Bartee? So they were all there?
- 14 A. Yes.
- 15 Q. At the Seneca Fest do they sell beer?
- 16 A. No. No. It's, it's actually, they have undercover
17 cops there from Seneca PD that won't even let anybody
18 bring any up there.
- 19 Q. Okay. All right. And where was Mr. Bartee during
20 Seneca Fest?
- 21 A. I'm guessing he was out listening to the music.
22 Because, I mean, I guess he was out listening to the
23 music. He came into the store once during that whole
24 time.
- 25 Q. Okay. He came into your store one time?

1 A. Right.

2 Q. Okay. All right. And when he was in there, he
3 didn't say, Give Blackwell this business card?

4 A. No. When he came in, Blackwell was, apparently was
5 outside and Bartee says, Blackwell is outside and says
6 you've got something he wants, and he doesn't know
7 anything about it, and he leaves.

8 Q. Okay. That's all that was said?

9 A. Yes.

10 Q. So Bartee is coming in your store saying Blackwell
11 is outside and he says he's got something, you got
12 something he wants --

13 A. Right.

14 Q. -- and then he leaves?

15 A. Right.

16 Q. Did you ever show him this card --

17 A. No.

18 Q. -- Mr. Bartee, did you ever show this to him?

19 A. No. That, that card didn't even exist then.

20 Q. I got you. Okay. All right. I'm gonna back you
21 up.

22 A. Okay.

23 Q. How long have you known Rick Bartee?

24 A. Probably since March of 2012.

25 Q. How did you come to know him?

1 A. I saw on Facebook that all the Sheriffs were
2 campaigning and everybody was starting to talk about it
3 because it was getting really heated. And I actually
4 put a little comment on his campaign page that he had on
5 Facebook and it was sort of in a derogatory manner. I
6 told him to come down to the store. To be honest, I
7 didn't even like Bartee at the time. I thought he was a
8 little bit arrogant because I didn't even know him.

9 Q. Okay.

10 A. So I said, Come on down to the store and talk to
11 me.

12 Q. And?

13 A. And he did.

14 Q. And he did?

15 A. Right. I think the next day, as a matter of fact.
16 I mean, I couldn't believe that.

17 Q. Okay. Have you ever been to his house?

18 A. I have.

19 Q. Was he hospitable?

20 A. Very.

21 Q. All right. But why did -- again, you didn't like
22 him at first?

23 A. No, sir.

24 Q. Because you thought he was arrogant?

25 A. Exactly.

1 Q. Since you have come to know him, is he arrogant?

2 A. Not at all. Very humble.

3 Q. Okay. All right. Have you ever seen Nick
4 Blackwell and Rick Bartee in your store together?

5 A. You mean at the same time?

6 Q. At the same time.

7 A. Maybe once or twice.

8 Q. Did you ever see them come together? I mean, did
9 they ever --

10 A. No. Never, never together, never.

11 Q. Okay. One happened in when the other one was
12 there --

13 A. Yes, yes.

14 Q. -- maybe twice?

15 A. Yes.

16 Q. Have you ever heard Rick Bartee mention anything
17 about kidnapping a judge?

18 A. No.

19 Q. Okay. Did you ever hear Blackwell mention it?

20 A. I've heard Blackwell on several, several occasions
21 say something to the effect of, Well, it would be a
22 shame if the judge --

23 MR. WAGNER: Objection, Your Honor.

24 THE COURT: I sustain that.

25

1 By Mr. Brannon:

2 Q. Well, without saying what Mr. Blackwell has said,
3 have you heard him go off?

4 A. Oh, all the time.

5 Q. All the time. Do you know him to have a temper?

6 A. Yes.

7 Q. Has he lost his temper in your store?

8 A. Talking about the other sheriff's candidates.

9 Q. Okay. All right. But he would lose his temper?

10 A. Yes, sir.

11 Q. Okay. Now I want to get back to the statement. In
12 the statement it says that Mr. Bartee asked you to write
13 this information on the back of a card or to write it
14 down and give it to Blackwell, right?

15 A. It says that.

16 Q. Okay. Did you say that?

17 A. No.

18 Q. Did you say anything like that to Agent Sloan?

19 A. No. What I said was that Blackwell had asked for
20 the information earlier that day. Later Bartee comes
21 in, hours later, mind you. It was night outside. It
22 was black. So that Blackwell's, you know, across the
23 street and then you got, apparently you got something
24 that he wants. Then Bartee is alone and then he goes
25 and listens to the music on the green. That's the only

1 whatever and he wanted to serve me some papers, and I
2 guess the subpoena, probably the State's. And she gave
3 me his cell phone number and I called him.

4 He was, you know, very nice, you know, nothing
5 derogatory about him. And he was supposed to come to my
6 store later that day. Called back, said he couldn't do
7 it. I think it could have been the next day. It was
8 probably like two days later. You know, it was a very,
9 you know, small frame.

10 And he called and says, you know, we're gonna come
11 up there. And I think I was in a lesson when I first
12 got in or I might have just finished up. But him and
13 Mrs. Simmons walked in. I can't remember the guy's
14 name. It starts with a Z, I think his last name does.

15 But they came in and served me the papers, very
16 cordial. But, as they were about to leave, they wanted
17 me to get together with Chrissy Adams at some point, and
18 I said I can't do that without an attorney present. And
19 I never heard anything else about it.

20 Q. You never heard anything again?

21 A. No.

22 Q. So, when you said you wanted an attorney present,
23 they dropped off the face, right?

24 A. Yes, sir.

25 Q. But they already served you with the subpoena,

1 involvement with Bartee and this whole card.

2 Q. Okay. James Bartee never saw the card?

3 A. No, it didn't exist when he was in the store.

4 Q. And he didn't ask you to give Blackwell anything
5 specific; is that right?

6 A. No. It was just, Blackwell, Nick says you got
7 something that belongs to him or that he wants.

8 Q. All right. Now I got to ask you --

9 A. Sure.

10 Q. -- why, why would you sign a blank piece of paper?

11 A. I wasn't thinking that -- my thought was that what
12 was going down here, it was gonna be the truth, it was
13 gonna be the whole truth, all of it, no information
14 omitted. And I was wrong.

15 Q. Okay. But why did you sign it?

16 A. Because I thought what was gonna be signed, you
17 know, what was gonna be put on there I was gonna be
18 agreeing with because I was the one giving the
19 statement.

20 Q. Okay. Now, there are some places on there where
21 there are some changes where you, you've actually put
22 your initials, right?

23 A. Right.

24 Q. So you read it, right?

25 A. I did read it.

1 Q. Okay. But you had already signed it before you
2 read it, right?

3 A. Right.

4 Q. When you got to that part about where Bartee asked
5 you to give Blackwell the judge's name and phone number,
6 did you raise an objection at that point?

7 A. I said there were several things on here that
8 wasn't on there, and Sloan told me, Well, I got what I
9 need.

10 Q. He said what?

11 A. That he, he had all that he needed.

12 Q. Okay. He signed a blank piece of paper and he got
13 what he needed.

14 All right. Now, did law enforcement or anyone else
15 try to talk to you again in preparation for this trial?

16 A. Um, I didn't hear anything for a long time. And I
17 guess about, it might have been a month and a half ago,
18 I'm not even sure, when I got a telephone call -- I
19 don't see the gentlemen in here, I don't think. A
20 pretty nice guy, that has kind of curly hair, I think he
21 works for the Solicitor's Office. He called and he
22 wanted -- first of all, he went to my grandmother's
23 house, which was sort of odd, but anyway, that's where,
24 that's where he went. He had her all tore up and was
25 asking if, you know, I was there available to talk or

1 right?

2 A. Yes, sir.

3 Q. So you are not here because Brannon brought you
4 here, right?

5 A. No, sir.

6 Q. All right. How many times have you and I met
7 before this trial?

8 A. Once.

9 Q. Once time. Is everything you said today true?

10 A. Absolutely.

11 Q. No doubt about it you signed a blank piece of
12 paper?

13 A. I put my hand on the Bible, sir.

14 Q. And you signed it in a pickup truck?

15 A. Yes, sir.

16 Q. And you felt like if you got out of that pickup
17 truck, you would have been arrested?

18 A. Absolutely.

19 MR. BRANNON: I've got nothing further but I'm sure
20 the State has got some questions.

21 THE COURT: Cross-examination.

22 MR. WAGNER: Your Honor, if I could, I'd like to
23 mark his statement and put it into evidence as State's
24 Exhibit 13 [sic].

25 (Whereupon, the court reporter and Mr. Wagner

1 same lawyer as Bartee. I'm sure they had that
2 information.

3 Q. Mr. Stancil --

4 A. Yes, sir.

5 Q. -- one more question.

6 Would you come in here to court and twist your
7 information to help the Defendant?

8 A. No.

9 MR. WAGNER: Nothing further.

10 THE COURT: Redirect?

11 MR. BRANNON: May it please the Court?

12 THE COURT: Yes, sir.

13 Redirect Examination by Mr. Brannon:

14 Q. Mr. Stancil, you got served with the subpoena how
15 long ago? When was it when that the investigator, the
16 curly headed guy, and Ms. Simmons came?

17 A. A month, a month and a half ago. I mean, I can't
18 remember the exact date.

19 Q. When did you and me meet for the first time?

20 A. Was it a week ago or something like that?

21 Q. Okay. All right. In the statement it says that
22 Blackwell was talking about the judge not showing up for
23 the hearing.

24 A. Yes, sir.

25 Q. Okay. Did you know Blackwell to be a supporter of

1 Bartee at that time?

2 A. We all thought he was.

3 Q. Thought he was. Tell me what you really thought
4 about Nick Blackwell.

5 A. I thought he was crazy.

6 MR. BRANNON: Thank you.

7 MR. WAGNER: Your Honor, that's outside the scope.
8 Objection.

9 THE COURT: I sustain that objection.

10 By Mr. Brannon:

11 Q. You testified earlier that you signed a blank piece
12 of paper?

13 A. Yes, sir.

14 Q. Is that truthful and factually correct?

15 A. Absolutely.

16 Q. And, when you pointed out inconsistencies in what
17 you had said and what was written down, what did Sloan
18 say?

19 A. He said that doesn't matter, this is all he needed.

20 Q. All he needed?

21 A. Yes, sir.

22 Q. Okay. Are you physically capable of writing your
23 own statement?

24 A. Yes, sir.

25 Q. You can write in English, can't you?

1 A. Yes, sir.

2 Q. Okay. You can read in English, right?

3 A. Yes, sir.

4 Q. Did he ever ask you to write your own statement?

5 A. No, sir.

6 Q. Did he say, Would you like to write your own
7 statement?

8 A. No, sir.

9 Q. What was it about, I've got law enforcement waiting
10 around the corner?

11 A. Right.

12 Q. Say that again.

13 A. He said he had law enforcement waiting around the
14 corner had I not cooperated or told a lie or something
15 to that effect.

16 Q. Okay. Has everything you said been true here
17 today?

18 A. Yes, sir.

19 MR. BRANNON: Nothing further.

20 Recross-Examination by Mr. Wagner:

21 Q. How many times did you talk to the defense about
22 your statement here today?

23 A. Maybe -- I mean only with Mr. Brannon.

24 Q. And how many times?

25 A. We talked twice. (Laughs)

1 (Whereupon, the next witness, Warren Sanders,
2 entered the courtroom and was sworn by the clerk of
3 court.)

4 Whereupon,

5 Warren Frederick Sanders

6 Having first been duly sworn, was examined and testified
7 as follows:

8 Direct Examination by Mr. Brannon:

9 Q. Please state and spell your last name for the
10 record and spell your last name.

11 A. Yes, sir. Warren Frederick Sanders, S-a-n-d-e-r-s.

12 Q. Thank you, sir. And did you go by a certain first
13 name?

14 A. Yes, Rick.

15 Q. That Rick comes from the Frederick, right?

16 A. Yes.

17 Q. Got you. Where do you live now?

18 A. I live in Lavonia, Georgia.

19 Q. All right. How long have you lived in Lavonia,
20 Georgia?

21 A. It will be two months the 3rd of next month.

22 Q. Okay. And where did you live before that?

23 A. In Seneca.

24 Q. Okay. Is that in Oconee County?

25 A. Yes, sir.

1 Q. And how long did you live in Oconee County before
2 moving to Lavonia, Georgia?

3 A. Most of my life, sir.

4 Q. Okay. All right. Did you know James Richard
5 Bartee, Junior?

6 A. Yes, sir, I do.

7 Q. And by what name do you call him?

8 A. James.

9 Q. James, okay.

10 Okay. How did you come to know Mr. Bartee?

11 A. I met Mr. Bartee when he was running for sheriff
12 about 15 months ago.

13 Q. Okay. No relationship with him before he announced
14 the candidacy for sheriff; is that correct?

15 A. No, sir.

16 Q. All right. Just the fact that he was running for
17 sheriff, how did you come to know him?

18 A. Well, I was actually in the beginning a Crenshaw
19 supporter, and Mr. Crenshaw would not return emails to
20 let me know what was going on. And I met Mr. Bartee at
21 the music store, Cotton County Music and More in
22 downtown Seneca, and I made it very clear to him, I
23 said, I'm a Crenshaw supporter. And then Ryan Stancil
24 and some of the guys that were there said, Man, you need
25 to get to know this Bartee.

1 And I said, Well, you know, Crenshaw isn't
2 returning any calls, so I called him. And he said, If
3 you will meet me for lunch today, I'll talk to you. And
4 from that time on I heard what he had to say and
5 believed in what he had to say and became a supporter.

6 Q. Okay. So is the fact that one candidate wouldn't
7 return your calls but another one did what led you to
8 change -- ultimately led you to change your allegiance?

9 A. No, sir. That's not what led me to change my
10 allegiance. What led -- it led me to have an
11 opportunity to sit and talk with Mr. Bartee, but what he
12 was planning to do for our County is what led me to
13 change my allegiance..

14 Q. Got you. So it wasn't just the phone call, it was
15 the story behind the call?

16 A. It was the story behind the call, yes, sir.

17 Q. Okay. So do you know Ryan Stancil?

18 A. Yes, sir, I do.

19 Q. How do you know Ryan?

20 A. Well, I was doing karaoke every Tuesday night at
21 his store --

22 Q. Okay.

23 A. -- as the karaoke deejay, and I'd known him for
24 years, and that's how I got to know him and then I
25 helped him out there some part-time selling guitars and

1 what have you.

2 Q. So you have known Ryan for a lot longer than, or
3 some time longer ---

4 A. Yes, sir.

5 Q. --- than Mr. Bartee?

6 Okay. All right. Did you eventually become
7 involved in some manner in the Bartee campaign?

8 A. Yes, sir. I tried to make it to all the forums,
9 and was there to support Mr. Bartee, handing out
10 brochures, putting up signs, and when he would be going
11 somewhere and just needed someone to go with him, I'd
12 ride with him and, you know, just had a really great
13 time doing that.

14 Q. All right. During the campaign and after you got
15 to know Mr. Bartee, when Mr. Bartee was going someplace
16 politically, or really anywhere, did he go alone?

17 A. No, sir.

18 Q. Did he have people around him at all times as far
19 as you knew?

20 A. As far as I knew, yes, sir, he did.

21 Q. Okay. And was it usually one person or was it
22 multiple people?

23 A. Well, there were some occasions there was one
24 person and there were some occasions there was more than
25 one. Just like for an example if he was going to dinner

1 at the barbecue place in Long Creek, sometimes he'd call
2 me and said, Rick, what you doing? I'm going up to have
3 dinner and then go listen to bluegrass. Sometimes it
4 was just the two of us. Other times there would be
5 several folks that would go and then we'd go and listen
6 to bluegrass afterwards.

7 Q. Okay. All right. Now, as your relationship with
8 Mr. Bartee developed, would you, would it be fair to say
9 that you have become friends with Mr. Bartee?

10 A. Yes, sir.

11 Q. Okay. Have you been to his home?

12 A. Yes, sir.

13 Q. Has he been hospitable to you in his home?

14 A. Very much so.

15 Q. All right. Is it unusual, as far as you are
16 concerned, for Mr. Bartee to invite people into his
17 home?

18 A. No, sir.

19 Q. Okay. I want to take you to a day, May 19, 2012.
20 With that in mind, have you ever been to Mr. Bartee's
21 business?

22 A. Yes, sir, I have, on numerous occasions.

23 Q. Okay. And what is that business?

24 A. He's a martial arts instructor.

25 Q. Okay. All right. On May 19, 2012, did you have an

1 occasion to go to the business?

2 A. Yes, sir, I did.

3 Q. What was occurring on that date?

4 A. There was a Japanese instructor that actually lives
5 in Colorado now that came in for a seminar on that day,
6 and Mr. Bartee had invited me to come by and just watch
7 this guy do what he does, just do his thing.

8 Q. Do you study Aikido?

9 A. No, sir, I do not.

10 Q. Okay. Do you know martial arts?

11 A. Yes, sir.

12 Q. Okay. But you don't study Aikido and you are not a
13 customer or a patron of the business?

14 A. No, sir, I'm not.

15 Q. All right. How long were you there at that Aikido
16 seminar?

17 A. I came in about 1:30 in the afternoon and stayed
18 until it wrapped up, that session in the afternoon,
19 around 4:30.

20 Q. Okay. Did you -- do you know a doctor that is one
21 of Rick's students?

22 A. Not personally. I've met him on a couple of
23 occasions, but I really don't know him personally, no,
24 sir.

25 Q. Okay, sir. But you recognize him, correct?

1 A. Oh, yes, sir.

2 Q. Okay. Was he there that day?

3 A. Yes, sir, he was.

4 Q. Now, about what time did that seminar wrap up?

5 A. Around 4:30.

6 Q. Okay. And after it wrapped up, what did you do?

7 A. Okay. Mr. Bartee then invited me to go to the
8 Mexican restaurant with some of his students and also
9 with the instructor that had come in, and we were going
10 there around 7:00. And he said, Hey, Rick, he said, Why
11 don't you just drive your car over to my house and hang
12 out with us a little while, while the instructor is
13 getting dressed and everything, and just hang out with
14 us this afternoon? And I said great.

15 Q. Okay. Let me stop you. Do you've got a Japanese
16 guy who now lives in Colorado going to eat Mexican in
17 Oconee County?

18 A. Go figure.

19 Q. Yeah.

20 (Laughter.)

21 By Mr. Brannon:

22 Q. But that's what happened, right?

23 A. Yes, sir.

24 Q. Okay. All right. And so did you, in fact, drive
25 your car over to the Bartee residence?

- 1 A. Yes, sir, I did.
- 2 Q. And when you got there, who else was there?
- 3 A. Mrs. Bartee, and, and then we came in with the
- 4 instructor, and to my knowledge there was no one else
- 5 there at that time.
- 6 Q. Was Rick there?
- 7 A. Yes. He came in behind us. I -- that's the only
- 8 way I could get in the door, you know, he was there to
- 9 let me in, you know.
- 10 Q. Okay. All right. So while you were there, it was
- 11 you, Liz Bartee, Rick Bartee, and this Japanese
- 12 instructor, right?
- 13 A. Yes, sir.
- 14 Q. Okay. All right. While you were there, before you
- 15 go to the Mexican restaurant, did anybody else come
- 16 over?
- 17 A. Yes, sir.
- 18 Q. Who?
- 19 A. Nick Blackwell.
- 20 Q. Do you know Nick Blackwell?
- 21 A. I know him when I see him, and I've seen him on
- 22 several occasions at, at forums and things, but I do not
- 23 personally know him, no.
- 24 Q. Okay. But when he came in, did you know who it
- 25 was?

1 A. Yes, sir, I did.

2 Q. And did you know him from those forums and things
3 like that?

4 A. Yes, sir.

5 Q. Have you witnessed Mr. Blackwell's attitudes and
6 behaviors at those forums?

7 A. Yes, sir.

8 Q. Did he behave himself well?

9 A. No, sir.

10 Q. All right. So you recognized him when he came in?

11 A. Yes, sir.

12 Q. Did you hear what he said -- I'm not asking you to
13 say what he said -- but did you hear what he said when
14 he was there?

15 A. Yes, sir, I did.

16 Q. How close were you standing to him while he was
17 there?

18 A. Approximately eight to nine feet.

19 Q. Okay. At all times while Nick Blackwell was there
20 on the 19th were you in the same room as him?

21 A. Yes, sir.

22 Q. Did Nick Blackwell ask for a loan?

23 A. Yes, he did.

24 Q. I'm gonna be very clear. Did he ask for a loan?

25 A. Yes, sir, he did.

1 Q. And did -- how did Mr. Bartee respond?

2 A. Mr. Bartee then turned to his wife and said, Liz,
3 go and get the envelope from the seminar this afternoon
4 and bring it to me.

5 Q. Okay. And did she do so?

6 A. Yes, sir, she did.

7 Q. All right. And did she hand him the envelope?

8 A. Yes, she did.

9 Q. And did you see him remove money from the envelope?

10 A. Yes, sir, I did.

11 Q. Do you know how much money he took out of the
12 envelope?

13 A. Yes, I do.

14 Q. And how much was that?

15 A. \$150.

16 Q. Is that the amount of money that he loaned to
17 Mr. Blackwell?

18 A. No, sir. Because Mr. Bartee then said, you know,
19 my students have given this for the seminar, and I
20 can't ---

21 MR. WAGNER: Objection, Your Honor.

22 THE COURT: I sustain that.

23 THE WITNESS: -- I cannot --

24 THE COURT: I sustained that objection.

25 MR. BRANNON: That's fine.

1 By Mr. Brannon:

2 Q. Okay. Okay. That's fine.

3 A. Okay.

4 Q. Did -- okay. You saw him remove \$150 from an
5 envelope?

6 A. Yes, sir.

7 Q. Did Mr. Bartee add money to that \$150?

8 A. Yes, he did.

9 Q. How much did he add?

10 A. \$30.

11 Q. Okay. How much total did he give to Nick
12 Blackwell?

13 A. \$180.

14 Q. All right. Did Nick Blackwell say anything about
15 an ability to repay it?

16 A. He said, I'll pay you back when I can.

17 MR. WAGNER: Objection again, Your Honor.

18 THE COURT: I sustain that objection.

19 By Mr. Brannon:

20 Q. Any doubt in your mind that on May 19 the money
21 that was given to Nick Blackwell was \$180?

22 A. No, sir, there was absolutely none.

23 Q. And any doubt that it was a loan?

24 A. No, sir, not, not any at all.

25 Q. Okay. Do you believe that Mr. Bartee had any

1 expectation of ever being repaid?

2 A. The only thing that was said in that regard ---

3 MR. WAGNER: Objection, Your Honor.

4 THE COURT: Establish the basis of his knowledge,
5 please, sir.

6 MR. BRANNON: Okay.

7 By Mr. Brannon:

8 Q. I'd rather just -- this is a yes-or-no question.

9 A. Okay.

10 Q. In your opinion did Mr. Bartee have any expectation
11 of being repaid?

12 A. Yes.

13 Q. Okay.

14 THE COURT: I sustain the objection.

15 MR. BRANNON: Withdraw the question. I'm sorry,
16 Your Honor.

17 THE COURT: Thank you.

18 By Mr. Brannon:

19 Q. How long was Blackwell there?

20 A. Approximately ten to 15 minutes.

21 Q. Okay. And after he left -- well, back up.

22 Before he left, at any point did you hear
23 Mr. Bartee say, Take care of your family, take care of
24 your wife?

25 MR. WAGNER: Objection, Your Honor.

1 THE COURT: Sir?

2 MR. WAGNER: It's leading.

3 THE COURT: Overruled.

4 Go ahead.

5 By Mr. Brannon:

6 Q. Did you ever hear Mr. Bartee say anything along the
7 lines of, Take care of your family, feed your family?

8 A. Yes, I did.

9 Q. Okay. And how did Mr. Blackwell get out of the
10 house? And I don't mean was he thrown out. But how did
11 he leave the house?

12 A. He walked out the front door, the same door he came
13 in.

14 Q. And who walked with him?

15 A. Mr. Bartee.

16 Q. Would you say that he escorted him out?

17 A. No, sir. They just walked out just like if
18 somebody just come into your house and they leave and
19 you walk out to say good-bye or see ya'.

20 Q. Okay. But Mr. Bartee walked with him to the door?

21 A. Yes, he did.

22 Q. And you heard him say, Take care of your family?

23 A. "Take care of your family."

24 Q. Okay. Did you ever overhear any other
25 conversations between Nick Blackwell and Rick Bartee?

1 A. Yes, sir, I did.

2 Q. Okay. Please Give me a time frame.

3 A. It was on Memorial Day, which would have been the
4 28th of May of 2012.

5 Q. Okay. What -- well, first off, who were you with?

6 A. I was with Mr. Bartee, Mike Eades, we were out
7 putting out signs, putting out the big signs that needed
8 to have holes dug in the ground and all this good stuff.

9 Q. And was there, was there a fourth person with you?

10 A. There was a Mr. Davis, I think, was there, and then
11 Mike Eades' little nine-year-old brother.

12 Q. Okay. All right. So at least four of you
13 together?

14 A. Yes, sir.

15 Q. Okay. And were you putting those signs up in one
16 place or out around the County?

17 A. There were three locations we were putting up the
18 large signs.

19 Q. Okay. All right. And how do you know that the
20 conversations you overheard were between Bartee and
21 Blackwell?

22 A. Okay. Mr. Bartee's phone rang and he looked down
23 and he said, That idiot Nick is calling again. Okay?
24 Then Mr. Bartee put his phone on speaker phone.

25 Q. Okay. And could you hear the person on the other

1 end of the phone?

2 A. Yes, sir, I could.

3 Q. Okay. And, and could you hear what that person
4 said?

5 A. Yes, sir, I did.

6 Q. And did you identify the voice as being Nick
7 Blackwell?

8 A. Yes, sir.

9 Q. Okay. Did Mr. Bartee offer or agree to lend him
10 more money?

11 A. No, sir, he did not.

12 Q. How many times on the 28th did he call?

13 A. Two.

14 Q. Okay. All right. And did each time that occur he
15 put it on speaker phone?

16 A. Yes, he did.

17 Q. And you heard it?

18 A. Yes, sir, I did.

19 Q. Any question in your mind that the \$180 on May 19
20 was a loan?

21 A. None whatsoever.

22 MR. BRANNON: Approach the witness?

23 THE COURT: Yes.

24 By Mr. Brannon:

25 Q. Sir, you don't know what this document is. I'm

- 1 simply gonna ask you to read a date --
- 2 A. Okay, sir.
- 3 Q. -- okay? That date right there.
- 4 A. May 22nd.
- 5 Q. Okay. At what time?
- 6 A. 11:30.
- 7 Q. All right. And who's that person? What's that
- 8 name right there?
- 9 A. Beverly H. Whitfield, clerk of court.
- 10 Q. Thank you. May 22nd, correct?
- 11 A. Yes, sir.
- 12 Q. May 22nd. \$180 went to Nick Blackwell on May 19th?
- 13 A. Yes, sir.
- 14 Q. A Saturday?
- 15 A. Yes, sir.
- 16 Q. After an Aikido seminar?
- 17 A. Yes, sir.
- 18 Q. In your presence?
- 19 A. Yes, sir.
- 20 Q. Did Nick Blackwell know you?
- 21 A. He knew who I was from the, being at the forums and
- 22 everything, but he did not know me as far as being a
- 23 friend or anything, but I was always at the forums, and
- 24 he had seen me with Mr. Bartee, I'm sure.
- 25 Q. I understand. Let me rephrase the question.

1 Did you know you were there on May the 19th when he
2 got handed \$180?

3 A. If he didn't, he was blind, sir.

4 Q. Thank you, sir. Bartee is now your friend?

5 A. Yes, he is.

6 Q. Are you lying today because he's your friend?

7 A. No, sir, I am not.

8 Q. Did you make any financial contribution to the
9 Bartee for sheriff campaign?

10 A. I did not personally make them, but I did a couple
11 of fundraisers as far as music is involved to raise
12 money, a couple of dinners, and I was involved in that,
13 yes, sir.

14 Q. Okay. But did any money come out of your pocket to
15 go into that campaign?

16 A. No, sir, it did not.

17 Q. Did you make any contribution to his defense fund?

18 A. Again, I helped raise some money for the defense
19 fund with some music, but never personally, no.

20 Q. Okay. And none came out of your pocket; is that
21 correct?

22 A. No, sir.

23 Q. All right. Could a friend get you to lie?

24 A. No, sir, he could not.

25 MR. BRANNON: Thank you. Nothing further.

1 THE COURT: This witness is excused.

2 Call your next witness, please.

3 MR. BRANNON: Yes, sir. William John Kundolf.

4 (Whereupon, the witness was excused and left the
5 courtroom.),

6 (Whereupon, the witness, William John Kundolf,
7 entered the courtroom and was sworn by the clerk of
8 court..)

9 Whereupon,

10 William John Kundolf

11 Having first been duly sworn, was examined and testified
12 as follows:

13 Direct Examination by Mr. Brannon:

14 Q. Sir, please state your full name and spell the last
15 for the court reporter.

16 A. Okay. William John Kundolf, K-u-n-d-o-l-f.

17 Q. Okay. Sir, I'm gonna ask you to speak up just a
18 little bit or maybe pull up closer to that microphone.

19 Thank you. Where do you live?

20 A. 118 Pelham Drive (phonetic) in Westminster.

21 Q. Is that in Ocone County?

22 A. Yes, it is.

23 Q. All right. Do you know James Richard Bartee,
24 Junior?

25 A. Yes, I do.

1 Q. How do you know him?

2 A. My grandson goes to the Aikido school that he has.

3 Q. Okay. All right. And did you happen to know that
4 he was running for sheriff?

5 A. Yes, I did.

6 Q. Were you one of his supporters?

7 A. Yes, I was.

8 Q. Did you ever make a financial contribution to his
9 campaign?

10 A. No, I didn't.

11 Q. Did you ever make a financial contribution to his
12 defense fund?

13 A. No.

14 Q. Okay. All right. Sir, where are you from
15 originally?

16 A. Connecticut.

17 Q. Okay. How long have you lived in South Carolina?

18 A. Since August 1st, 1987.

19 Q. Okay. Before you came to South Carolina, what did
20 you do for a living in Connecticut?

21 A. I was a Connecticut state trooper.

22 Q. Okay. How long were you a trooper?

23 A. 24 years.

24 Q. What rank did you retire -- what rank did you leave
25 Connecticut Trooper Patrol with?

1 A. Sergeant.

2 Q. Okay. All right. When you came to South Carolina,
3 did you retire?

4 A. Yes.

5 Q. Okay. Did you stay retired?

6 A. No.

7 Q. What did you do?

8 A. I stayed retired for about six months. Then I went
9 to work for Harris and Graves Law Firm in Greenville as
10 an investigator and later as a manager.

11 Q. Okay. How long did you stay there?

12 A. Four years.

13 Q. All right. After that what did you do?

14 A. I went to work for Martin Protective Services and I
15 was the facilities manager at the Bi-Lo Distribution
16 Center in Mauldin, South Carolina.

17 Q. Okay. What did you do after that?

18 A. I went to work for -- well, I had a couple of heart
19 attacks so I didn't do anything for a year. And then I
20 went to work for gate security at the Michelin plant in,
21 at Donaldson in Greenville.

22 Q. Okay. What did you do after that?

23 A. I took a year off to build a house and then I went
24 to work for Foxwood Hills Security.

25 Q. All right. And then what did you do after that?

1 A. I was there for approximately two years and then I
2 went to work at the -- in 2000 I went to work for the
3 Oconee County Sheriff's Department and 9-1-1 as a
4 dispatcher.

5 Q. Okay. So you worked for 9-1-1. Sir, was that your
6 last job?

7 A. No.

8 Q. Okay. What did you do after that?

9 A. I went back to work for Foxwood Hills Security and
10 then stayed there for, oh, another six, seven years --

11 Q. All right.

12 A. -- and then I retired.

13 Q. So you're done now, right?

14 A. I'm done.

15 Q. Okay. How long did you work for Oconee County
16 9-1-1?

17 A. Three years.

18 Q. All right. What did you do?

19 A. Dispatcher.

20 Q. Did you work the same shift the whole time?

21 A. No.

22 Q. So you rotated shifts?

23 A. Yes.

24 Q. Okay. All right. Do you know Nick Blackwell?

25 A. I know of him.

1 Q. Okay. All right.

2 A. I, I say I ran into him one night, one evening at
3 the Aikido school. That's the first time I saw him
4 face-to-face.

5 Q. Okay. All right. When he came in, did you know
6 who it was?

7 A. No.

8 Q. Okay. You later learned who he was, correct?

9 A. Yes.

10 Q. All right. When you, when you saw him at the
11 Aikido business, what mood or what behavior did you see?

12 A. Agitated.

13 Q. Okay. Was he speaking?

14 A. Yes.

15 Q. Was he speaking loud?

16 A. Yes.

17 Q. Was he disruptive?

18 A. Yes.

19 Q. Did you do something to quiet the situation?

20 A. Yes, I did.

21 Q. Okay. Tell me what you did.

22 A. He came in, he was disruptive. I got up. He was
23 looking for Mr. Bartee, who was not there. So, because
24 he was disrupting the class, I walked over to him and
25 said, Can I help you? Because Mr. Bartee is not here

1 but I can get a hold of him or I can get a message to
2 him. And he was ranting something about Donnie Fricks.

3 MR. WAGNER: Objection, hearsay.

4 THE COURT: Sustained.

5 By Mr. Brannon:

6 Q. Okay. I just want to know what you did, sir.

7 A. I walked over to him to try to calm him down.

8 Q. Okay. How did you try to calm him down?

9 A. By talking to him, to find out why he was there.

10 And he was also interested in getting some campaign

11 signs, the lawn signs, which were in the corner. I

12 directed him to them.

13 Q. Okay. And did he leave the business?

14 A. Yes. He got his signs and he, we went outside.

15 Q. Okay. "We went outside." Did you walk him out?

16 A. Yes, I walked out with him.

17 Q. Okay. All right. Now, at any time have you been a

18 party to a conversation or have you been told about Nick

19 Blackwell and potentially how to calm him down?

20 A. Yes.

21 Q. Who told you that?

22 MS. SIMMONS: Objection, hearsay.

23 THE COURT: Overruled.

24 Go ahead.

25

1 By Mr. Brannon:

2 Q. Who told you that?

3 A. James Bartee.

4 Q. Okay. Specifically what did he tell you about
5 calming Nick Blackwell down?

6 A. He said that the easiest way to calm Nick down
7 would be to tell him, Calm down, don't get excited, go
8 home, take care of your wife and children.

9 Q. The night that, the night that he came and was
10 boisterous or disruptive, did you say, Calm down, go
11 home and take care of your family?

12 A. Yes, I did, after he got the signs.

13 Q. Did it calm him down?

14 A. Not really.

15 Q. Okay. He did leave, though?

16 A. Yes, he did.

17 Q. Did you achieve your goal of getting him out of the
18 school?

19 A. As long as he was gone, yes, I did.

20 Q. Okay. All right. Now I want to take you back to a
21 time when you were with 9-1-1.

22 A. Yes.

23 Q. Did you ever get calls from Nick Blackwell?

24 MS. SIMMONS: Objection, relevance.

25 THE COURT: Would you take your jury to the jury

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

2 By Mr. Brannon:

3 Q. Mr. Kundolf, I want to take you back to the
4 conversation or, or the period of time when Mr. Bartee
5 was talking to you about ways to calm Nick down.

6 A. Okay.

7 Q. When was that in relation to the time that he came
8 into the business and was boisterous?

9 A. Oh, at least a month or more before that when his
10 campaign was getting in full swing.

11 Q. Okay. All right. So April -- March or April of
12 2012?

13 A. Yes.

14 Q. All right, sir.

15 A. Or before that, yes.

16 Q. All right, sir. Is everything you said here today
17 truthful?

18 A. Yes, sir.

19 **MR. BRANNON:** Thank you. No further questions.

20 **THE COURT:** Cross-Examination?

21 Cross-Examination by Ms. Simmons:

22 Q. Mr. Kundolf?

23 A. Yes.

24 Q. Just one question for you.

25 Do you have any personal knowledge of conversations

1 that would have occurred between Mr. Bartee and
2 Mr. Blackwell that occurred at Mr. Bartee's home or by
3 telephone?

4 A. No, ma'am, I do not.

5 MS. SIMMONS: Thank you.

6 THE COURT: May this witness be excused?

7 MR. BRANNON: Yes.

8 MS. SIMMONS: Yes, Your Honor.

9 (Whereupon, the witness was excused and left the
10 courtroom.)

11 MR. BRANNON: Christopher Kundolf.

12 (Whereupon, the witness, Christopher Kundolf,
13 entered the courtroom and was sworn by the clerk of
14 court.)

15 MR. BRANNON: May it please the Court?

16 THE COURT: Yes, sir.

17 Whereupon,

18 Christopher Kundolf

19 Having first been duly sworn, was examined and testified
20 as follows:

21 Direct Examination by Mr. Brannon:

22 Q. Sir, if you would state your full name and spell
23 your last for the court reporter?

24 A. My name is Christopher Kundolf, that's
25 K-u-n-d-o-l-f.

1 Q. That guy that just left, is that your dad?

2 A. Yes, sir.

3 Q. All right. You got kids?

4 A. Yes, I do.

5 Q. How many?

6 A. One.

7 Q. And does that kid take Aikido?

8 A. Yes, he does.

9 Q. At Mr. Bartee's business?

10 A. That's correct.

11 Q. And have you ever been present when -- rephrase.

12 Do you know a guy named Nick Blackwell?

13 A. Now I do.

14 Q. You do. All right. Have you ever been a party to
15 a conversation where ---

16 MS. SIMMONS: Objection, leading.

17 THE COURT: Go ahead.

18 By Mr. Brannon:

19 Q. Have you ever been a party to a conversation where
20 Mr. Bartee may have told you something about how to calm
21 Nick Blackwell down?

22 A. Yes, numerous times.

23 Q. What did he tell you?

24 A. He said just to tell him, You need to go home and
25 you need to worry about your family and not to get all

1 wrapped up in whatever he was ranting and raving about.

2 Q. All right. Did you ever see Nick Blackwell in the
3 Aikido dojo?

4 A. Yes, I have.

5 Q. How many times?

6 A. Just once that I'm aware of.

7 Q. Okay. Now, why were you there that day?

8 A. I was there for my son, he had classes.

9 Q. Okay. And why was your dad there?

10 A. He goes with me a lot. He likes to be there.

11 Q. Cool. Okay. You were there before Nick Blackwell
12 or did he come in after you got there?

13 A. I was already there.

14 Q. You were there when he came in, right?

15 A. That's correct.

16 Q. All right. When he came in, what was -- how was
17 his behavior?

18 A. Erratic, just high strung.

19 Q. Okay. How was he speaking? I'm not -- not what
20 was he saying, but how was he speaking?

21 A. Just loud, he was speaking loud and he was
22 disruptive.

23 Q. Disruptive, okay. Did you do anything to calm the
24 situation?

25 A. No. I only backed -- my father stood up and

1 approached him and began speaking with him and I stood
2 up as soon as my father did. I had no idea who this guy
3 was at that point in time and didn't even know why he
4 was even there.

5 Q. Okay.

6 A. So Dad stood up, I stood up. And I just stood
7 behind him and let him speak whatever it was he was
8 gonna say?

9 Q. Okay. Was Nick Blackwell disrupting the Aikido
10 class?

11 A. At that moment he was.

12 Q. Did you hear him say something to the effect of, Go
13 home, think of your family, calm down?

14 A. At some point -- at one point, yes.

15 Q. Okay. And were the two of you able to get
16 Blackwell out of the business?

17 A. That is correct. Yes, we were.

18 Q. Did the method of calming him down appear to work?

19 A. He left, so it worked.

20 Q. He left, so it worked. Thank you.

21 Did you ever contribute to Mr. Bartee's political
22 campaign?

23 A. Not financially no.

24 Q. Did you ever contribute to his legal defense fund?

25 A. Not financially, no.

1 Q. Okay. Is everything you've said in here true?

2 A. Absolutely.

3 MR. BRANNON: Nothing further.

4 THE COURT: Cross-Examination.

5 Cross-Examination by Ms. Simmons:

6 Q. Good afternoon Mr. Kundolf.

7 A. Good afternoon.

8 Q. Just three questions for you, I think. Have you
9 reviewed any of the evidence in this case?

10 A. No, I haven't.

11 Q. And do you have of any personal knowledge of
12 conversations between Mr. Blackwell and Mr. Bartee that
13 would have occurred by telephone?

14 A. Not firsthand knowledge, no, ma'am.

15 Q. And do you have any personal knowledge of
16 conversations that would have occurred between
17 Mr. Bartee and Mr. Blackwell during the nighttime hours
18 at Mr. Bartee's home?

19 A. No, I couldn't. I wasn't there so I would have no
20 knowledge of that.

21 MS. SIMMONS: Thank you.

22 THE COURT: May this witness be excused?

23 MR. BRANNON: Yes, Your Honor.

24 (Whereupon, the witness was excused and left the
25 courtroom.)

1 Whereupon,

2 Glenn Michael Eades

3 Having first been duly sworn, was examined and testified
4 as follows:

5 Direct Examination by Mr. Brannon:

6 Q. Sir, please state your full name, and spell your
7 last for the court reporter.

8 A. Glenn Michael Eades, E-a-d-e-s.

9 Q. Thank you, sir. Do you know James Richard Bartee,
10 Junior?

11 A. Yes.

12 Q. How do you know him?

13 A. Through the campaign for sheriff.

14 Q. So you didn't know him before he became a candidate
15 for sheriff; is that correct?

16 A. Yes, sir.

17 Q. Since coming to know him through the campaign, have
18 you become friends of his?

19 A. Yes, sir.

20 Q. Did you actively participate in some form in his
21 campaign?

22 A. Yes, sir.

23 Q. What types of things did you do?

24 A. I helped put out signs, talked to people, and let
25 him come to my bluegrass festival to meet people and

1 emcee it to where he could meet and greet the people.

2 Q. Okay. Did you ever make a financial contribution
3 to the campaign?

4 A. No, sir.

5 Q. Did you ever make a financial contribution to his
6 criminal defense fund?

7 A. No, sir.

8 Q. All right. Since coming to know him and building a
9 friendship, have you been to his home?

10 A. Yes, sir.

11 Q. All right. I want to take you back to Memorial Day
12 of 2012. Do you remember that day?

13 A. Yes, sir.

14 Q. What did -- did you do something with Mr. Bartee
15 that day?

16 A. Yes, sir. Me and my little brother, he was out of
17 school for Memorial Day, went to help put out signs for
18 Bartee.

19 Q. Okay.. What kind of signs did you go put out?

20 A. Four-by-four signs, and I think it was a
21 four-by-eight and then some yard signs.

22 Q. Okay. Those bigger four-by-four and
23 four-by-eights, are those the ones that require a post
24 hole digger to put posts in?

25 A. Yes, sir.

1 Q. Okay. It was you and your little brother and who
2 else?

3 A. Rick Sanders and a gentleman, I don't know his
4 first name, his last name was Davis.

5 Q. Okay. All right. Mr. Bartee there?

6 A. Yes, sir, he was.

7 Q. So there was four or five of you, right?

8 A. Right.

9 Q. Okay. What time of day was it when you were
10 putting these signs out?

11 A. The first one was before dinner because we hadn't
12 ate lunch yet.

13 Q. Okay. And, and did you eat lunch in there?

14 A. We put up the signs and then went to eat lunch and
15 then went and put up another sign.

16 Q. Okay. So the whole thing went from morning to
17 early afternoon?

18 A. Yes, sir.

19 Q. While you were putting out signs, did Mr. Bartee
20 get any phone calls?

21 A. Yes, sir.

22 Q. How many phone calls did he get?

23 A. Two or three that I know of.

24 Q. Okay. Do you know who any of the people on the
25 other phone were?

1 A. Yes, sir.

2 Q. How do you know that?

3 A. I recognized the voice and then what Bartee had
4 said.

5 Q. Okay. How did you recognize the voice?

6 A. Because I'd heard it before.

7 Q. Yeah. But how did you hear if the --

8 A. When the call come in, I was digging the holes, and
9 I remember Bartee said, It's the idiot. And I reckon he
10 had it on a speaker phone because that's how I could
11 hear it. And it was Nick Blackwell. And he said,
12 Bartee, this is Nick. I need to borrow some more money.

13 Q. Okay. How many times did he call?

14 A. That was the first time. After we done that and we
15 went to eat lunch, then he had done it again up at West
16 Union.

17 Q. Okay. What did he say the second time?

18 A. He said, Bartee, I need to borrow some more money.

19 Q. Okay. Did Mr. Bartee offer to give it to him?

20 A. He said, Nick, I cannot loan you no more money.

21 Q. Did he say that both times?

22 A. Yes, sir.

23 Q. All right. Were you close enough to see whose
24 phone number was on the phone?

25 A. No, sir.

1 Q. Okay. You heard Mr. Bartee say who it was?

2 A. Yes, sir.

3 Q. And the phone was on speaker?

4 A. Yes, sir.

5 Q. And you heard the voice?

6 A. Yes, sir.

7 Q. Do you know which phone Mr. Blackwell used to call
8 Mr. Bartee?

9 A. No, sir.

10 Q. Okay. Any doubt that the voice you heard was Nick
11 Blackwell?

12 A. No doubt.

13 Q. Are you telling the truth today?

14 A. Yes, sir.

15 Q. Did he ask to borrow money?

16 A. Yes, sir.

17 Q. Was he turned down?

18 A. Yes, sir.

19 Q. In fact, did you hear Mr. Bartee say, I can't loan
20 you any more money?

21 A. He says, Nick, I can't loan you any more money.

22 MR. BRANNON: Thank you. I don't have any more
23 questions for you, but the State may.

24 THE COURT: Cross-examination.

25

State of South Carolina

County of Oconee

In the Court of General Sessions

State of South Carolina,

Plaintiff,

-vs-

James Richard Bartee,

Defendant.

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2012-GS-37-597

August 30 & September 3, 2013

Transcript of Record

BEFORE:

The Honorable R. Lawton McIntosh, Judge

APPEARANCES:

Christina Adams, Esquire
Solicitor for Tenth Judicial Circuit

David Wagner, Esquire
Deputy Solicitor for Tenth Judicial Circuit

Lindsey Simmons, Esquire
Assistant Solicitor for Tenth Judicial Circuit

Attorneys for the State

Douglas Brannon, Esquire
Attorney for the Defendant

RECEIVED JAN 26 2014

Renee H. Tollison
Circuit Court Reporter

1 August 30, 2013

2 (WHEREUPON, court convened with all parties present
3 and the following proceedings were had commencing at
4 approximately 9:24 a.m.)

5 THE COURT: All right. We're back on the
6 record. Before we get started, anything from the State
7 that I need to deal with?

8 MR. WAGNER: No, sir.

9 THE COURT: Anything from the Defense?

10 MR. BRANNON: Yes, Your Honor, there is one
11 issue. It deals with the transcript of the audio
12 recording.

13 THE COURT: Yes, sir.

14 MR. BRANNON: You've admitted that. Your
15 Honor, in discovery the Solicitor's office initially had
16 transcribed, not the whole audio, but the portion of the
17 audio that took place in Mr. Bartee's house. It was
18 provided to me in discovery. So it's not a transcript of
19 the entire recording, just that portion in the house.
20 And I would move -- I would ask the Court for permission
21 and then ultimately admit this document into evidence for
22 one word. And I -- in the document -- transcript that is
23 already in the record that's already been admitted, on
24 page 40 at line 13, it says, I, and that would be Mr.
25 Bartee speaking.

1 THE COURT: Page 40, line 13?

2 MR. BRANNON: Yes, sir. Male Number 2. The
3 line starts with, damn right, he knows. I just don't
4 want to get in trouble. Okay.

5 THE COURT: Uh-huh (affirmative).

6 MR. BRANNON: In the first transcription that I
7 was provided, it says -- and on this transcription, it's
8 N.B. and J.B. So it's not number one and number two.
9 You're damn right, he knows. You don't want to get in
10 trouble. That's the one word. And I'm asking -- I'm
11 asking for the opportunity to question my client about
12 this and then move this into evidence.

13 THE COURT: What's your position?

14 MS. ADAMS: Your Honor, we object. That
15 transcript was done by an admin in my office right after
16 Mr. Bartee was arrested because Mr. Moore, at the time,
17 wanted to get that tape as quickly as possible. So I
18 told him I'd get it transcribed quickly, just that
19 portion. We don't have the equipment. It took her
20 forever to get it. This is why we got a real transcriber
21 to do it. I mean, this is an official transcription from
22 a third party who has the equipment to do it. She did
23 not do it, and that was made clear to Mr. Moore.

24 THE COURT: I understand that. So what would
25 be the legal basis for excluding it?

1 MS. ADAMS: Well, she's not a certified ---

2 THE COURT: Court reporter?

3 MS. ADAMS: --- court reporter. She's not here
4 to testify. She'd probably say that she knew she
5 couldn't hear some things, and she did the best she
6 could, and it's probably wrong.

7 MR. BRANNON: And that's exactly why I think
8 it's admissible. Some of the language on that recording
9 is subject to interpretation. And I've got two different
10 interpretations, both of them provided by the State.

11 MS. ADAMS: Judge, out of an abundance of
12 caution, we gave that to them because I had a girl in my
13 office who's not trained in transcription to listen to it
14 and do it. It took her a week. That's not what she
15 does. This is what Melody does. Melody Williams.
16 That's what she does. This is why you admitted this into
17 evidence. It's not -- she'd tell you half of that was
18 wrong. She told me. She goes, Christy, I did the best I
19 could, but it's probably not right. I said, well we just
20 need to get a general idea of what is said on paper. And
21 that is the only reason I got her to do it. And then for
22 Court we wanted to make sure we had an accurate third-
23 party transcriber, and that's why we got this.

24 Mr. Brannon has never brought this up before. This
25 is the first time he's brought it up. He never thought

1 it was an issue because we explained that to him when we
2 met with him.

3 THE COURT: Well, let me ask you this. At the
4 beginning of trial when you were arguing against any
5 transcript coming in, you included that specific
6 transcript as well.

7 MR. BRANNON: In fact, I told you -- I told the
8 Court about there being a second transcription.

9 THE COURT: And you were arguing against it
10 being admitted as well?

11 MR. BRANNON: I was arguing against both of
12 them being admitted, yes, sir. Yes, Your Honor. Excuse
13 me. You allowed this one in which, in my opinion, makes
14 the second one relevant because of the discrepancies in
15 the two of them.

16 THE COURT: All right.

17 MS. ADAMS: She's not here to testify, Judge.

18 THE COURT: We'll get her here.

19 MR. BRANNON: Well, Ms. Williams wasn't here to
20 testify ---

21 MS. ADAMS: You considered that ---

22 THE COURT: Stop. Stop. Stop. I'm going to
23 allow you to question about it, but I'm going to change
24 my ruling earlier on the evidence. If it's admitted, the
25 transcript will go back to the jury for their perusal,

1 and they'll be able to read it back in the jury room.

2 And that one as well. If that lady is available, you can
3 put her up in reply to explain what she did and the fact
4 that she's not a certified transcriptionist. Okay? I
5 note your objection to my ruling.

6 All right. Mr. Bartee, please stand. Have you had
7 an opportunity to discuss with your attorney and all who
8 you cared to discuss it with whether or not you wish to
9 take the stand?

10 THE DEFENDANT: I have.

11 THE COURT: And do you wish to take the stand?

12 THE DEFENDANT: I do.

13 THE COURT: Have you had sufficient time to
14 speak with anybody you'd like to?

15 THE DEFENDANT: I have.

16 THE COURT: And is your decision made
17 knowingly, intelligently and voluntarily?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Very good. Have a seat, please,
20 sir.

21 All right. Is the State ready?

22 MR. WAGNER: Yes, sir.

23 THE COURT: Defense ready?

24 MR. BRANNON: Yes, Your Honor.

25 (WHEREUPON, the jury entered the open court at

1 approximately 9:30 a.m.)

2 THE COURT: Good morning, Mr. Foreman, ladies
3 and gentlemen of the jury. Thank you for getting here on
4 this beautiful morning, and we appreciate you being on
5 time.

6 Before we get started, let me ask everyone -- as has
7 been my practice throughout this trial -- has anyone
8 read, heard, or listened to anything about this case
9 while you were in recess?

10 (WHEREUPON, jurors shook heads side to side in the
11 negative.)

12 THE COURT: Let the record reflect that
13 everybody responded no.

14 Mr. Brannon, is the Defense ready to proceed?

15 MR. BRANNON: We are.

16 THE COURT: Call your next witness, please.

17 MR. BRANNON: We call James Richard Bartee, Jr.

18 (WHEREUPON, the witness was duly sworn.)

19 MR. BRANNON: May it please the Court?

20 THE COURT: Yes, sir.

21 **JAMES RICHARD BARTEE, JR.,**

22 **BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

23 **DIRECT EXAMINATION**

24 **BY MR. BRANNON:**

25 Q. Sir, would you please state your full name for the

1 record and spell the last?

2 A. My name is James Richard Bartee, Jr. That's spelled
3 B-A-R-T-E-E.

4 Q. Thank you, sir. How old are you?

5 A. Fifty-six.

6 Q. What year were you born?

7 A. 1957.

8 Q. Where do you live today?

9 A. I live in Oconee County.

10 Q. Please give me the street name that you live on.

11 A. I currently live at

12

13 Q. And is there a subdivision name?

14 A. Yes. Stillwater.

15 Q. Stillwater. Okay. All right. How long have you
16 lived in that residence?

17 A. We purchased that house in March of this year, 2013.

18 Q. Where did you live before that?

19 A. Before that, I lived in Oconee County since January
20 2003, I believe. But the house before was 104 Island
21 Pointe, Seneca, South Carolina.

22 Q. And was that in a subdivision as well?

23 A. Yes. That's in Seneca. It's called The Summit.

24 Q. The Summit. So you lived in the Summit; you now
25 live in Stillwater. Is that correct?

1 A. Yes, sir.

2 Q. Okay. All right. Now, what did you do for a
3 living? Before -- let me rephrase that. Before coming
4 to South Carolina, what -- before coming to Oconee
5 County, what did you do for a living?

6 A. I was employed with United States Secret Service.

7 Q. Okay. I'm going to ask you, how old were you when
8 you started your work for the United States Secret
9 Service?

10 A. When I graduated from high school, I was seventeen
11 in May or June. And I started working for them in
12 September of the same year. And I think I was seventeen.
13 Two days later I would have been eighteen when I started.

14 Q. So you went to work for the United States Secret
15 Service at the age of seventeen?

16 A. I did.

17 Q. At seventeen, can you be a Secret Service agent?

18 A. No.

19 Q. So you went to work for the agency but not as an
20 agent; is that correct?

21 A. Correct. When I got out of high school, at that
22 time I was living in Northern Virginia. And I thought --
23 my goal was to be a special agent someday. And that goes
24 back to -- back when John F. Kennedy was assassinated, I
25 was watching television with my mother. And I was young,

1 six, I guess, or so. And she started crying. I was
2 watching the television show, Captain Tug, which was one
3 of my favorites when I was a kid. And she started
4 crying, and I didn't understand it. She said someone had
5 killed the President. And I told her then -- and she
6 could tell you that -- and I didn't know I said this
7 until later. She said, I hugged her and I told her, when
8 I grow up, I'm going to protect the President so no one
9 kills him.

10 Q. So since Kennedy's assassination, it was your dream
11 or goal to be a Secret Service agent; is that correct?

12 A. I think it was God's mission and for me to do so.

13 Q. Okay. Did you -- so you went to work at seventeen.
14 What was your first title?

15 A. I just wanted to get my foot in the door, so I took
16 a job as a GS-2 clerk. I made five thousand nine hundred
17 and ninety-six dollars a year, literally like eighty-
18 seven dollars and forty-two cents every two weeks. And
19 my job -- they assigned me to the White House Police, the
20 uniformed division, supply room and procurement office.
21 And it was my job to help the officers get their
22 uniforms, order any supplies.

23 The White House Police, they trained me. In fact,
24 we had lots of gun boxes around the White House and other
25 places. It was my job to go and clean the uzis and the

1 shotguns and, you know, make sure that the grenades were
2 right and everything else that we have. Gas masks.

3 Q. What year did you graduate from high school?

4 A. 1975.

5 Q. 1975. And after starting with the Secret Service,
6 sir, did you work full time? Was it a full-time job?

7 A. Yes, I went -- that was a full-time job. And then I
8 ---

9 Q. While you were working that full-time job, did you
10 seek higher education?

11 A. Oh, absolutely. At the beginning when I graduated,
12 I still lived with my parents. And to be a special agent
13 -- the requirements say you don't have to have a degree,
14 but they don't hire anyone without a four-year -- I mean,
15 just because of the competition. We get ten to fifteen
16 thousand people apply for each job. So I knew I needed a
17 degree, plus I wanted higher education. So I started
18 going to community college. And it's also -- my father
19 and mother said -- at that point I moved out, say, a few
20 months later -- if you will go to school at least two
21 classes a night, we won't charge you rent. If you don't
22 go to school, you're going to owe us four hundred a
23 month. All right.

24 Q. Got you. Okay. So you wanted to, but there was a
25 financial interest involved as well, correct?

1 A. Well, it was. But then few months later -- I'm an
2 independent soul, so I moved out with some roommates and
3 I worked in that job during the week. I would go to
4 school, two or three classes, night, mornings, weekend.
5 And I even got -- to help supplement, I worked at
6 carwashes on weekend, waxed cars, boats and stuff like
7 that to make ends meet.

8 Q. Right. Did you get a four-year degree?

9 A. I sure did.

10 Q. From what college or university?

11 A. I got my four-year bachelor's degree from American
12 University.

13 Q. Okay. And where is American University?

14 A. That's in Washington, D.C. And my degree is in
15 justice.

16 Q. All right. When did you become a Secret Service
17 agent or a special agent?

18 A. Well, when I started that clerk's job -- because I
19 heard people accusing me of being a clerk for ten years,
20 so I'd like to explain that.

21 Q. Well, I want to know when you became an agent.

22 A. 1983 they made me a special agent and transferred me
23 to the Houston, Texas, field office.

24 Q. Okay. Was there a job between the clerk's office,
25 getting police officers their stuff and cleaning the

1 guns, and becoming a special agent?

2 A. Yeah. After I think it was only about six months,
3 they were pleased, and they moved me over to the
4 technical security division, the visual information
5 branch which was -- their primary concern was
6 photography, video and graphic arts. And my job again,
7 the actual title was, I believe, supply clerk. Again, I
8 basically was a gopher. But my job was to go every day
9 -- let's say the White House pass system. I would go
10 over and put the film in for the -- and retrieve it. Any
11 film -- I would supply all field offices with any
12 photographic and video equipment they needed, and I would
13 assist the video and photography people even in
14 surveillances.

15 Q. Okay. Did you retire as a secret service agent?

16 A. Yes. I retired in January, I believe 1st or 2nd,
17 2000. And my title was Senior Special Agent. And I
18 retired from the Greenville, South Carolina, field
19 office.

20 Q. So you were a federal agent, a federal law
21 enforcement agent, working in the State of South
22 Carolina?

23 A. Yes.

24 Q. How long had you been in the State of South Carolina
25 before you retired as a special agent?

1 A. In 1993 they transferred me here.

2 Q. So you were in South Carolina working as a federal
3 law enforcement officer?

4 A. Yes.

5 Q. For almost ten years; is that correct?

6 A. Seven years here.

7 Q. Okay. '93 to 2000, correct?

8 A. Yes.

9 Q. Okay. All right.

10 A. Now, there was other -- you asked me about the
11 locksmith job.

12 Q. I'll get back to that. How old were you -- and I
13 can't, this early in the morning, do the math. But how
14 old were you on December the 14th, 1985?

15 A. 1985? Let's see, '75. Twenty to twenty-nine, I
16 guess.

17 Q. Okay. Do you remember being in the courtroom and
18 your friend Joe Milbert was on the witness stand, and
19 Madam Solicitor stood up and held up a piece of paper and
20 said, did you know your friend was suspended? Do you
21 remember that?

22 A. Oh, absolutely.

23 Q. And she said, for making a racial slur. Do you
24 remember that?

25 A. Yes.

- 1 Q. I happen to have the report in my hand.
- 2 A. Wonderful.
- 3 Q. And it occurred on -- what day does the alleged
- 4 incident occur?
- 5 A. I think maybe -- did I leave them over there? It
- 6 says ---
- 7 Q. Right there.
- 8 A. Yeah. December 14th, 1985.
- 9 Q. Okay. Now, I'm going to give these back to you.
- 10 A. Okay.
- 11 Q. Read that highlighted part right there.
- 12 A. Yes. Allegations of profanity and/or racial remarks
- 13 cannot be confirmed nor denied based on interviews
- 14 conducted.
- 15 Q. Does it say 'racial slur' anywhere there?
- 16 A. I cannot see it. No.
- 17 Q. And it says, can't be confirmed or denied.
- 18 A. Absolutely.
- 19 Q. Were you suspended?
- 20 A. Yes.
- 21 Q. How many days?
- 22 A. They suspended me for three days.
- 23 Q. Did you appeal that suspension?
- 24 A. I did.
- 25 Q. And what was the result of your appeal?

1 A. They reduced it to two days.

2 Q. Why would they reduce it to two days?

3 A. If you reduce it to two days, you can't appeal it.

4 Q. Right. So a three-day suspension can be appealed,
5 but if they reduce it, it takes away your right to
6 appeal, correct?

7 A. Two days or less, you cannot appeal it.

8 Q. Okay. All right. Now, there's another line in
9 here. I'm reading from page three of the official
10 report. It says, this was the second allegation of
11 misconduct levied against S.A. James R. Bartee, Jr. in
12 the last four months. I'm going to ask you -- now, the
13 report doesn't talk about the first one?

14 A. No.

15 Q. Would you tell the jury what happened some months
16 before?

17 A. Absolutely. I was assigned an investigation where
18 someone was stealing Social Security checks and cashing
19 them. And the address for the checks was -- I went over
20 to the home, and the individual -- I knocked on the door
21 and said, here's what I have. I'd like to talk to you
22 about it. And she slammed the door in my face. So I
23 went back to my office and got a -- I can't force her to
24 talk to me or anything. But I got a subpoena through the
25 A.U.S.A. for a -- to get their handwriting and

1 fingerprints. And I went back and we served it. And I
2 think sometimes the best defense is an offense. So she
3 came in and filed a complaint in the office that I had
4 mistreated her by us giving her those subpoenas.

5 Q. Okay. So she reported you for doing your job?

6 A. Absolutely.

7 Q. Okay. All right. Were you ever suspended again in
8 your career as a secret service agent?

9 A. No. I received many, many awards for my performance
10 awards.

11 Q. Okay. Did you make a racial comment to anyone?

12 A. No.

13 Q. Now, let's put it all out there.

14 A. Okay. Yeah. Please, I'd like that.

15 Q. Where were you when this person alleged that you
16 cursed or made a racial statement?

17 A. I was on an undercover assignment in Cleveland,
18 Ohio, and had stopped at a gas station to fill up my
19 undercover car.

20 Q. All right. Now, this person who made this
21 allegation, she says that you called her either a cow or
22 a black bitch.

23 A. That's what the report says.

24 Q. Now, that's what the report says. But even the
25 person who says you said it can't remember what you said?

1 A. Yes, that's correct.

2 Q. But there is one thing that she remembers very
3 specifically. She called you a white honky, didn't she?

4 A. Yes, she did.

5 Q. That's the report?

6 A. Yes.

7 Q. From December of 1985.

8 A. Yes. I was a young agent at that time, yes.

9 Q. And the person who was talking about you couldn't
10 remember specifically what you said?

11 A. Right.

12 Q. But she remembered exactly what she called you?

13 A. Absolutely.

14 Q. Never suspended again?

15 A. No.

16 Q. All right. Now, I want to talk to you a little bit
17 about some things that were said by Mr. -- we're going to
18 get into detail. But I want to talk to you about some
19 things that Mr. Blackwell said during a recorded
20 conversation between he and Investigator Baker when they
21 were driving him to your house.

22 A. Okay.

23 Q. Okay. Do you recall that he said that you had about
24 thirty thousand dollars of your own money into your
25 campaign. Do you remember that?

1 A. Yes. I've read it.

2 Q. Okay. Now, here's your South Carolina ethics
3 report, correct?

4 A. I'm glad you brought that.

5 Q. Well, actually, I didn't. The State did.

6 A. That's wonderful.

7 Q. But they call this -- for political people or
8 candidates, this is called an S.E.I., right?

9 A. Yes, sir.

10 Q. Statement of Economic Interest, correct?

11 A. Yes.

12 Q. And on your Statement of Economic Interest --- and
13 I'm quoting the person from the election commission?

14 A. Correct.

15 Q. Every contribution and every expenses must be
16 reported on your S.E.I., correct?

17 A. Yes.

18 Q. Mr. Bartee, how much money did you spend on your
19 campaign?

20 A. I believe -- not the exact but estimate -- probably
21 close to ninety thousand dollars.

22 Q. Okay. And the actual amount is in here, correct?

23 A. Yes, it is.

24 Q. And of that ninety-something thousand dollars, isn't
25 it true that seventy-six thousand dollars was your own

1 money?

2 A. It was.

3 Q. So Blackwell didn't know what he was talking about,
4 did he?

5 A. I have never discussed my finances with Nick
6 Blackwell. I don't discuss my finances with my friends
7 or even my mother and father.

8 Q. Okay. All of your loans to your campaign are in
9 here, correct?

10 A. Yes.

11 Q. Every penny that was spent for your campaign is in
12 here, correct?

13 A. I think if you see the record if someone gave me
14 even three dollars or eight dollars, I reported it.

15 Q. Got you. All right. Now, the other thing he said
16 is that you had lost two million dollars on your house
17 and you were broke. Now, that house in the neighborhood,
18 the Summit neighborhood ---

19 A. Yes.

20 Q. --- when did you buy it?

21 A. I bought that one in 2002 after we sold a previous
22 house.

23 Q. Okay. So in 2002 you bought the house that you were
24 living in on May 29, 2012, correct?

25 A. Yes, sir.

- 1 Q. How much did you pay for that house?
- 2 A. Seven hundred and eighty thousand dollars.
- 3 Q. Okay. And you recently sold that house, correct?
- 4 A. February of this year.
- 5 Q. Okay. So you paid seven hundred thousand dollars
- 6 for that house in '03, I think is what you said,
- 7 something like that?
- 8 A. 2002.
- 9 Q. 2002. When you sold the house, it was in 2013,
- 10 correct?
- 11 A. That is correct.
- 12 Q. Okay. So even though everybody knows that the real
- 13 estate market goes up in value and down in value and up
- 14 in value and down in value, you can't actually lose money
- 15 until you sell something, right?
- 16 A. I don't count my money that's -- like stock markets
- 17 or homes. That's paper. That's unreal money. I only
- 18 count real money.
- 19 Q. Okay.
- 20 A. And the day I sold it is the real money.
- 21 Q. All right. How much did you sell it for?
- 22 A. I sold it for one million thirty thousand dollars.
- 23 Q. All right. And you have a file on your computer of
- 24 all of the sales documents for that house, don't you?
- 25 A. Absolutely, called the HUD ones.

1 Q. Yeah. And you have a file document on your computer
2 from when you bought that house, don't you?

3 A. Yes.

4 Q. Did you lose money on your house?

5 A. I believe the math is pretty easy. If you pay seven
6 eighty and you sell it for one million thirty thousand,
7 then you made a profit.

8 Q. All right. In fact, isn't it true that the HUD form
9 says that the cash to the seller, being you, was over
10 four hundred thousand dollars?

11 A. That's correct.

12 Q. All right. In a general conversation between Nick
13 Blackwell and Agent Baker, those statements that
14 Blackwell made were factually incorrect, weren't they?

15 A. They were a lie.

16 Q. Okay. All right. Now, after you left the Secret
17 Service, what did you do?

18 A. I started my own business, James R. Bartee and
19 Associates. And it's an investigative, consulting and
20 defensive measures.

21 Q. Okay. And was part of what you and/or that company
22 did investigate insurance claims?

23 A. Part of what I do is work for -- I had five or six
24 insurance companies that sought me out to investigate
25 their fraud and also internal problems or office

1 problems.

2 Q. All right. And are you still in any way at all
3 affiliated with the Secret Service?

4 A. Yes. I have a commissioned title as a special
5 investigator.

6 Q. Okay. And at least up until the time of this
7 arrest, were you still providing some type of service to
8 the United States Secret Service?

9 A. Yes.

10 Q. And what were you continuing to do for the United
11 States Government up until the time of your arrest?

12 A. I do -- I did backgrounds for them on potential
13 people that applied for any position with the Secret
14 Service. And I also do the backgrounds on anyone that's
15 currently work -- update. We do an update on our
16 employees usually every three years to make sure they
17 haven't gotten involved in something. And we want to
18 keep our high standards.

19 Q. Okay. And even though you were retired, they were
20 continuing to use you in that capacity; is that correct?

21 A. Absolutely.

22 Q. Okay. And so you got this investigative, consulting
23 company. But you've got another business; is that
24 correct?

25 A. I sure do.

1 Q. And what is that business?

2 A. It's called Aikido of Lake Keowee located up on 123,
3 Clemson Highway, here in Seneca, South Carolina.

4 Q. Okay. So how long have you been practicing -- I
5 don't know what you do. I don't know if you take aikido,
6 if you practice it, if you do it. How long have you been
7 involved in aikido?

8 A. On aikido -- in the Secret Service we realized in
9 the '70s that there were some major deficiencies in law
10 enforcement, including ourselves, with how a lot of times
11 law enforcement members were beating the crap out of
12 people. And a lot of it was not on purpose. They just
13 weren't trained properly. And we got into studying how
14 -- if we were in an arrest situation, how can we control
15 people with the minimum amount of force so we don't have
16 physical confrontations.

17 Q. All right. And so are you telling me that you ---

18 A. Started it. We started looking at all these
19 different martial arts and methods and military methods,
20 our methods. And we pulled from aikido and the --
21 aikido's predecessor. It's called Daito-ryu Aiki
22 jujitsu. That was the combat version of aikido and
23 aikido. And we blended the two to make it effective for
24 law enforcement. And we actually brought -- the guy that
25 came in was a friend of mine, Robert Koga, from Los

- 1 Angeles Police Department to help set up our program.
- 2 Q. All right. So the answer to my question is sometime
- 3 in the '70s; is that correct?
- 4 A. Yes. And then I thought it was so amazing because I
- 5 had studied taequandos and karates and different things
- 6 like that, which are very, very linear arts, very
- 7 competitive arts. And it's always about dominating or
- 8 kicking someone's rear-end. And that just didn't fit
- 9 with law enforcement which, to me, says you should use
- 10 the minimum amount of force necessary in physical
- 11 confrontations, not the maximum. So I actually moved on
- 12 -- I started studying the actual aikido from a world
- 13 renowned sensei that had moved to Washington, D.C., to
- 14 become more proficient.
- 15 Q. Okay. All right.
- 16 A. And I stayed with that since.
- 17 Q. All right. Do you get belts in aikido?
- 18 A. In aikido, we're not a belt mill. We're not a what
- 19 I call a McDojo (phonic).
- 20 Q. Okay. Do you get belts?
- 21 A. We have a white and a black belt. That's it.
- 22 Q. That's it?
- 23 A. Yes, sir.
- 24 Q. Okay. And are you a white or a black belt?
- 25 A. I'm currently a fifth degree black belt in aikido.

1 Q. Okay. All right. And that allows you the
2 opportunity to be an instructor; is that correct?

3 A. Yes, I have the -- at that rank in aikido, I have
4 the ability to test people and guide people and to even
5 set curriculums.

6 Q. Okay. And in your business, Aikido of Lake Keowee,
7 do you from time to time invite visiting instructors to
8 come and put on seminars or something like that?

9 A. Yes. For my own students, I don't want them just to
10 hear my opinion or my way to do it. I want to bring in
11 even my instructors. I still have instructors, so I can
12 share with them the aikido philosophy. And I do that
13 three to four times a year. I have them come here. And
14 that also saves my students from having to even travel to
15 another town, have airplanes and big expenses. So I
16 bring them here.

17 Q. All right. The weekend of May 18 through 20 of
18 2012, did you have a similar -- or a seminar like that?

19 A. An aikido seminar, yes.

20 Q. And did you print brochures to let your students and
21 other people in the community know about that?

22 A. Yes, I put out brochures, flyers, web sites. And we
23 invite anyone around the world to come to these things.

24 Q. Is that a copy of the brochure for the weekend of
25 May 18 through 20 of last year?

1 A. I made it myself.

2 Q. Okay. Has this been manipulated in any way, shape
3 or form? Is this an identical reproduction of what was
4 handed out back then, last year?

5 A. Yes, it is.

6 Q. Okay.

7 MR. BRANNON: Move to admit this document.

8 MR. WAGNER: No objection, Your Honor.

9 THE COURT: Admitted without objection.

10 (WHEREUPON, Defendant's Exhibit Number 3 was marked
11 and admitted into evidence.)

12 Q. I'm going to ask you to identify this photo.

13 A. That's a group photo that -- like this seminar was a
14 Friday, Saturday and Sunday. And we took -- I usually
15 take the photos to have -- or have them taken like
16 Saturday at lunchtime. And it should include most
17 people. But some people might come one day, some three
18 days. I've got to leave today. My wife won't let me
19 stay more than two hours. Or my husband says I've got to
20 be home by four. But this is most of the people that
21 were there.

22 Q. Okay. And now I'm certain that one of them lawyers
23 sitting over there is saying, well, how do we know this
24 picture came from this seminar? I mean, that picture is
25 the guy from Japan who lives in Colorado that came to

1 Walhalla to eat Mexican. Remember that?

2 A. Yes. We brought -- Hiroshi Ikeda is his name. And
3 we brought him over here from Japan.

4 Q. Right.

5 A. And he came and taught this seminar. His photograph
6 is right here.

7 Q. He's in the middle of this picture?

8 A. And my ugly mug is sitting right next to him.

9 Q. And that doctor is sitting right there, isn't he?

10 A. Dr. Randy Sexton is there.

11 MR. BRANNON: Move to admit this photo.

12 THE COURT: Any objection?

13 MR. WAGNER: No, sir.

14 THE COURT: Admitted without objection.

15 (WHEREUPON, Defendant's Exhibit Number 4 was marked
16 and admitted into evidence.)

17 Q. Now, the fees or the costs for the people who came
18 to take advantage of the seminar, they're right down
19 here, right?

20 A. They're listed there for all to see.

21 Q. Okay. And when you -- when your students or your
22 patrons -- I don't know what you call the people in this
23 photo. When they pay the fee for this seminar or these
24 seminars, do they typically pay only what's listed as the
25 cost?

1 A. No. They can pay by cash, they can pay by check,
2 credit card.

3 Q. No, but ---

4 A. But they -- let's say the fee there is a hundred and
5 seventy-five dollars at the door, a hundred and fifty in
6 advance. But they often will pitch in extra. It could
7 be twenty-five dollars. I've had people pitch in a
8 thousand dollars because we usually -- we even put up a
9 bowl or something that, you know, we're trying to raise
10 funds. We have a lady that's been teaching aikido -- and
11 I'm giving you an example here -- who needed a hip
12 replacement and she had no insurance. And in that
13 seminar, I think we raised over eight hundred dollars to
14 send to help her. And it ended up all of our schools, we
15 brought up like thirty-five thousand dollars to help pay
16 for the lady's hip replacement..

17 Q. Okay. Now, so your students are generous. Is that
18 what you're saying?

19 A. Part of aikido is trying to -- the word aikido, it
20 means the art of love.

21 Q. Okay.

22 A. The art of love means to be generous and helpful to
23 all.

24 Q. Okay. And so through your aikido business, you
25 provide for others; is that correct?

1 A. This is basically what you'd call Samurai training.
2 And the word Samurai means to serve. Serve your God,
3 serve your country, serve your state, serve your
4 neighbors, your family. And ultimately even try to
5 protect your enemies.

6 Q. Okay. All right. Now, I'm going to ask you this.
7 If I ask you a question and you can say yes or no, would
8 you please do that?

9 A. Yes, sir.

10 Q. Okay. Are your students generous?

11 A. Yes.

12 Q. All right. Now, how did you come to know Nick
13 Blackwell?

14 A. I recall Nick Blackwell end of January, early
15 February of 2012 called my house and said, I want to --
16 I'm contemplating supporting you, and I'd like to talk to
17 you.

18 Q. Okay. Now, you used the word contemplating. Did
19 Nick Blackwell use that word?

20 A. No, he didn't use that word.

21 Q. Okay. All right. So he called because you were a
22 candidate for sheriff or were going to be a candidate for
23 sheriff; is that correct?

24 A. Yes.

25 Q. Did you ever know Nick Blackwell before you

1 announced your intention to run for sheriff?

2 A. I did not.

3 Q. Okay. So -- well, for instance, Mr. Hunnicutt, who
4 testified yesterday, did you know him before you decided
5 to run for sheriff?

6 A. I did not.

7 Q. Mr. Eades, the man who testified last yesterday, did
8 you know him before you decided to run for sheriff?

9 A. I did not.

10 Q. Ryan Stancil, the music man, did you know him before
11 you decided to run for sheriff?

12 A. No.

13 Q. Rick Sanders, he testified yesterday. Did you know
14 him before you decided to run for sheriff?

15 A. I did not.

16 Q. What about that judge, Jimmy Williams? Did you know
17 him before you decided to run for sheriff?

18 A. I did not know him.

19 Q. All right. So Blackwell calls you sometime, your
20 recollection is, early 2012, correct?

21 A. Yes, sir.

22 Q. All right. And I heard this over and over again
23 yesterday, that there were candidates that wouldn't
24 return phone calls. Do you recall that testimony?

25 A. I heard that complaint from different people in the

1 community.

2 Q. Okay. Did you try to make it a practice to return
3 phone calls?

4 A. That's part of my training from the Secret Service
5 that we try to return phone calls to everyone, even if we
6 don't like them or want to talk to them because you might
7 get information or learn something or meet a friend or
8 gain a new supporter.

9 Q. All right. So you attempt -- you tried to return
10 phone calls, right?

11 A. I want to meet the people.

12 Q. Did he, at some point, become involved in your
13 campaign?

14 A. His only involvement was, like many other people, is
15 they would ask for signs to pass them out. And we kept
16 signs at the aikido dojo and other locations in Oconee
17 County for people to pick up.

18 Q. All right.

19 A. Even my house if he wanted.

20 Q. And did you have people come to your house to pick
21 up signs?

22 A. Oh, yeah.

23 Q. Okay. Did you ever let Nick Blackwell pick up signs
24 at your house?

25 A. Yes.

1 Q. Did you ever let Mike Eades pick up signs at your
2 home?

3 A. Yes.

4 Q. Did you ever let Rick Sanders pick up signs at your
5 house?

6 A. I don't think he ever got them at my house, but they
7 had them at the music store and at the dojo. So they had
8 their share.

9 Q. Okay. But you let people get signs from your house,
10 right?

11 A. I'll be more than glad to give anyone a sign that
12 wants to put it in their yard.

13 Q. Okay. All right. Here's something that's kind of
14 gotten me bothered. Why would you let anybody come to
15 your house at eleven fifty-four at night? I don't get
16 it.

17 A. Well, again, when people jump to conclusions, they
18 don't know me. They haven't done their homework. But if
19 you went over and ask people that know me closely -- and
20 you could ask my wife -- I'm a late bird. I stay up
21 until twelve, one, two or three. I try to write. I've
22 been working on my history in the Secret Service and
23 novels and my travels. I stayed up until two, three in
24 the morning. You know, people come over because they
25 know that I'm up late at night. There's nothing sneaky

1 about it. You want to come to my house tonight, I'll
2 give you a pizza at two in the morning because I'll
3 probably be up.

4 Q. All right. Has Mr. Eades ever been to your house
5 late at night?

6 A. Yes.

7 Q. Mr. Sanders ever been at your house late at night?

8 A. Yeah. He's a late bird too.

9 Q. All right. So what you're saying is my concern is
10 just unwarranted because I don't know you well enough,
11 right?

12 A. Absolutely. If you know -- you know, they use that
13 word assume. Excuse my language. You know, you make an
14 ass out of yourself when you assume things.

15 Q. All right. As a law enforcement officer, you
16 investigate crimes. But are there different types of
17 investigations?

18 A. Yes, there is.

19 Q. Can you give me some for instances?

20 A. I can give you my training.

21 Q. Okay.

22 A. I was trained as a technical person. But as a
23 special agent, when it came -- I was trained as a
24 investigator to investigate criminal crimes. And I was
25 an intelligence agent.

1 Q. Okay. So when you are investigating a crime, what
2 are you looking for?

3 A. You go out to interview, let's say, a suspect or
4 either a witness, and you just want to get the facts of
5 your crimes to make your case.

6 Q. Okay. So you're looking for facts to support an
7 arrest or to determine if a crime has been committed,
8 correct?

9 A. Yes.

10 Q. As an intelligence officer, what are you looking
11 for?

12 A. Well, this is beyond most local-type law
13 enforcement. Intelligence investigations include FBI,
14 CIA, Secret Service and military. And in intelligence
15 investigations, when you go to sit down and interview
16 someone, you're not there to get -- accuse them of a
17 crime or get bits of a crime. You're there to listen and
18 get information. And you can sit there for hours, and
19 you might let them ramble. And you might hear things,
20 and you have to get them on your side if you want to know
21 if they're a spy or counter-spy. And you get all these
22 pieces of information, and you gather that and then later
23 you'll turn it in and sit down with psychiatrists and
24 other analysts and determine if we're on the right track.
25 Q. Okay. So investigating a crime, you're looking for

1 facts to support an arrest or that a crime has been
2 committed, correct?

3 A. Yes.

4 Q. When doing an intelligence investigation, you're
5 merely looking for information?

6 A. Yes. You want information so you can also evaluate
7 their mental capacity. Are they going to do something,
8 are they going to help you, or are they lying to you?

9 Q. Okay. All right. Again, facts ---

10 A. Versus ---

11 Q. --- or elements of a crime versus ---

12 A. --- information.

13 Q. --- information, correct?

14 A. Information.

15 Q. Did you ever solicit Nick Blackwell to do anything
16 for you?

17 A. No. He asked about putting out signs, and he and
18 anyone in this county can have all the signs they want.

19 Q. Okay. All right. Now, in the investigation of this
20 case, did Agent Sloan ever search your house?

21 A. No, he didn't.

22 Q. Did he ever subpoena your computer and look at your
23 computer?

24 A. No.

25 Q. Did he search your car after you were arrested at

1 the Anderson County Courthouse?

2 A. No.

3 Q. Did he take anything from you other than money that
4 they had previously marked? Did he take anything from
5 you?

6 A. When he arrested me in the courthouse?

7 Q. Yeah.

8 A. No.

9 Q. Okay. Did you have a wallet on you at that time?

10 A. Yes.

11 Q. Did you have a cell phone on you at that time?

12 A. Yes.

13 Q. Did you have car keys on you at that time?

14 A. Yes.

15 Q. After you were arrested, what happened to those
16 belongings?

17 A. My attorney was in the room. I handed them to him.
18 He said we could have them, and he took them to my
19 family.

20 Q. Okay. So he didn't ask for your car keys or
21 anything. You gave them to a guy named Jake Moore,
22 right?

23 A. Yes. Jake Moore was my attorney.

24 Q. Okay. All right. Now, you were there on a civil
25 matter; is that correct?

1 A. Yes.

2 Q. When you were taken into custody, did you ask for
3 the opportunity to speak to your attorney about the
4 arrest?

5 A. I sure did.

6 Q. And were you allowed to speak to your attorney about
7 the arrest?

8 A. No.

9 Q. All right. But they didn't search your house, they
10 didn't search your car, they didn't search your wallet,
11 they didn't do anything like that, correct?

12 A. No.

13 Q. All right. Now, in this case, how many search
14 warrants are you aware that the State sent out?

15 A. Zero.

16 Q. How many requests for information are you aware that
17 the State sent out?

18 A. Oh, I'm sorry. I think they requested Verizon cell
19 phone records.

20 Q. Okay.

21 A. And obviously, they seemed to have my Secret Service
22 record. Maybe they subpoenaed that. I don't know.

23 Q. But isn't it true that they got Nick Blackwell's
24 cell phone records?

25 A. Yes.

1 Q. How did they get Nick Blackwell's cell phone
2 records?

3 A. I believe they -- what I saw on the record, they
4 subpoenaed them.

5 Q. Okay. And so a minute ago I asked you how many
6 subpoenas they sent out, and you said none. You
7 misspoke, correct?

8 A. I was talking about -- I'm sorry. When you say
9 subpoenas, I thought you meant did they subpoena my house
10 or car or any of that. I wasn't thinking about the cell
11 phone record.

12 Q. Okay. How many cell phone record subpoenas did they
13 send out?

14 A. The record is -- the report reflects that they
15 subpoenaed Nick Blackwell's, my cell phone records and
16 Joe Milbert's.

17 Q. But the only cell phone records that they submit
18 into evidence are the cell phone records of Nick
19 Blackwell?

20 A. That's correct.

21 Q. All right.

22 MR. BRANNON: I beg the Court's indulgence,
23 Your Honor.

24 THE COURT: Yes, sir.

25 Q. Did we go through Nick Blackwell's cell phone

1 records day-by-day and call-by-call when we got them
2 through discovery?

3 A. We did.

4 Q. Did we count every phone call from Nick Blackwell to
5 you?

6 A. Yes.

7 Q. No, wait a minute. I asked you a bad question. Did
8 we count every phone call from Nick Blackwell to you on
9 Nick Blackwell's phone?

10 A. No.

11 Q. I think you got it backwards. We counted every time
12 he called you that are on these cell phone records,
13 correct?

14 A. Every time that's on those cell phone records, we
15 counted.

16 Q. We counted. And they're on these sheets of paper
17 right here, correct?

18 A. Yes.

19 Q. But what we couldn't count and what we didn't count
20 was the times that he called you from somebody else's
21 phone, correct?

22 A. Yes. There was times when he would use someone
23 else's phone or ---

24 Q. Okay. Did he from time to time use a cell phone of
25 a person that he claimed that he worked with?

1 A. A friend, worked with or the phone -- my ID would
2 say restricted.

3 Q. Okay. But what I want to know is he gave you a name
4 of a person, an associate that he worked with. He said,
5 I'm calling from so and so's phone.

6 A. Oh, yeah. On one of the person's -- and there may
7 have been others -- was Ajax.

8 Q. Ajax. And what did Blackwell tell you about Ajax?

9 A. That Ajax was a friend of his, and he was using his
10 phone because his battery was dead or something.

11 Q. Okay. And in fact, you remember the night that
12 Blackwell came to your house after the Tiki Hut and he
13 had Laurieanne Fletcher with him? Do you remember that?

14 A. I do.

15 Q. Now, his testimony is that you called him and
16 invited him to your house, but then when he got there,
17 you weren't there. You remember that testimony?

18 A. Yeah, I heard that.

19 Q. Okay. Isn't it true that when he went to your house
20 and you weren't there, he spoke to your wife?

21 A. Yes.

22 Q. Did he leave Liz a phone number?

23 A. Yes, he did.

24 Q. Whose number was it?

25 A. The young lady's.

1 Q. Laurieanne Fletcher's, correct?

2 A. Correct. Correct.

3 Q. So he had access and was using Laurieanne Fletcher's
4 cell phone from time to time anyways, correct?

5 A. That is apparent.

6 Q. And he told you at least once that he called you
7 from somebody named Ajax's cell phone, correct?

8 A. At least once.

9 Q. So when we counted all of the phone calls on Nick
10 Blackwell's cell phone records, we couldn't count all of
11 the times that he called you, could we?

12 A. No.

13 Q. All right. As a candidate when you are campaigning,
14 were you taught anything by anyone about using or having
15 your cell phone while you are campaigning? While you are
16 actively shaking hands and kissing babies, were you
17 taught anything?

18 A. Oh, yeah. I was taught a lot. I traveled with
19 presidential candidates.

20 Q. Okay. What did they do? If they were campaigning,
21 what did they do with their cell phone?

22 A. You would hand it to a staffer to answer or receive
23 calls or return calls.

24 Q. Okay. So while you were campaigning, while you were
25 actively campaigning, did you answer cell phones?

1 A. No. That upsets people.

2 Q. Okay. Isn't it true that you -- did you tell me
3 that it makes people feel like you've got something else
4 on your mind?

5 A. Yes.

6 Q. So would it be unusual if you were out campaigning
7 to have maybe Liz, your wife, holding your phone?

8 A. That'd be my wife, daughters or people that are with
9 me, absolutely. I want to focus on the people.

10 Q. Right. Is it possible that Mr. Eades may have had
11 your phone from time to time?

12 A. He did.

13 Q. Okay. All right. So while campaigning, you didn't
14 pay attention to the phone, correct?

15 A. No.

16 Q. But after that campaign event was over, would you
17 return those phone calls?

18 A. Myself or wife or staff helpers. We would return
19 everyone's call and say, hello and what can we do for
20 you.

21 Q. Okay. Along those lines, you got some emails from
22 the Honorable Jimmy Williams, didn't you?

23 A. Yes.

24 Q. Okay. Did you ever have a phone conversation with
25 Jimmy?

1 A. No.

2 Q. Okay. You responded to his emails, didn't you?

3 A. I believe I did, yes.

4 Q. Okay. Now, here's a problem that I have with
5 texting and emails to a certain extent. Do you believe
6 that you can read someone's emotion out of a text
7 message?

8 A. No.

9 Q. Okay. In your email, in one of your email responses
10 to Judge Williams, isn't it true that you said, I'll be
11 glad to sit down and talk with you about this.

12 A. Absolutely.

13 Q. Okay. Now, we've already talked about one thing
14 today. But at any point are you aware that Judge
15 Williams had any knowledge that you had served as a
16 federal Secret Service agent inside the State of South
17 Carolina?

18 A. No, I don't know if he knew that.

19 Q. But in your email, you said, I'll be happy to sit
20 down with you and talk, right?

21 A. Well, yeah. I want -- if you want to know about my
22 career and call me a clerk for ten years, I'll be glad to
23 show you my personnel records and lay it all out for you.

24 Q. Okay. But, sir, again, I'm trying to focus you
25 here. You just simply said, I'll be happy to sit down

1 with you, correct?

2 A. Yes, I did. And I thought I wrote those words, and
3 I thought I was as polite as you can be.

4 Q. Okay. Did you say that tongue-in-cheek? Was there
5 any smart-ass intent behind, I'll sit down with you?

6 A. No.

7 Q. Okay. So when the lady that was emailing in that
8 three-way email triangle, the lady from Columbia, Jimmy
9 Williams and you, she got on the witness stand and she
10 said she thought it was sarcastic. Were you being
11 sarcastic?

12 A. No.

13 Q. You just said you'd sit down with him, right?

14 A. I thought I was being very nice.

15 Q. I mean, look, you agreed to meet with Nick
16 Blackwell. You returned his phone call, right?

17 A. I've agreed to meet -- yes. And I agree to meet
18 with anyone that wants to talk to me.

19 Q. You agreed to talk with Ryan Stancil. He called you
20 from the music store. In fact, his testimony was he
21 didn't really like you. Remember that?

22 A. And I believe he'd even sent an email that he's a
23 Crenshaw supporter and didn't like me. But why don't you
24 come down here and talk to us.

25 Q. And you did, right?

1 A. Yes, I did.

2 Q. And because you talked with him, he became a Bartee
3 supporter, correct?

4 A. Yes, he did.

5 Q. All you said in the email to Judge Williams was,
6 I'll be happy to sit down with you, right?

7 A. That's it.

8 Q. Okay. And so whatever that woman from Columbia
9 inferred from your email is her inference and her
10 opinion, correct?

11 A. That would definitely be her opinion.

12 Q. Okay.

13 MR. BRANNON: May I approach the witness, Your
14 Honor?

15 THE COURT: Yes, sir.

16 Q. Are these photographs of the home that you lived in
17 with Liz and your daughters in the Summit subdivision?

18 A. It is.

19 Q. Okay. Now, Mr. Hunnicutt testified yesterday that
20 this is the upstairs porch on the back of the house,
21 right?

22 A. Yes, it is.

23 Q. So if you were on this porch looking out this way,
24 you'd be looking at the lake, right?

25 A. Yeah. That'd be the lake, and this would be the

1 second floor from the back side. It'd be the front floor
2 from the front-side of the house.

3 Q. Okay. So if you pull in the driveway, you walk in
4 the front door, you're actually on this floor, right?

5 A. Yes.

6 Q. But then there's a lower level that would come out
7 closer to ---

8 A. Yes.

9 Q. Okay. All right. And what's that thing right
10 there?

11 A. That is a P.A. system.

12 Q. And what is that thing right there?

13 A. A P.A. system.

14 Q. Okay. And are these close-up shots of the same P.A.
15 system?

16 A. Yes, they are.

17 Q. Right. So these photographs are simply up close of
18 these photographs, right?

19 A. Yes.

20 Q. Okay. Now, Mr. Hunnicutt was mistaken yesterday; is
21 that correct?

22 A. A little bit.

23 Q. Because this photograph is simply an up close
24 photograph of that photograph, correct?

25 A. Yes.

1 Q. I asked somebody to take pictures of the intercom
2 system, correct?

3 A. Yes.

4 Q. But this is not -- this picture here where Mr.
5 Hunnicutt said this is the one downstairs, that's not the
6 one downstairs, is it?

7 A. No. But the one downstairs is -- here's the deck.
8 It's right under.

9 Q. I understand. But I just want the jury to
10 understand.

11 A. Yes.

12 Q. These photographs are all of the upstairs intercom,
13 correct?

14 A. Yes.

15 Q. All right. Now, on May 27th, Nick Blackwell comes
16 over to your house, right?

17 A. That's the Sunday night, yes.

18 Q. Yeah. He comes over to your house, right?

19 A. Correct.

20 Q. Okay. Let's back up. Mr. Bartee, has anyone, as
21 far as you know, ever been allowed to smoke in your
22 house?

23 A. No. I don't like it, and my daughters are allergic
24 to it.

25 Q. Okay. On the 27th, did you take Nick Blackwell --

1 did Nick Blackwell smoke at your house?

2 A. Not inside the house.

3 Q. Did he smoke at your house?

4 A. Outside, yes.

5 Q. Okay. On the 27th when you were speaking with Mr.
6 Blackwell, was it outside on this deck?

7 A. It was right there, yes.

8 Q. Okay. Now, obviously, we can't tell scale with this
9 photograph. But I want to know how far you were from
10 that wall.

11 A. You can see the intercom's right there. And I'm
12 standing here, and he's standing right there.

13 Q. Okay. I want you to tell this jury in feet and/or
14 inches, how far were you from that intercom speaker.

15 A. I could reach it with my hand.

16 Q. Okay. And with your other hand, could you have
17 touched Mr. Blackwell?

18 A. Yes.

19 Q. All right. So you were within two and a half, three
20 feet of the wall, two and a half, three feet of Mr.
21 Blackwell; is that correct?

22 A. Yes, sir.

23 Q. Do these pictures accurately represent the upper
24 deck at the Summit home that you lived in and the
25 intercom system that was there at the time?

1 A. They do.

2 MR. BRANNON: Move to admit these photos.

3 THE COURT: Any objection?

4 MR. WAGNER: No, sir.

5 THE COURT: Admitted without objection.

6 MR. BROWN: Your Honor, I'm just going to do it
7 as one.

8 (WHEREUPON, Defendant's Exhibit Number 5 was marked
9 and admitted into evidence.)

10 Q. Okay. Now, so what? You got an intercom system.
11 If it ain't on, nobody can hear through it, right?

12 A. That's correct.

13 Q. On May 27, 2012, when Blackwell was at your house,
14 was that intercom system on?

15 A. Yes.

16 Q. Did you turn it on because Nick Blackwell was coming
17 over?

18 A. I had turned it on, you know, maybe a month or two
19 before that.

20 Q. Okay.

21 A. But it was on that night when he came, yes.

22 Q. All right. You turned it on a month ago, a month
23 before that. Why?

24 A. Myself, my family and many supporters were being
25 threatened with death and assaults. And in fact, my

1 daughter had her car -- had her car door --- had the heck
2 beat out of it with a hammer.

3 Q. All right. Did you have reason to believe that
4 there were people uninvited on or around your property?

5 A. Yes. I observed people on numerous occasions.

6 Q. Okay. Now, other than this deck area, where were
7 intercoms located?

8 A. Well, I had an intercom at the front door, one in
9 our master bedroom, one in the kitchen. And that door
10 going to the deck, there's one on the inside right there
11 for people to hear. And right below, if you go down the
12 steps to the basement den, we have one there.

13 Q. Okay. Now, there's been a lot of talk by the State
14 pushing this, go to the back door. Go to the back door.

15 A. Yes.

16 Q. Where's the back door?

17 A. Well, that door right there. If you come around --
18 the garage is on the left of the house. And if you come
19 down to the left, you go up the steps and you could enter
20 down that -- enter in this floor, or you can go down the
21 steps and be on the back porch where we spent a lot of
22 time. And my office is under there. And many times,
23 people will come to the front door. Our doorbell was not
24 on the front door. It was over to the side. Most people
25 couldn't find it. So they could beat on it. But I would

1 always tell people after I've known them or whatever --
2 or we're sitting around back watching the lake -- come on
3 around the back. And also, my office is there. Come on
4 around back.

5 Q. Okay. Is there an intercom at the back door?

6 A. Yes.

7 Q. Okay. All right. So did you ever invite Mike Eades
8 to the back door?

9 A. Yes.

10 Q. Did you ever invite Rick Sanders to the back door?

11 A. Yes.

12 Q. The day that this picture is taken, the day of this
13 aikido seminar, where did you bring the Japanese guy from
14 Colorado who came to Oconee to eat Mexican -- where did
15 you take him in the door -- what door did you go into
16 your house?

17 A. Now, on that, I pulled into my -- I had a three-car
18 garage, and we come in through the kitchen.

19 Q. Okay. But you didn't go in the front door, did you?

20 A. No.

21 Q. Okay. All right. Did your friends come in the back
22 door?

23 A. Just about all of them.

24 Q. Okay. Your kitchen basically kind of flowed into
25 the living room, right? Or the family room, correct?

1 A. On the main floor, you have like a big fireplace
2 like you'd see in a ski lodge. And there's two dens, and
3 the dining room table and the kitchen right there.

4 Q. Okay. All right. And is the TV in that room?

5 A. Yes. One of the TVs, yes.

6 Q. Okay. Did you watch the Hatfields and McCoys on the
7 TV in that room?

8 A. Yes.

9 Q. And is that room off of this porch or this deck?

10 A. I can tell you where -- you see this intercom?

11 Q. Yeah.

12 A. In this room the TV ---

13 Q. Wait a minute, wait a minute. Hold it like that.

14 A. The TV's inside on the other side of that wall.

15 Q. On the other side of that wall?

16 A. Yes.

17 Q. Okay. All right. Do you lend money regularly?

18 A. Well, I'm not a bank. But if there's people in
19 need, I believe it's God's will to try to help others.

20 Q. Okay. So I'm going to ask you again. Do you lend
21 money regularly?

22 A. Yes.

23 Q. Okay. Do you always get paid back?

24 A. No.

25 Q. Okay. If I asked you for a loan, if I was truly in

1 need and I asked you for a loan and you were so generous
2 as to give me whatever it was that I'd asked for, if I
3 hadn't paid you back, would you give me more money?

4 A. No.

5 Q. All right. Was there a time that you were asked by
6 Nick Blackwell for a loan?

7 A. Yes.

8 Q. When was it?

9 A. He came to my home on May 19th, that Saturday,
10 during the aikido seminar.

11 Q. Okay. What were the dates of that seminar?

12 A. I believe -- and let me make -- let's get it right
13 because I'll -- 18th, 19th and 20th of May.

14 Q. Okay. Now, let's go back. Is that a Friday,
15 Saturday and Sunday?

16 A. It is.

17 Q. Okay. And I asked you if Nick Blackwell ever asked
18 to borrow money from you, and you said yes. What day?

19 A. That would be on the Saturday, the 19th.

20 Q. Of this seminar?

21 A. Yes.

22 Q. Let me show you a piece of paper. What is that?

23 A. That is a calendar for May 2012.

24 Q. Okay. This is a blank calendar. And by blank, it
25 means it's pre-printed. But nobody's written anything on

1 it, correct?

2 A. Yes.

3 Q. And it's for May of 2012, correct?

4 A. It is.

5 Q. All right. And that seminar, according to this
6 brochure, took place the weekend of May 18, 19, and 20,
7 correct?

8 A. It did.

9 Q. And your testimony is that Nick Blackwell came to
10 your house on May the 19th to borrow money; is that
11 correct?

12 A. Yes.

13 Q. Who was with him when he came to your house?

14 A. He was by himself.

15 Q. Okay. On the 19th, correct?

16 A. Yes.

17 Q. So if I write loan on the 19th, is that accurate,
18 according to your testimony, that on May 19th you loaned
19 Nick Blackwell how much money?

20 A. One hundred and eighty dollars.

21 Q. All right. Did you ever, ever, ever give Nick
22 Blackwell any more money?

23 A. No.

24 Q. Now, when did you become aware that Judge Jimmy
25 Williams filed a lawsuit to have you removed from the

1 ballot?

2 A. On May 22nd, Tuesday, my beautiful wife and I were
3 having lunch at the Hostettler's Sandwich Shop, I
4 believe. And I had a phone call around two thirty from
5 Mike Eades who said, have you heard what they're saying
6 on WGOG? I said, tell me what they're saying. Said that
7 they filed a suit to remove you from the ballot.

8 Q. Okay. Let me show you this. Is this a copy -- and
9 actually, it's not just a copy, it's a true stamped copy
10 from the Clerk's office. What is that?

11 A. Again, I'm sorry. If you can get them from Pete. I
12 can see distance perfectly. But for reading, I need
13 reading glasses.

14 (WHEREUPON, Mr. Brannon handed glasses to the
15 witness.)

16 A. It's in the Court of Common Pleas. It says a civil
17 action cover sheet.

18 Q. Okay. Who ---

19 A. And it's right here. James C. Williams, Jr.,
20 Plaintiff, versus ---

21 Q. Versus who?

22 A. --- Oconee County Commission of Registration and
23 Elections.

24 Q. And a whole bunch of other things, right?

25 A. Yeah. Other people and organizations.

1 Q. Okay. But your name's not on that bunch of stuff,
2 right?

3 A. It is not.

4 Q. Okay. But now here's the important thing. When was
5 that stamped by Beverly H. Whitfield, Clerk of Court?

6 A. That would be Tuesday, May 22nd, 2012, at eleven
7 thirty a.m.

8 Q. Okay. So I'm going to get my calendar back, and I'm
9 going to write on here on the 22nd, lawsuit ---

10 A. Filed.

11 Q. --- filed. Did I write, lawsuit filed?

12 A. You sure did.

13 Q. Did I put it on the right day?

14 A. Absolutely.

15 Q. Again, this true copy says May 22nd, 2012, right?

16 A. It does.

17 Q. So did I accurately move that number to that number?

18 A. You did.

19 Q. As a result of your learning about the filing of
20 this lawsuit, did you hire a lawyer?

21 A. I had already hired a lawyer previously for this
22 situation of trying to remove me from the ballot. But I
23 did -- when I learned of this, I immediately made -- went
24 home, my wife and I, and started making calls.

25 Q. Okay. So let me back up. You had already hired a

1 lawyer because you were aware of Mr. Williams' protest.

2 Is that why you hired a lawyer?

3 A. No. The newspaper was challenging my eligibility or
4 candidacy, and I thought I needed -- in fact, Eddie
5 Adams, Chrissy Adams' husband, recommended that I get an
6 attorney.

7 Q. Okay. All right. Okay. And so when you hired an
8 attorney, was one of your attorney's name Steven Brown?

9 A. It was.

10 Q. Okay. And now, does that say James C. Williams,
11 Jr.?

12 A. It says James C. Williams, Jr.

13 Q. Okay. And I'm going to go back and I'm going to get
14 this certified copy of the complaint. Does this document
15 -- I want you to look at the case numbers. Are the case
16 numbers the same?

17 A. They appear to be.

18 Q. Okay. In fact, the last three digits are 469; is
19 that correct?

20 A. Yes.

21 Q. And are they the same on both papers?

22 A. They are.

23 Q. Okay. Now, I've already asked you, was Steven Brown
24 one of your attorneys, correct?

25 A. He was one of my attorneys.

- 1 Q. And is Steven Brown -- is his name on this document?
- 2 A. Yes, Steven H. Brown.
- 3 Q. Okay. And then handwritten it says -- in a pre-
- 4 printed form, what does it say? In the pre-printed
- 5 block, what does that say?
- 6 A. Right here?
- 7 Q. Yes.
- 8 A. Defendant's attorney.
- 9 Q. Okay. And then somebody handwrote what?
- 10 A. I don't -- I hope I don't pronounce it -- an
- 11 attorney for -- I think says intervener.
- 12 Q. Intervener. Say that a little bit louder.
- 13 A. Intervener.
- 14 Q. Okay. All right. Now, what does that say right
- 15 there?
- 16 A. That says, motion to intervene as a defendant dash
- 17 respondent by James R. Bartee, Jr.
- 18 Q. And was this document filed by one of your attorneys
- 19 on your behalf?
- 20 A. I actually filed it the next day.
- 21 Q. Okay. So your lawyer drafted it and then you took
- 22 it to the courthouse?
- 23 A. It was such a rush because these papers were filed
- 24 Tuesday, and I've never seen such a thing that you could
- 25 get a hearing in two days. So they were preparing the

1 documents, got them to me so I could get them over here
2 on Wednesday so we could -- we had to fight to be part of
3 this case.

4 Q. Okay. So you filed this on what day?

5 A. On May 23rd.

6 Q. Okay. Of what year?

7 A. 2012 and at four thirty-nine p.m.

8 Q. Four thirty-nine p.m. So if I write down on the
9 23rd, filed response, how's that?

10 A. That is right on the money.

11 Q. Okay. Now, I'm going to show you a copy of a court
12 order. And this is also a certified copy, correct?

13 A. Yes.

14 Q. On this does it set a court date?

15 A. It sure does.

16 Q. What day?

17 A. It says to be there on the 24th day of May 2012 at
18 eleven thirty o'clock. Is that a nine?

19 Q. That's a nine.

20 A. That's a nine.

21 Q. Okay.

22 A. And to be at the Oconee Courthouse.

23 Q. All right. And this is a certified copy, correct?

24 A. Yes, it is.

25 Q. Was this filed by you, drafted by an attorney on

1 your behalf?

2 A. It sure was.

3 Q. Was this -- is this a true copy of the lawsuit that
4 was filed by Jimmy Williams seeking to have you removed
5 from the ballot?

6 A. It was.

7 Q. And is this the order that set the hearing on the
8 24th of May 2012?

9 A. It is.

10 MR. BRANNON: Your Honor, I would move to admit
11 or ask the Court to take judicial notice.

12 MR. WAGNER: No objection, Your Honor.

13 THE COURT: That would be admitted without
14 objection.

15 MR. BRANNON: Thank you.

16 (WHEREUPON, Defendant's Exhibit Number 6 was marked
17 and admitted into evidence.)

18 THE COURT: Do you need a stapler?

19 MR. BRANNON: Your Honor, I don't know that a
20 stapler will work on that.

21 Q. Now, I'm going to ask you, sir, did you go to court
22 on April [sic] the 24th?

23 A. I did.

24 Q. Were you represented by an attorney at that hearing?

25 A. Yes, sir.

1 Q. Was the Plaintiff, Judge Jimmy Williams, in the
2 courtroom that day?

3 A. Yes, he was.

4 Q. Did you testify on the 24th?

5 A. No.

6 Q. Did Jimmy Williams testify on the 24th?

7 A. No, he did not.

8 Q. Did anybody testify on the 24th?

9 A. Just the attorneys.

10 Q. Okay. I got you. Did any of the attorneys put
11 their hand on a Bible, raise their right hand and swear
12 to tell the truth?

13 A. No.

14 Q. Okay. So you had attorneys arguing, correct?

15 A. To be clear, there might have been a couple, like a
16 witness from the state commission, the election there, or
17 something. I don't recall totally. But myself or Jimmy
18 Williams did not testify. Neither -- Eddie Adams was
19 also a defendant in that case, Chrissy's husband. He
20 didn't testify either.

21 Q. Okay. You had -- here's the transcript. Lawyers
22 argued their cases, correct?

23 A. Yes.

24 Q. And you don't know if nobody testified, but you know
25 you didn't testify, right?

- 1 A. No, I did not.
- 2 Q. And you know Judge Williams didn't testify, correct?
- 3 A. That's correct.
- 4 Q. All right. Now, at the end of this hearing on the
- 5 24th, there was another court date set, correct?
- 6 A. Yes. It was continued to the following week in an
- 7 Anderson Court, but -- what date was that? Again, I ---
- 8 Q. This is the 24th.
- 9 A. Yes, sir. The next week on the 30th.
- 10 Q. Okay. All right. Did you go to court on the 30th?
- 11 A. I did.
- 12 Q. Did you testify?
- 13 A. No.
- 14 Q. Did Judge Jimmy Williams testify?
- 15 A. No, he did not.
- 16 Q. Okay. Did you get arrested at the courthouse that
- 17 day?
- 18 A. Yes. I was quite shocked.
- 19 Q. Okay. All right. Prior to May 30, 2012, had you
- 20 ever been arrested before?
- 21 A. No, I've never been arrested.
- 22 Q. Before that, correct?
- 23 A. Correct.
- 24 Q. Did you ever hear Nick Blackwell talk about harming
- 25 anyone?

1 A. Yes.

2 Q. Who?

3 A. I've heard him speaking of ---

4 MR. WAGNER: Objection, Your Honor.

5 THE COURT: Sustained.

6 MR. BRANNON: Okay.

7 Q. You heard him talk about harming someone, correct?

8 A. I've heard him ---

9 MR. WAGNER: Objection, Your Honor.

10 THE COURT: Sustained.

11 Q. Did Nick Blackwell talk about harming anybody?

12 A. Yes.

13 MR. WAGNER: Objection, Your Honor.

14 THE COURT: Overruled.

15 Q. Yes?

16 A. Yes.

17 Q. Did he talk about harming more than one person?

18 A. Yes.

19 Q. Did you take him seriously?

20 A. No.

21 Q. All right. Now, we're going to cut to the chase

22 here. There's no question that Nick Blackwell was

23 talking about doing something to Judge Williams, correct?

24 A. Yes.

25 Q. Why didn't you call the police?

1 A. I couldn't call the police, but first, because I
2 knew he wasn't going to do it.

3 Q. Okay. Remember Joe Harden's testimony yesterday or
4 the day before?

5 A. Yes.

6 Q. Do you remember that he testified that you had a
7 meeting with the sheriff, Singleton, right?

8 A. Yes. I believe that was April 12th at my dojo.

9 Q. Okay. And did you make complaints to the sheriff,
10 the serving sheriff at that time, about threats that were
11 being made against you and your family?

12 A. Me, my family and supporters. I told him we were
13 getting -- I'd like, you know, I'd like for this to stop.

14 Q. And isn't it true that you were told, you're a big
15 boy?

16 A. I was told, James, you're a big boy. You got to
17 take care of yourself.

18 Q. Okay. Now, I'm going to ask you again, when
19 Blackwell was talking about harming or kidnapping Jimmy
20 Williams, why didn't you call the police?

21 A. Sheriff Singleton told me not to.

22 Q. You're a big boy, right? Take care of yourself,
23 right?

24 A. That's what he told me.

25 Q. Now, this is a disk that contains the recording of

1 two phone calls and a conversation between you and Nick
2 Blackwell on the 29th into the early morning of the 30th?

3 A. Yes.

4 Q. Okay. Have you listened to this thing?

5 A. I sure have.

6 Q. How many times have you listened to this thing?

7 A. Numerous.

8 Q. Okay. And the jury has had an opportunity to look
9 at a transcript of this document, right? Of this thing,
10 right?

11 A. That's correct.

12 Q. All right. Now, theirs has a cover on it; mine
13 doesn't. But would you agree with me that my copy is the
14 same as theirs?

15 A. They appear to be the same.

16 Q. Okay. At least the cover page looks the same,
17 right?

18 A. Yes, sir.

19 Q. Okay. And then me and you and Pete, we've all got
20 copies of this thing, right?

21 A. Yes.

22 Q. Isn't it true that there was a second -- actually,
23 no. Let me say it right. This is the second
24 transcription of a part of that, isn't it?

25 A. Yes, that's correct.

1 Q. Okay. And is this the first transcription of a part
2 of that thing?

3 THE COURT: Let me stop you here and let me ask
4 the attorneys to come up here for a second, please.

5 (WHEREUPON, a bench conference was held off the
6 record.)

7 THE COURT: All right. Thank you. You may
8 proceed.

9 MR. BRANNON: Your Honor, the pages are not
10 numbered, but I could count them for you if you wanted me
11 to.

12 THE COURT: No.

13 MR. BRANNON: Okay.

14 Q. This is a transcription of -- rephrase. Is this a
15 transcription of the portion of that disk that included
16 the conversation between you and Nick Blackwell?

17 A. Yes, it is.

18 Q. Who transcribed this?

19 A. The reports we received said that someone that works
20 for Chrissy Adams.

21 Q. Okay. But generally the Prosecution provided this,
22 correct?

23 A. Yes.

24 Q. Okay. Now, would you please read from page 40, line
25 13. Just read 13 -- line 13 and the part of line 14 to

1 that period.

2 A. By male number two, damn right, he knows. I just
3 don't want to get in trouble.

4 Q. Okay. But in this document, you are male number
5 two, correct?

6 A. Yes.

7 Q. Now, on this document, is it true that the speakers
8 are not identified as male number one and male number
9 two?

10 A. That's correct.

11 Q. How were they identified?

12 A. Well, they have N.B. for Nick Blackwell and J.B. for
13 James Bartee.

14 Q. Okay. Now, I want you to read the transcription of
15 the same line in the first transcription.

16 A. J.B., you're damn right he knows. You don't want to
17 get in trouble.

18 Q. Made a big deal out of one word, didn't I?

19 A. You did.

20 Q. In the transcription that has been previously
21 admitted into court, you -- I'm saying the second person
22 -- in this one you say, I don't want to get in trouble,
23 right?

24 A. That's what it says there.

25 Q. In this one it says, like you're talking to Nick,

1 you don't want to get in trouble, right?

2 A. That's what it says.

3 Q. Is this a copy of the transcript that we were
4 provided by the State through the discovery process?

5 A. It was.

6 Q. Have I taken anything out of it anywhere?

7 A. It looks exactly the way we received it.

8 MS. ADAMS: Your Honor, we admit we gave it to
9 them. I mean ...

10 THE COURT: Are you seeking to admit that?

11 MR. BRANNON: Yes, Your Honor.

12 THE COURT: Any objection to its admission?

13 MR. WAGNER: None other than we've already
14 stated, yes, sir.

15 THE COURT: All right. Admitted subject to
16 objection.

17 MR. BRANNON: Move to admit.

18 (WHEREUPON, Defendant's Exhibit Number 7 was marked
19 and admitted into evidence.)

20 MR. BRANNON: Okay. May we approach?

21 (WHEREUPON, a bench conference was held off the
22 record.)

23 THE COURT: Okay. Mr. Foreman, we're going to
24 do some cleanup copies. And it's a good time -- we've
25 been going close to two hours. It's a good time to take

1 a break. So if you'd take your jury to the jury room,
2 please, sir. We'll have a fifteen minute recess.

3 (WHEREUPON, the jury exited the open court at
4 approximately 10:53 a.m.)

5 THE COURT: All right. Fifteen minutes.

6 (WHEREUPON, court stood at recess for a short
7 break.)

8 MR. BRANNON: I have not yet moved it into
9 evidence. I need to do that in the presence of the jury.
10 I don't know. Does the Court take the position that I
11 did move it into objection [sic]?

12 THE COURT: No, it was moved in subject to
13 objection, I think, wasn't it?

14 MR. WAGNER: Right. The initial objection we
15 raised. But, yes, sir, we're fine with that.

16 THE COURT: All right. Very good. I think
17 it's in. It's in evidence.

18 MR. BRANNON: Okay. Okay.

19 THE COURT: Are you ready to proceed, Mr.
20 Brannon?

21 MR. BRANNON: I am, Your Honor.

22 THE COURT: Is the State ready to proceed?

23 MR. WAGNER: Yes, sir.

24 THE COURT: Very good.

25 Would you bring the jury back in?

1 (WHEREUPON, the jury entered the open court at
2 approximately 11:14 a.m.)

3 MR. BRANNON: May it please the Court.

4 THE COURT: Yes, sir.

5 Q. Mr. Bartee, a final few questions on this issue
6 here. When did we get this, or when did we receive this
7 in the discovery process?

8 A. The exact date, I don't know. I believe it was last
9 October of 2012.

10 Q. Okay. When did we get this?

11 A. Just a week or so ago.

12 Q. All right. Now, I want to take you to conversations
13 with Dr. Sexton, okay?

14 A. Yes, sir.

15 Q. You've heard his testimony, correct?

16 A. I did.

17 Q. Has he, in fact, been a student of yours for six
18 years? Six plus years?

19 A. Since 2007.

20 Q. Okay. All right. Have you and the doctor talked
21 about -- generally talked about assessing people?

22 A. Yes.

23 Q. Do you assess people in the study of aikido?

24 A. Yes.

25 Q. Do you -- did you assess people in your duties as a

1 Secret Service agent?

2 A. On a regular basis.

3 Q. When you were involved in an intelligence
4 investigation, did you assess people?

5 A. Yes.

6 Q. Were you, in fact, assessing people to determine
7 credibility?

8 A. Yes.

9 Q. Did you also have conversations with Dr. Sexton
10 about ways to, for lack of a better term, talk people
11 down?

12 A. Yes, sir.

13 Q. Okay. When you were trained as a Secret Service
14 agent, were you trained how to do that?

15 A. Yes.

16 Q. Okay. Did you assess Nick Blackwell?

17 A. Yes.

18 Q. Did you assess him the first time you met him?

19 A. Yes.

20 Q. Did you assess him the second time you saw him?

21 A. Each time, yes.

22 Q. Was it a continuing assessment?

23 A. Yes.

24 Q. What did you think of him?

25 A. I thought he was a grandiose wannabe and crazy.

1 Q. Okay. Along those lines and your assessment -- now,
2 we heard yesterday that Dr. Sexton did a pretty quick
3 assessment that day that he came into the dōjo and was
4 boisterous, right?

5 A. Yes, sir.

6 Q. I think -- am I correct in saying that Dr. Sexton's
7 testimony was that he had a concern, correct?

8 A. Yes.

9 Q. Did you, in fact, have a conversation about a method
10 or methodology to bring Nick back to earth, to bring Nick
11 back to a calm state?

12 A. Oh, yes, sir.

13 Q. And what was the -- what were the words or what was
14 the methodology that you decided would work?

15 A. How he did it or what we decided to say?

16 Q. I want to know what you decided to say.

17 A. Yes. If he's rambling, I would say -- tell people
18 to tell him and myself, go home, take care of your wife
19 and kids and remember your family.

20 Q. Think of your family, correct?

21 A. Correct.

22 Q. All right. Did that methodology evolve from the
23 first time you met Nick until the 29th of May or the
24 early morning hours of the 30th of May 2012?

25 A. It did.

1 Q. Did you have conversations with Dr. Sexton about
2 remember your family, take care of your family, go home?
3 Did you have those conversations with Dr. Sexton?

4 A. Yes, sir.

5 Q. And at some point later or maybe at the same time,
6 did you talk with other people or other visitors of your
7 business?

8 A. Yes.

9 Q. Okay. So did you have that conversation in front of
10 the two Kundolfs.

11 A. Yes.

12 Q. Did you say that to Joe Milbert?

13 A. Yes.

14 Q. Did you say it to Mike Eades?

15 A. Yes.

16 Q. Did you say it to Rick Sanders?

17 A. Yes.

18 Q. Did it work?

19 A. Excellent. It worked very well.

20 Q. Okay. And now -- isn't it true in this transcript
21 that he says to Baker, on the way to your house, he's
22 always talking to me about my family. He's always
23 wanting me to take care of my family. He tells Baker,
24 right? So you talk to your people, your friends, your
25 associates about telling him to think about his family,

- 1 telling him to go home, right?
- 2 A. Yes, sir.
- 3 Q. Guess what happened? It stuck in his head, didn't
- 4 it?
- 5 A. It sure did.
- 6 Q. Because he told Baker about it?
- 7 A. He did.
- 8 Q. Now, keep in mind. Every conversation that is
- 9 recorded on that disk in that paper sleeve -- there's
- 10 three -- two of them are between Blackwell and Joe
- 11 Milbert, right?
- 12 A. Yes, sir.
- 13 Q. And Milbert says, think of your family, take care of
- 14 your family, right?
- 15 A. Yes, sir.
- 16 Q. And then just about ten or fifteen minutes later on
- 17 a car ride with Baker he says, this dude's telling me to
- 18 take care of my family, right?
- 19 A. Yes, sir.
- 20 Q. Yeah. It stuck, didn't it?
- 21 A. Yes.
- 22 Q. Okay. All right. So you assessed him. You
- 23 determined that you believed that he was grandiose, a
- 24 wannabe and crazy, correct?
- 25 A. Yes.

1 Q. Okay. I want to ask you something. Have you ever
2 heard of the term or the phrase, keep your friends close
3 and your enemies closer?

4 A. Absolutely.

5 Q. Okay. Now, I've got to ask you a really big
6 question. If somebody's grandiose, wannabe, crazy, why
7 in the world did you want him around you?

8 A. He brought me information.

9 Q. There you go. So this was an intelligence
10 investigation?

11 A. Totally.

12 Q. Okay. You can't say what he said. But what types
13 of information did he bring to you?

14 A. He brought information of who was threatening me,
15 following me, chasing my family, supporters and who to
16 watch out for.

17 Q. Okay. All right. Now, Laurie Fletcher was with him
18 on May the 27th, right?

19 A. Yes, sir.

20 Q. Okay. And now we're going to focus on May 27th to
21 May 30th, okay?

22 A. Okay.

23 Q. Do you know why we're going to focus on those three
24 days? It's four days, 27, 28, 29, 30. You know what
25 we're going to focus on on that period of time? Do you

1 know why?

2 A. No, sir.

3 Q. Have you read the warrant?

4 A. Oh, yes, sir.

5 Q. It says this plan was hatched between those days,
6 right?

7 A. That's what it says.

8 Q. Okay. I've got to know. Did you ever hear --
9 earlier you testified that you heard Nick Blackwell
10 threaten people, correct?

11 A. Yes.

12 Q. Was that before May 27th?

13 A. Yes.

14 Q. Did you hear him threaten or threaten harm on other
15 -- on more than one people -- on more than one person
16 before May 27th?

17 A. Yes.

18 Q. Okay. On May the 27th, you were at the Tiki Hut,
19 right?

20 A. In the afternoon, evening hours, yes.

21 Q. Right. With Joe, right?

22 A. Yes, sir.

23 Q. Okay. While you were campaigning and after you have
24 these threats or you perceive these threats, did you go
25 anywhere without somebody being there?

1 A. I tried not to go anywhere since I was warned that
2 certain individuals or groups were trying to set me up or
3 get me or my family. So I would always try to have a
4 witness or one or more with me.

5 Q. I got you. Okay. On May the 27th, Blackwell comes
6 to your house and he's got Laurie Fletcher, right?

7 A. Yes.

8 Q. Okay. Did you see Laurie Fletcher?

9 A. Yes.

10 Q. Okay. Was she appropriately dressed?

11 A. Yes.

12 Q. Did she look like a nice young lady?

13 A. Yes, she did.

14 Q. Okay. And have you learned since that she's
15 actually a nurse?

16 A. Yes.

17 Q. Okay. All right. Now, you've read her statement,
18 right?

19 A. I sure have.

20 Q. You've heard her testimony, correct?

21 A. Yes.

22 Q. Nick Blackwell says that when you opened the door on
23 the 27th that you stick a set of keys to his neck and
24 say, I can take you down in thirty seconds or two seconds
25 or something like that, right?

- 1 A. That's what he said.
- 2 Q. Okay. Let me ask you something, is that aikido?
- 3 A. No.
- 4 Q. Did you do it?
- 5 A. No.
- 6 Q. Did Laurie Fletcher say you did it?
- 7 A. She said ---
- 8 MS. ADAMS: Objection, Your Honor. She was
- 9 never specifically asked.
- 10 THE COURT: Sustained.
- 11 Q. Is it in her statement?
- 12 A. No.
- 13 Q. Did you take out a Samurai sword and say, I could
- 14 cut you in half with one swing or anything to that
- 15 effect?
- 16 A. No.
- 17 Q. If you had said it, would that be practicing aikido?
- 18 A. Absolutely not.
- 19 Q. Okay. And Laurie Fletcher didn't put that in her
- 20 statement, did she?
- 21 A. She did not.
- 22 Q. Do you know what we can also learn from Laurie
- 23 Fletcher's statement?
- 24 A. I don't know.
- 25 Q. Isn't it true that she assessed Nick Blackwell too?

1 A. Yes, she did.

2 Q. Because she says in her statement, I thought he made
3 it up.

4 A. Yes, she did.

5 Q. If you think something about something, you have to
6 have done an assessment, right?

7 A. Correct.

8 Q. Okay. All right. Now, up until May 27th, did you
9 believe he was grandiose?

10 A. Yes.

11 Q. Did you believe he was a wannabe?

12 A. Yes.

13 Q. Did you believe he was crazy?

14 A. Yes.

15 Q. But most importantly, did you believe he was a Rick
16 Bartee supporter?

17 A. He expressed that he was supporting me, yes.

18 Q. Was he in fact putting up signs?

19 A. Yes.

20 Q. Okay. Now, when he came to your house on the 27th,
21 was Steve Hunnicutt at your home?

22 A. Yes.

23 Q. Who else was at your home?

24 A. My wife, Elizabeth, Liz and and Joe Milbert.

25 Q. Okay. And was Liz and Hunnicutt -- I'm sorry.

1 Improper language. Were Liz and Mr. Hunnicutt standing
2 below you on the deck?

3 A. Yes.

4 Q. Okay. Was the intercom system on?

5 A. Yes.

6 Q. Did you ever at any point during that conversation
7 -- did you or Blackwell ever talk about Judge Williams
8 that day?

9 A. Nick Blackwell did.

10 Q. Okay. Did you?

11 A. No.

12 Q. Was there a plan hatched to harm or kidnap Judge
13 Williams on the 27th?

14 A. Absolutely not.

15 Q. Now, I want to ask you, was there a change in the
16 tone in Nick Blackwell's voice or attitude during that
17 conversation?

18 A. Yes.

19 Q. What led to the change in the tone of voice or
20 attitude in Nick Blackwell during that conversation?

21 A. He said he had some information from some of the --
22 a number of deputies ---

23 MS. ADAMS: Objection, Your Honor, hearsay.

24 THE COURT: Sustained.

25 Q. Okay. He was providing you information, correct?

1 A. Yes.

2 Q. But you've already told the jury that there was a
3 change in his attitude or his language, correct?

4 A. Yes.

5 Q. Did he mention the shooting incident?

6 A. Yes.

7 Q. Did he ask you for protection from prosecution if
8 you won the election?

9 A. Yes.

10 Q. What did you say in response?

11 A. I said, Nick, the newspaper calls you a murderer.
12 You say it's self-defense. But I can't make that
13 judgment. The only promise I can make you is, first, I'm
14 not the sheriff. If I win, I promise you this. I will
15 review the file. And then he got upset.

16 Q. When you said, no deal, but I'll review the file,
17 did his attitude and language change?

18 A. Totally.

19 Q. How long after his attitude and language changed was
20 it before he left?

21 A. I would say a couple of minutes. After that, we
22 went back inside, inside for five, ten minutes, and he
23 left.

24 Q. Okay. As he left -- first off, did you walk him to
25 the door?

- 1 A. Yes.
- 2 Q. Did you tell him to remember his family?
- 3 A. I did.
- 4 Q. Did you at any time on the 27th solicit any type of
- 5 a felony, be it kidnapping or any type of felony?
- 6 A. No.
- 7 Q. Did you give him money on the 27th?
- 8 A. No.
- 9 Q. Okay. You heard Nick Blackwell's testimony, right?
- 10 A. Yes.
- 11 Q. How many times did he say he had gotten money from
- 12 you?
- 13 A. Once.
- 14 Q. And how many times do you say you handed him money?
- 15 A. Once.
- 16 Q. And you say you handed him money on what day?
- 17 A. Saturday, May 19th.
- 18 Q. And when you handed him the money, what was it --
- 19 rephrase. When you handed him the money, was it a gift,
- 20 was it a loan, or was it money to buy supplies?
- 21 A. It was a loan.
- 22 Q. Okay. All right. Now, have you ever, in your
- 23 professional experience, ever been involved in covert
- 24 operations?
- 25 A. Yes.

1 Q. What's a covert operation?

2 A. That's an operation you do that you don't want
3 others to know about.

4 Q. Okay. When you were involved in covert operations
5 as a Secret Service agent, was there planning involved?

6 A. Intensely.

7 Q. Were there notes about the planning?

8 A. Yes.

9 Q. Did you guys use much in the way of computers early
10 on in your Secret Service work?

11 A. No. You know, before the computer stage, we would
12 use graphic diagrams and may even -- we'd build mock
13 buildings, cities, whatever we had to do.

14 Q. Okay. All right. But there were plans for covert
15 operations, correct?

16 A. Extensively.

17 Q. Okay. This alleged plot to harm or kidnap Judge
18 Williams, is that a covert operation?

19 A. No.

20 Q. What is it?

21 A. Well, it can't be a covert operation. Well --
22 because you wouldn't use your cell phone and you wouldn't
23 meet at your house.

24 Q. Okay. But you never planned to kidnap Judge
25 Williams, right?

1 A. No.

2 Q. And as far as you're concerned there never was a
3 plan to kidnap Judge Williams, correct?

4 A. Not on my part.

5 Q. Okay. But let's say that John Doe and Jane Smith
6 were plotting to kidnap somebody. Is that a form of a
7 covert operation?

8 A. Yes.

9 Q. Okay. I'm asking you, sir, were there any plans
10 drawn out to kidnap Judge Williams?

11 A. No.

12 Q. Okay. And again, they never subpoenaed your
13 computer, right?

14 A. No.

15 Q. They never searched your house, right?

16 A. No.

17 Q. They never searched your car, right?

18 A. No.

19 Q. So you can say there's no formation of a plan,
20 right?

21 A. There was none.

22 Q. And they got no proof that says you're lying, do
23 they?

24 A. No.

25 Q. Okay. Now, Secret Service agent for a long time,

1 right?

2 A. Correct.

3 Q. Been trained highly, right?

4 A. Yes.

5 Q. Why don't you get a white shirt and take a sharpie
6 and write Channel 4 on it?

7 A. Because that would be crazy.

8 Q. That sounds Secret Service to me, doesn't it?

9 A. No.

10 Q. Okay. Why don't you get a black mask, go over to
11 the house, rough him up and tell him Donnie Frick sent
12 you? Sound like a good plan to you?

13 A. That sounds crazy to me too.

14 Q. Does it sound like a Secret Service plan?

15 A. Never.

16 MS. ADAMS: Your Honor, I'm going to object.
17 He's testifying and not really asking questions.

18 THE COURT: I agree. Who, what, when, where,
19 how and why questions, please.

20 MR. BRANNON: Yes, sir.

21 Q. Do any of those sound like a well-planned plot?

22 A. No.

23 Q. Okay. Is that your voice on this recording having a
24 conversation with Nick Blackwell?

25 A. Yes, sir.

1 Q. Did you in fact allow Nick Blackwell into your house
2 the late time hours of May 29 into the early -- a few
3 minutes early of May 30th?

4 A. Yes.

5 Q. While he was there, did you talk?

6 A. Yes.

7 Q. And did you later find out that it was recorded?

8 A. Yes.

9 Q. And as far as we know -- I mean -- rephrase. This
10 is in fact a transcript of that conversation, correct?

11 A. Yes.

12 Q. Would you agree with me that the conversation
13 between you and Mr. Blackwell begins on the very bottom
14 of page 25 -- excuse me -- on the very bottom of page 34
15 with line 24?

16 A. Yes.

17 Q. Okay. And at that point it says that Mr. Blackwell
18 clears his throat, and then you hear him knock on the
19 door, right?

20 A. Yes.

21 Q. Do you agree with me that you greet him by saying,
22 what's going on, bud?

23 A. Yes.

24 Q. And you ask him who he was with, right?

25 A. Yes.

1 Q. Okay. Did he come to the back door that day?

2 A. Yes.

3 Q. Okay. Could you see the car that he arrived in from
4 the back door?

5 A. No.

6 Q. Okay. Why did you ask him who he came with or who
7 he was with? Why did you ask him, who you with?

8 A. Well, he had brought the young lady a couple of days
9 ago, and I didn't want her to sit in the car.

10 Q. Okay. The State is alleging that you didn't want
11 him to drive because you didn't want people to see him at
12 your house. Have you heard that allegation?

13 A. Yes.

14 Q. Okay. Did you know from the time you met Nick
15 Blackwell until May 30 of 2012 -- did you know if he had
16 a driver's license or not?

17 A. He told me it was -- he did not.

18 Q. Okay. So you -- and was that true the whole time
19 from when you met him until May 30?

20 A. Yes.

21 Q. Okay. Why didn't you want him to drive to your
22 house?

23 A. It's against the law.

24 Q. Okay. So when you asked him who you were with, why
25 did you ask him?

1 A. I want to make sure he's not driving and violating
2 the law, breaking it.

3 Q. Okay. All right. Now, did you have knowledge -- do
4 you know what Nick did for a living?

5 A. I know what he told me.

6 Q. And what was that?

7 A. That he cut trees and a little -- and construction
8 work.

9 Q. All right. Did you, before the 30th, learn from Mr.
10 Blackwell that he had a prospective job in Tennessee?

11 A. Yes.

12 Q. And what kind of job was that?

13 A. He was supposed to have a tree-cutting job in east
14 Tennessee.

15 Q. Okay. And it had nothing to do with Judge Williams,
16 right?

17 A. No.

18 Q. Okay. He goes off into -- Nick goes off into, he's
19 one of them guys?

20 A. Yes.

21 Q. Did you have any idea what he was talking about?

22 A. At that point?

23 Q. Yeah.

24 A. No. He was just rambling.

25 Q. Okay. And isn't it true that Nick Blackwell

1 admitted on the witness stand that he never hired
2 anybody?

3 A. Yes.

4 Q. Okay. And isn't it true that Nick Blackwell also
5 said that he didn't know -- he wouldn't be confirmed
6 about the Tennessee job until the next morning about
7 seven-fifteen?

8 A. He ---

9 MS. ADAMS: Your Honor, again, he's testifying.

10 THE COURT: It's leading. Rephrase, please.

11 MR. BRANNON: Okay.

12 Q. Did Nick Blackwell allow you -- or did you come to
13 know when Nick Blackwell would know if he had the
14 Tennessee job or not?

15 A. I did.

16 Q. Okay. When was it?

17 A. He said he was going to Tennessee the next morning.

18 Q. Okay. All right. All right, now. So he's talking
19 about some guy he hired and didn't tell him anything,
20 right?

21 A. Yes.

22 Q. But then on page 35 at line 20, what do you say?

23 A. Smart thing is to stay off Facebook too.

24 Q. Why did you want Blackwell to stay off Facebook?

25 A. Prior to him coming to my house, he'd been in the

1 paper numerous times, and he'd be on Facebook and web
2 sites arguing with people and threats going back and
3 forth.

4 Q. Okay. Well, I'm going to talk about the word too,
5 okay? Do you believe that if there were any discussion
6 of a plot to kidnap the judge by anyone on Facebook that
7 it would have already been introduced into evidence?

8 A. Yes.

9 Q. So when you say, smart thing is to stay off Facebook
10 too, you're not having any discussion about kidnapping
11 anybody, are you?

12 A. No.

13 Q. Okay. All right. Later on in there on line 23 you
14 say, people are eating you up, right?

15 A. Yes.

16 Q. What are you talking about?

17 A. Again, we're still talking at that point about
18 Facebook and web sites. And when he's putting remarks
19 and stuff, they're arguing back and forth.

20 Q. Okay. What kind of web sites were you talking
21 about?

22 A. I believe they're talking about some people have web
23 sites like -- I think it was called Ocone Sheriff,
24 Ocone Voters and a couple of others that some people or
25 organizations or groups put up.

1 Q. Okay. Now, you had your own web site, right?

2 A. Yes.

3 Q. But those others that you're talking about, the
4 Oconee Sheriff's and stuff like that, those were not your
5 web sites, correct?

6 A. No.

7 Q. Did you have any control over those web sites?

8 A. Zero.

9 Q. Did you have any control over what other people
10 posted on those web sites?

11 A. No.

12 Q. Were you trying to keep Blackwell from posting on
13 those web sites?

14 A. Yes.

15 Q. Okay. And in fact, on page 36 at line 12, just read
16 that paragraph.

17 A. Right here?

18 Q. Yeah.

19 A. I said, I can't control you because it ain't my
20 site. I'm asking you, since you're saying you're
21 supporting me, tell them that they can either shut the
22 damn thing down or then it's ---

23 Q. Dot, dot, dot.

24 A. --- dot, dot, dot.

25 Q. Okay. All right. So you're focused on attempting

1 to control what you can control about news media,
2 correct? Or the Internet, right?

3 A. Yes.

4 Q. Okay. All right. And then there's the stuff about
5 battle rattle. What's up with that? I mean, what's so
6 big about that? What was funny about that?

7 A. That was a newspaper ad in the Seneca Journal where,
8 I think, on behalf or placed by candidate Donnie Fricks.
9 And he was like in full military holding an AK-47 with a
10 flash like it's going off.

11 Q. All right. But are Judge Williams and Donnie Fricks
12 related any way?

13 A. Not that I know of.

14 Q. Okay. So anything that you say about Fricks is
15 about Fricks. It's not directed at Judge Williams; is
16 that correct?

17 A. Yes.

18 Q. Okay. All right. And 37, line 4. Would you agree
19 with me that male number one -- and in this, male number
20 one is Blackwell, correct?

21 A. Yes.

22 Q. Blackwell says, he's an effing idiot, correct?

23 A. Yes.

24 Q. Okay. Who's he talking about?

25 A. I believe he's still talking about Donnie Fricks.

1 Q. About Fricks. Okay. And I have asked you and I
2 have asked other witnesses, have you heard Blackwell go
3 off or go on rants about people, correct?

4 A. Yes.

5 Q. Is that an example of it?

6 A. Yes, it is.

7 Q. Okay. All right. Now, you say an interesting line.
8 You say, Jerry Edwards has thrown him to the wolves.

9 A. Yes.

10 Q. Okay. Now, is Jerry Edwards related to Donnie
11 Fricks?

12 A. Not that I know of.

13 Q. Is Jerry Edwards related to Judge Jimmy Williams?

14 A. Not that I know of.

15 Q. Okay. So when you're talking about Jerry Edwards,
16 who are you talking about?

17 A. He's the publisher of the Seneca Journal.

18 Q. Yeah. But more basically when you're talking about
19 Jerry Edwards, who are you talking about?

20 A. A Fricks supporter.

21 Q. Aren't you talking about Jerry Edwards?

22 A. Yes.

23 Q. Okay. So then that's not slang or code for Judge
24 Williams, is it?

25 A. No.

1 Q. You're talking about Jerry Edwards, right?

2 A. Yes.

3 Q. Okay. What does Jerry Edwards do for a living?

4 A. He's the publisher of the Seneca Journal.

5 Q. Okay. And is that the newspaper that printed the
6 picture of Fricks in battle rattle?

7 A. Yes.

8 Q. And you say, Edwards has thrown him to the wolves,
9 right?

10 A. Yes, I did.

11 Q. Okay. Did you believe that that photo was harmful
12 to the Fricks campaign?

13 A. Yes, I did.

14 Q. And is that what you meant by Edwards threw Fricks
15 to the wolves?

16 A. Yes.

17 Q. Okay. All right. Now, we get to a paragraph that
18 causes me some concern, okay?

19 A. Okay.

20 Q. Read by you, by male number two, from 13 all the way
21 down to 20.

22 A. Jerry wouldn't have allowed a picture like that. Do
23 you know what I'm saying? And then some girl wrote
24 something or another about him going to -- and it's
25 inaudible -- and having big lunches. Me, dash, dash,

1 inaudible, dash, dash, I ain't got nothing to do with.
2 Oconee -- and it's inaudible. But it doesn't matter if
3 Mr. Williams didn't show up tomorrow. They'd still go
4 on.

5 Q. Okay. All right. Now, my concern is the first part
6 of that, you're talking about Jerry. Who's Jerry?

7 A. Jerry Edwards.

8 Q. The second part you're talking about some girl,
9 right?

10 A. Yes.

11 Q. Who's some girl?

12 A. I don't remember.

13 Q. Okay. But it's not Judge Williams, right?

14 A. I don't believe he's a female.

15 Q. Okay. And it's not Jerry Edwards, right?

16 A. No.

17 Q. Okay. Do you have any idea what the inaudibles
18 were?

19 A. No.

20 Q. I mean, you can't tell, right?

21 A. Nobody could tell.

22 Q. All right. Now, can you explain to me or this jury
23 how you went Edwards, some girl, Judge Williams?

24 A. I just know that we had been out all day. It's
25 late. We're watching a television show. And you know,

1 it's like people sitting in the barber shop and I'm
2 trying to guide him and dismiss him and get him out of my
3 house.

4 Q. Okay.

5 A. So if I said it, I said it. But there's no criminal
6 intent or anything there.

7 Q. Okay. All right. All right. Now, and then the two
8 of you go on about, he said something about if he didn't
9 show up, he'd get a bench warrant. And you say something
10 about the system's stacked, right?

11 A. Yes.

12 Q. Okay. Now, you don't deny that you said the things
13 that are printed here, do you?

14 A. I do not.

15 Q. Okay. All right. And then out of the blue he says,
16 here's a hundred and thirty-eight dollars, right?

17 A. Yes, he did.

18 Q. Is that what it says there?

19 A. Yes, it does.

20 Q. Okay. Well, how do you respond?

21 A. I say, no problem.

22 Q. Okay. And now what does he say there. I told you,
23 what?

24 A. The next line?

25 Q. Yeah.

1 A. I told you, now, that some of it was used in gas.

2 You know what I mean?

3 Q. Okay. All right. Now, when Joe called you and said

4 Blackwell wants to come over ...

5 A. Yes.

6 Q. ... did Joe tell you that Blackwell wanted to give

7 you some money back?

8 A. Yes.

9 Q. Okay. I'm going to take you back to May the 19th
10 when you made the loan?

11 A. Correct.

12 Q. Did you really ever expect to get it back?

13 A. No.

14 Q. Okay. And so was a hundred and thirty-eight dollars
15 more than you really ever expected to see?

16 A. Yeah. I was surprised.

17 Q. Okay. All right.

18 Okay. Now, page 38, line 20. What does Blackwell
19 say?

20 A. I was kind of looking forward to busting him in the
21 head.

22 Q. Who said that?

23 A. Nick Blackwell.

24 Q. Okay. Now, I want you to read what you said.

25 A. Well, we can wait on that.

- 1 Q. Okay. All right. I'm going to ask you again. Have
2 you ever planned to harm or kidnap Judge Williams?
- 3 A. No.
- 4 Q. Who said line 20?
- 5 A. Nick Blackwell.
- 6 Q. Okay. But here's the key. What did both of you do
7 after you made your statement?
- 8 A. I'm not sure.
- 9 Q. What's that word right there?
- 10 A. Oh, yeah. Laughed.
- 11 Q. There's laughter after that?
- 12 A. Yes.
- 13 Q. I'm sorry. If it were true, would it be serious?
- 14 A. Very serious.
- 15 Q. And then you go on about how the court process is
16 stacked and so on and so forth. There's more talk about
17 the court system. Then you talk, both of you -- is it
18 true that you talk about the radio station it will be on?
- 19 A. Yes.
- 20 Q. And what time the hearing is, right?
- 21 A. Correct.
- 22 Q. All right. All right. This is page 40, line 1.
23 Who's speaking?
- 24 A. Nick Blackwell.
- 25 Q. Okay. Does it say, hey, you know, even though I

1 mean, we ain't got to take him. It says H-O-S, dot, dot,
2 dot?

3 A. Correct.

4 Q. Okay. Or none of that. Just confront him, period.

5 I mean, I can meet him at the stop sign out there or
6 something, period, correct?

7 A. Yes.

8 Q. And then what's next in parenthesis?

9 A. Laughter.

10 Q. Okay. Whose plan is meet him out there at the stop
11 sign?

12 A. Nick Blackwell's.

13 Q. All right. Now, you know what punctuation is?

14 A. I do.

15 Q. What does a period mean when you put it in a
16 sentence?

17 A. It's the end of the sentence.

18 Q. Read the first word and punctuation mark of line
19 eight by male number two.

20 A. No.

21 Q. With what comes next?

22 A. Period.

23 Q. He's talking about meeting him at the stop sign,
24 correct?

25 A. Yes.

- 1 Q. That's Blackwell talking about that, right?
- 2 A. Correct.
- 3 Q. That's Blackwell laughing about that, right?
- 4 A. Yes.
- 5 Q. And you say what?
- 6 A. No.
- 7 Q. With a what?
- 8 A. Period.
- 9 Q. Okay. Then you go on to say, you've got enough
- 10 stuff on your plate. He probably knows who you are.
- 11 Who's he?
- 12 A. Judge Williams.
- 13 Q. Okay. How would Judge Williams know who Blackwell
- 14 is?
- 15 A. He'd met at forums and ---
- 16 Q. Wait a minute. Who's he?
- 17 A. Judge Williams.
- 18 Q. Who else had been at forums?
- 19 A. Nick Blackwell.
- 20 Q. Okay. Had Nick Blackwell also been publicized in
- 21 other forms of media?
- 22 A. Yes. The newspaper.
- 23 Q. Okay. And again, what was said about Blackwell in
- 24 the newspaper?
- 25 A. The newspaper accused him of being a murderer.

1 Q. Thank you. I want you to stop here. Okay. All
2 right. Now, we get to the line of interest here.

3 A. Yes.

4 Q. Okay. Read line 13 on page 40.

5 A. Damn right, he knows. I just don't want to get in
6 trouble.

7 Q. Stop. That's you speaking, right?

8 A. Yes.

9 Q. And you say in that transcript, I don't want to get
10 in trouble, right?

11 A. Correct.

12 Q. What does it say, just one word, one word change.

13 A. Yes.

14 Q. The first transcript of the same tape made by the
15 State, it says, who get in trouble?

16 A. Can I look and see it again, because I don't use the
17 -- you don't want to get in trouble.

18 Q. Okay. Read the whole like so they can see we're
19 reading the ...

20 A. You're damn right, he knows. You don't want to get
21 in trouble.

22 Q. Did you create this document?

23 A. No.

24 Q. Did you create this document?

25 A. No.

1 Q. Was it Blackwell's plan to confront the judge at the
2 stop sign?

3 A. Yes.

4 Q. And how did you respond?

5 A. No.

6 Q. Period?

7 A. Period.

8 Q. All right. Now, look down at my -- I'm sorry. I've
9 got the thing in my hand. Look down at line 19 on the
10 same page.

11 A. Okay.

12 Q. All right. Did you hear Susan Stukas' testimony?

13 A. Yes.

14 Q. What TV show was playing on the TV?

15 A. The Hatfield and McCoy movie.

16 Q. Okay. Line 19, what do you say?

17 A. It's dot, dot -- dash, dash, dash. A great show,
18 period. Just let it go for a couple of months. When the
19 dust settles, dash, dash, I don't care when you sneak up
20 on someone. I don't care if they see it or not as far as
21 I'm concerned.

22 Q. Okay. All right. Now, in that sentence you say,
23 let the dust settle?

24 A. Yeah.

25 Q. Where did that come from?

1 A. A television show.

2 Q. Okay. You were watching the Hatfields and McCoys,
3 correct?

4 A. Yes.

5 Q. Was that a quote from the movie?

6 A. I don't know the exact quote, but that was the
7 context of the quote.

8 Q. All right. Now, you say I don't care if you sneak
9 up on -- I'm just paraphrasing. But, I don't care if you
10 sneak up on somebody, right?

11 A. Yes.

12 Q. That's in the future, right?

13 A. Yes.

14 Q. Okay. And it says, somebody, right?

15 A. Somebody.

16 Q. It doesn't say Jimmy Williams. It doesn't say the
17 judge. It doesn't say the Honorable Jimmy Williams. It
18 says somebody, right?

19 A. Yes.

20 Q. Okay. Page 41. You go back -- and when I say, you,
21 I'm talking about you and Blackwell. You're talking
22 again about Jerry Edwards and Fricks, correct?

23 A. Yes.

24 Q. Again, is Fricks Judge Edwards [sic]?

25 A. No.

- 1 Q. Is Edwards -- excuse me. Is Edwards Judge Williams?
- 2 A. No.
- 3 Q. Okay. So you're talking about the people whose
- 4 names are in the document, right?
- 5 A. Yes.
- 6 Q. And then he brings up another subject, something
- 7 about a disk or some information about him, about
- 8 Blackwell himself, right?
- 9 A. That's correct.
- 10 Q. Okay. And it's actually a disk. He talked about
- 11 it, right?
- 12 A. Oh, yes.
- 13 Q. That there was an alleged threat against his life,
- 14 correct?
- 15 A. Yes.
- 16 Q. So now he's going to threats made against himself,
- 17 correct?
- 18 A. Absolutely.
- 19 Q. All right. And he goes on almost for the next whole
- 20 page about that computer animated voice and stuff like
- 21 that, right?
- 22 A. Yes.
- 23 Q. Okay. All right. Now, when Blackwell was in your
- 24 house wearing that wire, who was he working for?
- 25 A. He was working for law enforcement.

1 Q. Okay. And he told the police or Agent Sloan certain
2 things, right?

3 A. Yes.

4 Q. And he was trying to get you to say certain things,
5 right?

6 A. Yes.

7 Q. Okay. Now, line 11, page 42, who's speaking?

8 A. Line -- okay. Nick Blackwell.

9 MS. ADAMS: Your Honor, if I may, should we
10 pass out these transcripts to the jury?

11 THE COURT: Sure. Let's go ahead and do that.

12 MS. ADAMS: I should have thought about that
13 earlier. I apologize.

14 (WHEREUPON, copies of transcript were handed to
15 jurors.)

16 THE COURT: Page 42? Page 42.

17 MR. BRANNON: I'm sorry, Your Honor.

18 THE COURT: That's all right.

19 MR. BRANNON: Are you ready to go?

20 THE COURT: Yes, sir.

21 MR. BRANNON: Okay.

22 Q. Okay. The first part of that is, yeah, he just kept
23 laughing, man, I tell you. He's talking about some
24 recording about a trooper, right?

25 MS. ADAMS: Your Honor, objection. He's

1 leading.

2 MR. BRANNON: Okay.

3 MS. ADAMS: He can ask him what he's talking
4 about.

5 MR. BRANNON: Okay

6 THE COURT: Sustained.

7 Q. In that first part of that paragraph, what is he
8 talking about?

9 A. He's talking about the threat from the former state
10 trooper.

11 Q. Okay. All right. What does the word 'if' mean?

12 A. The word 'if'?

13 Q. Yeah.

14 A. That's if you decide to do something.

15 Q. If?

16 A. If.

17 Q. If. Doesn't that mean that there's been no decision
18 yet?

19 A. Yes.

20 Q. If. Who said that?

21 A. Nick Blackwell.

22 Q. He said, if we decide, right?

23 A. Correct.

24 Q. He didn't say when we decide, did he?

25 A. No.

1 Q. He didn't say, we already decided, did we?

2 A. No.

3 Q. He says 'if,' doesn't he?

4 A. Correct.

5 Q. Whose words are that?

6 A. Nick Blackwell's.

7 Q. Who put it on this paper?

8 A. The Prosecution.

9 Q. He said 'if'?

10 A. Yes.

11 MS. ADAMS: Your Honor, I think we get the
12 point.

13 THE COURT: Rephrase. Refrain from leading
14 questions, please.

15 MR. BRANNON: Yes, Your Honor.

16 Q. All right. Then what does Nick Blackwell talk about
17 next in relation to the judge?

18 A. Here?

19 Q. Yeah. No, no, down here. I'm sorry. Next
20 paragraph. Right here.

21 A. Right here. Start here?

22 Q. Yes. I'm sorry.

23 A. So there's some yelling.

24 Q. It's line 14 about midway through. End with the
25 comma and the word 'if'.

1 A. Okay. Nick Blackwell says, if we decide to get the
2 judge, comma, I'm just dash, dash, I'm going to take a
3 fire extinguisher, period.

4 Q. And you say what?

5 A. That could mess him up.

6 Q. Okay. All right. Is that the first time throughout
7 this transcript that there's mention of a fire
8 extinguisher?

9 A. Yes.

10 Q. Who's mentioning it?

11 A. Nick Blackwell.

12 Q. Okay. All right. And then does he go back to
13 something else here in the last paragraph?

14 A. Yes.

15 Q. Okay. Who's he talking about in the last part of
16 that paragraph, 23, 24, and 25, lines 23, 24, 25?

17 A. Do you want me to read them or ...

18 Q. No. I want you to tell me who he's talking about.

19 A. He's saying he's going to Greenville to tell these
20 guys to just hold up.

21 Q. Okay. The guys that he admits he never hired,
22 correct?

23 A. Yes.

24 Q. All right. Isn't it true that he's also told you
25 he's got a tree job in Greenville?

1 A. Yes. He told me he had a tree ---

2 MS. ADAMS: Objection, Your Honor. Hearsay.

3 MR. BRANNON: It's already in, Your Honor.

4 THE COURT: Rephrase the question. Let me
5 listen to it again.

6 MR. BRANNON: I'll do my best. I can't say
7 that I can ---

8 Q. Did you learn that he had a tree job in Tennessee?

9 A. Yes.

10 Q. Did you learn that he was supposed to meet up with
11 some individuals to go to Tennessee?

12 A. Yes.

13 Q. And he's talking about meeting up with some guys?

14 A. Yes.

15 Q. Okay. Thank you. All right. Next page there's a
16 lot of talk about you got to let the dust settle,
17 correct?

18 A. Yes.

19 Q. In fact, I think it's on there three different times
20 on that page, right?

21 A. Yes.

22 Q. Page 43. Is that the right page?

23 A. Yes, sir.

24 Q. Where did, let the dust settle -- where did that
25 come from?

1 A. That's sort of something we use in aikido.

2 Q. Okay. But didn't it also -- wasn't it a part of the
3 movie that you were watching?

4 A. Oh, yes. It's in the Hatfield and McCoys.

5 Q. Okay. All right. All right. Who's talking about
6 blaming Jerry Edwards for something?

7 A. Nick Blackwell.

8 Q. And if Nick Blackwell did anything, what do you
9 think, according to this transcript, would have happened?

10 A. He would have been arrested.

11 Q. But by whom?

12 A. By who? The FBI.

13 Q. You tell him -- you do something, the FBI's going to
14 be here, right?

15 A. Yes. It's written right there.

16 Q. You've told him all along, stay out of trouble,
17 right?

18 A. Yes.

19 Q. Think of your family, right?

20 A. Go home. Remember your wife and kids. Go home and
21 take care of your family.

22 Q. And if you do something, who's going to get here?

23 A. The FBI.

24 Q. All right. Now, if we go back to 'last night' on
25 page 43, line 25, and then on to the next page, is that

1 where you take it back to the election?

2 A. Yes.

3 Q. Okay. Read line 2, page 44, the highlighted
4 portion.

5 A. If everybody can keep their cool and stay off of
6 this Facebook and stuff.

7 Q. Okay. Now, line 6.

8 A. Don't argue with those people.

9 Q. Keep going.

10 A. Oh. If they call you a son of a bitch, so what.
11 I've been called everything in the book since August.

12 Q. All right. And then he says what?

13 A. Well, you ain't seen the comments I post back at
14 them. I just humor them. You know what I'm saying?

15 Q. All right. But again, you have cautioned him to
16 stay off of Facebook previously, right?

17 A. Yeah. He's saying his life's being threatened. I
18 don't believe it's a good idea to get on there and argue
19 with people that are threatening your life.

20 Q. Okay. And then on line 17 and 18, don't you remind
21 him again, just stay off of it, correct?

22 A. Yeah. I'd just stay off of it. It don't help you.

23 Q. All right. All right. I've jumped a few pages, and
24 I'm now on page 46 at line 22. Actually, you say it
25 twice. You say it at 19 and 22. Right now they'd blame

1 me anyway, right?

2 A. That's what it says.

3 Q. Blame you for what?

4 A. Well, if Nick Blackwell went out and even could do
5 this crime -- which I was about ninety-nine point nine
6 percent sure he wasn't -- the newspapers, who had written
7 negative articles about me usually on a daily basis, they
8 would still blame me.

9 Q. Okay. But let's jump around for a minute. You
10 would have been blamed for anything, right?

11 A. Oh, absolutely.

12 Q. I mean, you've been blamed in this courtroom for
13 sending Blackwell to jump on Fricks?

14 A. That's what I heard. It was quite surprising to me.

15 Q. Okay. All right. I mean, you said, if it happened
16 tomorrow, they'd blame me?

17 A. Yes.

18 Q. Okay. All right. I don't understand a trip to
19 Asheville, a trip to Table Rock. I don't understand
20 that. You're involved in that conversation?

21 A. Yes.

22 Q. How did you get there?

23 A. How did I get there?

24 Q. Yeah.

25 A. We're having -- I had a discuss -- he'd asked me

1 this before where he was talking about getting this --
2 I'm getting Crenshaw, I'm going to get Fricks or I'm
3 going to get Jeff Stevens or Rex Duncan, all these people
4 in these confrontations.

5 And I said -- I told him that -- about a story one
6 time in the Secret Service that I was assigned an
7 investigation where an individual was getting agitated.
8 And they were concerned that he might be too concerned
9 because Gandhi was going to visit Washington, D.C. and
10 they wanted me to interview him and evaluate and assess
11 him. Was he going to threaten or try to kill Gandhi?

12 And so I said instead of having a Hatfield- and
13 McCoy-type situation where there's violence or anything,
14 that what I did with my partners is I went, knocked on
15 the fellow's house and interviewed him. And at that
16 point, he hadn't made any threats and stuff. And when
17 the visit came, he even got more agitated. But he still
18 hadn't said the magic words that I am going to kill
19 Gandhi.

20 But they assigned me to keep an eye on him. So we
21 went and knocked on his door. How are you doing? And we
22 took him to another town and bought him dinner at
23 Fuddrucker's. And heck, then, what else would you like
24 to do? He wanted to go to like a strip. We took him to
25 the strip joint, but we kept him away from Gandhi. And

1 as far as I'm concerned, I got A-plus for resolving the
2 issue.

3 Q. Okay. You don't deny that you said these things?

4 A. No, I don't deny that at all.

5 Q. These words, the ones that are at least attributed
6 to male number two, those are your words?

7 A. Yes.

8 Q. Was there ever a plot, plan, scheme or any other
9 intention by you to kidnap or harm Judge Jimmy Williams
10 in any way, shape or form?

11 A. No.

12 Q. Okay. Did you ever offer Nick Blackwell a gun?

13 A. No.

14 Q. Isn't it true that in this transcript and on that
15 recording, he asks you for a gun?

16 A. Oh, yeah.

17 Q. When he asked you for a gun, what happened?

18 A. I think -- I believe, without -- I won't get the
19 exact words. But I can recall that I told him, we'll
20 just wait for a hearing. I said -- where are we at?

21 Q. All right. We're on page 47 at line 22.

22 A. Yes.

23 Q. What does Blackwell say?

24 A. That's what I need. That, dash, dash, I need a damn
25 gun, comma, boy.

- 1 Q. Okay. And you respond?
- 2 A. I respond to him again. Yeah, you need something.
- 3 All right. Let's both get some rest.
- 4 Q. Okay. When he asked for a gun, you said, let's get
- 5 some rest?
- 6 A. Correct.
- 7 Q. All right. I want to talk to you about that one
- 8 line here. I want to clear this up. A couple of lines.
- 9 On page 48 at line 6, who's talking?
- 10 A. Nick Blackwell.
- 11 Q. And he's saying what?
- 12 A. But, comma, it's possible that we're going to go to
- 13 Tennessee and do a job.
- 14 Q. Okay. All right. And down here -- I'm going to
- 15 have to jump around for a minute -- line 22, you say
- 16 what?
- 17 A. Yeah. It takes five minutes.
- 18 Q. And up here at line 5 on the same page, you say
- 19 what?
- 20 A. Right here?
- 21 Q. Yeah.
- 22 A. You can go in the morning.
- 23 Q. What were you talking about?
- 24 A. I wanted him to come up here and vote.
- 25 Q. And vote, right?

1 A. Yes.

2 Q. Okay. Now, we have to know that that's true because
3 can you get to Asheville in five minutes?

4 A. Asheville, no.

5 Q. Okay. Can you get to Table Rock in five minutes?

6 A. No.

7 Q. But you get to the poll in five minutes, can't you?

8 A. Yes.

9 Q. Well, I mean, you said so, right?

10 A. Yes, that's what I said.

11 Q. Okay. When he said, I'm going to bust him with a
12 fire extinguisher, you said what?

13 A. I said, that could mess him up.

14 Q. Remember the one word with the period?

15 A. Yes.

16 Q. What was it?

17 A. No.

18 Q. With a period, correct?

19 A. Yes.

20 Q. All right. Now, again, you don't deny that those
21 words, the words attributed to you on that transcription,
22 are you, correct?

23 A. Oh, no.

24 Q. You don't deny that Nick Blackwell was at your house
25 late 29 early 30 of May 2012, right?

1 A. Correct.

2 Q. Did you ever plan anything, anything with Nick
3 Blackwell?

4 A. No.

5 Q. Was there ever a plan to harm or do anything to or
6 with Judge Jimmy Williams?

7 A. No.

8 Q. Was Judge Jimmy Williams in court on April the 24th?

9 A. Yes.

10 Q. Was he in court on April the 30th?

11 A. Yes.

12 Q. Okay. Now, believe it or not, I'm going to wrap
13 this up. Did you send Nick Blackwell to Mayfest to
14 confront or hand out anything about Donnie Fricks?

15 A. I did not send him.

16 Q. Okay. Now, did you hear my opening statement in
17 this case?

18 A. Yes.

19 Q. Did you -- do you recall me talking about the polls
20 in this race?

21 A. Yes.

22 Q. Okay. In the polls, what place was Donnie Fricks
23 in?

24 A. Third or fourth. Third or fourth.

25 Q. Okay. In the polls, who was your competition?

1 A. The polls indicated it was a race between James
2 Bartee, myself, and Terry Wilson.

3 Q. But yet you don't ever hear Blackwell talking about
4 Wilson, do you?

5 A. No.

6 Q. Okay. All right. Did he hand out flyers as far as
7 you know at Mayfest concerning Donnie Fricks?

8 A. I wasn't there, but that's what I read. And he told
9 me -- he told me he did that.

10 Q. Okay. All right. Now, there were a number of phone
11 calls back and forth between you and he on that day,
12 right?

13 A. Yes.

14 Q. Is it your testimony that you didn't send him there?

15 A. No.

16 Q. Did you ever send him anywhere?

17 A. No.

18 Q. His testimony was that after the confrontation
19 between he and Fricks, that it was your decision to
20 distance yourself from him, correct?

21 A. Yes.

22 Q. Okay. Did you distance yourself from him because of
23 the incident between he and Fricks?

24 A. Yes.

25 Q. Did you do that because you sent him there to do the

1 -- to cause the incident?

2 A. No.

3 Q. Okay. He said that you gave him or at least made
4 money available to him to print the flyers, correct?

5 A. That's correct.

6 Q. Is it true?

7 A. No.

8 Q. Did you report every single contribution made to
9 your campaign during your candidacy for sheriff on this
10 statement of economic interest?

11 A. Yes, sir.

12 Q. Did you put down every expenditure as well?

13 A. Yes.

14 Q. And did he say that he made the copies at Kinko's or
15 something like that?

16 A. Somewhere, yes.

17 Q. And if he'd gotten the money from you, would it be
18 on this S.E.I.?

19 A. I would put it on there.

20 Q. Okay. Mr. Bartee, are you trained in detecting
21 surveillance equipment?

22 A. Yes.

23 Q. Are you a technically- and highly-trained man?

24 A. Yes.

25 Q. Do you take notes and plan the things that you are

1 going to do?

2 A. Yes.

3 Q. Did you keep a daily log or diary of your campaign
4 activities?

5 A. I tried every evening -- again, that could be -- if
6 you see my emails -- from twelve to two in the morning,
7 that I would document who I'd visit, who I'd talk to and
8 so forth. So someday, you know -- I also know who I
9 could go back and talk to or someday write a book.

10 Q. All right. One last date that I want to put on this
11 calendar. What day did you get arrested in May of 2012?

12 A. The 30th.

13 Q. Did I write the word 'arrest' there?

14 A. Yes, sir.

15 MR. BRANNON: Your Honor, I would move this.

16 THE COURT: Any objection to the calendar?

17 MS. ADAMS: No, sir.

18 THE COURT: All right. Admitted without
19 objection.

20 (WHEREUPON, Defendant's Exhibit Number 8 was marked
21 and admitted into evidence.)

22 Q. Mr. Bartee, I don't have any more questions for you,
23 but I'm sure the State will. Please answer those
24 questions.

25 THE COURT: May I see the attorneys first,

1 approximately 12:35 p.m.)

2 THE COURT: All right. Cross-examination?

3 MS. ADAMS: Yes, sir, Your Honor. Thank you.

4 May it please the Court.

5 THE COURT: Yes, ma'am.

6 CROSS-EXAMINATION

7 BY MS. ADAMS:

8 Q. Mr. Bartee, let's start out and clarify for the jury
9 about your suspension while you were with the Secret
10 Service. In your personnel files, you were -- it states
11 you were suspended for three days not two days, correct?

12 A. I haven't read what you have. But I was suspended
13 for three days, appealed it, and it was reduced to a two-
14 day suspension.

15 Q. Okay. Well, the appeal was never sent -- and this
16 was a complete record of your personnel file from the
17 Secret Service that they sent me. And it says that you
18 were suspended, a three-day suspension, for your
19 unprofessional conduct in this matter. Now, this
20 unprofessional conduct in this matter occurred at a Shell
21 station in Ohio; isn't that correct?

22 A. Yes.

23 Q. And the officer, Officer Mear, who questioned the
24 cashier at this Shell station stated to your superiors
25 who came down to investigate this incident that the

1 woman, Justina Wilson, at the time of the interview,
2 appeared fearful and was not belligerent. He further
3 felt that the agent used poor judgment and/or showed a
4 lack of maturity; isn't that correct?

5 A. I believe that's what the -- that's what the ---

6 Q. That's what the report said, and that's what the
7 officer said. This is part of the investigation into
8 that incident?

9 A. Excuse me. Is that a police officer or one of the
10 Secret Service people?

11 Q. This was the police officer reporting to your
12 superior Secret Service officer?

13 A. If that's what the police officer wrote.

14 Q. One of the witnesses at the gas station also told
15 the police that the suspect, which was you, had not
16 actually pulled his gun, but had put his hand on it and
17 made threatening gestures, to suggest he would pull it
18 out. Kind of just like you did with Nick Blackwell,
19 isn't it?

20 A. No, that did not happen.

21 Q. The only reason that the prosecution was dismissed
22 is because the Secret Service said they would take action
23 if they deemed it was appropriate; isn't that correct?

24 A. Yes.

25 Q. And obviously, they deemed it appropriate with your

1 three-day suspension, correct?

2 A. They suspended me for three days and reduced it to
3 two.

4 Q. Even though the two days is not in here, correct?

5 A. You don't have the full report.

6 Q. The full report came from -- straight to me from the
7 Secret Service.

8 A. Well, I'm sure they didn't send you everything.

9 Q. They sent me the fact, though, that you told the
10 woman, yeah, and hurry up because you're a damned black
11 cow. She said, I'm not a black cow. You've never seen a
12 cow that looks like me. She asked you for your license
13 number, and he said ---

14 MR. BRANNON: Object to hearsay.

15 Q. --- I won't give you shit.

16 THE COURT: Just one second. I sustain the
17 objection. Let's move forward, please.

18 MS. ADAMS: Your Honor, this is the reason he
19 was under suspension.

20 THE COURT: I understand.

21 MS. ADAMS: Okay.

22 Q. And did you not call her a black bitch?

23 A. I didn't.

24 Q. According to the report?

25 MR. BRANNON: Object. Hearsay.

- 1 A. No, I did not call her a black bitch.
- 2 Q. But you were suspended, correct?
- 3 A. Yes.
- 4 Q. For this incident?
- 5 Now, Mr. Bartee, how long have you been a senior
6 special agent? How long were you a senior special agent
7 with the Secret Service?
- 8 A. I was a special agent from '83 to 2000. The title
9 senior special agent probably came -- it came while I was
10 serving on the Presidential Protection Division.
- 11 Q. So what year was that?
- 12 A. I was on the President -- from all of George Bush's
13 term, '89-ish and I believe first eight, ten, twelve
14 months of Bill Clinton's administration.
- 15 Q. So roughly how many years?
- 16 A. Four.
- 17 Q. So you retired in 2000?
- 18 A. Four, four and a half. And then they transferred me
19 to Greenville.
- 20 Q. Right. But with the title senior special agent, you
21 were a senior special agent for four years?
- 22 A. No. I was a senior special agent probably from
23 somewhere '92 to '93 until I retired.
- 24 Q. And you retired in 2000; isn't that correct?
- 25 A. Yes.

1 Q. Okay. So how many years would that be, about eight
2 years?

3 A. The years that I was an agent or ---

4 Q. No, sir. Senior special agent.

5 A. Again, I think it was '92 or '93 ---

6 Q. Just roughly.

7 A. --- when I went from special agent to senior special
8 agent.

9 Q. Okay. So roughly eight years? Nine years?

10 A. Yes.

11 Q. Mr. Bartee, I want to show you what was on your
12 website for James Bartee. Mr. Bartee, I've printed this
13 out. It's a copy of your website that you put up, Elect
14 James Bartee for Sheriff of Oconee County. Is that your
15 website with your information on it?

16 A. That appears to be.

17 Q. Okay. Can you look over it, please, for me and make
18 sure that that's everything that's yours, that you put on
19 your web site?

20 A. Yes.

21 Q. Okay. Can you read this one sentence that I've
22 highlighted?

23 A. Sure. My background is in law enforcement, and I
24 have a proven record of excellence.

25 Q. Except you also state too that you have an

1 unblemished professional and personal record?

2 A. That's correct.

3 Q. So a three-day suspension does not count?

4 A. I had a two-day suspension.

5 Q. Okay. So now, can you also read to me this sentence
6 right here that you posted on your web site?

7 A. I served honorably for twenty-five years as a
8 special agent with the U.S. ---

9 Q. As a senior ---

10 A. --- senior special agent with the U.S. Secret
11 Service.

12 Q. Okay. So you wanted the people of Oconee County to
13 believe you were a senior special agent for twenty-five
14 years even though you just testified now it was about
15 nine or ten? Okay.

16 A. I believe ---

17 Q. So basically we've been embellishing things from day
18 one with the start of this campaign?

19 A. I don't think so.

20 Q. Well, let me show you your affidavit that you filed
21 when you ran for sheriff.

22 A. Okay.

23 Q. How many years do you have down there in law
24 enforcement?

25 A. Seventeen years.

1 Q. Seventeen years. So it's either ten, seventeen or
2 twenty-five total, as an agent. Okay. We'll let the
3 jury decide that. This is actually in evidence ---

4 MR. BRANNON: Objection, Your Honor.

5 THE COURT: Sustain the objection.

6 MR. BRANNON: Please move to strike.

7 THE COURT: Granted.

8 Q. All right. Mr. Bartee, you also said on direct
9 examination that you reported everything in your
10 financial filings that were given to you by your
11 supporters; is that correct?

12 A. I did to the best of my ability.

13 Q. To the best of your ability? Okay. Well, because
14 Dr. Sexton who testified, your friend, yesterday said on
15 the stand that he gave you fifty dollars, and it's
16 nowhere in your reportings to the ethics commission?

17 A. Well, I believe that's because he came to like some
18 of those fund-raisers, like a pizza fund-raiser or
19 whatever, and they put, you know, some of these people
20 put money in and I would put that in with -- I went over
21 that with Eddie Adams, and he said this is how you should
22 do it if you have a fund-raiser like that, put it all in
23 and report it.

24 Q. Put it in as cash?

25 A. Yes.

1 Q. Okay. So it's just convenient that that's how ---

2 A. He said that's how you do it.

3 Q. --- Mr. Sexton, Dr. Sexton gave you the money. It
4 was cash. He didn't write you a check, so it wasn't
5 recorded.

6 A. And I didn't even know he gave fifty, because if
7 he's at a fund-raiser, it goes into a bowl.

8 Q. All right. I'm going to play a tape for you, Mr.
9 Bartee, that's already in evidence.

10 (WHEREUPON, State's Exhibit Number 10 was
11 published.)

12 Q. All right. Now, Mr. Bartee, that interview was on
13 March 27th of 2012 with LaDonna from the Seneca Journal;
14 is that correct?

15 A. I don't remember the date.

16 Q. That's what she testified to, the date, and it's on
17 the tape.

18 A. Yes. Okay.

19 Q. And in that interview you said that you had met with
20 Jerry Edwards the summer before, and he went over all of
21 this with you; isn't that correct?

22 A. Yes.

23 Q. And that is true?

24 A. Yes.

25 Q. Okay. And in fact, in that conversation with Jerry,

1 you became aware that you may not be qualified to run for
2 sheriff; isn't that correct?

3 A. No, not in that conversation.

4 Q. Not in one of those conversations with Jerry Edwards
5 were you informed ---

6 A. You said I had a conversation at his office ---

7 Q. Right.

8 A. That he wanted to consider me for a candidate to run
9 for this office, and he had two requests to back me.

10 Q. Right. But we're talking about 2011, correct, the
11 summer before?

12 A. Yes.

13 Q. All right.

14 A. That's the only time I've been in his office.

15 Q. Right. And based on that meeting is why on May 25th
16 of 2011 you emailed Brandy Duncan with the Criminal
17 Justice Academy, who testified earlier, and you said, I
18 was referred to you concerning requirements to run for
19 sheriff in Oconee County. If you could give me a call, I
20 would appreciate it. Thank you.

21 A. No, that's not how that came about. I can tell you
22 how it came about. One of his reporters called me and
23 said, Mr. Bartee, this is -- I have some questions about
24 this. I want to make sure. And I said, well -- but it
25 wasn't Jerry Edwards. It was one of the reporters a week

1 or whatever, a week before that or two. And I hadn't
2 decided to run then.

3 Q. Right.

4 A. I said, I will look into it.

5 Q. Correct. And so in 2011 that's when you were
6 deciding whether or not you were going to officially run,
7 correct? That's when these emails were ---

8 A. That's when -- I would call it exploratory.

9 Q. Right. I agree. I agree. You're exploring the
10 possibilities?

11 A. Yes.

12 Q. Okay. So you email Brandy Duncan on May 25th of
13 2011 and ask her about your qualifications, correct?

14 A. Yes.

15 Q. Okay. She responds to you? And she said -- and you
16 also had a conversation with her.

17 THE COURT: Do you want the lights off?

18 MS. ADAMS: I may be able to make it clearer,
19 Judge. I'm not sure.

20 Can I make it clearer?

21 MR. WAGNER: Let's dim the lights and see.

22 MS. ADAMS: Can you see that, Judge?

23 THE COURT: Uh-huh (affirmative).

24 Q. All right. In this email that Brandy Duncan, who's
25 legal counsel for the Criminal Justice Academy, sent you

1 on May 26th, 2011, in response to your email for sheriff
2 requirements, she tells you it's a follow-up on the
3 telephone call we had yesterday. It's my understanding
4 you're retired law enforcement with approximately twenty-
5 five years in the federal system. And she references the
6 law ---

7 MS. ADAMS: Your Honor, this is in evidence, so
8 obviously the jury can read all of it later.

9 Q. She said, based upon -- based on this information
10 under South Carolina Code § 23-11-110(a)(5)(c), it is
11 possible you have a qualification deficiency. So you
12 were aware that there was a possibility of a
13 qualification deficiency on May 26th of 2011; isn't that
14 correct? It's right there.

15 A. I was reading her opinion, yes.

16 Q. Okay. And in her email she says -- she explains
17 what the law means, and she also says, I believe your
18 first hurdle is locating a South Carolina law enforcement
19 employer.

20 MS. ADAMS: Sorry, Judge.

21 Q. Right there.

22 A. (No verbal response)

23 Q. You never made any steps to get employment with a
24 local state law enforcement agency, did you?

25 A. I hired an attorney to represent me after this, and

1 we discussed it. And he researched it. And he believed
2 my seven years serving in this state and my time as a
3 Secret Service agent and a law that says, all retired
4 federal agents must be certified, meaning I was
5 qualified.

6 Q. Mr. Bartee ---

7 A. And that's what the civil suits were about.

8 Q. --- this is 2011. You hadn't hired an attorney yet,
9 correct? I'm talking about 2011. These emails are 2011,
10 not 2012.

11 A. I had had some discussions with attorneys on this.

12 Q. Okay. But general counsel for the Criminal Justice
13 Academy is suggesting and telling you that your first
14 hurdle is locating a South Carolina law enforcement
15 employer.

16 A. I see what you're saying. But she also told me to
17 reach out to an attorney and to other offices for
18 clarification.

19 Q. Yes. She strongly encouraged you to make contact
20 with the election commission. She said, they may view
21 the requirements differently, the South Carolina Attorney
22 General's Office or Jeff Moore of the Sheriff's
23 Association, any of these entities can provide you with
24 more guidance. Jeff Moore has also stated that you are
25 not qualified to run for Sheriff; isn't that correct? He

1 said that to Ladonna that was on the tape that the jury
2 heard.

3 MR. BRANNON: Objection, hearsay.

4 Q. And what did he also testify to?

5 THE COURT: I'm not -- she's not -- overruled.
6 Go ahead.

7 A. He's never provided me with any information.

8 Q. Have you ever spoken to him?

9 A. No.

10 Q. But you never attempted to get a job at the local
11 state level, did you?

12 A. No.

13 Q. Okay. Because you felt your Secret Service
14 experience was enough?

15 A. Yes.

16 Q. So basically back in 2011 you feel that you are
17 already above what the state law requires you to do to
18 run for sheriff; isn't that correct?

19 A. No, I'm not above the -- no one's above the law.

20 But I believe the law § 23-23-70(c) says, all retired
21 federal agents must be retired. So that's what --
22 eventually, this led to civil suits.

23 Q. Well, we'll get to that Mr. Bartee. I just want to
24 make sure that the jury understands you never followed
25 Brandy Duncan's advice in 2011; that's correct?

1 A. She's not my attorney, and that is her opinion.

2 Q. Right. Because your arrogance and refusal to comply
3 with the law ---

4 MR. BRANNON: Object, Your Honor.
5 Argumentative.

6 THE COURT: Sustained.

7 MR. BRANNON: Move to strike?

8 THE COURT: Granted.

9 Q. Your tone of voice in that interview and your
10 refusal to comply with this state law is basically why
11 we're here today, isn't it, Mr. Bartee?

12 A. (No verbal response).

13 Q. Joel Deason testified, didn't he, who worked for
14 Senator Thomas Alexander. And the jury heard him say he
15 never told you that you were qualified to run for
16 sheriff. But you claimed on that audio with LaDonna,
17 Senator Thomas Alexander's office cleared me, Criminal
18 Justice Academy cleared me. They never cleared you to
19 run?

20 A. Again, both of those individuals didn't understand
21 the § 23-70(c). And in fact, the head of the Criminal
22 Justice Academy, which you don't have his notes here,
23 when we did go to trial, stood up and testified in court
24 that under § 23-23-70(c), that they were not following
25 the law.

1 Q. Mr. Bartee, regardless of what the law means, you
2 told LaDonna with the paper that the jury just heard that
3 it went all the way through Thomas Alexander's office,
4 and they said you were qualified, which is not true. And
5 you also said that that lady, who is Brandy Duncan at the
6 Criminal Justice Academy, cleared you and said you were
7 qualified. And that is not true. That is in writing;
8 isn't that correct?

9 A. I've had different emails from her, one saying ---

10 Q. That's what you said, correct?

11 A. What?

12 Q. That's what you said on that tape and the jury heard
13 it.

14 A. You're asking me ---

15 THE COURT: Just one second.

16 Mr. Bartee ---

17 THE WITNESS: I'm trying.

18 THE COURT: --- you have to answer the
19 question. If you need to explain it, as long as your
20 explanation is responsive, you can do so. But you have
21 to answer the question first, please, sir.

22 Q. Brandy Duncan never told you you were qualified to
23 run for sheriff, and she testified to that on the stand;
24 isn't that correct?

25 A. She testified to that on the stand.

1 Q. Okay. So is she lying too?

2 A. I'm just saying that what she testified on the stand
3 is not what she said in 2012.

4 Q. Okay. So she lied on the stand too then?

5 A. I don't know. Your questions were about this in
6 2011. I didn't say anything about what she wrote in 2012
7 or what the head of the Academy wrote to me in 2012.

8 Q. Well, we'll get to those emails, Mr. Bartee. Was
9 Joel Deason telling the truth, or was he lying too, about
10 Senator Thomas Alexander's office never telling you you
11 were qualified, like you tried so desperately to convince
12 LaDonna of on that tape that they heard?

13 A. Mr. Deason's office told me he couldn't make a
14 decision on that. And Mr. Deason's office was
15 recommending me to contact various offices and seek out
16 my own counsel.

17 Q. So he never told you -- Thomas Alexander's office
18 never told you you were qualified to run for sheriff,
19 correct?

20 A. I recall Mr. Deason in person telling me he thought
21 I was overqualified to be sheriff, but we need to clarify
22 some of these issues.

23 Q. So Mr. Deason lied on the stand too, correct?

24 MR. BRANNON: Objection.

25 THE COURT: Overruled.

1 A. No, I don't think he lied. I'm just thinking that
2 his perception -- you know, like he did say, this was a
3 long time ago. And he couldn't recall the detailed
4 details.

5 Q. But he testified he never, nor did Thomas
6 Alexander's office ever indicate that you were qualified
7 to run for sheriff even though you so desperately tried
8 to convince LaDonna of that?

9 A. Mr. Deason's office, I don't believe, could render
10 me a decision. He recommended where I need to go.

11 Q. Right. That's correct, unlike what you told
12 LaDonna. So this interview, also on March 27th confirms
13 your hatred for Donnie Fricks and Jerry Edwards, doesn't
14 it?

15 A. (No verbal response)

16 Q. You had a few choice words to say about them, didn't
17 you, on that tape?

18 A. On which tape?

19 Q. The tape that the jury just heard again about Jerry
20 Edwards.

21 A. I don't think Jerry Edwards is my friend. But I --
22 you know, I don't care for him. I wouldn't call it hate.

23 Q. Your desperation in this interview also supports
24 Nick's account of you telling him to pass out the
25 negative flyers of Donnie Fricks during Mayfest on May

1 12th of 2012, doesn't it?

2 A. No, I absolutely -- I told all of my supporters, if
3 you see someone tearing one of our signs down or
4 anything, just put another one up. Do not tear anyone's
5 signs down. Even -- I'd put out to them, if you have
6 negative information sent to you on emails, I'm asking
7 you -- I can't control an individual on that. But I'm
8 asking you on my behalf, please don't get into disputes
9 and fight with others. Let the -- you know, the voters
10 will decide. They will see each person for who they are,
11 and they will choose the person they want to vote and
12 I'll respect whoever wins.

13 Q. On May 12th at eleven eleven a.m., you called
14 Nicholas Blackwell, which was the morning of Mayfest;
15 isn't that correct?

16 A. Is that what the record says?

17 Q. Yes, it does. Right here, the highlighted one.

18 A. Okay.

19 Q. For a hundred and fifty seconds. That's your
20 number, correct?

21 A. And what time is that?

22 Q. Eleven eleven a.m.

23 A. Okay. Is there -- there's two things there. He
24 either called me earlier, the day before, or he's called
25 me on different phones. And I responded to him.

1 Q. Right. The different phones. Okay.

2 Now, you called, the first call between you and Nick
3 that day, and you spoke for a hundred and fifty seconds.
4 Then Nick calls you back because, of course, this, as
5 Nick stated, where you instigated the call, is consistent
6 with his account of you passing out -- you telling him to
7 pass out the flyers against Donnie at Mayfest which goes
8 consistently with your hatred towards Donnie and Jerry
9 Edwards with that interview to LaDonna by the tone of
10 your voice and the words that you spoke. So again, on
11 Mayfest, on May 12th, Nick Blackwell calls you back at
12 twelve forty-three p.m. You call Nick. That 'F' means
13 voice mail. So it went to voice mail. Nick calls you
14 back, I guess based on that voice mail, at one fourteen.
15 Then we know that incident occurred, based on the
16 Walhalla officer's testimony, around four twenty. At
17 four twenty the confrontation between Nick Blackwell and
18 Donnie Fricks. He's calling dispatch at four twenty
19 consistent with what occurred that day. The first person
20 he called after calling dispatch is who, Mr. Bartee?
21 Whose number is that at four twenty-four?

22 A. That's my cell phone number.

23 Q. Right. He calls you. Y'all spoke for a quick
24 thirty-three seconds. And then you call him back at four
25 thirty-five, quick call. He calls you back five oh six,

1 if my military time is correct. And you speak for a
2 hundred and fifty-seven seconds, correct?

3 A. Well, I think you're jumping to conclusions, ma'am.
4 Number one, it shows my phone number, but I was at events
5 that day. If I recall, it was my wife or someone else
6 that took some of those calls. And then later I did call
7 him back. When I'm at events all day -- and it's already
8 been testified -- I don't carry my phone going into a
9 restaurant or so forth with it in my ear. I give it to
10 people to receive the calls. And when I get back, it was
11 our policy to please call everyone back no matter what.
12 Even crazy guys.

13 Q. Right. And there's a lot of calls between you and
14 crazy Nick Blackwell, aren't there? Because again on May
15 12th, he called you at five fourteen for forty seconds.
16 And then again, Nick calls you that same day at five
17 fifty-four for a hundred and sixty-two seconds. Then you
18 talk three more times where you call him, he calls you
19 and you call him again. And we're talking late at night,
20 twenty-one twenty-eight. Is that eleven twenty-eight?

21 MR. WAGNER: Nine twenty-eight.

22 MS. ADAMS: What time?

23 MR. WAGNER: Nine twenty-eight.

24 MS. ADAMS: Nine twenty-eight. Sorry, Judge.

25 Q. So you had a lot of calls with Nick Blackwell that

1 day?

2 A. Again, there's calls coming to and from my phone
3 call [sic], and I don't necessarily talk to him. But I
4 can recall at least one I talked to him later in the day.
5 He called and told me that he was passing out flyers up
6 at the Walhalla Fest, and then that he thought that
7 Donnie Fricks had assault him. And what do I think about
8 that. And I said, I think you're crazy. Because number
9 one, you don't go to an event and -- you need to check
10 with the city or the police department or the event host
11 and see if you can -- and if you're going to be handing
12 out papers, my friend, you'd better make sure whatever
13 you're handing out is genuine so you don't get yourself
14 in some kind of slander suit. And third, I just don't
15 think that's the way to do it. That's what I told him.

16 Q. You don't think passing out negative flyers is the
17 way to do it?

18 A. Well, I seen him -- the way he goes -- he's done
19 this in a couple forums. And he got up handing out
20 flyers, and he even got in an argument up in Keowee Key
21 and was almost coming to blows between Fricks and Nick on
22 that one. I saw him get up in one in Seneca passing the
23 thing out, and Jerry Edwards, they almost had a fight. I
24 was sitting up on the stage when it was over because he
25 was handing out literature. So I'm telling him, son,

1 you're dealing with people that are going to hurt you.
2 You know, you have enough stuff with you -- you need to
3 go home, take care of your family and stay out of it. If
4 you want to help me, all I want you to do is vote and get
5 your friends to vote. But you want to be grandiose, and
6 you want to be some kind of hero. So -- but this is not
7 the way to do it.

8 And secondly, I told him, the polls indicate that at
9 this point James Bartee and Terry Wilson were the front-
10 runners. Leave Donnie Fricks alone and leave Crenshaw
11 alone because it's not necessary to bother them.

12 Q. Did you not, Mr. Bartee, in a forum for the
13 sheriff's candidates, in your closing remarks talk about
14 every negative aspect of every candidate that was running
15 against you in your closing speech to the audience? Did
16 you not do that?

17 A. I ---

18 Q. You stood up there and talked about Donnie Fricks
19 and supposed illegitimate children. You talked about
20 Terry Wilson and money being taken from the Sheriff's
21 department. You stood up and you talked about Crenshaw
22 being fired. Everything that came out of your mouth at a
23 forum was negative about every other candidate. Is that
24 not true?

25 A. I -- what you're ---

- 1 Q. Is it true or not?
- 2 A. What you're saying is not what I said. I'll tell
3 you what I said. I did not name any candidates. What I
4 said is I have done -- I have been accused of having
5 affairs. I've been accused of having a fake Mustang.
6 I've been accused of drinking beer downtown. And it goes
7 on and on and on. And so I got up there and said, ladies
8 and gentlemen, I want you to hear something. You need to
9 pick someone -- one of these -- us four, one of these
10 four men for sheriff. And I'm going to tell you one
11 thing. And I'm not going to name any names. I have this
12 information, but I'm not going to share it with you. I'm
13 challenging each and every one of you citizens and the
14 press to go do your homework and make it because I'm
15 telling you that we have probably -- we have a candidate
16 that's got an arrest record. We have some that have been
17 accused of stealing money from the County. And we have
18 -- that have admitted or been caught in affairs. But I
19 want you to do your homework. I'm not going to share it
20 with you. That's what I said. But I did not name any
21 names.
- 22 Q. So you shared it with them, but you said, I'm not
23 going to share it? Okay. I just want to make ---
- 24 A. I challenged them ---
- 25 Q. --- make that clear.

1 A. --- to do their homework and make their own mature
2 decision on who they would like to nominate as sheriff or
3 -- I'm sorry -- to vote for sheriff.

4 Q. So let's get back to May 12th and the incident.
5 Nick Blackwell said that you wanted to distance yourself
6 from him because of the altercation with Donnie. And
7 basically everyone in the county knew that you and Donnie
8 did not get along, correct?

9 A. I don't think -- we were running against each other.
10 I don't think he and I could get along, no.

11 Q. Okay. So you have to distance yourself from him.
12 And the phone calls show that because there's no phone
13 calls between you and him. But in fact, would you please
14 tell the jury who Steve Rushton is?

15 A. Steve Rushton is a fellow that was supporting me
16 that owns a tow service here in Oconee County.

17 Q. Okay. He was a pretty big supporter, wasn't he?
18 Because he's actually in one of these emails that's in
19 evidence that was sent to Brandy Duncan on March 30th of
20 2012, correct?

21 A. I saw that. Mr. Rushton is a private citizen. He
22 can write anybody he desires.

23 Q. Correct. But he's CC-ing you ---

24 A. Yes.

25 Q. --- and saying he's writing on your behalf?

1 A. Well, he was not on my -- I'm going to tell you
2 this. He was -- I had a very small, what you would call,
3 actual campaign team. But I had lots of supporters who
4 were -- you know, write things, say things, do web sites
5 or do that or put out signs or whatever. But I -- if Mr.
6 Rushton wrote that, he wrote it on his own accord and he
7 sent me a copy. I appreciate him sending me a copy.

8 Q. Right. But you had a lot of contact with Steve
9 Rushton, correct? He was a supporter of yours?

10 A. At that time, I might see Steve Rushton once every
11 couple of weeks or at a forum. That's about it. I spent
12 most of my days out shaking hands, trying to meet the
13 over seventy thousand people in this county. That's what
14 I did.

15 Q. Okay. Well, he was definitely a volunteer and
16 definitely a supporter, correct?

17 A. No, he was not a volunteer on my team. He was a
18 supporter. There may be some in this -- I know there are
19 some in this room that would say, I'm supporting you, but
20 they didn't give money. Some didn't get signs. They're
21 just saying I'm supporting you. But that does not mean
22 you're on my team.

23 Q. All right. Well ---

24 A. I know what he wrote, but I'm just telling you ---

25 Q. He said, I'm a volunteer in the candidacy of retired

1 Secret Service agent, James Bartee. I want to know if
2 you have read the write-up and agree with the
3 characterization given Mr. Moore's comments. And then it
4 talks about the qualifications, whether or not you're
5 qualified to run for sheriff. Okay. My point is though
6 Steve Rushton's number, which is on this email, is 304 --
7 864-304-2465.

8 A. Okay.

9 Q. All right. Does that ring a bell? It's on this
10 email.

11 A. I don't -- if that's on there. I don't know Steve's
12 phone number by -- you know, I'd have to -- I'm sure I
13 have it listed somewhere, and I'd look it up.

14 Q. So Steve Rushton, who is interested enough to
15 volunteer and question Brandy Duncan with the Criminal
16 Justice Academy almost a year after you have in 2012 now
17 begins contact with Nick Blackwell because, as Nick says,
18 you distanced yourself. So we have our calls on the
19 12th. One thousand one hundred and thirty-four seconds
20 Steve and Nick talk. Okay?

21 A. Okay.

22 Q. Then we go and Nick is talking to Steve Rushton
23 here. Your supporter, Michael Eades, you testified.
24 This is Michael Eades. This is you on the 13th. This is
25 Michael Eades. This is Steve Rushton. This is Steve

1. Rushton. Steve Rushton again on these days. Steve
2. Rushton and Michael Eades on these days. Talking to Nick
3. Blackwell, this crazy Nick Blackwell. Steve Rushton
4. again May 17th. Steve Rushton again on May 22nd. He's
5. talking to Nick. And we've got Michael Eades, Michael
6. Eades, Michael Eades, and Michael Eades again.

7. All right. Shortly after your interview with
8. LaDonna on April 10th of 2012, that was your first
9. contact with retired Circuit Court Judge Jimmy Williams
10. when he emailed you and questioned you about your
11. qualifications, correct?

12. A. I remember getting an email that you brought up.
13. I'd love to see that.

14. Q. Sure. I've got it right here.

15. A. But when I got it, I don't believe I had any idea
16. who he -- all it was was a James Williams. I didn't know
17. who he was. I had no clue. I got hundreds of emails
18. from supporters or people that hated me. I get those all
19. day.

20. Q. Let me make sure I've got the right one.

21. MS. ADAMS: One moment, Your Honor. I'm sorry.
22. I apologize.

23. THE COURT: That's all right.

24. Q. Here's a April 10th, 2012, email, 9:00 a.m. from
25. James C. Williams to you, correct? Is that your email?

1 A. Yes, it was.

2 Q. Okay. Regarding candidacy, correct?

3 A. Okay.

4 Q. And in this email here -- can I put it up for the
5 jury to see too?

6 A. Help yourself.

7 Q. This is when the judge questioned you for the first
8 time on your qualifications for sheriff, correct?

9 A. I believe so.

10 Q. All right. Please explain how you can meet the one-
11 year's experience requirement to allow you to serve as
12 sheriff. What have I missed? Sincerely, Jimmy Williams.
13 Okay. So -- and at this point though, do you know that
14 Jimmy Williams is a retired circuit court judge?

15 A. No, I do not. I've told you I get emails, phone
16 calls, Facebook ---

17 Q. When did you become aware that he was a retired
18 circuit court judge?

19 A. I didn't learn until later when he filed a complaint
20 with your -- head of the Republican Party, Eddie Adams.

21 Q. Okay. So then he emails you again on April 17th
22 that, I noted in the newspaper your response to the
23 question about your qualifications for sheriff. Your
24 answer did not address the real question. The important
25 question is not whether or not you could be qualified to

1 be a certified officer in South Carolina, but how you
2 intend to deal with the qualification for sheriff which
3 include a minimum of one year's experience as an officer
4 in South Carolina. Would you be willing to sit down with
5 me to discuss this issue? Jimmy Williams. Then you
6 finally responded because here's your response to the
7 judge on the 17th, later that day. Here you go. Would
8 love to sit down and talk. I am overqualified to be
9 sheriff. You attach the section that states that all
10 federal agents must be certified upon presentation to the
11 head of the Criminal Justice Academy. What this means is
12 that since I have not worked at the State and do not
13 currently work for the State ..

14 So you admit here you've never worked for the State,
15 correct?

16 A. Correct.

17 Q. Okay.

18 ... they will accept my presentation until I win the
19 primary. At that time, the Academy has advised they will
20 certify me because I then will be a state employee.

21 However, the Academy never told you that based on Brandy
22 Duncan's testimony; isn't that correct?

23 A. Based on her testimony.

24 Q. And she is general counsel for the Criminal Justice
25 Academy, correct?

1 A. Yes.

2 Q. Okay. And then the judge, who by this point,
3 whether you know or not, you find out eventually he's not
4 just an ordinary citizen. He is a judge who obviously
5 knows the law. He's emailing you back telling you you
6 have some misinformation, and you would not become an
7 employee of the state if you win the primary. You would
8 simply become the republican candidate on the general
9 election ---

10 MR. BRANNON: Objection. I think she's
11 testifying, Your Honor.

12 THE COURT: Overruled.

13 Q. Isn't that what this email says?

14 THE COURT: Overruled.

15 A. Again, I don't still believe at that point I don't
16 know who Jimmy Williams is. And I'm hearing his opinion.
17 And my attorney, Jake Moore, who I'd retained because of
18 these complaints, and his research he said he thought I
19 was qualified. And if it comes to further litigation or
20 anything, he was going to fight for that.

21 Q. All right. But you're aware that there's an issue
22 with your qualifications to run for sheriff. Not to be
23 sheriff, but to run as a candidate in this state,
24 correct?

25 A. Again, this is what the civil suit was about, to try

1 to ---

2 Q. Right. Right.

3 A. --- is to try to determine that.

4 Q. And you were aware that there was an issue back in
5 2011 with that email to Brandy, and you still decided to
6 run for sheriff, correct. Before getting a definitive
7 answer you decided to still run for sheriff; isn't that
8 true?

9 A. After talking to Eddie Adams, head of the Republican
10 Party, he thought ---

11 Q. He's not a lawyer, is he?

12 A. He told me the Republican Party thought I was
13 qualified, and I should move forward.

14 THE COURT: Let's take a quick minute. I need
15 to see the lawyers, please.

16 (WHEREUPON, a bench conference was held off the
17 record.)

18 THE COURT: Mr. Foreman, ladies and gentlemen
19 of the jury, it's one thirty. We've gone a little bit
20 past our normal lunch break. What I'm going to do is
21 recess now for lunch. Our Clerk has run off some -- I'll
22 let her tell you about it. She'll give you certificates
23 you can take with you, vouchers if you will, so we can go
24 get your lunch. I'm going to ask that you be back in
25 your jury room in an hour and fifteen minutes or two

1 on March the -- in March of 2012, you were desperately
2 trying to convince her that Thomas Alexander's office had
3 cleared you and the Criminal Justice Academy had cleared
4 you; isn't that correct? That's what the jury heard you
5 say on the tape, correct?

6 A. That's what they heard, but I had gotten recent
7 paperwork which I told her she had not looked at.

8 Q. Despite the fact though that during this trial
9 Brandy Duncan stated she never said you were qualified,
10 correct?

11 A. In this trial, that's what she said.

12 Q. Okay.

13 A. That's not what she told me on the telephone.

14 Q. All right. Now, Mr. Bartee, we have those emails.
15 I want to look at the calendar that Mr. Brannon had. I
16 have one. It's not quite as neat. We'll just use Mr.
17 Brannon's. Now, May the 12th was Mayfest, correct?

18 A. Yes.

19 MS. ADAMS: Do you mind if I write that on
20 here?

21 MR. BRANNON: Feel free.

22 Q. All right. May 22nd lawsuit was filed, and that is
23 the lawsuit with Judge Jimmy Williams against the
24 Republican Party, correct?

25 A. And others, yes.

1 Q. Okay. But you were not involved. He did not
2 originally sue you, correct?

3 A. No.

4 Q. Okay. You made yourself a party to the lawsuit,
5 correct?

6 A. I did.

7 Q. Okay. And you were granted the intervention,
8 correct?

9 A. Yes.

10 Q. Okay. So on May 24th you had your first hearing in
11 Walhalla, correct, regarding that lawsuit? There was a
12 hearing?

13 A. In this courthouse somewhere.

14 Q. Okay. I'm going to put, 'Walhalla hearing'. All
15 right. That hearing was in front of Judge Maddox,
16 correct?

17 A. Yes, ma'am.

18 Q. Okay. No decision that day was made on whether or
19 not you were qualified to be a candidate for sheriff,
20 correct?

21 A. No, ma'am.

22 Q. Okay. But in that hearing on May 24th of 2012,
23 wasn't it clear by what Judge Maddox said that he was
24 leaning toward an official ruling of taking you off the
25 ballot? Isn't that correct?

1 MR. BRANNON: Your Honor, I object. That's
2 hearsay.

3 THE COURT: Overruled. That transcript was
4 introduced into this case, and so I'm going to allow the
5 question.

6 MR. BRANNON: It ---

7 THE COURT: And it's been asked and answered
8 already in this case, so I'm going to let it go ahead.

9 Q. Was he not tending to rule to throw you off the
10 ballot?

11 A. He said we were going to -- he may have been leaning
12 that day, but he wanted to have a hearing on the 30th and
13 bring in Brandy. And he wanted to bring in the head of
14 the C.G.A. and then let the attorneys argue their points,
15 and then a decision would be made on the 30th.

16 Q. So you are agreeing that Judge Maddox though in open
17 court said he was leaning towards ruling against you,
18 correct?

19 A. I believe that was before everyone asked for -- to
20 get the witnesses from the Criminal Justice Academy.
21 That's what I recall.

22 Q. But he was leaning against you, wasn't he?

23 MR. BRANNON: Objection. Asked and answered.

24 THE COURT: He has not answered. Go ahead.

25 A. (No verbal response)

1 Q. Did you not say the affidavit that you filed at the
2 time that you became a candidate required you to say that
3 you had the following qualifications. And those
4 qualifications are the qualifications that have as
5 sheriff. And one of those is defined as a certified law
6 enforcement officer. And then in the very section that
7 these qualifications are set out, it says -- and he's
8 reading -- for the purposes of this section, a certified
9 law enforcement officer is a person who has been issued a
10 certificate as a law enforcement officer pursuant to
11 § 23-23-10. And § 23-23-10 basically says that except
12 for who can receive it. I think that, quite frankly,
13 given his experience there's no doubt he would receive
14 it. But the question then is whether or not he had it at
15 the time he filed the affidavit. And obviously he is
16 you, Mr. Bartee. He's referring to you. And without
17 taking any testimony, you can look at this, if you look
18 at it sort of logically, you see that that's a problem.
19 And then he looks at your then attorney, Jake Moore. He
20 was your attorney at that hearing, correct?

21 A. One of them.

22 Q. And he says, Mr. Moore, you look like you are just
23 dying?

24 A. Now, I don't recall him saying that.

25 Q. It's in the transcript.

1 A. Okay. But I don't recall him saying that.

2 Q. So clearly Judge Maddox was leaning towards ruling
3 against you, correct?

4 A. Again, we were going to decide that issue on the
5 30th.

6 Q. Correct. He didn't rule.

7 A. Correct.

8 Q. You had a hearing scheduled on the 30th?

9 A. Yes.

10 Q. Right. So -- but because of that hearing, you were
11 becoming more and more desperate ---

12 MR. BRANNON: Judge?

13 Q. --- as the days progressed.

14 MR. BRANNON: I ---

15 THE COURT: Just stop and state your objection.

16 MR. BRANNON: There's no basis for that.

17 THE COURT: Overruled.

18 Q. Mr. Bartee, you had seventy-six thousand dollars
19 invested of your own money into your campaign, hadn't
20 you?

21 A. Yes.

22 Q. Okay. And based on what Judge Maddox said on May
23 24th, that was about to go out the window, wasn't it?
24 Because if you weren't on that ballot, that seventy-six
25 thousand dollars was gone for sure, wasn't it?

1 A. And I would go back to my regular jobs where I make
2 like -- the sheriff's position pays like seventy-seven
3 thousand a year. And I make anywhere from a hundred and
4 fifty to four hundred a year doing P.I. work, so I would
5 be taking a loss to be the sheriff financially. So you
6 know, if I win, I win. If I don't, I go back doing what
7 I'm doing.

8 Q. Really? Well, Mr. Bartee, before we get back to
9 that, let me show you your press release ---

10 MS. ADAMS: And Your Honor, may I have this
11 marked, please?

12 MR. BRANNON: I have seen it.

13 THE COURT: You have? Okay.

14 MS. ADAMS: I showed it to him.

15 Let me have that, too.

16 (WHEREUPON, State's Exhibit Numbers 12 and 13 were
17 marked for identification.)

18 Q. Mr. Bartee, you sent out a press release on
19 Thursday, June 7th of 2012, after you were arrested,
20 correct?

21 A. Yes.

22 Q. Okay. In this press release, you state -- I'll put
23 it up here -- times are tough, but if you can please
24 write a check payable to my attorney, Jake Moore. In the
25 memo section of your check, please write 'Bartee Defense

1 Fund'. All donations are confidential, and there's no
2 limit to the amount that can be donated. Any amount,
3 would be appreciated. Donations can be mailed to James
4 Bartee, P.O. Box 1410, and they will be provided to Jake
5 Moore. Obviously, times were tough, Mr. Bartee, and you
6 had to ask people to donate to your defense fund, did you
7 not?

8 A. We asked people to donate to the defense fund, but
9 we weren't in any financial strains. And I've never had
10 a bill late in my life that I know of.

11 Q. So you were using your techniques that you learned
12 in aikido then and the Secret Service to get others to do
13 what you wanted so you didn't have to spend your own
14 money paying your defense bills?

15 A. No. I had many people wanting to donate, and so the
16 fund was set up. And if they'd liked to donate fine, but
17 we didn't push it. And I don't think it was an overly
18 large amount. Some people just wanted to help.

19 Q. Absolutely, Mr. Bartee. But clearly since you had
20 to put seventy-six thousand dollars of your own money and
21 then only raised ninety, most of your supporters were not
22 giving you money. They were giving you time, correct?

23 A. We were trying to utilize our own money so we --
24 whenever possible, my wife and I had decided that we
25 wanted to use our own money as much as possible so we

1 don't have any ties to people or people think we owe them
2 anything.

3 Q. And then we updated this. Can I show you ---

4 A. Sure.

5 Q. --- State's Exhibit 13 which is currently still on
6 your web page.

7 A. Okay.

8 Q. So this is current. Like right now you could go --
9 I printed this out today.

10 A. It could be there, yes.

11 Q. Okay. And we're still asking for money for our
12 legal defense fund, and we have updated it to put your
13 current lawyer, Mr. Doug Brannon, in, correct?

14 A. Okay.

15 Q. Correct?

16 MS. ADAMS: Your Honor, I'd like to move
17 State's Exhibits 12 and 13 into evidence.

18 MR. BRANNON: Without objection.

19 THE COURT: Admitted without objection.

20 (WHEREUPON, State's Exhibit Numbers 12 and 13 were
21 admitted into evidence.)

22 Q. So back to the hearing where Judge Maddox clearly
23 states he is going to most likely rule against you. That
24 was on the 24th of May. The 26th of May, I believe, was
25 Seneca Fest; is that correct?

1 A. Yes.

2 MS. ADAMS: Can I write that down?

3 Q. Seneca Fest is when Ryan Stancil gave Nick Blackwell
4 a card with Jimmy Williams' name and phone number on the
5 back, correct?

6 A. Correct.

7 Q. And on May 26th of 2012, you had Joe Milbert, your
8 childhood friend, call Nick Blackwell, don't you?

9 A. On the 26th?

10 Q. Yes. That the phone records show, Mr. Bartee, on
11 the 26th of May?

12 A. I don't believe so.

13 Q. Are you saying Joe didn't call him on the 26th, or
14 you didn't have him call?

15 A. I definitely didn't have him call, but I don't
16 believe the records reflect it's on the 26th. I believe
17 that's the 27th.

18 MS. ADAMS: Is it the 27th?

19 Q. I apologize. It is the 27th. On the 27th is when
20 Joe calls?

21 A. Yes.

22 Q. And Joe is your childhood friend, correct?

23 A. Well, Joe and I went from the first through the 12th
24 grade together, not necessarily in the same class. And
25 then after high school graduation -- there's times we

1 haven't seen each other in two or three years or this or
2 that. And when he recently -- whatever -- whenever he
3 moved to Buford, Georgia, I might see him three or four
4 times a year.

5 Q. He lived in Georgia, correct?

6 A. During this period, he lives in Buford, Georgia.

7 Q. Okay. And he came over to see you and he helped you
8 with your campaign, correct?

9 A. No. He came up to help Dr. Jimmy George do some
10 work on his home. And I helped design Dr. George's
11 remodeled kitchen, and Joe and I both were helping. But
12 I was busy right now. And then he came -- I knew he was
13 up here. He called me. And I said, I could really use
14 your help too. I've been so busy. And can you help?
15 I'm having a hard time getting the prop off of my boat.
16 Would you help me? And Joe is very -- a lot more
17 mechanical than I am. And he came over and helped me
18 changed the prop.

19 Q. You and Joe went to the Tiki Hut, and you had Joe
20 call Nick Blackwell while you were leaving the Tiki Hut
21 to come over, correct?

22 A. Yes.

23 Q. Nick Blackwell, who is, according to you and your
24 witnesses, crazy and unstable, to come over to your
25 house?

1 A. I didn't say he was -- so crazy to come over to my
2 house. But I did say that I thought he was a wannabe,
3 glory-hound, grandiose and crazy.

4 Q. And so you have your friend Joe Milbert call him?

5 A. Yes.

6 Q. Your Secret Service training has taught you how to
7 deal with all sorts of people, hasn't it?

8 A. I believe so.

9 Q. So your Secret Service training would probably help
10 you figure out that maybe someone like Nick Blackwell is
11 the perfect person to kidnap Judge Jimmy Williams, isn't
12 he?

13 A. No. That would be -- he would be the last person or
14 anyone like him that you use in any operation. And quite
15 frankly, if anyone's doing it in the law enforcement
16 agencies around here, they're making a big mistake.

17 Q. Getting Nick Blackwell -- who you knew at the time
18 had been in the papers because of his incident with
19 Donnie Fricks. He had been in the paper regarding this
20 shooting in self-defense. Nick Blackwell had been in the
21 paper a good bit, and people probably wouldn't tend to
22 believe him as much as they would a retired Secret
23 Service agent, correct?

24 A. I don't know. I guess that's why we're here.

25 Q. We're here because of the evidence, Mr. Bartee.

1 Now, on this stand during direct, you said several
2 times that there was never a plan to kidnap Judge Jimmy
3 Williams?

4 A. There was never a plan by me or any of my supporters
5 or friends.

6 Q. So you knew nothing about a plan to kidnap Judge
7 Jimmy Williams is your testimony today?

8 A. No. What I've heard is -- what I've said is I've
9 heard Nick Blackwell discussing either, I want to beat
10 him up, block his car. I want to kidnap him. I heard
11 him even say kill.

12 Q. So you're aware that Nick Blackwell wants to do this
13 all on his own, and you don't do anything about it. This
14 crazy, delusioned, insane person wants all on his own to
15 kidnap a retired circuit court judge, for you, obviously,
16 and you don't do anything about it. You don't call the
17 police. You don't call your Secret Service buddies. You
18 do nothing. Is that what you want this jury to believe?

19 A. I did a lot of things. Number one ---

20 Q. You didn't call the police, did you?

21 A. No. Do you want to know why?

22 Q. Why?

23 A. Because I had already talked to Sheriff Singleton on
24 April 12th at my dojo and had told him that I'm getting
25 threats, my wife, kids, supporters, family members. That

1 one member, one supporter had her beautiful Blue Heeler
2 dog up in Long Creek shot in her front yard. And they
3 put the 'Bartee for Sheriff' sign right there. I had a
4 daughter who someone took -- in a parking lot and just
5 took a hammer and beat the crap out of her car.

6 Q. And you told this to James Singleton?

7 A. I told James Singleton.

8 Q. Okay. You told James Singleton this. And
9 obviously, he was never asked about that though when he
10 testified, was he?

11 A. I told Jimmy Singleton ---

12 Q. And in fact, Mr. Bartee, in one of the tapes that
13 the jury has in evidence that they can look at again,
14 when a news reporter asked you -- when you stated your
15 family has been threatened, you have been threatened, did
16 you ever notify the police, and you quickly responded no.
17 That is what you said on the tape, is it not?

18 A. At that point I believe that ---

19 Q. That was after you were arrested?

20 A. --- that the sheriffs could be highly involved in
21 this, and I'm not getting my family in any further
22 danger. Y'all had me in jail.

23 Q. No. You said no then, Mr. Bartee, because that was
24 the truth because you never filed an incident report.
25 You never talked to the police. You never called anyone

1 about threats against your family because you thought
2 that -- ex Secret Service that again you would probably
3 be above the law and you could just handle everything
4 yourself and get it taken care of, didn't you, Mr.
5 Bartee?

6 A. Absolutely not. I talked to Mr. Singleton. And he
7 told me, you're a big boy, take care of yourself. I
8 actually talked to some of my Secret Service friends
9 about how to handle this. And I only had to make it to
10 June 12th. And on June 12th, win or lose the primary, I
11 was going to take the list of things that Nick told me
12 and so forth and present it to the FBI.

13 Q. On May 24th you are well aware that you are probably
14 not going to make it to June 12th, aren't you?

15 A. Lord, no.

16 Q. So at Seneca Fest, you make sure Nick gets the
17 judge's information, correct, when Ryan Stancil gave him
18 the card with the Judge's name and address on it, right?

19 A. No. I didn't learn about that card till later. You
20 know, I didn't learn about it ---

21 Q. Even though in Ryan Stancil's statement to the
22 police he said you told him to give it to him?

23 A. I think if you recall that Ryan Stancil testified
24 that ---

25 Q. Oh, I recall that. Yes.

1 A. --- that the agent made him sign a blank statement
2 and then filled it in.

3 Q. And I do believe probably y'all have said every
4 State's witness is not telling the truth, Mr. Bartee.
5 Because you have already said Brandy Duncan is not
6 telling the truth. SLED agents are not telling the
7 truth. Anderson County's not telling the truth. ATF's
8 not telling the truth. I mean, nobody's telling the
9 truth but you, of course, Mr. Bartee. So we'll just move
10 on with that.

11 So after Seneca Fest, your buddy Joe comes in and
12 clearly, clearly by the evidence that this jury heard, on
13 that tape-recorded conversation between Joe and Nick,
14 that Joe is well aware that you were trying to make sure
15 Jimmy Williams does not make that hearing because you
16 were under the false impression at the time that if he
17 doesn't show up, it's all going to go away. Isn't that
18 correct?

19 A. No, that is not correct.

20 Q. Did you not think that if Jimmy Williams was -- did
21 you not think that if Jimmy Williams didn't show up, your
22 case would be dismissed?

23 A. No.

24 Q. You said it on the tape, Mr. Bartee. Let me remind
25 you. You said -- and the jury can hear it -- if they

1 would say they were going to drop the case if he wasn't
2 there, it wouldn't matter. Then like I said, drive him
3 up the road and drop him off, right? You said that, Mr.
4 Bartee. You said that on the tape, and it speaks for
5 itself. And there is no other explanation, is there?

6 A. Well, there's lots of explanations.

7 Q. Mr. Bartee, you called the judge a weasel on the
8 tape, didn't you?

9 A. Yes.

10 Q. You said on the tape, I will let you loose when it's
11 time, didn't you?

12 A. Yes.

13 Q. You said that to Nick. I will let you loose when
14 it's time?

15 A. Yes. Can I have a copy of the transcript that
16 you're reading from?

17 Q. Sure. You said on direct that these were -- all
18 these words were yours, correct?

19 A. What page are you on?

20 Q. Page 46, Mr. Bartee. You said -- go back -- let's
21 go back. I'm sorry. I apologize. Let's go to page 37.
22 You see up at the top, line 4? You said on direct that
23 when Nick Blackwell said he's an effing idiot ...

24 A. Okay.

25 Q. ... that that was an example of one of Nick's rants,

1 correct? That's exactly what you said on direct because
2 I wrote it down. Is that right?

3 A. I don't recall if that's exactly what I said,, but I
4 do read what's written here.

5 Q. Okay. And on the tape y'all sound like y'all are
6 just having a friendly conversation. But that's a rant.
7 I want to make sure for the jury that that's Nick
8 Blackwell going crazy?

9 A. Well, it's definitely him. And I'll just state, you
10 know, he's wound up and seems to be focused on trying to
11 lead a conversation somewhere.

12 Q. And he's referring to Donnie Fricks, correct?

13 A. Yes, I believe so.

14 Q. Okay. That's who y'all are talking about. And then
15 you go, I know, but I'd be lucky if he killed himself
16 with that thing, meaning the gun from the picture. You'd
17 be lucky if he killed himself because I guess that'd get
18 him out of the race, right?

19 A. No. You just took everything out of context. And
20 if you read this, I said, I know. I'd be lucky if he
21 killed himself with that thing. That is not the word
22 kill someone physically. That would be like, hey, I
23 didn't study and I killed myself, you know, taking the
24 test. That's all that is. You're using this word in the
25 total wrong context in this conversation.

1 Q. You're talking about dressed in battle rattle,
2 correct?

3 A. Yes. I believe this is about Donnie Fricks.

4 Q. Yes. When Donnie -- when he's holding the AK-47,
5 correct?

6 A. Yes.

7 Q. Whatever he was holding. I didn't look at it close.
8 With the flash going off, muzzle up and everything. I
9 mean, what does he think. He's an action star? That's
10 what you said?

11 A. Okay.

12 Q. And then Nick goes, he's an effing idiot.

13 A. That's ---

14 Q. Talking about Donnie.

15 A. That's what he's talking about, Donnie.

16 Q. So you continue. Y'all were talking about Donnie.

17 I know. But I'd be lucky if he killed himself with that
18 thing.

19 A. Yeah. Kill himself with that advertisement. It's
20 going to kill his campaign to be putting photographs of
21 himself shooting AK-47s. I don't think people around
22 here took that in a positive note.

23 Q. So let's go down 37. I want to make clear that what
24 you said on direct with line 18, but it doesn't matter if
25 Mr. Williams didn't show up tomorrow. They'd still go

1 on.

2 A. Yes.

3 Q. You said that?

4 A. Yes.

5 Q. And that is a true and accurate statement, correct?

6 A. Well, if you notice, there's a few inaudibles here.

7 And as I testified earlier, I'm trying to guide him

8 without being confrontational, boom, boom, boom. But to

9 blend with his energy, let him rant and rave and then try

10 to, by the end, have him -- not me, but have him come to

11 the proper conclusion of what his behavior should be.

12 Q. So again, your testimony is on this tape Nick

13 Blackwell is ranting and raving?

14 A. Ranting and raving, I'm not sure where you would put

15 that. I mean, is he screaming or is he talking or -- but

16 he was in an agitated state at the house. He was very

17 nervous. He was -- you know, sit down, and he kept

18 moving around. And I thought he was on drugs.

19 Q. But on direct you said you didn't have any criminal

20 intent when you said, it doesn't matter if Mr. Williams

21 didn't show up tomorrow. They'd still go on.

22 A. Absolutely. Now, that's correct because it's the

23 type of hearing that it doesn't matter. If I wasn't

24 there that next day or any day, that type of hearing goes

25 on. If Mr. Williams didn't show up, it would go on.

1 Q. But your lawyer told you that, was Nick's question
2 to you. And you say, yep?

3 A. What page are we on now?

4 Q. Same page.

5 A. And what line are you on?

6 Q. 23.

7 THE COURT: What page number's that?

8 MS. ADAMS: I'm sorry, Judge. 37.

9 A. I believe Nick Blackwell said, your lawyer told
10 that..

11 Q. And your response was, yep?

12 A. Yeah. And I had a reason for that. I don't want
13 him to think it was just my opinion. I wanted him to
14 think this was a legal opinion from an attorney to
15 emphasize to him more not to go do something stupid.

16 Q. Line 20 on page 38.

17 A. Okay.

18 Q. I was kind of looking forward to busting him in the
19 head, is what Nick said. And then you say, well, we can
20 wait on that.

21 A. And I also ---

22 Q. Wait on it? Yeah, the first thing we have to -- we
23 can't -- doesn't mean any difference in the court to have
24 him be there tomorrow. It doesn't make him look good.
25 He's a weasel, isn't he? Right?

1 A. Again, I believe you left ---

2 Q. So basically, Mr. Bartee, again, you know the
3 court's going to rule against you on the 24th, and you
4 want to make sure that the hearing on the 30th doesn't
5 happen because you are the one that has seventy-six
6 thousand dollars invested in this campaign. You are the
7 one with the reputation as the retired Secret Service
8 agent, and you are the one with everything to lose.
9 Correct?

10 A. No. I'll tell you right now. It's up to the
11 people. If the judge takes me off the vote, my plan
12 would be to appeal. My plan was to try to run as an
13 independent. And if that didn't work, I'll go back to
14 making a lot of money doing my P.I. work and move on.

15 Q. And asking for defense funds, yes, sir.

16 A. No, I didn't say that. I said I would go back to
17 making work -- doing my P.I. work and aikido. I travel
18 around the nation and sometimes the world teaching aikido
19 seminars and making money. And I make a whole lot more
20 money than the Sheriff's office would ever pay. So I
21 wasn't pursuing this job for financial funds; I wanted to
22 help the people of Oconee.

23 Q. Or it could be ego, either one?

24 MR. BRANNON: Objection.

25 THE COURT: Sustained.

1 Q. Mr. Bartee, y'all made a reference to a transcript
2 that we gave you as well as this one, correct?

3 A. Yes.

4 Q. Okay. Now, this transcript that the jury has that
5 they're following along with was transcribed by an actual
6 certified court reporter, correct? Melody Williams?

7 A. Can you show it to me ---

8 Q. Sure..

9 A. --- and also give me the date that she did that?

10 And what?

11 Q. Transcribed by Melody Williams.

12 A. On what date?

13 Q. She certified that the foregoing fifty-eight pages
14 represent a true and accurate transcription regarding a
15 true and accurate transcription of the C.D. regarding the
16 matter of James Bartee, which was provided to the office
17 of Bowen Court Reporting Services, LLC, for the purpose
18 of transcription by the Oconee County Solicitor's Office
19 Tenth Judicial Circuit. That I, Melody Janine Williams,
20 Court Reporter and Notary Public in and for the State of
21 South Carolina, without benefit of any notes whatsoever,
22 transcribed the C.D. to the best of my knowledge and
23 ability, although the C.D. was not audible in some
24 instances. This will certify that I am not interested
25 nor am I counsel or attorney to either of the parties

1 interested in the event of this case. And that she
2 signed March 1st, 2013.

3 A. Okay. I was arrested May 30th, 2012 ---

4 Q. Correct.

5 A. And we did not receive this till March 1st, 2013.

6 What date did, you know ---

7 Q. Well -- but that's when she transcribed it. It took
8 a while.

9 A. I'm asking so I make sure we have the right one.

10 That says March 2013.

11 Q. That's just when she signed the certificate of
12 notary.

13 A. I don't think -- and also ---

14 Q. Page 59?

15 A. I don't believe we got this for months later after
16 March.

17 Q. Mr. Bartee, this, I'm asking you, is from Bowen
18 Court Reporting Services, correct?

19 A. That's what it says.

20 Q. Okay. Melody Williams, who is a court reporter,
21 correct?

22 A. That's what it says.

23 Q. Okay. So the other transcript was done by a
24 secretary in my office, correct?

25 A. That's what I thought it said.

1 Q. And she's not a certified court reporter, is she?

2 A. I don't know.

3 Q. And we did that transcription early on, and she's
4 just a secretary where this is a court reporter, correct?

5 A. Again, I think we requested over and over all the
6 evidence in this case ---

7 Q. And you've received it.

8 A. Well, yeah. We got that a few weeks ago. What date
9 did we get the first one that you say a secretary typed?

10 Q. Well, she did type it.

11 A. Okay. But what date was that? I need to look at it
12 so I can make sure it's the correct one.

13 Q. I don't know, Mr. Bartee, what date she did it. She
14 did it early on. And my point is, this is just -- the
15 dates are not relevant right now. But this is
16 transcribed by a court reporter versus a secretary in my
17 office. That's all I'm saying.

18 A. I don't believe I would agree it would be relevant.

19 Q. Okay. Mr. Bartee, on that tape recording, again
20 with LaDonna with the paper, you reference Donnie again
21 regarding telling LaDonna, well, why don't you check out
22 Donnie's credentials because you state that he is not a
23 regional commander from Afghanistan, correct?

24 A. No. What was being portrayed was in a lot of
25 peoples' mind that he was a United States military

1 commander over there instead of a private contractor
2 working for a company like Blackwater. So you know, I
3 can work down at the Auto Zone, and they can call me
4 commander.

5 (WHEREUPON, State's Exhibit 14 was marked for
6 identification only.)

7 Q. I want to show you State's Exhibit 14, please.

8 A. Okay. Thank you.

9 Q. This is ---

10 MS. ADAMS: Your Honor, first I'd like to move
11 State's Exhibit 14 into evidence.

12 THE COURT: Any objection?

13 MR. BRANNON: I just don't know which one it
14 is.

15 MS. ADAMS: Oh, sorry.

16 MR. BRANNON: No objection.

17 THE COURT: Admitted without objection.

18 (WHEREUPON, State's Exhibit Number 14 was admitted
19 into evidence.)

20 Q. This is an email to Donnie congratulating him that
21 he has formally been offered the position of regional
22 commander, correct?

23 A. That's what it says.

24 Q. All right. And here is Donnie's certificate.
25 Regional commander, June 13th, 2009. And another letter

1 regarding distinguished rating justification. Mr.
2 Bartee, isn't it true you were so desperate, the case was
3 building up, the pressure was on. You were receiving
4 emails from judges who know the law. A lawsuit had been
5 filed. You're out seventy-six thousand dollars. You
6 were trying to convince the media that everybody else is
7 wrong, that Donnie's not what he says, Terry's not what
8 he says, Mike Crenshaw's not what he says. All of them.
9 Nobody is who they say they are but you. And it
10 culminated into that tape that the jury heard where you
11 tried to solicit and get Nick Blackwell to kidnap Jimmy
12 Williams because you had everything to lose?

13 A. I adamantly deny everything you're saying.

14 Q. Nick Blackwell had nothing to gain or lose. He
15 didn't have a retired Secret Service reputation. He was
16 not running for sheriff. And he did not have seventy-six
17 thousand dollars of his own money invested in a campaign
18 that was about to get thrown out the window because Judge
19 Jimmy Williams simply wanted to follow the law. Isn't
20 that true?

21 A. No. He had a lot to lose.

22 Q. He had nothing to lose or gain. You had everything
23 to lose or gain; isn't that correct?

24 A. I had nothing to lose. I would either win the
25 election by the good people of this county or I would

1 lose it, and I would move on with my life. Mr. Blackwell
2 had a lot to lose. He was afraid that I would win and I
3 might bring up the homicide case again and review it.
4 And he told me, can you please continue the case,
5 continue the status of my case now that it looks like
6 self-defense. And I told him, I can't -- I'm not the
7 sheriff. I haven't been elected. If I'm elected sheriff
8 -- if I'm elected sheriff, I can only promise you this.
9 The paper says you're a murderer. I don't believe most
10 of the things the paper writes. You say it's self-
11 defense, but I can't jump to a conclusion because I have
12 not been privy to the full law enforcement investigative
13 file. If I'm elected sheriff, if that's your request, I
14 will be more than glad to look at that file. And if it's
15 self-defense, we'll request that the Solicitor's office
16 present that to the Grand Jury and declare it self-
17 defense. And if it's not, I'll present the case and try
18 to pursue whatever charges necessary. That's what I told
19 him.

20 Q. So you're saying Nick Blackwell was scared then that
21 he would be charged with murder on a shooting, so you
22 promised to look at it, help him out if you could. Even
23 more reason for you to pick Nick Blackwell to carry out
24 your plot, isn't it?

25 A. No, I didn't say I would help him out if I could. I

1 said I would review the case, and if I reviewed the case,
2 if he -- if it was self-defense, we would go that way.
3 If it's not self-defense, then we would pursue whatever
4 appropriate action is necessary. And that upset him.

5 Q. The shooting occurred on March 11th of 2011. March
6 of 2011, right?

7 A. That's correct.

8 Q. So we're talking about -- this has been over a year
9 and Nick Blackwell still hadn't been charged. And in
10 fact, it had already been ruled self-defense ---

11 A. I believe ---

12 Q. --- by me.

13 MR. BRANNON: Judge, now she's testifying.

14 THE COURT: Sustained.

15 MS. ADAMS: That was in evidence. Been ruled
16 self-defense.

17 THE COURT: I sustain the objection.

18 A. I believe you said you ruled it self-defense, but
19 Nick Blackwell was never informed that it was self-
20 defense. So in his mind, this was still an open case.
21 That's what he told me.

22 Q. Exactly. Law enforcement did not relay that to him.
23 They did not relay ---

24 MR. BRANNON: Objection. She's testifying.

25 Q. --- the decision that was made.

1 THE COURT: Overruled. Go ahead.

2 Q. They did not relay the decision that was made to him
3 back in 2011 before the sheriff's race even started.
4 They never told him.

5 A. Well, that sounds like they're ---

6 Q. He's setting this up ---

7 MR. BRANNON: Objection.

8 THE COURT: I'm going to sustain the objection
9 as to that. You have to ask a question. Leading or not,
10 you have to ask a question.

11 MS. ADAMS: Yes, sir.

12 Q. Wasn't that your understanding from Nick Blackwell?

13 A. My understanding from Nick Blackwell, he thought the
14 case was being called self-defense by the Sheriff's
15 office, but it hadn't -- he hadn't had any official
16 information to such.

17 Q. So even more reason to help you out and make sure
18 you became sheriff?

19 A. No. It's more reason for him to make these -- I'm
20 going to do this and this and this because that's what he
21 said. If you will -- I will -- if you can keep my case
22 self-defense, I'm going to go, you know, beat up the
23 judge or something. I'm like, no, I can't have anything
24 to do with that. I said, I will review your file.

25 That's what I promise you. I can't do any more. And if

1 I don't win the primary or the election, it's a moot
2 point anyway.

3 Q. But keep his case self-defense. He was never
4 arrested, correct?

5 A. No, not that -- well, not that I know of.

6 Q. And this is over a year after the incident occurred,
7 correct?

8 A. Yes.

9 Q. Mr. Bartee, you are the only one in this incident
10 who has everything to lose, and you are the only one with
11 the motive to solicit Nick Blackwell and kidnap Judge
12 Jimmy Williams, aren't you?

13 A. Absolutely not.

14 Q. I believe the evidence speaks otherwise ---

15 MR. BRANNON: Objection. She's ---

16 Q. --- doesn't it?

17 THE COURT: Sustained.

18 A. No, it does not.

19 THE COURT: I sustain that, and I strike the
20 question and the response.

21 MS. ADAMS: I have nothing further, Your Honor.
22 Thank you.

23 MR. BRANNON: Your Honor, may we approach for
24 just a moment?

25 THE COURT: Yes, sir.

1 Good morning, ladies and gentlemen. First of all, I
2 want to thank you for your time, service and attention as
3 we enter our second week together. I know that you have
4 had a lot of information presented to you over the course
5 of the last six days or so, and I'm going to do my best
6 during the course of my closing remarks to you to keep
7 them concise and focused.

8 This is the point in the trial where I get to make
9 opening comments on the law of this case. And I will
10 talk to you again about the evidence in this case and the
11 testimony that you've heard. At that point, the law will
12 then allow me to make argument to you as to proof why the
13 State has indeed satisfied our burden in this case. But
14 for now, I'm only going to speak to you on the law.

15 The law in this case -- the Defendant is charged
16 with solicitation to commit a felony. The elements of
17 that are the Defendant, James Bartee, solicited another
18 person, in this case being Nick Blackwell, to commit the
19 felony of kidnapping. The solicitation does require some
20 sort of overt act, but that overt act can be words or
21 deeds. And the Judge charged you the overt act can be
22 conveying the idea to do something to another person or
23 encouraging them. So the overt act can be proven to you
24 by a number of ways in this case. And I would urge you,
25 keep that in mind in the course of your deliberations.

1 What the law does not require in this case is
2 completion of the actual act of kidnapping. It doesn't
3 even require that the person to whom the solicitation was
4 conveyed actually intended to carry it out. The law does
5 not require that Nick Blackwell would have taken any
6 steps to actually commit this kidnapping. And there is
7 of no legal consequence in this case that the act of
8 kidnapping was called off. The act of solicitation is
9 complete when another person is solicited to commit the
10 crime. Events past that point are wholly irrelevant, and
11 calling it off does not matter.

12 We also have to prove in this case criminal intent.
13 I submit to you that intent can be formed in a brief
14 moment. James Bartee doesn't actually have to intended
15 to commit this kidnapping during the entire course of
16 events. Even if he had intent for a brief moment, that
17 satisfies the legal requirement of intent.

18 All the evidence in this case you will be judging by
19 a reasonable doubt standard. As the Judge said, it's the
20 kind of doubt that would cause a reasonable person to
21 hesitate to act. It is not a hmmm standard. It's a
22 commonsense standard. And the most important thing that
23 you brought with you to your jury service is your common
24 sense. You didn't check it at the door when you came in
25 this morning. It is the most important tool you will

1 have during the course of your deliberations. Use your
2 common sense when you apply the standard and the law to
3 the evidence of this case.

4 Again, I'll be back in just a few minutes to explain
5 to you why the State has firmly satisfied our legal
6 requirements in this case in order for you to find the
7 Defendant guilty.

8 Thank you.

9 THE COURT: Mr. Brannon?

10 MR. BRANNON: May it please the Court.

11 THE COURT: Yes, sir.

12 MR. BRANNON: Madam Solicitor.

13 CLOSING ARGUMENT

14 BY MR. BRANNON:

15 First off, ladies and gentlemen, Mr. Bartee and I
16 want to thank you as well for your time and attention in
17 this matter. It's been a long week.

18 Second thing, I need to own mistakes I make. And in
19 this case, I made a mistake. I showed a series of
20 documents related to what I believed to be the payoff of
21 a mortgage. And I was wrong. If anybody's to blame for
22 that, it's me. It's the guy in the pink tie. It is not
23 Mr. Bartee. I own that mistake. I made that mistake,
24 and I would ask you not to hold that against my client.
25 That was my fault.

1 I want to talk to you about three points today.
2 Those points are -- not in this order necessarily -- but
3 who are you going to call what they did and the proof
4 necessary. And I'm going to tell you that, you know, I
5 guess thank you for picking Tuesday versus Saturday
6 because if I had been asked or was required to tell the
7 Court how long my closing statement was going to be on
8 Friday, I would have said probably a couple of hours.
9 But I woke up Saturday morning and I said, you know, keep
10 it short, stupid.. So that's what I intend to do.

11 First off, I want to talk to you about what they
12 did. They being the State of South Carolina. They being
13 Agent Sloan and the law enforcement and the Solicitor's
14 office. Here's what I think they did. What I think they
15 did is this guy, Nick Blackwell, came to law enforcement
16 and said, this guy said something to me. And instead of
17 investigating to find out if a crime had actually been
18 committed, they looked to find anything at all that would
19 support Nick Blackwell. And when they got what they
20 thought they needed to support Nick Blackwell, they
21 stopped. There was no investigation here. None
22 whatsoever. They stopped.

23 Now, along those lines, I want to talk to you about
24 certain things, what they did. Well, what they did was
25 they made a digital recording. Actually, they made

1 three, two phone calls and a conversation. And they
2 recorded those digital -- they recorded that digitally
3 onto an S.D. card. And then they took that S.D. card and
4 they made copies of it. But they didn't only make copies
5 of it. They used the copy function and then they used
6 the cut function. And what the expert, Mr. Johnson, told
7 you was if you cut something, you erase it from the
8 original media, from the S.D. card.

9 And where that leaves us today is we have a disk --
10 it's been admitted into evidence. You can listen to it
11 if you want. We have a disk that has been transcribed
12 twice, both times by the State of South Carolina. And
13 the two transcribers had different interpretations of the
14 same recording.

15 Now, here's my problem with the S.D. card. We can't
16 listen to the S.D. card. We can't go back and compare
17 the disk that's in evidence to the S.D. card. So we're
18 stuck with two different renditions of the S.D. card.

19 In her cross-examination, Solicitor Adams asked my
20 client, so do you just believe that everybody that we
21 called as a witness lied? Well, no. No. That's not
22 what we believe.

23 Earlier this morning, the Judge told you about
24 witnesses and how it's your obligation to determine if
25 they're credible. And you saw them. You saw their

1 demeanor. You saw their responses. You saw their facial
2 responses to the question. The Judge very eloquently
3 told you that aspect of taking the witnesses into
4 consideration. But I submit to you that you not only
5 have to take in what they said and how they appeared when
6 they said it, but you have to think about who called them
7 as a witness, who brought them to the courtroom as a
8 witness, and even more importantly, who they didn't call.
9 Who you would have liked to have heard from but you
10 didn't?

11 Now, I'm going to start with who you didn't hear
12 from. Again, Chrissy said, are all of our witnesses
13 lying? Well, there's one that clearly isn't lying. Her
14 name is Laurieanne Fletcher. She's the one that was at
15 the Bartee house with Nick Blackwell on the 27th of May
16 2012. Laurieanne Fletcher made a statement. She
17 testified.

18 Now, it's important to note that while she was
19 testifying on my questions, I said to her, did you meet
20 with the Solicitor's office. And she said, yeah,
21 yesterday. And I said, did they coach you up? And she
22 said, yeah. But she never said anything about a key to
23 the neck. She never said anything about a sword, a
24 Samurai sword, that Mr. Bartee could use to cut someone
25 in half in a second. She never said that. It wasn't in

1 her written statement. It wasn't in her testimony. She
2 never said that.

3 What she did say was that when they left the house,
4 Mr. Blackwell said, that man wants me to kidnap somebody.
5 And she said she thought he was joking. She thought he
6 made her up -- made it up.

7 But there's something else that didn't come out of
8 her mouth. On May the 27th, the State wants you to
9 believe that Mr. Bartee gave Nick Blackwell a hundred and
10 eighty dollars on that night to buy supplies or
11 something. If Nick Blackwell was given a hundred and
12 eighty dollars that night to forward a kidnapping plan,
13 he would have said, Laurieanne, that man wants me to
14 kidnap somebody, and here's the money he gave me to go
15 and buy zip ties or duct tape. He didn't do that. He
16 didn't show her any money. She thought he made it up.
17 She thought it was a joke.

18 The other witness that I want you to consider along
19 these lines of what they did was Ryan Stancil. Now, Ryan
20 -- a big guy, plays the guitar, owns a music store -- he
21 was subpoenaed by the State of South Carolina, but they
22 never called him as a witness. He's the one who said, I
23 signed a blank piece of paper. But he said one more
24 thing.

25 And it was a statement that came out of Agent

1 Sloan's mouth. It came out of his mouth. He said, I got
2 what we need. Rephrase. I got what I need. That is
3 proof that there was no investigation. They weren't
4 looking for what truthfully happened, what actually
5 happened. They were looking for what they needed to
6 support Nick Blackwell's statement. That's it. When he
7 got what he needed, he stopped.

8 This was not an investigation to determine if a
9 crime had occurred. It was a witch hunt to find anything
10 that would support something that they wanted to have
11 occurred. That's what they did.

12 You know, back to that recording for just a minute.
13 You know, Al Johnson said when you move something, when
14 you use the cut function, you change the metadata. Now,
15 what that means is you take it off of this computer and
16 you put it on another computer, and the information that
17 you changed takes on the characteristics of the second
18 computer that you've moved it to.

19 Now, I don't know much about computers. But here's
20 what I do know. That in the transcript, in the two
21 transcripts, one of them says allegedly that Mr. Bartee
22 said, I don't want to get in trouble. The other one says
23 that Mr. Bartee says to Nick Blackwell, you don't want to
24 get in trouble. But here's something that just kind of
25 jumps out at me. This is allegedly a recording made on

1 the 29th of May 2012 when Mr. Bartee lives in a
2 subdivision called The Summit. You're going to have the
3 transcripts back there. You're going to have the disk
4 back there. They use the name Stillwater. Mr. Bartee
5 moved to a subdivision about four months ago called
6 Stillwater. That's Freudian or that's a grave mistake.
7 The Summit is where he lived on May 29, 2012. But in the
8 transcript it says Stillwater where he moved in 2013.

9 Now, the State has argued or has built a case on
10 motive. The motive they say -- and you heard Chrissy
11 talk about it. She alleged in her cross-examination of
12 my client that Mr. Bartee was becoming desperate -- that
13 was her word, desperate -- because of a civil lawsuit
14 that was going to remove him or potentially remove him
15 from the ballot.

16 Now, again, consider who called these witnesses. I
17 asked a lady named Duncan, Brandy Duncan -- she's the
18 lawyer for the Criminal Justice Academy called by the
19 State. And I went into a lengthy line of questioning
20 about her opinion of the law § 23-30-230(d). It says,
21 all federal agents must be certified. And I asked her,
22 now, ma'am, based on your emails, what you expressed in
23 your emails, that's your opinion. And she said yes.
24 It's her opinion. But keep in mind you also have a video
25 that shows Mr. Bartee's civil attorney right after he got

1 arrested saying, I believe -- his opinion -- he believes
2 that he's abundantly qualified to serve as sheriff and
3 that the Court will find so. So you've got two
4 attorneys, Mr. Bartee's civil attorney, Ms. Duncan from
5 the police academy, saying different things.

6 But then if you remember, I went into the hiring of
7 a green officer. A green officer is someone who's never
8 been a police officer before, never been through the
9 police academy. And that green officer, so long as he or
10 she can prove that she can shoot a gun -- and there was
11 one other thing -- they can be a police officer for three
12 hundred and sixty-four days before they go to the police
13 academy. They can arrest you for three hundred and
14 sixty-four days before they go to the academy. And then
15 when they complete the academy, they become a certified
16 officer, and that certification dates back to their date
17 of hire. So upon completion of the police academy, that
18 green officer has now been a certified law enforcement
19 officer for one year.

20 Are you telling me that a federal agent who had
21 served in the Secret Service for a total of twenty-five
22 years, seventeen as a special agent or senior special
23 agent, who served in South Carolina for more than seven
24 years enforcing state and federal law in this state would
25 not be entitled to the same relation back as a green

1 officer? I'm sorry. It makes no sense. Somebody who's
2 never been to the police academy, never been trained,
3 never done any of that gets credit for one full year of
4 service when he completes the academy. But a United
5 States Secret Service agent isn't entitled to the same
6 relation back? It makes no sense. None whatsoever.
7 Their motive is flawed.

8 Now, I want to talk to you about the second point,
9 is the proof necessary. In Mr. Wagner's opening, it was
10 -- Mr. Wagner's a great lawyer. In his opening, he used
11 these words. He said that the State has to prove that
12 Mr. Bartee asked, enticed, advised, invited, ordered,
13 counseled, persuaded or otherwise encouraged Mr.
14 Blackwell to kidnap. He said that. But he left out the
15 second element. He left out, do an overt act, which is a
16 step towards the commission.

17 Now, three elements to this crime. One is the
18 criminal intent. Two is the enticement, the ask, entice
19 or advise. And then the third is the overt act. And now
20 you've just heard Ms. Simmons stand up and say, the overt
21 act could be just encouragement. It could be. But we
22 all know that they believe the overt act was the giving
23 of the hundred and eighty dollars. Okay? I mean, why
24 did we go so deep into the giving of the money and the
25 timing of the giving of the money if that wasn't the

1 overt act that they want you to think took place? That
2 was it.

3 Now, the money was loaned to Nick Blackwell on May
4 19th. The lawsuit wasn't filed until the 22nd. It was a
5 loan. That's all there was. It was a loan. It had
6 nothing to do with a plot, a plan, even a conversation of
7 kidnapping. It took place on the 19th. It was a loan
8 that took place on the Saturday after that aikido
9 seminar, and there were witnesses to the loan. That's
10 all it was. So even if you believe he asked him, the
11 second element, the overt act isn't there.

12 And the last thing I want to talk to you about is
13 who you gonna call? Who you gonna call? I'm reminded of
14 an H&R Block commercial. It's been recently playing.
15 And a gentleman comes into his house, he enters the
16 kitchen and he greets his wife. And then he looks down,
17 and you see the lower half of a man's body under the
18 sink, and he's working on the plumbing. And when the man
19 under the sink sits up, the two men recognize each other.
20 And the man who owns the house looked down and he said,
21 didn't you do my taxes last week? And the guy said, oh,
22 yeah. But I'm also a certified plumber.

23 Who you gonna call? If your car's broke, you take
24 it to a mechanic. If you're sick, you go to a doctor.
25 If you want somebody kidnapped, you don't call the tree

1 guy. Now, I'm not being critical of tree guys because
2 they're highly trained, and they're experts in their
3 field. But I don't think cutting trees trains you to
4 kidnap. Who you gonna call? Ladies and gentlemen, this
5 is just too outlandish. This is just too ridiculous. It
6 didn't happen. It did not happen.

7 In a little while, I'm certain that Ms. Simmons is
8 going to stand up and she's going to show you some phone
9 records. And now, this piece of paper is not -- this is
10 my notes from all of the phone calls between Nick
11 Blackwell and Rick Bartee. This is every phone call
12 that's on those lists.

13 And on Friday Chrissy Adams made a big deal of the
14 phone calls the day of Mayfest. There were seven or
15 eight phone calls between the two of them. And she made
16 a big deal of the phone calls from Rick Bartee to Nick
17 Blackwell. But I want you to know something. And you're
18 going to have all of the phone records back there. On
19 May the 11th, which is the day before Mayfest, the day
20 before Nick Blackwell went to Mayfest -- so on May 11th,
21 Nick Blackwell called Rick Bartee twice. He called him
22 at fourteen sixteen and at twenty thirty-four. There
23 were no return phone calls from Mr. Bartee to Mr.
24 Blackwell on the 11th. So Chrissy said, you called him
25 first on the 12th. You called him about Mayfest. At

1 twenty thirty-four -- excuse me. At eleven eleven Mr.
2 Bartee called Nick Blackwell on the 12th. He did.
3 That's the first phone call on the 12th. Please keep in
4 mind when you look through those records, Blackwell
5 called Bartee twice the day before, and those were not
6 returned.

7 Keep in mind, ladies and gentlemen, what you heard
8 throughout this trial was witnesses initially didn't like
9 Mr. Bartee. But when they realized that he would return
10 their phone calls, when he would meet with them, he
11 swayed them. He turned their dislike or distrust into
12 trust and support. He returned the phone calls. On this
13 date, he didn't do it the day Mr. Blackwell called, but
14 he did it the next day.

15 Another thing to keep in mind, Mr. Bartee never went
16 anywhere where there weren't other people with him. On
17 May the 27th, the night the State alleges this plan was
18 hatched, you had Joe Milbert in the house. You had Steve
19 Hunnicutt and Mr. Bartee's wife outside on the porch. On
20 the 29th, when the recordings were made, you had the
21 mother and daughter there helping fold and cut paperwork
22 or whatever it was. He was never alone. You don't hatch
23 plans publicly.

24 Ladies and gentlemen, they have to prove the three
25 elements of this crime beyond a reasonable doubt. This

1 is just too outlandish. This is just too crazy.

2 I submit to you that during the trial of this case
3 they attacked Mr. Bartee's campaign. They attacked his
4 person through his December 14, 1985, write-up as a
5 Secret Service agent. They attacked everything about
6 him, but they didn't prove the elements to this crime.
7 It's just too crazy.

8 Ladies and gentlemen, I submit to you that this was
9 not a prosecution, but this was a persecution. I further
10 submit and I ask that you find my client not guilty.

11 Thank you.

12 THE COURT: Ms. Simmons?

13 MS. SIMMONS: Thank you, Your Honor.

14 THE COURT: Yes, ma'am.

15 CLOSING ARGUMENT

16 BY MS. SIMMONS:

17 Ladies and gentlemen, there's probably one thing
18 that the Defense and I agree on in this case. This is
19 politics at its worst. But the man sitting at that
20 defense table is why we're here today. James Bartee is
21 why we're here today, his dirty politics and desire to be
22 sheriff of Oconee County at all costs. At all costs. A
23 man obsessed.

24 I usually tell juries at this point that trying
25 cases in Oconee County is nothing like Law and Order or

1 Special Victims Unit. But what you've heard over the
2 last few days might be a made-for-TV movie, and you might
3 be shocked it occurred in your own back yard.

4 One thing I will remind you is, while this does seem
5 like TV, evidence-gathering technology and forensics in
6 this case should not be judged by TV standards. Those
7 are unrealistic standards that don't exist in the real
8 world and should not -- what you've heard and seen should
9 not be held to those standards.

10 Before we talk about what makes James Bartee guilty,
11 I want you to take a look at the evidence the Defense
12 presented to you. The Defense case was we're trying to
13 stop kidnapping. It sure doesn't sound like it. If you
14 think Nick Blackwell is so unstable, why do you continue
15 to associate with him, have him in your home and have him
16 around your family? If he was so erratic and unstable,
17 why would you want him representing your campaign? Nick
18 Blackwell is no different -- was no different than the
19 group of people you heard testifying for the Defense. He
20 bought in to Bartee hook, line and sinker for a while.

21 The Defendant also gave an interview to Fox Carolina
22 that's in evidence. Trying to prevent a kidnapping.
23 There's no evidence of that. He also said in that
24 interview he had received threats, even death threats,
25 and had not reported them to the police. James Singleton

1 was here last week, and no mention was made of that. Why
2 not contact someone if you believe a former circuit court
3 judge is going to be kidnapped by one of your idiot
4 supporters? If you don't trust local law enforcement,
5 call your buddies at the feds. He did absolutely nothing
6 because he was the one behind this kidnapping plot.

7 Think about the language on the tape in this case.
8 If you're trying to diffuse a situation, why on earth
9 would you incite someone with talk of Jimmy Williams
10 being a weasel and laughing about him being driven
11 somewhere where it takes a long time to get back. It
12 sounds a whole lot like encouraging, not discouraging
13 behavior.

14 In this case you also heard from the Defendant
15 himself. He and the Defense are trying to minimize his
16 suspension by the Secret Service. They want to minimize
17 this incident because it shows you what kind of man he
18 really is. The Secret Service doesn't suspend people
19 without merit.

20 The Defense also claims that the home of James
21 Bartee, the intercom system was activated because he had
22 received threats against himself and his family. Again,
23 on the Fox Carolina interview, he says he never reported
24 those threats to anybody. Goodness, if someone was
25 threatening you and your children, of all people, you

1 would call somebody. You'd report it to someone.

2 The Defendant also testified to you how peaceable
3 the practice of aikido is. And it's the art of love.
4 You've heard that phone call, ladies and gentlemen.
5 There is no love on that tape when they're discussing
6 harming Jimmy Williams.

7 He also tries to explain, oh, when I said, drop the
8 judge off, take him for a drive somewhere that takes a
9 long time to get back, oh, yeah, that's how I saved
10 Gandhi when I was in the Secret Service because the
11 would-be kidnapper, I went and got him and took him to
12 Fuddrucker's and a strip club. That's ridiculous, ladies
13 and gentlemen.

14 And multiple times you heard the Defendant admit
15 that he misled the voters about his experience, his
16 qualifications and other candidates.

17 In sum, James Bartee's testimony was full of
18 arrogance and puffery. You heard the answers. You
19 observed his demeanor. You sensed the sarcasm. You
20 alone are the judge of his credibility.

21 The Defense also meticulously tried to make
22 explanations for every incriminating statement on that
23 tape. Remember, there's the one thing they can't explain
24 away. I'll let you loose when it's time.

25 Let's talk about the Defense witnesses a little bit,

1 their Defense expert. Despite his seven-thousand-dollar
2 fee, I would remind you he said in no way, shape or form
3 am I encouraging -- I mean, am I accusing any law
4 enforcement officer of altering or tampering with
5 evidence in this case.

6 And you heard from and observed the other Defense
7 witnesses. The Defendant only surrounds himself with
8 people who can be easily controlled and manipulated. It
9 is beyond clear they're his puppets.

10 Dr. Sexton was the first witness you heard from. He
11 shot us this story of using aikido to gain mind control
12 over people. And he went to extreme lengths to paint
13 Nick Blackwell as a lunatic that everyone at the dojo had
14 to learn to control. But then goes on to admit if
15 someone was trying to kidnap someone, it would probably
16 be ill advised to escalate, or in my terms, egg on the
17 person that was going to commit a kidnapping. And
18 further, he admits that he knows absolutely nothing about
19 the private conversations between Nick Blackwell and
20 James Bartee.

21 The testimony of both the younger and the older
22 Kundolfs are no different. And despite the fact that the
23 Defendant -- and despite the fact that Dr. Sexton doesn't
24 even want to be in the same dojo with Nick, the Defendant
25 lets him come over at all hours of the night to his home.

1 Dr. Sexton has no clue about the facts of this case.

2 Now, let's talk about Lewis Hunnicutt. He's the
3 fellow who said he had called the FBI before, I believe.
4 He supposedly overheard the entire conversation on
5 Sunday, the 27th, between James Bartee and Nick
6 Blackwell, conveniently, via this intercom system. I
7 would remind you that he could not even hear the
8 questions I was asking him on cross-examination when I
9 was standing in front of him almost screaming.

10 He says no one else was in the house after the
11 conversation. Makes no mention of Milbert. When asked
12 was Milbert there, no. But we all know Milbert was there
13 by his own testimony and by what Laurieanne says. And
14 most importantly, did Mr. Hunnicutt call law enforcement?
15 No. Despite the fact that his dear friend had been
16 arrested, was spending money on his defense and was in
17 this horrible situation, he never calls law enforcement
18 to go, oh, you made a mistake. My friend didn't do this.
19 He admitted he's called the FBI before. But he never
20 reported this information to any law enforcement agency
21 despite the fact that he had sixteen months to do it.

22 Let's move on to Susan Stukas. Conveniently, she
23 now remembers being in the Bartee house on the night Nick
24 Blackwell came over. She claims to remember the entire
25 conversation and overhear everything and says her

1 daughter was there too. Tellingly, when cross-examined,
2 Ms. Stukas denied overhearing any of the incriminating
3 statements made by the Defendant that we all know are
4 recorded on tape. She clearly has a selective memory.
5 And again, she never bothered calling law enforcement to
6 say, I have this vital information that can save my
7 friend. She waits over sixteen months to tell anyone.

8 Ryan Stancil. Where do we start? During his
9 testimony, he went from complaining he simply signed a
10 piece of blank paper for Agent Sloan to, well, I signed a
11 blank piece of paper and then I wrote down -- he wrote
12 down what I said, but it's not right. Then, well, maybe
13 it's right. But he left out some important stuff. Then
14 he makes ridiculous claims of intimidation against Agent
15 Sloan.

16 Ladies and gentlemen, Ryan Stancil's statement from
17 June 2012 is in evidence. Believe that statement, not
18 what he said over the course of this trial. He had the
19 opportunity to make corrections, additions or deletions
20 to his statement. What he told you during the course of
21 this trial is deliberately crafted to deceive you and
22 save the skin of his dear friend.

23 What's really happening here? Ryan Stancil's simply
24 a pawn in a game. He's too blind to see it as he is
25 enamored by his important new friend. Stancil clearly

1 idolizes Bartee, and that affects his credibility in this
2 case.

3 Then you have Rick Sanders and Mike Eades. They
4 claim they witnessed Nick Blackwell begging for money in
5 person or via phone on May 19th and May 28th. Yet
6 Blackwell's phone records -- you'll have them in the jury
7 room -- show no calls to Bartee between May 13th and May
8 26th and no calls at all on May 28th. They claim
9 Blackwell could have used another phone. But you're
10 going to have Nick's phone records in the jury room.
11 You'll see he couldn't have been using another phone
12 during the noon lunchtime hour because he was burning it
13 up on the phone that we do know he had. There are
14 multiple calls made from him during the course of that
15 hour. He was on his phone. If he was going to call
16 somebody, he would have used the phone he was already
17 actively using. Mr. Blackwell never told you he had
18 access to two phones. And I would remind you that both
19 Mr. Eades and Mr. Sanders never came forth to law
20 enforcement either with information that they say helps
21 their friend. And further, they have absolutely no idea
22 what kind of conversation happened between Nick Blackwell
23 and James Bartee on May 27.

24 All the Defense witnesses had an ongoing and
25 established relationship with James Bartee. Bartee's

1 buddies and their stories are like a finely tuned
2 automobile, an automobile that James Bartee is driving
3 and has had sixteen months to fine tune.

4 The Defense also makes baseless accusations against
5 the officers in this case. Improper handling of
6 evidence, policy violations, reusing S.D. cards. These
7 are baseless allegations, ladies and gentlemen, that are
8 just more smoke and mirrors designed to get you off
9 track.

10 The Defense one moment wants you to believe that
11 Nick Blackwell, in Milbert's words, was a simple man that
12 they pitied. The next he is sophisticated enough to set
13 up James Bartee and entangle SLED, the A.T.F., and the
14 Anderson County Sheriff's Office in an elaborate setup.
15 You can't have it both ways, and neither is true.

16 Per the Defendant, a grandiose, crazy wannabe. But
17 this is someone he continued to maintain a relationship
18 with and invite him into his home with his family. Maybe
19 it was because he needed to keep this grandiose, crazy
20 wannabe around to do his dirty deeds, not just give him
21 information. If the Defendant really thought Nick
22 Blackwell was a grandiose, crazy wannabe, would he have
23 trusted the information he said he was bringing to him?
24 No.

25 They want to do anything they can to get you off

1 track and you to forget the evidence in this case and why
2 we are here. The Defense desperately wants you to forget
3 the existence of the audiotapes in this case. You, as
4 the jury in this case, are smarter than that.

5 Let's move on to the State's case. Jimmy Williams,
6 the motive. Why would Bartee do it? As early as March
7 of 2011, the Defendant knew that the Criminal Justice
8 Academy told him he had qualification problems. He did
9 not meet the statutory requirements. Despite his
10 experience, you can't run for sheriff without one year as
11 a certified officer in South Carolina.

12 This position was reiterated in the future by the
13 South Carolina Sheriff's Association, Senator Thomas
14 Alexander's office. And despite this knowledge, Bartee
15 believed he was above the law and launched in his
16 campaign anyway. He and his supporters ignored the law
17 and touted over-qualification when, in fact, he has
18 admitted that he wasn't a senior special agent for
19 twenty-five years. It was more like less than ten.

20 Let's look at some of the emails that are in
21 evidence. You're going to have them in the course of
22 your deliberations. Those emails between Mr. Bartee and
23 Ms. Duncan, Mr. Bartee's supporters, you're going to be
24 able to read all of those. There's one email from a
25 Bartee supporter and Mr. Bartee was CC-ed. I don't want

1 to see David Letterman or Jay Leno making a crack on
2 national TV that even though he protected three
3 presidents, he ain't good enough in backwater, uneducated
4 South Carolina. That mirrors the arrogance and disregard
5 for the law that this entire campaign had.

6 Surely, no one would have the audacity to question
7 the qualifications of James Bartee. You heard the taped
8 conversation between James Bartee and LaDonna Beeker. He
9 was outraged when she questioned his qualifications.

10 Well, then along came Jimmy Williams. And in laymen
11 terms, he called Bartee out. As a concerned citizen and
12 former judge, he saw that the candidacy was a problem.
13 He did not meet the legal requirements to run for
14 sheriff, and he knew it. As early as March of 2011, he
15 knew it. But he kept campaigning, and he kept spending
16 money.

17 Jimmy Williams was concerned if Bartee won and could
18 not be sworn in as sheriff, we would have lawlessness in
19 this county. This was never personal to Jimmy Williams.
20 He's a scholar of the law, and it just wasn't right.

21 Who this was personal to is James Bartee. He hated
22 Jimmy Williams because of this. The weasel was causing
23 him problems. He had spent countless hours and thousands
24 of dollars on the sheriff's race. And he was getting
25 ready to get thrown out of the race. His money, his time

1 and his pride were at stake. At a point, he mistakenly
2 believed if Jimmy Williams didn't show up, the lawsuit
3 would be dropped and he was clear to run for sheriff and
4 win. So in his twisted mind, Jimmy Williams has to be
5 stopped, and kidnapping was the way to do it.

6 Enter Nick Blackwell. Nick's credibility is key in
7 this case. But I would submit to you that you are not
8 being asked to base your decision solely upon Nick
9 Blackwell's words. You have corroborating evidence in
10 the form of the audiotape of the witnesses and phone
11 records.

12 Informants are a necessary tool in the complex world
13 of law enforcement. Sometimes you get to pick them;
14 sometimes you don't. In this case, Nick Blackwell is who
15 was solicited to kidnap Jimmy Williams, so he's the
16 informant you've got, plain and simple. And sure, Nick
17 has had some brushes with the law. He was involved in a
18 shooting where he shot someone in self-defense. That
19 shooting is the reason he disliked anyone associated with
20 what was the present Oconee County Sheriff's Office.

21 But there is honor among thieves, so to say. And
22 there's some things that just aren't right, kidnapping a
23 former judge. Why would the Defendant pick Nick
24 Blackwell? Quite frankly, if you want bad stuff done,
25 you go to people you perceive as bad. Your neighbor in

1 your fancy lake-front subdivision is not going to be able
2 to help you out on this one. Campaign supporters like
3 Joe Harden are not going to jump to help you either. You
4 have to look to people that you see and believe are on
5 the fringe of society to pull this off. In Bartee's
6 mind, this guy shot and killed somebody. He shouldn't
7 have a problem with a little bit of kidnapping. It
8 wasn't hard to get him to spread lies with campaign
9 paraphernalia. It wasn't hard to get him to stack the
10 question boxes at debates. It wasn't hard to get him to
11 confront Donnie Fricks at Mayfest. Phone records show
12 Bartee is a hundred percent part of that plan. It's part
13 of an escalating pattern of criminal behavior.

14 They talked over ten times that day. They spoke
15 thirty-six -- over thirty-six times in the month of May
16 alone. The phone records speak volumes in this case.
17 There is a two-week break after Mayfest and only one call
18 between Blackwell and Bartee. Then the Milbert calls
19 mysteriously start with Milbert making the first contact.
20 What Nick Blackwell told law enforcement, he couldn't go
21 backwards and miraculously make his phone records match
22 what he was telling them. This is not a vast conspiracy.
23 Those phone records are important corroboration.

24 The execution of the plan starts about April 26th
25 when Blackwell gives the card to -- Blackwell was given

1 the card by Stancil bearing Jimmy Williams' home address
2 and phone number. Remember, the first idea of the
3 kidnapping is expressed that date by Bartee himself
4 standing on the sidewalk at Seneca Fest. Bartee had just
5 had his first hearing on the civil suit on May 24th. And
6 things were not looking good. The next hearing was on
7 May 30th. And he realized there was a substantial chance
8 he was going off this ballot. Remember, you heard the
9 final words of Judge Maddox in the May 24th hearing.

10 Again, I would just urge you to look at these
11 statutes. And also again, it has no precedential value.
12 But after I'd written a memo to myself, my law clerk
13 found an Attorney General's opinion from September that
14 mirrored it. It basically said at the time -- that you
15 have to be qualified to be sheriff at the time you file
16 for the primary.

17 Brandy Duncan was slated to testify at the May 30th
18 hearing. The Defendant knew what she was going to say,
19 and this ship was about to sink. This was an
20 unsurmountable obstacle for James Bartee, increasing his
21 anger towards Jimmy Williams and escalating his
22 desperation.

23 So on the day of the 26th, Stancil gives the card to
24 Blackwell, and the kidnapping talk starts to ramp up. At
25 this point, Blackwell starts communicating via Joe

1 Milbert. The Defendant cannot be publicly associated
2 with him.

3 Review the phone calls between Blackwell and
4 Milbert. You're going to have those in the jury room
5 too. Milbert is the 7-7-0 number on those records.
6 Nineteen calls in three days at all hours, all around the
7 time this plot was hatched. Who else can you trust but
8 your childhood buddy to come take care of the dirty work?

9 You heard Milbert's testimony. The only truth he
10 told you is that this is his voice on those recorded
11 phone calls. The rest of his comments were pure self-
12 preservation and fierce loyalty to his old friend. He
13 wouldn't even admit he was involved in the campaign,
14 although it was more than obvious that he was. He did
15 all he could to bolster the credibility of his friend
16 that he described as honorable with an impeccable record.
17 You observed his demeanor during his testimony. It's
18 clearly an over-the-top attempt to help his life-long
19 friend.

20 Back to the kidnapping. It's clearly a kidnapping
21 that just has been called off for now. The actual
22 solicitation of the kidnapping occurred in the nighttime
23 hours of May the 27th. The only people who know the
24 actual content of that conversation are Nick Blackwell
25 and James Bartee. Bartee claims it was heated

1 conversation about the prior shooting investigation and
2 that he would be charged -- if Blackwell would be charged
3 when Bartee became sheriff. Yet Milbert calls Blackwell
4 minutes after he leaves, during the middle of the night,
5 and those calls continue three days. Phone calls between
6 Milbert and Bartee right after that conversation do not
7 corroborate the Defendant's version of these events.

8 Blackwell was driven to the house that night by
9 Laurieanne. Blackwell doesn't have a driver's license,
10 and he uses people for rides when he needs to go places.
11 They go there, and the conversation occurs outside.
12 Laurieanne tells you they're gone for a good while. This
13 is when the solicitation occurred. The idea was
14 officially conveyed and the money was obtained to buy
15 supplies. Seriously, if you're trying to stop a
16 kidnapping, you're giving someone money to act in
17 furtherance of it?

18 At this time, Bartee was acting under the assumption
19 that no Jimmy Williams equals no lawsuit. The plan was
20 to make Jimmy Williams unavailable by kidnapping him and
21 taking him far enough away where he couldn't get back for
22 the hearing.

23 He couldn't use his own duct tape and zip ties due
24 to forensic science. His DNA and prints would be all
25 over that. Supplies have to be purchased. It's not a

1 well-thought-out plan, but that was the plan and it is a
2 crime. The Secret Service agent James Bartee, had become
3 the desperate political candidate James Bartee. Politics
4 changes people, often for the worse.

5 The actual solicitation of the kidnapping occurred
6 at a time when law enforcement wasn't available. So
7 important corroboration comes from Laurieanne Fletcher.
8 She places Blackwell at the house and testified.
9 Remember, she said when they got there Bartee was quite
10 upset about the possibility of being taken off the ballot
11 at the next hearing. She also corroborates the lengthy
12 outdoor conversation while she's inside with Milbert.
13 She also notices Blackwell's change in demeanor after
14 this conversation. She knows him well, and she knew
15 something was bothering him.

16 Then he utters the bombshell to her that Bartee
17 wants him to kidnap the judge. Ladies and gentlemen,
18 this spontaneous utterance right after the solicitation
19 of the crime lends credibility to Nick Blackwell. He
20 didn't have time to make this up.

21 I would also point out that Laurieanne is a
22 disinterested party. And she did say in her testimony
23 that there was discussion of self-defense that night.
24 Why would she make that up and remain consistent? And
25 yes, she said she met with the Solicitor's office. She

1 never said she was coached. She has no friends, no
2 enemies to punish.

3 In the coming days Nick Blackwell -- Bartee's
4 request weighs heavy on him. He sees David Smith in
5 Seneca, and he's one of the few people that Nick thinks
6 he can trust in law enforcement. After feeling
7 Investigator Smith out to make sure he wasn't one of
8 those hidden Bartee insiders, he's visibly upset. Nick
9 Blackwell tells David Smith what has happened. David
10 Smith subsequently seeks the help of the sheriff who
11 calls SLED for help.

12 Agent Michael Sloan is assigned to the case. He
13 must work fast. There's little time for high tech
14 options and too much planning. Jimmy Williams' safety is
15 a paramount issue. And you heard from Michael Sloan. He
16 quite frankly thought Nick Blackwell might be full of it
17 when he told him this story. His thoughts changed when
18 he listened to the conversation on this tape. Blackwell
19 had been wired and sent to Bartee's house to return the
20 unused money, which was later recovered, and discuss what
21 the plan had been.

22 Agent Sloan was assisted in his investigation by the
23 Anderson County Sheriff's Office and the A.T.F. You
24 heard from them their roles in this case and what
25 evidence that they were able to gather. Further, the

1 existence of multiple agencies gives credibility to the
2 fact that this is not a vast conspiracy against James
3 Bartee. All of those officers told you they didn't even
4 know James Bartee at the time this happened.

5 You heard personal attacks by the Defense against
6 Agent Sloan that are wholly without merit. You observed
7 him the entire week of testimony. You are the judge of
8 his credibility.

9 The tape. You have the actual tape and the
10 transcript in evidence. Listen carefully to what's being
11 said. This is not someone trying to prevent a
12 kidnapping. Consider the key points again. There's only
13 one reasonable explanation. James Bartee has solicited
14 Nick Blackwell to kidnap Jimmy Williams, plain and
15 simple.

16 Most tellingly the Defendant's own words tell us
17 this is a followup conversation because when he uses the
18 words, like I said, drive him up the road and drop him
19 off, the words 'like I said' clearly indicate a prior
20 conversation on this topic had, in fact, taken place.

21 In furtherance of the investigation in this case,
22 SLED is able to recover the business card given to
23 Blackwell with Jimmy Williams' information, and
24 documented funds are recovered on the Defendant.

25 Very important to this case is Joe Harden. Within

1 days of arrest, Bartee contacts Joe Harden by phone. He
2 asks Harden to convey to Sheriff Singleton, if you can
3 make all of this go away, I'll pack up and leave town.
4 This is not the behavior of an innocent man. This is a
5 guilty man that is out of options. Harden conveyed the
6 information to the sheriff. Again, an innocent man would
7 have not made this proposal.

8 Shortly thereafter Bartee drops out of the sheriff's
9 race. And then his puppet, Ryan Stancil, announces he's
10 running for sheriff until he realizes he's not qualified
11 either.

12 Over the entire course of this campaign, James
13 Bartee was escalating. He became more desperate and he
14 acted more recklessly. It started with dirty politics
15 against other candidates, evolved into stacking questions
16 at debates, encouraging confrontations by Nick Blackwell,
17 and ended in a plot for kidnapping.

18 During the course of your deliberations, please
19 carefully consider the audiotape in this case. The
20 Defendant's own words will play in your head over and
21 over again. There's thirteen comments, ladies and
22 gentlemen, that are telling. Let's listen to those one
23 more time.

24 (WHEREUPON, portions of State's Exhibit Number 1 was
25 published in open court.)

1 CLOSING ARGUMENT

2 CONTINUED BY MS. SIMMONS:

3 These are not the words of an innocent man. This is
4 a man who solicited Nick Blackwell to kidnap Jimmy
5 Williams and only called it off for the time being
6 because it wouldn't serve his purpose. Most importantly,
7 I'll let you loose when it's time. This plan was not
8 over, and the weasel would be punished.

9 James Bartee cannot consider failure. This was
10 ingrained in his psyche. Whether it be with the Secret
11 Service or in his martial arts business, he has spent
12 decades winning. Failure was not and never had been an
13 option. The idea of losing was too much to bear. His
14 time, his money, and most importantly, his pride and his
15 ego had been sacrificed for the dream of becoming
16 sheriff. As the dream slipped away, he became a terribly
17 desperate man. His lies and blatant disregard for the
18 law finally caught up with him.

19 He could have remedied his qualification problems in
20 2011 by working for a local agency for a year, but he
21 didn't and he wouldn't do that. He was too good to walk
22 the streets as a beat cop in Oconee County for one year.
23 That was beneath him.

24 Desperate people go to desperate measures, and that
25 is exactly what happened here. The Defendant's desperate

1 measures rapidly became a crime.

2 The Bartee campaign was built on lies. Lies about
3 qualifications, lies about experience, lies about what
4 the Criminal Justice Academy had said, lies about what
5 the Sheriff's Association had said, lies about approval
6 from Thomas Alexander's office.

7 The tape in this case does not lie. People lie but
8 audiotapes do not. Let the Defendant's own words ring
9 over and over in your head. There's only one reasonable
10 conclusion. James Bartee cannot handle the truth. James
11 Bartee thinks he's above the law. The time for
12 accountability is now. The only verdict in this case is
13 guilty.

14 THE COURT: All right. Mr. Foreman, ladies and
15 gentlemen of the jury, that concludes the closing
16 arguments. Mr. Foreman, I have a verdict form I want to
17 review with you at this point. Once the jury has reached
18 a unanimous verdict, it will be your job to fill out the
19 form. The options that you have and the order they
20 appear is of no consequence. I have to put them in some
21 order or the other. But the options that you will have
22 as to indictment number 2012-GS-37-597, solicitation to
23 commit a felony, we, the jury, unanimously find the
24 Defendant not guilty, or as to indictment 2012-GS-37-597,
25 solicitation to commit a felony, we, the jury,

1 THE COURT: Would you ask the bailiff to send
2 the alternates back after this?

3 THE COURT: All right. We'll be in recess.
4 (WHEREUPON, court stood at ease while the attorneys
5 reviewed the exhibits.)

6 THE COURT: Please be seated. Y'all have a
7 question?

8 MR. BRANNON: Your Honor, it deals with the ---

9 THE COURT: Audio?

10 MR. BRANNON: --- transcript. It was initially
11 marked a Court's exhibit. But then when I moved -- we
12 all agree that this is now going back.

13 THE COURT: Right.

14 MR. BRANNON: So we need to change it back to
15 State's 8; is that correct?

16 THE COURT: Okay. I agree with that. That is
17 correct. That is exactly what happened.

18 MR. BRANNON: Okay. All right.

19 THE COURT: All right. Now, let me say this.
20 As far as viewing -- you know, listening to the audio, I
21 mean, I don't -- unless you have a computer that's all
22 the way, you know, clean, you can't send it back there
23 because they may get into something they don't need to be
24 seeing. So I would submit it may be the better part of
25 valor just to let them listen to any audio out here.

1 MR. BRANNON: I would ask the Court to make
2 that the ruling, that if they ask to listen to it, they
3 have to do it out here.

4 THE COURT: Do either one of you have a problem
5 if I have the bailiff say to the jury, if you wish to
6 listen to the audio, just make a note and come out here,
7 or would you rather me not do that?

8 MR. BRANNON: I would rather you not do that.

9 THE COURT: Okay. All right. Anything
10 further?

11 MR. BRANNON: Nothing from the Defense.

12 MR. WAGNER: No, sir.

13 THE COURT: Okay. Good. Then if you'll get
14 those exhibits. And you have the verdict form.

15 MS. SIMMONS: It's being remarked Plaintiff's
16 8, right?

17 (WHEREUPON, Court's Exhibit Number 2 was remarked as
18 State's Exhibit Number 8, as originally marked, and
19 admitted into evidence.)

20 THE COURT: Will you tell the jury to begin
21 their deliberations, please, sir?

22 All right. We're in recess.

23 (WHEREUPON, the exhibits in evidence and verdict
24 form were delivered to the jury to begin their
25 deliberations after which court stood at recess

1 awaiting the verdict of the jury at approximately

2 11:15 a.m.)

3 THE COURT: Question already. Be seated,

4 please. Thank you.

5 All right. This is from the jury. They asked for
6 four things. Number one, they say, can we all get
7 transcripts? I'm assuming they're talking about the
8 copies they used during the trial. And I don't see any
9 reason why they shouldn't be allowed to have those back
10 there with them.

11 Do you see any reason, Mr. Brannon?

12 MR. BRANNON: No, sir.

13 THE COURT: The State?

14 MR. WAGNER: No, sir. Plus, I mean, I think we
15 put the transcripts in evidence. And I don't see why
16 they can't all have one to speed things up.

17 THE COURT: All right. If they're asking for
18 some other type of transcript, I'm going to tell them
19 that all of the evidence in this case has been admitted
20 at this point, and that's what they have to consider.
21 Any objection to that if that's what they're asking?

22 MR. WAGNER: No, sir.

23 THE COURT: Mr. Brannon?

24 MR. BRANNON: No.

25 THE COURT: Okay. How to play the C.D., which

1 I will tell them here in the courtroom. How do we manage
2 lunch? I'm going to get the Clerk to go ahead and do
3 that. And then statement of solicitation. Now, I assume
4 they're asking me to send back a copy of my charge. I
5 don't do that. I will offer to read them the charge on
6 solicitation again if they want me to. Okay. All right.

7 Any exceptions or additions from the State at this
8 juncture?

9 MR. BRANNON: So you're going to write these
10 answers out then and ---

11 THE COURT: No. I'm going to bring them back
12 in and go over this.

13 MR. BRANNON: Oh, okay.

14 THE COURT: But as far as what I'm saying I'm
15 going to do, any problems with that from the State?

16 MR. BRANNON: No.

17 MR. WAGNER: No, sir.

18 THE COURT: From the Defense?

19 MR. BRANNON: No.

20 THE COURT: All right. Would you bring the
21 jury in?

22 MR. WAGNER: We're trying to remember where all
23 those copies of the transcript went.

24 THE COURT: Okay.

25 MR. WAGNER: They're going back down to get

1 them.

2 (WHEREUPON, the jury entered the open court at
3 approximately 11:24 a.m.)

4 THE COURT: All right. Mr. Foreman, I have
5 several requests. I'm going to go over each one of those
6 with you. The first is, "Can we all get transcripts?"
7 Are you referring to the transcripts that were handed out
8 to the jury during the trial?

9 MR. FOREMAN: (Nodded head up and down in the
10 affirmative.)

11 THE COURT: We'll get those and make them
12 available to you. Okay, sir?

13 Next, "How to play C.D." If you want the C.D.
14 played, we're going to have you -- or any audio or
15 anything that was played by disk in here, we're going to
16 bring you back in here to do that. The reason being
17 nobody has a computer that's been cleaned out. So that
18 if you have something that has other information
19 available, it would be improper for you to potentially
20 see that. And you can watch it and listen to it as often
21 and as long as you want to. Okay, sir?

22 "How do we get -- how do we manage lunch?" The
23 Clerk will bring lunch to you. She'll order that in just
24 a few minutes, and it'll be brought into you.

25 The next one is "Statement of solicitation." Are

1 you asking that I send you part of my charge back to you
2 to have in the jury room?

3 THE FOREMAN: Yes, sir.

4 THE COURT: Okay. Let me tell you, it is my
5 practice not to do that. I'll be more than happy now and
6 as many times as you'd like me to, to read you the charge
7 on solicitation for your consideration. In fact, I can
8 do that right now if the jury wants me to. Is that what
9 the jury wants me to do?

10 THE FOREMAN: Yes.

11 THE COURT: Okay. I will charge you on that.
12 After I charge you on the law, I'm going to send you
13 back. Do not begin your deliberations until I have a
14 chance to speak with the attorneys, and then we'll send
15 word back.

16 Does that adequately answer your responses so far?

17 THE FOREMAN: (Nodded head up and down in the
18 affirmative.)

19 THE COURT: All right. This is the law of
20 solicitation. The Defendant is charged with solicitation
21 to commit a felony. The felony in this case is
22 kidnapping. The State must prove beyond a reasonable
23 doubt that the Defendant asked, enticed, advised,
24 invited, ordered, counseled, persuaded or otherwise
25 encouraged another person to commit a kidnapping. It

1 must be shown that the Defendant intended that the other
2 person commit a kidnapping. In order to prove
3 solicitation, it is not necessary that the State prove
4 that money was actually paid by the Defendant, that the
5 person asked to commit the crime actually intended to
6 carry out the crime, that the person asked to commit the
7 crime agreed to do so, or that the crime was ever
8 committed. Solicitation requires only that the Defendant
9 have the intent to have someone else commit the crime and
10 that the Defendant do an overt act, which is a step
11 toward the commission of the crime. This step may be any
12 conduct such as giving the other person the means to
13 commit the crime or words which communicate to another
14 person the idea to commit the crime. Intent means a
15 purpose or aim or the state of a person's mind which
16 directs the person's actions toward a specific option.

17 That is the law on solicitation. Now, I'm going to
18 ask that you go back to your jury -- first, does that
19 reasonably answer your question, Mr. Foreman?

20 MR. FOREMAN: (Nodded head up and down in the
21 affirmative.)

22 THE COURT: Okay. I'm going to ask that you go
23 back to your jury room, and we'll send word back when you
24 may begin your deliberations, okay?

25 (WHEREUPON, the jury exited the open court at 11:45

1 a.m.)

2 THE COURT: Any additions or exceptions from
3 the State?

4 MR. WAGNER: No, sir.

5 THE COURT: From the Defense?

6 MR. BRANNON: None.

7 THE COURT: All right.

8 (WHEREUPON, Court's Exhibit Number 3 was marked for
9 identification.)

10 MR. BRANNON: Your Honor, when the transcripts
11 are located, I'd like the opportunity to just thumb
12 through them, you know.

13 THE COURT: That's fine with me.

14 Well, do you have any idea where they may be?

15 MS. SIMMONS: May I look under the Clerk's
16 desk?

17 THE COURT: Yes, ma'am.

18 MS. SIMMONS: I'll not plunder, but I wonder

19 ...

20 THE COURT: Okay. Y'all just stand at ease.
21 I'll be right back.

22 MS. SIMMONS: Thank you.

23 (WHEREUPON, court stood at ease.)

24 MR. BRANNON: Mr. Bailiff, excuse me, sir.

25 THE BAILIFF: Is that all of them?

1 MR. BRANNON: Here is eleven copies, and
2 there's already one in there.

3 (WHEREUPON, court stood at recess awaiting the
4 verdict of the jury.)

5 THE COURT: Ladies and gentlemen, it's my
6 understanding that we have a verdict. Before we bring
7 the jury in, let me just say to the gallery, regardless
8 of whatever the outcome is -- and I don't know what it is
9 -- there are not going to be any spontaneous outbursts.
10 Please conduct yourself accordingly.

11 Is the state ready?

12 MR. WAGNER: Yes, sir.

13 THE COURT: Is the Defense ready?

14 MR. BRANNON: Yes, sir.

15 THE COURT: Would you bring the jury in?

16 (WHEREUPON, the jury entered the open court at
17 approximately 1:47 p.m.)

18 THE COURT: All right. Mr. Foreman, my
19 understanding is the jury has reached a verdict; is that
20 correct?

21 MR. FOREMAN: Yes, sir.

22 THE COURT: Is it unanimous?

23 MR. FOREMAN: Yes, it is.

24 THE COURT: Would you pass it to the bailiff,
25 please, sir.

1 Publish the verdict, please, ma'am.

2 THE CLERK: 2012-GS-37-597, the State of South
3 Carolina versus James Richard Bartee, Jr. We, the jury,
4 as to indictment 2012-GS-37-597, solicitation,
5 solicitation to commit a felony, unanimously find the
6 Defendant guilty.

7 Ladies and gentlemen of the jury, if this was your
8 verdict and is still your verdict, please signify by
9 raising your right hand.

10 (WHEREUPON, all jurors' hands were raised.)

11 THE CLERK: The record will show that all
12 twelve raised their hand.

13 THE COURT: All right, ladies and gentlemen,
14 the Court is never concerned with your verdict, but just
15 that you follow the process. This has been a fairly long
16 case as far as normally that goes on in this courthouse.
17 And throughout this trial, I watched you. And you stayed
18 engaged throughout the testimony and the evidence being
19 presented. And so for doing your service to the County
20 of Oconee and the State of South Carolina, I thank you,
21 regardless of whatever verdict it was that you rendered.
22 The good thing is you can't be required to come back
23 again for three years unless you just want to.

24 With that being said, Mr. Foreman, I'm going to
25 excuse you, but I'm going to ask that all the jurors stay

1 the jury saw through it. And we feel that the maximum is
2 appropriate as well.

3 THE COURT: Anything further?

4 (No response)

5 THE COURT: Mr. Bartee, I'm going to sentence
6 you to ten years, suspended on five years active with
7 five years probation. You will also, when you're on
8 probation, undergo a psychiatric evaluation and abide by
9 any treatment recommendations if there are any. Also,
10 you will have to, while you're on probation, do two
11 hundred and fifty hours public service.

12 Good luck to you.

13 MR. BARTEE: Thank you.

14 THE COURT: You have ten days to appeal this
15 verdict.

16 MR. BARTEE: Yes, sir.

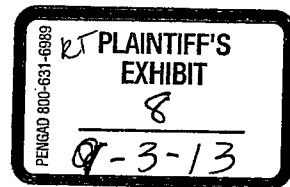
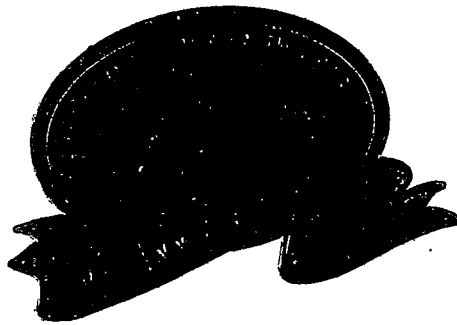
17 MR. BRANNON: Your Honor, may I speak to that?

18 THE COURT: Yes, sir.

19 MR. BRANNON: With all due respect, Your Honor,
20 I do intend to file a notice of appeal.

21 THE COURT: Sure. I would expect no less.

22 MR. BRANNON: It is my understanding of the
23 rules, Your Honor, that until notice of appeal is filed,
24 that this court retains jurisdiction to grant bond, an
25 appeal bond. I can tell this Court that I will be filing



STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)

ORIGINAL

CD OF SLED TAPED RECORDINGS
RE: JAMES BARTEE

TRANSCRIBED BY: MELODY J. WILLIAMS

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INDEX:

	<u>PAGE NO.</u>
TRACK "A"	3
TRACK "B"	4
TRACK "C"	12
TRACK "D"	16
CERTIFICATE OF NOTARY	59

TRACK "A"

1
2 BY OFFICER: MAY 29TH, 2012. AGAIN THIS IS A
3 TEST PHONE CALL. I JUST WANT YOU TO GET USED TO
4 IT.

5 BY MALE #1: RIGHT.

6 BY OFFICER: GO AHEAD AND CALL MICHAEL.
7 (INAUDIBLE)

8 BY OFFICER: (PHONE RINGING) HELLO.

9 BY MALE #1: HEY.

10 BY OFFICER: HEY EVERYBODY.

11 BY MALE #1: HEY.

12 BY OFFICER: YOU TESTING? ---

13 BY OFFICER: YEP. " SOUNDS GOOD. SOUND GOOD
14 ON YOUR END?

15 BY MALE #1: YEAH, YEP.

16 BY OFFICER: ALL RIGHT.

17 BY OFFICER: TEST GOOD?

18 BY OFFICER: EVERYTHING'S GOOD.

19 BY MALE #1: OKAY.

20 BY OFFICER: OKAY.

21 BY OFFICER: THIS CONCLUDES THE TEST PHONE
22 CALL. IT'S A GOOD CALL. TURNING THE RECORDING
23 DEVICE OFF. START THE ACTUAL RECORDED TELEPHONE
24 CALL.

25 END OF TRACK "A"

TRACK "B"

1
2 BY OFFICER: HOUR IS 10:42 P.M. I'M MICHAEL
3 SLOAN WITH SLED. MARK GREGORY, LIEUTENANT DAVID
4 BAKER WITH THE ANDERSON COUNTY SHERIFF'S OFFICE,
5 JEFF KINLEY WITH SLED PRESENT, USING A
6 CONFIDENTIAL SOURCE TO MAKE A RECORDED TELEPHONE
7 CALL TO WHO?

8 BY MALE #1: JAMES BARTEE -- OR, UH, JOE.

9 BY OFFICER: WE'RE MAKING A RECORDED
10 TELEPHONE CALL TO A PERSON WE KNOW AS "JOE." THE
11 TELEPHONE NUMBER WE WILL BE CALLING IS 770-331-
12 3468. AGAIN, NOW, THE TIME IS 10:43 P.M. ON
13 TUESDAY, MAY 29TH, 2012.

14 BY OFFICER: GOOD. (PAUSE) SO PUT THAT
15 THERE.

16 BY MALE #1: ALL RIGHT.

17 BY OFFICER: THAT'S THE FIRST -- GET ALL OF
18 IT SET UP FOR THE ---

19 BY OFFICER: NEED TO SHUT THAT DOOR ON THAT
20 CAR.

21 BY OFFICER: YEAH, WE ARE.

22 BY OFFICER: ALL RIGHT.

23 BY OFFICER: I WANT YOU TO HOLD THIS WITH
24 YOUR OTHER HAND.

25 BY MALE #1: YEAH.

1 A. AND ---
2 Q. --- PRETTY MUCH ALL DAY TOMORROW. AND I GOT TIED
3 UP TODAY. I WASN'T ABLE TO GO UP THERE AT, UH, --
4 TO PUT THAT VOTE IN. BUT ---
5 A. YEAH.
6 Q. UH, I KNOW THE CASE ISN'T TILL TOMORROW, SO I, YOU
7 KNOW, I'M GOING TO TRY TO GO UP THERE EARLY IN THE
8 MORNING. I'M WORKING UP THAT WAY ---
9 A. AND VOTE. YEAH, MAN. IF YOU'RE ABLE TO GO THERE
10 AND VOTE TOMORROW, BUT I WOULD DEFINITELY TRY TO,
11 YOU KNOW, -- AND, AND ANYBODY ELSE YOU CAN GET TO
12 GO VOTE -- I MEAN, THE MORE PEOPLE THAT VOTE, THE
13 BETTER.
14 Q. RIGHT. YEAH. I UNDERSTAND.
15 A. UH -- AND WHICH I, AND WHICH I KNOW IT'S HARD TO
16 GET PEOPLE TO GO THERE AND GET THEM TO DO THAT. I
17 MEAN, YOU, YOU PRACTICALLY GOT TO DRAG THEM UP
18 THERE. I MEAN, ESPECIALLY WITH THEM WORKING JOBS
19 AND DOING EVERYTHING ELSE.
20 Q. YEAH. SEE, THAT'S MY PROBLEM. MY PRO- ---
21 A. BUT, UH, BUT YEAH, LET ME TRY TO GET UP ---
22 Q. I NEED TO GO -- I NEED TO JUST ---
23 A. SO LET ME TRY TO GET AHOLD OF THEM.
24 Q. --- GET UP THERE TONIGHT BECAUSE THERE'S A
25 POSSIBILITY THAT I WON'T BE AROUND FOR ABOUT TWO

1 (2) DAYS. I WON'T KNOW UNTIL IN THE MORNING.

2 A. OKAY.

3 Q. BUT ---

4 A. ALL RIGHT.

5 Q. SO ---

6 A. WELL, I MEAN, EVERYTHING'S GOING TO BE ALL RIGHT
7 WITH THE FAMILY AND EVERYTHING; RIGHT?

8 Q. YEAH. I MEAN -- YEAH. I GOT THAT TAKEN CARE OF.
9 THAT'S WHAT I'M SAYING. I GOT THE MONEY BACK.

10 A. YEAH. OKAY. 'CAUSE I KNOW RIGHT NOW -- I MEAN,
11 HE'S, HE'S EXPECTING EVERYTHING JUST TO GO TO
12 COURT AND EVERYTHING WILL BE FINE. I MEAN, IT, IT
13 -- UH, YOU KNOW -- LET THE JUDGE BRING HIS CASE
14 BEFORE THE THING. LET EVERYBODY SIT IN THERE AND
15 DEAL WITH IT AT THE COURT. LET'S LET THE COURT
16 SEE WHAT HAPPENS (INAUDIBLE) ---

17 Q. WELL, THEY ALL A BUNCH OF ASSHOLES. I MEAN, WHAT
18 -- IT -- LET'S SEE WHAT HAPPENS, BUT ---

19 A. YEAH.

20 Q. --- IT'S CRAZY.

21 A. SO -- BUT, I MEAN, YOU KNOW, THE BIGGEST THING IS
22 FOR EVERYBODY TO JUST, YOU KNOW -- FOR EVERYBODY
23 RIGHT NOW -- LET'S WAIT AND SEE WHAT HAPPENS
24 TOMORROW IN COURT. AFTER THAT, YOU KNOW, HAVE TO
25 FIGURE OUT WHETHER IT'S -- YOU KNOW, IT'S EITHER

1 GOING TO SOLVE -- COMPLETELY SOLVE THE PROBLEM.
2 EVERYTHING WILL BE DONE AND OVER WITH, OR
3 WHATEVER. UH, ---

4 Q. WELL, I MEAN -- YOU KNOW, I AIN'T AGAINST, UH,
5 DOING WHATEVER. WE CAN, YOU KNOW, WE CAN STILL GO
6 THAT ROUTE IF HE WANTS TO. BUT, UH, THERE'S A
7 POSSIBILITY I WON'T BE AROUND FOR ABOUT TWO (2)
8 DAYS. I MAY HAVE -- WE MAY BE GOING TO TENNESSEE
9 TO DO SOME TREE WORK.

10 A. OKAY.

11 Q. SO ---

12 A. WHAT -- FOR YOUR CONSTRUCTION JOB?

13 Q. RIGHT, BUT -- YOU KNOW, I'D HA- -- UH, I GOT -- I
14 HIRED SOME OTHER PEOPLE ANYWAY, TO -- YOU KNOW,
15 FOR THE JUDGE. I HIRED SOME OTHER PEOPLE. I
16 CAN -- IF THAT NEEDS TO GO, ---

17 A. YES.

18 Q. --- JUST LET ME KNOW AND WE'LL -- YOU KNOW, I'LL
19 GET IT DONE.

20 A. WELL, I DON'T THINK ANYTHING NEEDS TO BE DONE WITH
21 THAT.

22 Q. OKAY. WELL, AND THAT'S WHAT HE SAID, TOO.

23 A. REALLY.

24 Q. AND THAT'S WHY I WANT TO GET THIS MONEY BACK
25 BEFORE I TAKE OFF.

1 A. YEAH. NO. NOTHING -- EVERYTHING'S, EVERY- --
2 THAT SHOULD JUST -- NOTHING SHOULD BE DONE,
3 WHATSOEVER, ON THAT.

4 Q. OKAY. ALL RIGHT. WELL, JUST HOLLER AT HIM AND
5 SEE IF IT'S COOL ---

6 A. (INAUDIBLE)

7 Q. --- FOR ME TO COME BY AND ---

8 A. YEAH, I WILL..

9 Q. --- CALL ME BACK.

10 A. I WILL. BUT THE OTHER, OTHER THING HE DID MENTION
11 IS, YOU KNOW, BE CAREFUL HOW MUCH YOU SAY ON
12 FACEBOOK AND ALL.

13 Q. YEAH. I AIN'T SAYING NOTHING ELSE ON FACEBOOK.

14 A. WELL, ---

15 Q. YEAH.

16 A. --- YOU KNOW, BEST THING IS JUST STAY OFF OF THAT
17 OR WHATEVER.

18 Q. YEAH.

19 A. THE HOPE IS -- IF RICK GETS RE-ELECT- -- GETS,
20 GETS ELECTED, OR WHATEVER IT IS, I MEAN, GET THESE
21 PEOPLE OFF YOUR BACK AND EVERYBODY ELSE'S BACK. I
22 MEAN, THESE GUYS ARE SUCH JERKS AND ASSHOLES
23 (INAUDIBLE).

24 Q. IS THAT NOT CRAZY? I MEAN, THAT'S THE -- IT'S
25 CRAZY, ALL THE BULLSHIT THAT'S GOING ON.

1 A. SO -- BUT, YEAH. I MEAN, RIGHT NOW -- OTHER,
2 OTHER THAN JUST TRYING TO GET PEOPLE TO GET OUT
3 THERE AND VOTE EARLY FOR HIM, YOU KNOW, GET, THE
4 PROPOSAL DONE BEFORE, YOU KNOW, EARLY.

5 Q. YEAH.

6 A. I WOULDN'T DO ANYTHING ELSE OTHER THAN THAT. I
7 MEAN ---

8 Q. OKAY.

9 A. LET, LET EVERYBODY ELSE SIT -- WHAT THEY'RE GOING
10 TO DO AND SAY WHAT THEY'RE GOING TO SAY BECA- --
11 YOU KNOW, THE OTHER THINGS WON'T MATTER. IT,
12 IT -- YOU KNOW.

13 Q. RIGHT. WELL, IF ALL GOES WELL, ---

14 A. RIGHT NOW, THEY (INAUDIBLE) ---

15 Q. -- THE JUDGE WILL RULE IN HIS FAVOR ---

16 A. YOU DON'T WANT, YOU DON'T WANT TO DO ANYTHING,
17 WHATSOEVER, ON ANY OF THAT OTHER ACTION.

18 Q. OKAY.

19 A. BUT, I WILL, I WILL GIVE HIM A CALL RIGHT NOW AND
20 LET HIM KNOW THAT YOU WERE WANTING TO TRY TO GET
21 THE MONEY TO HIM. BUT, YOU KNOW, LIKE I SAID, HE,
22 HE MAY TELL YOU JUST WAIT TILL THE WEEKEND OR
23 SOMETHING LIKE THAT. BUT, I'LL GIVE YOU A CALL
24 RIGHT BACK.

25 Q. OKAY. WELL, I'M, UH -- I'M NOT -- I'M OUT RIGHT

1 NOW.

2 A. ON THAT OTHER, ON THAT OTHER THING, ON THAT OTHER
3 THING, AS FAR AS, UH, YOU KNOW, OTHER PEOPLE
4 WORKING OR DOING ANY, ANY OF THAT CONTRACT WORK,
5 OR WHATEVER IT IS, FOR YOU, I WOULDN'T -- I -- YOU
6 KNOW, JUST TELL EVERYBODY NOT TO DO ANYTHING.

7 Q. OKAY.

8 A. ALL RIGHT?

9 Q. OKAY.

10 A. I'LL CALL YOU BACK. ---

11 Q. WELL, I'VE ALREADY TOOK CARE OF THAT. I -- YOU
12 KNOW, I'M JUST WAITING FOR SOMEBODY TO TELL ME TO
13 DO IT AND, AND I'LL CALL THEM BACK.

14 A. NO, YOU DON'T NEED TO DO ANYTHING.

15 Q. OKAY.

16 A. BUT, UH, LET ME GIVE YOU A CALL BACK AND LET YOU
17 KNOW ABOUT THE, UH, IF HE'S -- WANTS YOU TO HANG
18 ON TO THE MONEY OR BRING IT BY TONIGHT. SEE, I
19 KNOW RIGHT NOW HE'S SITTING DOWN TRYING TO GET
20 EVERYTHING READY FOR THE CASE TOMORROW.

21 Q. OKAY. WELL ----

22 A. BUT, BUT LET ME, LET ME -- WHICH, I KNOW WHAT THE
23 -- I KNOW HOW IT IS. YOU START GETTING IN A TRAIN
24 OF THOUGHT, YOU ALMOST (INAUDIBLE) ---

25 Q. WELL, THIS -- THE THING -- THIS IS MY BIGGEST

1 THING -- IS -- I -- IT'S POSSIBLE THAT I WON'T BE
2 HERE FOR A DAY OR TWO (2), BUT ASIDE FROM THAT ---
3 A. YEAH.
4 Q. --- IS RIGHT NOW, I'M OUT.
5 A. YEAH.
6 Q. AND I'VE, I'VE GOT IT. AND I'M ALSO, YOU KNOW,
7 WITH SOMEBODY ELSE WHERE -- IF I COME BACK THE
8 WEEKEND, I -- YOU KNOW, I M-, I MAY HAVE TO BRING
9 MY CAR UP THERE AND I DON'T WANT TO DO THAT.
10 A. OKAY. WELL, LET ME GIVE YOU, LET ME GIVE YOU A
11 CALL BACK IN JUST A COUPLE OF MINUTES.
12 Q. OKAY, BUDDY.
13 A. ALL RIGHT. BYE.
14 Q. BYE. (DIAL TONE)
15 BY OFFICER: ALL RIGHT. HE IS GOING TO CALL
16 YOU BACK.
17 BY OFFICER: TIME NOW IS 10:49, 10:49 P.M. ON
18 TUESDAY, MAY 29TH, 2012. THAT ENDS THE FIRST
19 CALL. WE ARE POSSIBLY WAITING ON A CALL BACK,
20 WHICH WILL START UP THE WIRE ON THE NEXT FRAME.
21 END OF RECORDING.
22 END OF TRACK "B"
23 TRACK "C"
24 A. ... (INAUDIBLE) SO HE SAID THAT'D BE FINE.
25 Q. OKAY, MAN. ALL RIGHT. HEY, I APPRECIATE IT, JOE.

1 A. YEAH. THAT'S NO PROBLEM. BUT, LIKE I SAID, THE
2 OTHER THING THAT -- OR RIGHT NOW, REALLY THE ONLY
3 ACTION WE NEED TO DO IS TRY TO GET AS MANY PEOPLE
4 TO VOTE.

5 Q. YEAH. I TALKED TO SEVERAL PEOPLE TODAY. AND,
6 HOPEFULLY, SOME OF THEM WENT AND VOTED. UH, I
7 ENDED UP -- WE -- IT WAS RAINING ON US, MAN. AND
8 WE WERE UP IN THE TOP OF THE TREE AND, UH, WE HAD
9 A TREE SITTING OVER IN THE LAKE AND THE CRANE
10 WAITING. WE JUST -- WE HAD TO WAIT THE RAIN OUT
11 AND I ENDED UP WORKING ALL DAY.

12 A. YEAH.

13 Q. IT WAS JUST A BIG ---

14 A. WELL, ---

15 Q. AND THEN I HAD TO GO TO GREENVILLE TO CALL OFF
16 THEM OTHER PEOPLE, YOU KNOW, FROM THE OTHER
17 MATTER. I HAD TO GO TO GREENVILLE TO CALL THEM
18 OFF. I'M ON MY WAY BACK FROM THERE NOW. AND I'M
19 WITH SOMEBODY, SO ---

20 A. YEAH, I KNOW HOW IT IS DOING CONTRACT LABOR. SO,
21 I MEAN, YOU GOT TO TAKE THE MONEY WHEN YOU GOT IT,
22 AND YOU GOTTA DO IT AND YOU'VE GOT TO PAY
23 ATTENTION TO THE JOB. AND YOU CAN'T -- YOU KNOW,
24 YOU CAN HAVE BEST INTENTION TO LEAVE AND SOMETHING
25 HAPPENS LIKE THAT, YOU GOT TO STAY WITH IT.

1 Q. YEAH. SO ---
2 A. SO ---
3 Q. --- THIS HAS BEEN A BAD DAY FOR ME, BUT ---
4 A. WE NEED ---
5 Q. --- WE'LL RECOUP.
6 A. WELL, THAT'S ALL RIGHT. BUT, LIKE I SAID, RIGHT
7 NOW, GO AHEAD AND HEAD ON OVER THERE, ESPECIALLY
8 SINCE YOU GOT SOMEBODY ELSE TO GIVE YOU A RIDE.
9 Q. YEAH.
10 A. BUT, LIKE I SAID, RIGHT NOW -- AND I'M SURE RICK
11 WILL TELL YOU THE SAME THING IS THAT THE ONLY
12 THING YOU REALLY NEED TO DO -- THE BEST THING YOU
13 CAN DO AND THE ONLY THING YOU NEED TO DO TO HELP
14 THEM IS JUST -- AND THAT'S GETTING PEOPLE TO VOTE.
15 AND GET, AND GET THEM TO GO VOTE EARLY BEFORE THE
16 BALLOTS CAN BE CHANGED OR ANYTHING.
17 Q. YEAH. YEAH. BECAUSE THEN THEY -- HE'D ALREADY BE
18 ON THERE.
19 A. YEAH.
20 Q. YEAH. IT'D, IT'D BE TOO LATE FOR HIM, HOPEFULLY.
21 A. YEAH.
22 Q. BUT ---
23 A. BUT, I MEAN, THAT, THAT'S REALLY -- YOU KNOW,
24 THAT, AND -- YOU KNOW, HANG ON TO THOSE C.D.'S AND
25 THINGS. THO-, THOSE PEOPLE THAT KEEP THREATENING.

1 YOU OR WHATEVER IT IS, AND HOPEFULLY AFTER, YOU
2 KNOW, AFTER THIS WEEK, CAN GET, GET SOME THINGS TO
3 HAPPEN AND MAYBE ---

4 Q. HEY. WELL, MAYBE I COULD USE ---

5 A. --- START WORKING ON THAT.

6 Q. MAYBE, BEFORE THIS IS OVER WITH, I CAN USE THE ZIP
7 TIES ON THEM. (LAUGHTER)

8 A. YEAH. WELL, IT'S GOING TO BE -- BIGGEST THING
9 RIGHT NOW IS GET, GET THROUGH THE ELECTION. AND
10 THEN AFTER THAT, I MEAN, HE -- YOU KNOW, THOSE
11 THREATS ARE WRONG. AND THAT STUFF, I MEAN -- IT'S
12 -- THAT'S NOT FAIR TO YOU, SO ---

13 Q. YEAH.

14 A. AND, AND THAT'S A BIG CONCERN, I KNOW THAT RICK
15 HAS, THOSE THREATS THAT WERE MADE TO YOU, AND YOU
16 --- YOU KNOW, YOU'RE LOOKING OUT AND TRYING TO
17 PROTECT AND DEFEND YOUR FAMILY.

18 Q. YEAH.

19 A. SO, IT -- BUT IT ---

20 Q. MAN, IT'S BULLSHIT. I'VE BEEN DEALING WITH IT FOR
21 A LONG TIME. BUT, HEY, I ---

22 A. YEAH, I KNOW.

23 Q. MEAN, WELL, I, I'LL TALK AT YOU LATER.

24 A. ALL RIGHT. WELL, (INAUDIBLE) GO AHEAD. HE SAID
25 GO AHEAD AND, YOU KNOW, JUST G- ---

1 Q. OKAY.

2 A. --- COME AROUND THE BACK DOOR AND O- -- YOU'RE --
3 I GUESS YOU'RE OUT RIDING AROUND WITH SOMEBODY
4 RIGHT NOW, SO ---

5 Q. YEAH.

6 A. YOU, YOU KNOW WHAT TO DO.

7 Q. YEP. ALL RIGHT, MAN. TAKE IT EASY.

8 A. ALL RIGHT. YOU, TOO. TAKE CARE.

9 Q. ALL RIGHT. BYE.

10 A. BYE. (BEEP)

11 BY OFFICER: TIME NOW IS 10:54 P.M. ON
12 TUESDAY, MAY 29TH, 2012. THAT ENDS THE CALL BACK
13 PHONE NUMBER THAT WE -- THE CALL BACK CALL THAT WE
14 GOT FROM PHONE NUMBER 770-331-3468. END OF CALL.

15 END OF TRACK "C"

16 TRACK "D"

17 BY OFFICER: TUESDAY, MAY 29TH, 2012. TIME
18 NOW IS 11:54 P.M. MARK GREGORY, JEFF KINLEY WITH
19 SLED, MICHAEL SLOAN WITH SLED, DAVID BAKER WITH
20 THE ANDERSON COUNTY SHERIFF'S OFFICE, ATF AGENT
21 SHAWN STALLO PRESENT. SENDING AN -- A C.I. TO
22 SPEAK WITH A SHERIFF'S CANDIDATE IN OCONEE COUNTY,
23 IN REFERENCE TO A SLED INVESTIGATION.

24 BY OFFICER: YOU, UH, GOT THAT TAPE?

25 BY OFFICER: YEAH. (INAUDIBLE)

1 BY OFFICER: YOU WANT IT?

2 BY OFFICER: YEAH, WE GOT IT.

3 BY OFFICER: DO YOU -- WHEN YOU WANT TO PUT
4 IT ON HIM A LITTLE WAYS DOWN THE ROAD?

5 BY OFFICER: IT, IT'S UP TO YOU. I DON'T
6 KNOW HOW FAR AWAY WE ARE.

7 BY OFFICER: WE'RE -- HOW FAR AWAY -- ARE WE
8 STILL TEN (10) MINUTES?

9 BY MALE #1: UH-HUH. (AFFIRMATIVE) TEN (10)
10 OR FIFTEEN (15) MINUTES.

11 BY OFFICER: TEN (10) OR FIFTEEN (15)
12 MINUTES? WHAT'S THE NEXT STOP? THE INGLES?

13 BY MALE #1: WELL, I, I DON'T THINK WE OUGHT
14 TO STOP THERE, UH, BUT I TELL YOU WHAT, I, I CAN
15 TAKE A BACK ROAD REAL CLOSE TO HIS HOUSE.

16 BY OFFICER: LET'S DO IT NOW.

17 BY OFFICER: OKAY.

18 BY OFFICER: I'LL -- OKAY, I'LL DO IT NOW.

19 BY OFFICER: DO IT NOW. GO AHEAD AND PUT IT
20 IN.

21 BY MALE #1: ALL RIGHT. (INAUDIBLE) YOU
22 GOING TO PUT THAT IN MY BOOT OR?

23 BY OFFICER: I WANT YOU TO JUST KIND OF UNDO
24 YOUR PANTS REAL QUICK.

25 BY MALE #1: ALL RIGHT.

1 BY OFFICER: PUT THAT MIC -- MAKE SURE THAT
2 MIC IS POINTED OUT.

3 BY OFFICER: YEAH. AND IT MAY GET A LITTLE
4 WARM ON YOU, BUT (INAUDIBLE).

5 BY MALE #1: YEAH, OKAY. (INAUDIBLE)

6 BY OFFICER: SIT DOWN REAL QUICK RIGHT THERE
7 AND SEE IF THAT (INAUDIBLE).

8 BY OFFICER: (INAUDIBLE) -- AS I GOT
9 (INAUDIBLE)

10 BY MALE #1: (INAUDIBLE) -- GO DOWN?

11 BY OFFICER: WELL, I, I'M GOING TO PUT THAT
12 UP IN A SECOND. BUT HOW, HOW DOES THAT FEEL JUST
13 SITTING THERE?

14 BY OFFICER: OKAY. WE ARE. I JUST -- I JUST
15 -- I'M TALKING ABOUT THE WIRE ITSELF RIGHT NOW.
16 SO IF YOU'LL JUST TAPE IT RIGHT THERE, SHAWN.

17 BY OFFICER: (INAUDIBLE) ... LOOKS LIKE A
18 (INAUDIBLE) COMING OFF.

19 BY MALE #1: (LAUGHTER)

20 BY OFFICER: PUSH THAT ON THERE TIGHT. UH-
21 OH.

22 BY OFFICER: YEP.

23 BY OFFICER: MAN, WOULD YOU (INAUDIBLE) ---

24 BY OFFICER: (INAUDIBLE)

25 BY OFFICER: GET A LITTLE BIT OF SLACK.

1 BY OFFICER: (INAUDIBLE)

2 BY OFFICER: YEAH, IF YOU WOULD --

3 (INAUDIBLE) -ONE -- YEAH. (INAUDIBLE) WANT TO GO
4 A LITTLE BIT MORE?

5 BY OFFICER: YEAH, LET'S GO RIGHT UP
6 UNDERNEATH THE SPE-, UNDERNEATH THE SPEAKER.

7 (INAUDIBLE) PUT IT RIGHT HERE? WOULD THAT BE
8 BETTER?

9 BY OFFICER: WAIT, LET ME -- HANG ON A
10 SECOND. LET ME, LET ME TAPE (INAUDIBLE). I DON'T
11 THINK (INAUDIBLE). I MEAN, I DON'T KNOW. DO YOU
12 SEE IT?

13 BY OFFICER: LET'S JUST PUT IT RIGHT HERE.

14 BY MALE #1: UP UNDER MY ARM PIT?

15 BY OFFICER: YEAH.

16 BY MALE #1: THAT MIGHT BE BETTER.

17 (INAUDIBLE)

18 BY OFFICER: (INAUDIBLE) -- PUT UNDER YOUR
19 ARM.

20 BY MALE #1: YEAH (INAUDIBLE)

21 BY OFFICER: WELL, IF SOMEBODY WOULD ---

22 BY OFFICER: WHAT YOU WANT TO DO? YOU WANT
23 -- LET'S DO THAT. LET'S RUN IT RIGHT UP UNDER
24 HERE AND IF HE PATS YOU DOWN, PULL ONE OF THESE.
25 'CAUSE WHAT WE WE'RE GOING TO DO IS WE'RE GOING TO

1 DO THIS ---

2 BY MALE #1: YEAH.

3 BY OFFICER: PUT YOUR ARMS IN TIGHT.

4 BY MALE #1: RIGHT.

5 BY OFFICER: SO --- (INAUDIBLE)

6 BY MALE #1: I'LL BE HONEST WITH YOU. IF HE

7 TRIES TO PAT ME, UH, DOWN, I AIN'T (INAUDIBLE) --

8 IF HE TRIES TO PAT ME DOWN, I'M GOING TO BE

9 WORRIED ANYWAY. I'LL DO WHAT YOU SAID, BUT ---

10 BY OFFICER: IT HELP -- I'M JUST TELLING YOU,

11 IT HELPS.

12 BY MALE #1: YEAH.

13 BY OFFICER: AND THIS GUY (INAUDIBLE) SO IT'S

14 NOT LIKE ---

15 BY MALE #1: I DON'T THINK HE'S DOING IT. I,

16 I REALLY ---

17 BY OFFICER: BE PREPARED FOR THE WORST.

18 (INAUDIBLE)

19 BY MALE #1: (INAUDIBLE) HE'S NEVER DONE IT,

20 YOU KNOW.

21 BY OFFICER: (INAUDIBLE) I FEEL MORE

22 COMFORTABLE WITH THAT.

23 BY OFFICER: SEE HIM? CHECK HIM OUT. DID

24 YOU SEE THAT?

25 BY OFFICER: NO, I DON'T SEE ANYTHING

1 (INAUDIBLE) .

2 BY OFFICER: LET ME JUST CHECK ONE MORE TIME.
3 (INAUDIBLE) ONE QUICK THING -- IF THAT AUDIO IS
4 GOOD.

5 BY MALE #1: OKAY.

6 BY OFFICER: NEVER ANY MENTION ABOUT A
7 KIDNAPPING.

8 BY MALE #1: YEAH.

9 BY OFFICER: NEVER ANY MENTION ABOUT ZIP
10 TIES, DUCT TAPE.

11 BY MALE #1 I, I NEVER TALKED TO HIM ABOUT
12 THE (INAUDIBLE) .

13 BY OFFICER: (INAUDIBLE) YOU WANT TO GET IN
14 WITH US AND ---

15 BY MALE #1: (INAUDIBLE)

16 BY OFFICER: YOU'VE GOT MY NUMBER IN YOUR
17 CELL PHONE. IF YOU HAVE TO CALL, YOU CAN PICK UP
18 THE PHONE AND CALL US AND WE'LL COME ---

19 BY OFFICER: OKAY. WE'LL COME UP THERE
20 IMMEDIATELY. YOU KNOW, IF SOMETHING GOES WRONG IN
21 THE HOUSE, YOU LET US KNOW ON THE TELEPHONE WIRE.

22 BY MALE #1: YEAH. YEAH. (INAUDIBLE) I'M
23 TRYING TO THINK OF SOMETHING I COULD SAY.

24 BY OFFICER: WHAT? IF SOMETHING GOES WRONG?

25 BY MALE #1: YEAH, WITHOUT IT BEING SOMETHING

1 THAT I MIGHT SAY ANYWAY. WITHOUT IT BEING OBVIOUS
2 OF WHAT I'M DOING.

3 BY OFFICER: (INAUDIBLE)

4 BY MALE #1: YOU'LL HEAR IT IN MY DEMEANOR IF
5 SOMETHING GOES WRONG.

6 BY OFFICER: IF SHIT HITS THE FAN, HE CAN
7 CALL ME; OKAY?

8 BY OFFICER: I'LL BE, I'LL BE IN CHARGE OF
9 CALLING YOU BACK. WE GOT A LOG -- WE KEEP A LOG
10 ON YOUR NOTEBOOK (INAUDIBLE). ---

11 BY OFFICER: ME?

12 BY OFFICER: YEAH.

13 BY MALE #1: (INAUDIBLE) LIKE IF HE TRIES TO
14 PULL A GUN ON ME OR SOMETHING, I MEAN, I'M GOING
15 TO (INAUDIBLE). IF HE TRIES TO PUT A GUN ON ME,
16 I'M GOING -- GETTING OUT OF THERE. HE AIN'T GONNA
17 SHOOT ME.

18 BY OFFICER: Y'ALL EXPLAIN TO HIM WHAT
19 (INAUDIBLE)

20 BY MALE #1: I -- NO, I DON'T THINK HE WILL.
21 I, I JUST -- IT SEEMS LIKE YOU MIGHT BE ---

22 BY OFFICER: YOU SAY, "WHAT THE FUCK? YOU
23 PULLING A GUN ON ME?"

24 BY MALE #1: I GOT ---

25 BY OFFICER: I MEAN, THEN WE KNOW THAT.

1 BY MALE #1: I GOT YOU. YEAH. (INAUDIBLE)

2 RIGHT.

3 BY OFFICER: (INAUDIBLE)

4 BY MALE #1: IF I SEE A GUN, I'LL MENTION IT,
5 BUT DON'T ASSUME THAT HE'S PULLED IT ON ME. YOU
6 KNOW WHAT I'M SAYING?

7 BY OFFICER: (INAUDIBLE) -- A GUN. AND YOU
8 START SAYING, "DON'T SHOOT, DON'T SHOOT, DON'T
9 SHOOT," ---

10 BY MALE #1: RIGHT.

11 BY OFFICER: --- WE'RE COMING ---

12 BY MALE #1: I GOT YOU. RIGHT.

13 BY OFFICER: --- (INAUDIBLE) QUICK.

14 BY MALE #1: BUT, IF HE JUST SHOWS ME A GUN,
15 YOU KNOW, I'LL BE LIKE, "HEY, I LIKE THAT GUN."
16 YOU KNOW, DON'T ASSUME THAT HE PULLED ONE ON ME,
17 YOU KNOW WHAT I'M SAYING? (INAUDIBLE) -- OKAY.
18 THAT'S -- OKAY. I GOT YOU. I GOT YOU. OKAY.
19 (INAUDIBLE)

20 BY OFFICER: (INAUDIBLE) WHY YOU HAVE TO
21 HAVE A DRIVER.

22 BY MALE #1: YEAH. WELL -- (INAUDIBLE).
23 RIGHT.

24 BY OFFICER: I GOT IT. (INAUDIBLE) I MEAN,
25 I UNDERSTAND WHERE HE'S COMING FROM, BUT HE'S

1 BEING A LITTLE ---

2 BY OFFICER: (INAUDIBLE) BUT I TRY NOT TO ---

3 BY MALE #1: (INAUDIBLE) I GOT THIS UNDER
4 CONTROL.

5 BY OFFICER: REMEMBER, THAT THING ONLY
6 RECORDS A CERTAIN AMOUNT OF TIME, SO WE DON'T WANT
7 TO SPEND HOURS.

8 BY MALE #1: WELL, YEAH. WELL, I'LL BE
9 HONEST WITH YOU. AFTER ABOUT THIRTY (30) MINUTES,
10 YOU KNOW. EVEN IF WE GOT -- IF WE GOT A REAL GOOD
11 CONVERSATION GOING, YOU KNOW, I, I'LL STAY AS LONG
12 AS I CAN. BUT, UH, I'M GOING TO HAVE TO BULLSHIT
13 WITH HIM A LITTLE BIT, YOU KNOW. YOU KNOW, I HAVE
14 TO -- NOW, I GOT A HABIT OF SITTING JUST LIKE I AM
15 RIGHT NOW, SO I'M NOT CONCERNED ABOUT HIM SEEING
16 THE WIRE. I'M NOT CONCERNED ABOUT HIM PATTING ME
17 DOWN. I'M NOT CONCERNED ABOUT HIM TRYING TO GET
18 VIOLENT WITH ME. I DON'T SEE NONE OF THAT
19 HAPPENING.

20 BY OFFICER: YEAH. I DON'T KNOW NOTHING
21 ABOUT -- I KNOW EVERYTHING YOU NEED TO KNOW ABOUT
22 CLEMSON. I DON'T NOTHING ABOUT SENECA SO YOU'LL
23 HAVE TO TELL ME ---

24 BY MALE #1: YEAH, YOU JUST STAY STRAIGHT.

25 BY OFFICER: MY COUSIN LIVES IN SENECA.

1 BY MALE #1: NOW, WHO'S YOUR COUSIN?

2 BY OFFICER: LORI -- I CAN'T THINK OF HER
3 LAST NAME RIGHT NOW. SHE, SHE JUST MOVED HERE
4 FROM NORTH CAROLINA (INAUDIBLE).

5 BY MALE #1: UH-HUH. (AFFIRMATIVE) I KNOW
6 ALL KIND OF PEOPLE, BUT I'M SO BAD WITH NAMES AND
7 --- WELL, I CAN REMEMBER TELEPHONE NUMBERS
8 AND THE MOST UNUSUAL STUFF. BUT THE STUFF I
9 NEED TO REMEMBER -- I WORKED IN EVERY
10 SUBDIVISION AROUND HERE AND I STILL GET LOST
11 IN THEM. KNOW RIGHT WHERE I'M AT, BUT --
12 THAT -- AS A MATTER OF FACT, THAT LAST NIGHT
13 I WAS OVER HIS HOUSE, LEAVING, I GOT LOST
14 BIGGER THAN SHIT. AND IT'S THREE (3) TURNS.
15 EASY. THREE (3), THREE (3) EASY TURNS.

16 BY OFFICER: DID YOU DRIVE TO ANDERSON?

17 BY MALE #1: DID I -- WHO? DRIVE TO
18 ANDERSON? NO. I WAS WITH MY WIFE AND -- ONCE I
19 (INAUDIBLE).

20 BY OFFICER: WHEN WE GET THROUGH UP HERE, WE
21 CAN GET YOU THOSE BAGS OF MONEY (INAUDIBLE) ---

22 BY MALE #1: YEAH, YEAH, YEAH. HE KNOWS I
23 DIDN'T HAVE (INAUDIBLE).

24 BY OFFICER: HE KNOWS (INAUDIBLE).

25 BY MALE #1: YEAH, AND HE DOESN'T WANT ME TO

1 -- YOU KNOW, HE ALWAYS ACTS LIKE IT'S FOR MY
2 PROTECTION, BUT I KNOW BETTER. HE, UH, HE DON'T
3 WANT ME TO BE LEAVING HIS HOUSE AND GET PULLED
4 OVER AND THEN HAVE TO CALL ME, YOU KNOW ---

5 BY OFFICER: TRY AND TAKE IT EASY.

6 BY MALE #1: YEAH, HE DIDN'T -- HE ALWAYS
7 ACTS LIKE HE'S CONCERNED ABOUT ME AND MY WELL-
8 BEING AND ALL THAT, BUT I DON'T THINK HE IS AT
9 ALL. IF HE WAS, HE WOULDN'T BE TRYING TO GET ME
10 TO DO THIS.

11 BY OFFICER: RIGHT.

12 BY MALE #1: YOU KNOW WHAT I MEAN?

13 BY OFFICER: I AGREE WITH YOU.

14 BY MALE #1: YOU KNOW, HE'S LIKE "OH, YOU GOT
15 A FAMILY. THINK ABOUT YOUR FAMILY," YOU KNOW, AND
16 ALL THIS STUFF. RIGHT AFTER HE TELLS ME TO KIDNAP
17 A JUDGE. (LAUGHTER) I WOULDN'T BE THINKING ABOUT
18 MY FAMILY IF I DID THAT; WOULD I? THERE'S NO WAY,
19 MAN. IF IT -- IF I KID-, IF I KIDNAPPED THIS
20 JUDGE, IT MIGHT NOT BE ON THE FRONT PAGE OF THE
21 PAPER THE NEXT DAY, BUT IF IT WASN'T, IT WOULD
22 JUST BE BECAUSE THE POLICE HAD PLENTY ENOUGH LEADS
23 TO -- YOU KNOW WHAT I MEAN?

24 BY OFFICER: RIGHT.

25 BY MALE #1: THERE'S NO WAY, MAN. HE ACTS

1 LIKE THIS IS NOTHING, LIKE WE CAN JUST GO DO THIS
2 AND BLAME ON IT ON JERRY EDWARDS AND EVERYTHING IS
3 GOING TO BE HUNKY-DORY, AND THAT'S WHY HE WANTS --
4 HE DON'T WANT ME SEEN AT HIS HOUSE AND ALL THAT
5 STUFF, 'CAUSE, YOU KNOW, HE WANTS ME TO TAKE THE
6 FALL FOR IT IF ANYTHING HAPPENED AND HIM BE ABLE
7 TO SAY, "HEY I WAS" -- YOU KNOW WHAT I MEAN?

8 BY OFFICER: RIGHT.

9 BY MALE #1: I, I'M ONE OF THOSE PEOPLE THAT
10 JUST THINKS ABOUT STUFF. YOU KNOW WHAT I MEAN? I
11 JUST -- AND I -- EVER SINCE THIS HAPPENED, I
12 CANNOT FIGURE OUT WHY HE WOULD APPROACH ME. WHAT
13 MAKES HIM FEEL LIKE I'M THE PERSON HE COULD
14 APPROACH ABOUT THAT, NO BETTER THAN I KNOW HIM?

15 BY OFFICER: YEAH.

16 BY MALE #1: YOU KNOW? IT DOESN'T MAKE NO
17 SENSE TO ME.

18 BY OFFICER: HOW DID HE EVEN GET ON THE
19 SUBJECT OF (INAUDIBLE). ---

20 BY MALE #1: (LAUGHTER) WE WERE AT THE
21 SENECA FEST ---

22 BY OFFICER: YEAH.

23 BY MALE #1: --- AND, UH, HE WAS PROPPED UP
24 BY A FLAG POLE. AND I WASN'T NECESSARILY -- WELL,
25 WHAT IT WAS, WAS A, A GOOD BUDDY OF HIS, A GUY

1. THAT, UH, UH, MOVED HERE FROM UP NORTH AND -- BACK
2. WHEN I HAD A GOOD CONSTRUCTION COMPANY GOING,
3. ACTUALLY, I WAS JUST GETTING IT TO BE A GOOD
4. COMPANY -- AND THIS GUY WAS A RETIRED MAN, HAD
5. SOME MONEY. HE WOULD BUY LAND, BUILD HOUSES, YOU
6. KNOW, MAKE MONEY OFF OF THEM. HE (INAUDIBLE) THAT
7. TIME. AND, UH, I MET THE GUY. WELL, HE ENDED UP
8. GOING BANKRUPT AND ME AND HIM, UH, YOU KNOW -- HE
9. BUILT A COUPLE SEVERAL MILLION DOLLARS [SIC]
10. HOMES. AND, UH, I TOLD HIM FROM THE GET-GO HE WAS
11. BUILDING ON THE WRONG SPOT. HE WENT TO FOXWOOD
12. HILLS AND THAT PLACE WAS JUST DEAD.

13. BY OFFICER: RIGHT.

14. BY MALE #1: YOU KNOW. HE WAS TRYING TO
15. BUILD A KEOWEE HOME IN FOXWOOD HILLS. I KNEW HE
16. WAS MAKING A BAD MOVE. BUT, ANYWAY, YOU KNOW, ME
17. AND THIS GUY JUST MADE SOME GOOD FRIENDS. AND,
18. UH, YOU KNOW, WE STAYED IN CONTACT. I STARTED
19. GETTING SOME THREATS A GOOD WHILE BACK. I WENT
20. AND GOT ME A GERMAN SHEPHERD ATTACK DOG. HE FELL
21. RIGHT IN AND GOT HIM ONE. WE, YOU KNOW, WE WORKED
22. THEM TOGETHER AND STUFF. WELL, YOU KNOW, I WALKED
23. BY AND I DIDN'T EVEN -- WELL, I ASSUMED BARTEE
24. WOULD BE THERE, BUT I DIDN'T KNOW HE WAS THERE.
25. BUT, ANYWAY, I SEE HIM AND, YOU KNOW, I KIND OF

1 BUMPED HIM ON THE SHOULDER AND SAY, "HEY, WHAT YOU
2 DOING?" AND IT WAS BARTEE. I DIDN'T RECOGNIZE
3 HIM 'CAUSE HE WAS WEARING A STRAW HAT, YOU KNOW.
4 AND, UH, HE SAT THERE AND TALKS TO THIS GUY, YOU
5 KNOW, AND I'M KIND OF IN AND OUT OF THE
6 CONVERSATION. MY WIFE AND KIDS WERE OVER HERE AND
7 -- I HAD TO CHASE MY BOY AROUND AND ALL THIS
8 STUFF. WELL, THE GUY WALKS OFF AND THE CROWD KIND
9 OF THINS OUT A LITTLE BIT. AND THEN HE JUST, YOU
10 KNOW, GOES LIKE THIS -- AND HE KIND OF LEANS INTO
11 ME A LITTLE BIT AND SAID, "I WONDER WHAT WOULD
12 HAPPEN IF THE JUDGE DIDN'T SHOW UP TO THE COURT
13 CASE?" SO, I JUST KIND OF LAUGHED. I THOUGHT HE
14 WAS JUST, YOU KNOW -- I -- AND I SPILLED BEER ON
15 HIM WHEN HE DID IT. I'M LIKE (INAUDIBLE) -- I
16 JUST KIND OF LAUGHED AND I SAID, "I DON'T KNOW."
17 AND HE SAID, "WELL, THEY'D HAVE TO DISMISS IT,
18 WOULDN'T THEY?" I SAID, "YEAH, PROBABLY." HE
19 SAID, "WHY DON'T YOU TAKE CARE OF THAT FOR ME."
20 (LAUGHTER) THE NEXT DAY, YOU KNOW, I CALLED HIM
21 UP AND, UH -- THAT'S WHEN I REALIZED HE WAS DEAD
22 SERIOUS. YOU KNOW, I DON'T KNOW -- YOU KNOW,
23 "WHAT ARE YOU TALKING ABOUT? YOU MEAN YOU WANT ME
24 TO DIS-ENABLE (PHONETIC) HIS CAR, YOU KNOW, WHERE
25 HE CAN'T SHOW UP?" HE SAID, "YEAH, THAT'D WORK."

1 BUT HYPOTHETICAL, SEE -- YOU KNOW, HE WAS VERY
2 CAREFUL ABOUT NOT (INAUDIBLE) -- THE MORE THAT I,
3 UH, PONDER ON IT, THE MORE I BELIEVE THAT HE NEVER
4 WANTED THIS TO TAKE PLACE NOW. I THINK, I THINK
5 MORE THAN ANYTHING, HE WAS WANTING TO FEEL ME OUT.
6 BECAUSE HE SPENT--OUT OF HIS OWN MOUTH--ABOUT, UH,
7 ABOUT THIRTY THOUSAND DOLLARS (\$30,000). HE TOLD
8 ME HE LOST ABOUT TWO MILLION DOLLARS
9 (\$2,000,000,000) ON HIS HOME. I KNOW HE'S ALREADY
10 GOT ABOUT THIRTY GRAND (\$30,000) IN HIS CAMPAIGN
11 BASICALLY -- WE'RE GOING TO MAKE A RIGHT AT THIS
12 NEXT RED -- NOT THIS LIGHT, BUT THE NEXT ONE.
13 BUT, HE, HE BASICALLY, UH, WAS BROKE. AND HE EVEN
14 MENTIONED THIS ONCE -- HE GOT -- TOLD ME, "HEY,
15 LET'S CALL THIS OFF RIGHT NOW, BECAUSE IT'S NOT
16 GOING TO DO NO GOOD." HE SAID, "ONE THING I KNOW
17 ABOUT OPERATIONS, AND YOU DON'T WASTE THEM, YOU
18 KNOW, SOMETHING BIG ---

19 BY OFFICER: HERE?

20 BY MALE #1: --- YEAH, MAKE A RIGHT HERE.
21 THIS IS HIGHWAY 130. HE SAID, "YOU DON'T WASTE A,
22 A BIG BILL ON SOMETHING WITH NO AFFECT." YOU
23 KNOW, HE SAID, "YOU KNOW, IT MIGHT BE THAT THEY
24 SUCCEED AT GETTING ME OFF THE BALLOT, YOU KNOW."
25 HE SAID, "IF THEY DO, I'LL FILE INDEPENDENT COME

1 NOVEMBER AND" -- YOU KNOW, HE SAID, "WE'LL LET SIX
2 (6) OR EIGHT (8) MONTHS GO BY AND, YOU KNOW, I'LL
3 GET REVENGE ON JERRY EDWARDS." AND I THINK THAT'S
4 WHAT, WHAT HIS INTENTION IS. I THINK HE'S WANTING
5 TO MAKE SURE THAT NOTHING GOES SOUR. BUT, AT THE
6 SAME TIME NOW, I'LL, I'LL SAY THIS: I DON'T FEEL
7 LIKE TONIGHT HE'S GOING TO SAY, "YEAH, GO AHEAD
8 AND DO IT." BUT Y'ALL MIGHT WANT TO KEEP AN EYE
9 OUT FOR THE JUDGE. BECAUSE IT MIGHT JUST BE THAT
10 HE'S GOT SOMEBODY ELSE DOING IT. ALL RIGHT. WE
11 ARE GOING TO TAKE A -- ABOUT WHERE THAT CAR IS AT,
12 A LITTLE PAST IT -- IT'S A SUBDIVISION ON THE LEFT
13 CALLED "STILLWATER."

14 BY OFFICER: ALL RIGHT. GOING TO BE THE
15 SUBDIVISION?

16 BY MALE #1: YEAH, IT'S GRAND SUMMIT ROAD.

17 BY OFFICER: ALL RIGHT. HERE?

18 BY MALE #1: YEP.

19 BY OFFICER: ALL RIGHT, GUYS. TURNING INTO
20 THE SUBDIVISION.

21 BY MALE #1: ARE THEY GOING TO FOLLOW US IN
22 HERE NOW? I NEED TO TELL THEM WHERE THEY NEED TO
23 STOP AT, RIGHT?

24 BY OFFICER: YEAH, GO AHEAD AND TELL THEM
25 RIGHT NOW, IF YOU KNOW WHERE THEY ---

1 BY MALE #1: OKAY. WELL, IT'S ON FURTHER
2 DOWN. WHEN WE GET DOWN HERE TO THIS STOP SIGN,
3 WE'RE GOING TO MAKE A RIGHT. I BELIEVE THAT'S
4 SUMMIT ROAD. THIS IS GRAND SUMMIT AND THE OTHER
5 ONE IS SUMMIT. A LOT OF NICE HOUSES IN HERE.

6 BY OFFICER: YEAH, BIG ONES.

7 BY MALE #1: I WON'T NEVER BE ABLE TO AFFORD
8 ONE OF 'EM ---

9 BY OFFICER: TAKING A RIGHT ON NORTH SUMMIT
10 AT THE STOP SIGN. COME ALL THE WAY IN TO THE STOP
11 SIGN. TAKE A RIGHT ON NORTH SUMMIT.

12 BY MALE #1: AND, UH, THEY DON'T NEED TO TURN
13 OFF OF THIS ROAD. THEY CAN COME DOWN THIS ROAD
14 ALL THEY WANT TO.

15 BY OFFICER: OKAY.

16 BY MALE #1: THEY DON'T NEED TO TURN OFF OF
17 THIS ROAD ---

18 BY OFFICER: JUST STAY ON SUMMIT?

19 BY MALE #1 : YEAH. 'CAUSE ONCE WE TURN OFF
20 THIS ROAD, IT'S JUST RIGHT THERE. AND, HE COULD
21 BASICALLY SEE US. THEY CAN GO STRAIGHT HERE OR
22 WHATEVER, BUT THEY DON'T NEED TO BE GOING ---

23 BY OFFICER: WHICH WAY ARE WE GOING?

24 BY MALE #1: WE'RE GOING TO MAKE A RIGHT.

25 BY OFFICER: ALL RIGHT. WE'RE MAKING A RIGHT

1 ON WOODBRIDGE [SIC]. WOODBRIDGE.

2 BY MALE #1: WOODBRIDGE OR WOODRIDGE?

3 BY OFFICER: WOODRIDGE. EXCUSE ME.

4 WOODRIDGE. WOODRIDGE DRIVE.

5 BY MALE #1: YEAH, BUT THEY DON'T NEED TO
6 COME DOWN THIS ROAD. DON'T COME DOWN WOODRIDGE.

7 BY OFFICER: OKAY, WELL, -- ALL RIGHT. WHICH
8 HOUSE?

9 BY MALE #1: ALL RIGHT. WE WILL GO ON DOWN.
10 WE'LL GO ALL THE WAY TO THE CUL-DE-SAC RIGHT HERE.
11 THEY COULD'VE ACTUALLY COME TO RIGHT HERE, BUT
12 BASICALLY, JUST RIGHT THERE WHERE THAT STREET
13 LIGHT IS ---

14 BY OFFICER: YEAH.

15 BY MALE #1: --- IS HIS HOUSE -- YOU CAN SEE
16 IT.

17 BY OFFICER: OKAY.

18 BY MALE: YOU KNOW, THEY WOULDN'T -- THAT'S
19 WHY I SAY THEY JUST DON'T NEED TO COME DOWN THIS
20 ROAD. (INAUDIBLE)

21 BY OFFICER: ALL RIGHT. ON WOODRIDGE, YOU'RE
22 GOOD ALL THE WAY UP UNTIL YOU GET JUST BEFORE THE
23 SECOND (2ND) STREET LIGHT. IF Y'ALL WANT TO PULL
24 ON WOODRIDGE TO MONITOR IT.

25 BY MALE #1: YEAH, 'CAUSE RIGHT HERE IS HIS

1 HOUSE, RIGHT HERE.

2 BY OFFICER: ALL RIGHT. WE'RE GOING INTO THE
3 CUL-DE-SAC.

4 BY MALE #1: DON'T COME TO THAT SECOND (2ND)
5 ONE. GO STRAIGHT THROUGH RIGHT HERE.

6 BY OFFICER: GO STRAIGHT IN AT THE CUL-DE-
7 SAC. GOING TO DRIVE STRAIGHT IN TO ISLAND POINT.

8 BY MALE #1: THEY DON'T NEED TO.

9 BY OFFICER: NO. JUST TELL ME WHERE TO GO.

10 BY MALE #1: ALL RIGHT. THIS, THIS DRIVE
11 RIGHT HERE -- NOT THIS DRIVEWAY. GO TO THE NEXT
12 DRIVEWAY.

13 BY OFFICER: SECOND (2ND) DRIVEWAY, LISTED AS
14 ONE ZERO FOUR (104), ONE ZERO FOUR (104).

15 BY MALE #1: JUST PULL STRAIGHT UP BESIDE
16 THAT TOYOTA RIGHT THERE.

17 BY OFFICER: PULLING UP NEXT TO A TOYOTA --
18 WHITE TOYOTA TRUCK, ALPHA-VICTOR-BRAVO FIVE FORTY
19 FIVE (AVB 545). AVB 545.

20 BY MALE #1: ALL RIGHT. LET ME -- CHECK
21 MYSELF IN HERE -- (SOUND OF VEHICLE DOOR
22 OPENING/CLOSING) ---

23 (SOUND OF FOOTSTEPS - SOUND OF KNOCKING)

24 BY MALE #1: (CLEARING THROAT) I THOUGHT I
25 HAD A CIGARETTE ON ME -- YOU DOING ALL RIGHT TODAY?

1 BY MALE #2: (SOUND OF TELEVISION IN
2 BACKGROUND) WHAT'S GOING ON, BUD?
3 BY MALE #1: I GOT YOU, UH, ---
4 BY MALE #2: WHO YOU WITH?
5 BY MALE #1: RUSTY. YOU HADN'T MET RUSTY
6 YET.
7 BY MALE #2: OH, OKAY. WELL, TELL ME ABOUT
8 HIM.
9 BY MALE #1: HE'S ONE OF THEM GUYS THAT I
10 HIRED. BUT, I MEAN -- HE DON'T KNOW NOTHING ABOUT
11 NOTHING REALLY.
12 BY MALE #2: OH, GOOD.
13 BY MALE #1: AND I DIDN'T TELL HIM NO MORE
14 THAN I HAD TO ---
15 BY MALE #2: I WOULDN'T, ---
16 BY MALE #1: --- UP UNTIL THE POINT, YOU
17 KNOW, ---
18 BY MALE #2: --- UH-UH. (NEGATIVE)
19 BY MALE #1: YEAH. BUT, ---
20 BY MALE #2: SMART THING IS TO STAY OFF
21 FACEBOOK, TOO.
22 BY MALE #1: YEAH.
23 BY MALE #2: PEOPLE ARE EATING YOU UP.
24 BY MALE #1: THEY ARE?
25 BY MALE #2: YEAH, THEY'RE EATING YOU UP

1 BECAUSE THEY'RE ALL VOTING FOR FRI- -- FRICKS OR
2 CRENSHAW.

3 BY MALE #1: YEAH.

4 BY MALE #2: BUT THERE AIN'T NO ARGUING WITH
5 THEM BECAUSE THAT'S -- THEY'RE JUST SITTING HERE
6 FULL TIME RUNNING ON THE DAMN THING.

7 BY MALE #1: IT AIN'T, IT AIN'T GOOD.

8 BY MALE #2: I'VE ASKED THESE BOYS, "LOOK,"
9 COMING IN, "DON'T LET ANYONE POST ANY -- NOT EVEN,
10 EVEN ON THAT OCONEE" ---

11 BY MALE #1: YEAH.

12 BY MALE #2: I SAID, "I CAN'T CONTROL YOU,
13 'CAUSE IT AIN'T MY SITE. I'M ASKING YOU SINCE YOU
14 SAY YOU'RE SUPPORTING ME. TELL THEM THAT THEY CAN
15 EITHER SHUT THE DAMN THING DOWN, OR" ---

16 BY MALE #1: YEAH. TODAY, MAN, THEY SAID --
17 HAD A THING ON THERE, SOMETHING ABOUT DRESSED IN
18 BATTLE RATTLE. (LAUGHTER)

19 BY MALE #2: YEAH, THAT WAS FUNNY. YEAH, I
20 THINK THAT IDIOT PUT IT IN THE NEWSPAPER.

21 BY MALE #1: WHO PUT A AD?

22 BY MALE #2: FRICKS DID. THAT'S WHAT HE
23 CALLED HIMSELF, "DRESSED IN BATTLE RATTLE."

24 BY MALE #1: OH, WHEN HE'S HOLDING THE AK-47?

25 BY MALE #2: WHATEVER HE WAS HOLDING. I

1 DIDN'T LOOK AT IT CLOSE. WITH THE FLASH GOING
2 OFF, MUZZLE OFF AND EVERYTHING. I MEAN, WHAT DOES
3 HE THINK? HE'S AN ACTION STAR?

4 BY MALE #1: HE'S A FUCKING IDIOT.

5 BY MALE #2: I KNOW, BUT I'D BE LUCKY IF HE
6 KILLED HIMSELF WITH THAT THING. THAT'S WHY I'M
7 SAYING, ---

8 BY MALE #1: HEY, DID YOU SEE THE DUCKS THAT
9 THEY HAD? (LAUGHTER)

10 BY MALE #2: --- THAT'S WHY I'M SAYING JERRY
11 EDWARDS HAS THROWN HIM TO THE WOLVES. BECAUSE ---

12 BY MALE #1: YEAH.

13 BY MALE #2: --- JERRY WOULDN'T HAVE ALLOWED
14 A PICTURE LIKE THAT. DO YOU KNOW WHAT I'M SAYING?
15 AND THEN SOME GIRL WROTE SOMETHING OR ANOTHER
16 ABOUT HIM GOING TO (INAUDIBLE) AND HAVING BIG
17 LUNCHES. ME -- (INAUDIBLE) -- I AIN'T GOT NOTHING
18 TO DO WITH OCONEE (INAUDIBLE). BUT, IT DOESN'T
19 MATTER IF MR. WILLIAMS DIDN'T SHOW UP TOMORROW,
20 THEY'D STILL GO ON.

21 BY MALE #1: THEY CAN?

22 BY MALE #2: AIN'T THAT SOME SHIT?

23 BY MALE #1: YOUR LAWYER TOLD YOU THAT?

24 BY MALE #2: YEP.

25 BY MALE #1: HUH.

1 BY MALE #2: SOMEBODY CAN SUE YOU. IT DON'T
2 MATTER IF HE DIDN'T SHOW UP. JULIAN CAN STILL DO
3 IT. IF JULIAN WASN'T THERE, THEY'D JUST POSTPONE
4 IT. AIN'T THAT A CROCK OF CRAP ESTABLISHED
5 SYSTEM? IF YOU DIDN'T SHOW UP, ---

6 BY MALE #1: IF I DON'T WANT -- GO TO COURT,
7 I GOT A DAMN BENCH WARRANT ON ME.

8 BY MALE #2: SEE, WATCH WHAT I'M SAYING. THE
9 SYSTEM'S STACKED, AIN'T IT, FOR THE LAWYERS AND
10 STUFF?

11 BY MALE #1: HERE'S A HUNDRED AND THIRTY-
12 EIGHT DOLLARS (\$138.00). AND ---

13 BY MALE #2: NO PROBLEM.

14 BY MALE #1: --- I TOLD YOU, NOW, THAT SOME
15 OF IT I USED IN GAS. YOU KNOW WHAT I MEAN?

16 BY MALE #2: I KNOW, YOU'VE BEEN TRYING HARD.
17 I WOULDN'T DOUBT THAT. SAVE THAT.

18 BY MALE #1: (INAUDIBLE)

19 BY MALE #2: MAKE IT, MAKE IT A (INAUDIBLE).

20 BY MALE #1: I WAS KIND OF LOOKING FORWARD TO
21 BUSTING HIM IN THE HEAD.

22 BY MALE #2: WELL, WE CAN WAIT ON THAT.

23 (LAUGHTER)

24 BY MALE #1: WAIT ON IT?

25 BY MALE #2: YEAH. THE FIRST THING WE HAVE

1 TO -- WE CAN'T -- DOESN'T MEAN ANY DIFFERENCE IN
2 THE COURT TO HAVE HIM BE THERE TOMORROW. IT
3 DOESN'T MAKE HIM LOOK GOOD. HE'S A, HE'S A
4 WEASEL, ISN'T HE? RIGHT?

5 BY MALE #1: I DON'T KNOW, MAN. THIS IS SOME
6 BULLSHIT.

7 BY MALE #2: WELL, WE'LL SEE TOMORROW. I
8 DON'T KNOW WHAT -- I HAVE NO IDEA.

9 BY MALE #2: I THINK IT'S STACKED CARDS, IS
10 WHAT I THINK. WE'LL SEE TOMORROW.

11 BY MALE #1: THEY PROBABLY PAID THE JUDGE, I
12 MEAN, NOT THE -- NOT JUDGE WILLIAMS ---

13 BY MALE #2: THAT'S WHAT I'M AFRAID OF.

14 BY MALE #1: --- I MEAN, THE JUDGE ---

15 BY MALE #2: JUDGE MADDOX.

16 BY MALE #1: YEAH.

17 BY MALE #2: YEAH, I'M AFRAID SO. IT'LL BE
18 ON THE RADIO. TURN IT ON AND LISTEN.

19 BY MALE #1: WHAT TIME?

20 BY MALE #2: STARTS AT TWO (2:00). NINETY-
21 SIX POINT THREE (96.3).

22 BY MALE #1: OH, TWO (2:00)? IT'S NOT THREE
23 (3:00)?

24 BY MALE #2: I THINK IT'S TWO (2:00), AIN'T
25 IT?

1 BY MALE #1: HEY, YOU KNOW, EVEN THOUGH -- I
2 MEAN, WE AIN'T GOT TO TAKE HIM HOS- -- OR NON OF
3 THAT, JUST CONFRONT HIM. I MEAN I CAN MEET HIM AT
4 THE STOP SIGN OUT THERE OR SOMETHING. (LAUGHTER)
5 YOU KNOW WHAT I'M SAYING? JUST TELL HIM "HEY," --
6 WELL, I DON'T KNOW. HE DON'T NEED TO SEE ME,
7 THOUGH, DOES HE?

8 BY MALE #2: NO. YOU GOT ENOUGH SHIT ON YOUR
9 PLATE. HE PROBABLY KNOWS WHO YOU ARE. HE
10 PROBABLY STUDIES ALL THIS -- SO I'D SAY, "YOU
11 FUCKED."

12 BY MALE #1: I BET HE DOES.

13 BY MALE #2: DAMN RIGHT, HE KNOWS. I JUST
14 DON'T WANT TO GET IN TROUBLE. I'M SAYING, THESE
15 ARE THE KINDS OF THINGS YOU (INAUDIBLE) LET THE
16 DUST SETTLE. LIKE THERE, THE HATFIELDS AND
17 MCCOYS, ---

18 BY MALE #1: YEAH.

19 BY MALE #2: --- A GREAT SHOW. JUST LET IT
20 GO FOR A COUPLE OF MONTHS. WHEN THE DUST SETTLES
21 -- I DON'T CARE WHEN YOU SNEAK UP ON SOMEONE. I
22 DON'T CARE IF THEY SEE IT OR NOT, AS FAR AS I'M
23 CONCERNED.

24 BY MALE #1: YEAH.

25 BY MALE #2: I'D FEEL THE RIGHT THING TO DO

1 IS NOT EVEN LET 'EM KNOW WHAT HIT 'EM.

2 BY MALE #1: YEAH. I WANT -- I'D, I'D LIKE
3 TO SEE JERRY EDWARDS GO FUCKING DOWN.

4 BY MALE #2: NOW, THAT'S THE ONE THAT'S
5 CAUSING ALL THE PROBLEMS.

6 BY MALE #1: HE'S A FUCKING -- HE'S A DICK,
7 MAN.

8 BY MALE #2: YEP, YEAH. THERE'S PROBABLY A
9 LOT OF PEOPLE IN THIS COUNTY THAT WOULD PAY YOU
10 FOR HIM.

11 BY MALE #1: I WISH I KNEW WHERE THEY WERE.

12 BY MALE #2: (INAUDIBLE) IS -- YOU'RE NOT
13 HELPING YOURSELF WHILE YOU'RE IN BED WITH ME, AND
14 YOU'VE TURNED A LOT OF PEOPLE ---

15 BY MALE #1: FRICKS, MAN, IS, UH, -- WELL,
16 YOU KNOW, I HAVEN'T HEARD NOTHING OUT OF HIM OVER
17 THE NEXT DAY OR -- YOU KNOW -- HEY, HEY DID YOU
18 EVER LISTEN TO THAT CD?

19 BY MALE #2: NO. IT'S LAYING THERE. I JUST
20 -- I AIN'T GOT TIME.

21 BY MALE #1: YEAH. I KNOW YOU'RE BUSY. YOU,
22 YOU WILL PROBABLY GET A KICK OUT OF IT, THOUGH,
23 JUST WHAT ALL HE SAYS. HE'S TELLING ME, "CHOOSE
24 THE PLACE YOU WANT TO DIE." (LAUGHTER)

25 BY MALE #2: I'M GLAD YOU SAID THAT, BECAUSE

1 -- I MEAN, I TOLD YOU -- (INAUDIBLE) NEED TO SEND
2 IT TO ME.

3 BY MALE #1: NOW, WHO DID THAT?

4 BY MALE #2: (INAUDIBLE) ON THE COMPUTER OR
5 SOMETHING (INAUDIBLE) ---

6 BY MALE #1: YEAH. HEY, I PLAYED THAT, UH, I
7 PLAYED THAT SONG, THAT MIKE CRENSHAW SONG? I
8 PLAYED IT TO MY BOSS MAN TODAY. (LAUGHTER) AND
9 HE LAUGHED HIS ASS OFF. (LAUGHTER)

10 BY MALE #2: FUNNY, WASN'T IT?

11 BY MALE #1: YEAH. HE JUST -- HE KEPT
12 LAUGHING. MAN, I TELL YOU, IF WE -- YOU KNOW,
13 WHEN WE DECI- --- IF WE DECIDE, LIKE AT A LATER
14 COURT HEARING OR WHATEVER, IF WE DECIDE TO GET THE
15 JUDGE, I'M JUST -- I'M GOING TO TAKE A FIRE
16 EXTINGUISHER.

17 BY MALE #2: THAT COULD MESS HIM UP.

18 BY MALE #1: YEAH. I'D TAKE A FIRE
19 EXTINGUISHER, SPRAY HIS ASS. I GOT, YOU KNOW, I
20 GOT THEM -- SEE, THAT'S WHAT I DID TONIGHT. I HAD
21 TO GO DOWN THERE, 'CAUSE I CAN'T TALK TO 'EM ON
22 THE PHONE. YOU KNOW WHAT I MEAN? I HAD TO GO
23 DOWN TO GREENVILLE AND TELL THESE GUYS JUST TO
24 HOLD UP. I MEAN -- 'CAUSE THEY WERE PLANNING ON
25 MEETING ME AND, ---

1 BY MALE #2: YEAH.

2 BY MALE #1: --- YOU KNOW, I HAD TO GO ---

3 BY MALE #2: MAN, WE JUST HAVE TO SAVE IT FOR
4 A LATER DATE. LET THE DUST SETTLE. RIGHT NOW,
5 YOU'D HAVE THE F.B. -- YOU'D HAVE THE FBI HERE IN
6 A DAY.

7 BY MALE #1: YOU THINK SO?

8 BY MALE #2: YEAH. YOU GOTTA LET THE DUST
9 SETTLE. YOU KNOW WHAT I'M SAYING? OR YOU ---

10 BY MALE #1: YEAH.

11 BY MALE #2: HELL, YEAH. YOU WOULD.

12 BY MALE #1: EVEN IF WE BLAMED IT ON JERRY
13 EDWARDS, DO YOU THINK THEY -- WHO WOULD CARE IF
14 THE FBI WAS ON JERRY EDWARDS?

15 BY MALE #2: UH, ---

16 BY MALE #1: YOU KNOW WHAT I'M SAYING?

17 BY MALE #2: YEAH, BUT I'D STILL LET THE DUST
18 SETTLE. MAKE IT LOOK LATER. YOU KNOW WHAT I'M
19 SAYING? TOO MUCH GOING ON RIGHT NOW. LET'S SEE
20 WHAT HAPPENS TOMORROW (INAUDIBLE)

21 BY MALE #1: RIGHT. HEY, SAY IF, SAY IF THEY
22 DON'T GET YOU OFF THE BALLOT, ---

23 BY MALE #2: UH-HUH. (AFFIRMATIVE)

24 BY MALE #1: --- UH, ---

25 BY MALE #2: OH, THEY -- IF THEY DON'T GET ME

1 OFF THE BALLOT, WE'RE GOING TO WALK AWAY WITH 'THE
2 ELECTION. IF EVERYBODY CAN KEEP THEIR COOL AND
3 STAY OFF OF THIS FACEBOOK AND STUFF. YOU KNOW
4 WHAT I'M SAYING?

5 BY MALE #1: YEAH.

6 BY MALE #2: DON'T ARGUE WITH THOSE PEOPLE.
7 IF THEY CALL YOU A SON OF BITCH, SO WHAT? GOD,
8 I'VE BEEN CALLED EVERYTHING IN THE BOOK SINCE
9 AUGUST.

10 BY MALE #1: WELL, YOU AIN'T SEEN THE
11 COMMENTS I POST BACK AT THEM. I JUST HUMOR THEM.
12 YOU KNOW WHAT I'M SAYING?

13 BY MALE #2: YEAH, BUT I'M -- DON'T -- IT
14 DOES -- THEY'RE JUST -- THEY'VE GONE CRAZY.

15 BY MALE #1: I AIN'T SAID NOTHING TO 'EM IN
16 TWO (2) OR THREE (3) DAYS (INAUDIBLE) ---

17 BY MALE #2: YEAH, I'D JUST STAY OFF IT. IT
18 DON'T HELP YOU.

19 BY MALE #1: YEAH, THERE'S NO POINT IN IT.

20 BY MALE #2: LET THIS CASE SETTLE DOWN. LET
21 EVERYTHING ---

22 BY MALE #1: AND THE OCONEE SHERIFF'S WEBSITE
23 -- DID YOU SEE WHERE THEY WAS TALKING ABOUT
24 SENDING A PETITION TO THE SOLICITOR'S OFFICE ABOUT
25 ME?

1 BY MALE #2: WHO WAS?

2 BY MALE #1: THE OCONEE SHERIFF'S SITE.

3 BY MALE #2: WHAT -- I MEAN FOR WHAT? THEY
4 CAN'T SEND A PETITION.

5 BY MALE #1: 'CAUSE THEY'RE FUCKING CRAZY.

6 BY MALE #2: THEY DON'T HAVE A CLUE.

7 BY MALE #1: (LAUGHTER) DAMN.

8 BY MALE #2: BUT YOU NEED TO STAY LOW, C- --
9 LAY, LAY LOW. YOU KNOW WHAT I'M SAYING?

10 BY MALE #1: YEAH.

11 BY MALE #2: DON'T BRING -- YOU DON'T WANT TO
12 BRING ANY MORE ATTENTION TO YOURSELF, IN MY
13 OPINION.

14 BY MALE #1: YEAH. NO, I DON'T NEED NO MORE.

15 BY MALE #2: NO. YOU GOT THOSE WIFE AND KIDS
16 FIRST. WE'LL GET THIS FIGURED. WE'LL GET IT
17 FIGURED OUT. THAT'S THE WAY I LOOK AT IT.

18 BY MALE #1: SO, THEY SEND IT TO YOU OR YOU
19 DON'T KNOW?

20 BY MALE #2: NO, I -- THEY DIDN'T SEND IT TO
21 ME. I JUST SENT THEM AN E-MAIL TO ---

22 BY MALE #1: OH. IT'S PRETTY FUNNY A DAMN
23 STATE TROOPER WOULD THREATEN ME LIKE THAT.

24 BY MALE #2: FORMER STATE TROOPER.

25 BY MALE #1: YEAH, FORMER STATE TROOPER.

1 BY MALE #2: THERE'S A REASON HE'S A FORMER
2 STATE TROOPER.

3 BY MALE #1: (LAUGHTER) I MEAN, I DON'T SEE
4 HOW NOBODY TAKES HIM SERIOUSLY. I REALLY THOUGHT
5 THAT IT WAS A COMPUTER ANIMATED VOICE. I DON'T
6 SEE HOW NOBODY COULD TAKE HIM SERIOUSLY. IF HE
7 WAS SITTING THERE TALKING TO ME AT MY WINDOW, I'D
8 LAUGH AT HIM.

9 BY MALE #2: I AGREE WITH YOU.

10 BY MALE #1: (LAUGHTER) MAN, I WAS OVER
11 THERE -- I WAS ALL PSYCHED UP (INAUDIBLE).

12 BY MALE #2: YEAH. WELL, I'M JUST SAYING YOU
13 DON'T SPEND YOUR POLITICAL -- TILL YOU HAVE TO.
14 YOU KNOW WHAT I'M SAYING?

15 BY MALE #1: YEAH.

16 BY MALE #2: THAT'S WHAT I THINK. THERE
17 MIGHT BE A TIME, BUT TOMORROW AIN'T GONNA BE IT.

18 BY MALE #1: YEP. WELL, ---

19 BY MALE #2: BUT RIGHT NOW, THEY'D BLAME ME
20 ANYWAY.

21 BY MALE #1: HUH?

22 BY MALE #2: I SAY, IF IT HAPPENED TOMORROW,
23 THEY'D BLAME ME ANYWAY.

24 BY MALE #1: YOU THINK SO?

25 BY MALE #2: I MEAN, IT'S -- THERE'S NO NEED.

1 THE ATTORNEY SAID IT DOESN'T MATTER WHETHER HE'S
2 THERE OR NOT.

3 BY MALE #1: RIGHT.

4 BY MALE #2: NO NEED. IF THEY WOULD SAY THEY
5 WERE GOING TO DROP THE CASE IF HE WASN'T THERE, IT
6 WOULDN'T MATTER. THEN, LIKE I SAID, DRIVE HIM UP
7 THE ROAD AND DROP HIM OFF; RIGHT?

8 BY MALE #1: TAKE HIM TO ASHEVILLE? I WAS
9 GOING TO TAKE HIM TO TABLE ROCK, MAN.

10 BY MALE #2: SOMEWHERE -- I THINK YOU NEED
11 SOMEWHERE WHERE IT TAKES A LONG TIME TO GET BACK.

12 BY MALE #1: YEAH.

13 BY MALE #2: RIGHT?

14 BY MALE #1: YEAH. (LAUGHTER)

15 BY MALE #2: THAT WOULD MAKE HIM PEE HIS
16 PANTS ANYWAY, WOULDN'T IT?

17 BY MALE #1: YEAH.

18 BY MALE #2: YOU NEVER KNOW. THEY W- -- I'M
19 SURE HE OWNS A GUN, TOO.

20 BY MALE #1: THAT'S WHAT I NEED.

21 BY MALE #2: WEASEL.

22 BY MALE #1: THAT'S WHAT I NEED. THAT -- I
23 NEED ME A DAMN GUN, BOY.

24 BY MALE #2: YOU NEED SOMETHING. ALL RIGHT.
25 LET'S BOTH GET SOME REST.

1 BY MALE #1: YEAH. AND, UH, ---
2 BY MALE #2: AND JUST ---
3 BY MALE #1: I DIDN'T GET TO MAKE IT UP TODAY
4 TO VOTE, BUT I'M GOING TO GO TOMORROW.
5 BY MALE #2: YOU CAN GO IN THE MORNING.
6 BY MALE #1: BUT, IT'S POSSIBLE THAT WE'RE
7 GOING TO GO TO TENNESSEE AND DO A JOB.
8 BY MALE #2: UH-HUH. (AFFIRMATIVE)
9 BY MALE #1: NOT -- UH, I WON'T KNOW TILL IN
10 THE MORNING.
11 BY MALE #2: NO PROBLEM. THEY OPEN AT EIGHT
12 (8:00).
13 BY MALE #1: RIGHT. BUT IF WE ARE, I GOT TO
14 MEET AT SEVEN-FIFTEEN (7:15). BUT IF WE ARE,
15 WE'LL KNOW THEN THAT WE'RE GOING.
16 BY MALE #2: OKAY.
17 BY MALE #1: AND I'LL GET TO GO BACK HOME
18 THEN. AND WE WON'T LEAVE OUT TILL ABOUT NOON.
19 BY MALE #2: UH-HUH. (AFFIRMATIVE)
20 BY MALE #1: 'CAUSE WE'LL HAVE TO PACK AND
21 SHIT. SO, I'LL HAVE TIME THEN AND I'LL GET THERE.
22 BY MALE #2: YEAH. IT TAKES FIVE (5)
23 MINUTES.
24 BY MALE #1: ALL RIGHT. HEY, MR. BARTEE ---
25 BY MALE #2: ALL RIGHT. YOU JUST GOT TO

1 REMEMBER THAT WIFE AND KIDS FOR NOW.

2 BY MALE #1: I GOT YOU, MAN.

3 BY MALE #2: I'LL LET YOU LOOSE WHEN IT'S
4 TIME.

5 BY MALE #1: OKAY, MAN.

6 (SOUND OF FOOTSTEPS)

7 BY MALE #1: ALRIGHTY. LET'S RIDE. YEAH, I
8 THINK WE DID GOOD.

9 BY OFFICER: I THINK, I THINK I JUST PULLED
10 MY HOOD LATCH (INAUDIBLE) ---

11 BY MALE #1: I THINK YOU DID, TOO, BUT WE
12 DON'T NEED TO STOP.

13 BY OFFICER: (INAUDIBLE)

14 BY MALE #1: YEAH. HE'S PROBABLY LOOKING OUT
15 THE WINDOW RIGHT NOW.

16 BY OFFICER: YEAH, WE DON'T WANT TO GET ---

17 BY MALE #1: OH, YOUR BRAKES ON, THOUGH,
18 AIN'T IT?

19 BY OFFICER: I KNOW IT. I'M GOING TO GET UP
20 -- I DON'T HAVE IT ALL THE WAY UP.

21 BY MALE #1: OKAY. (INAUDIBLE) YEAH, I
22 THINK THAT'S -- I THINK WE DID REAL GOOD, HUH? I
23 THINK WE DID REAL GOOD. I -- HE WASN'T TALKING
24 VERY LOUD AND THE T.V. WAS ON, BUT I SUSPECT THAT
25 THIS IS A HIGH TECH DEVICE, ISN'T IT?

1 BY OFFICER: YEAH.

2 BY MALE #1: OKAY. (INAUDIBLE)

3 BY OFFICER: WHEN I STOP AT THE STOP SIGN, IF

4 YOU'LL JUMP OUT, (INAUDIBLE) ---

5 BY MALE #1: I GOT YOU. WE'LL TAKE CARE OF

6 THAT. I THINK WE DID REAL GOOD MAN. I DON'T

7 KNOW. THEY CAN HEAR WHAT'S BEING SAID AS IT'S

8 SAID, RIGHT?

9 BY OFFICER: HEY. HEY. (INAUDIBLE

10 CONVERSATION IN BACKGROUND). OKAY.

11 BY MALE #1: I DON'T KNOW THE REASON, BUT

12 NORMALLY, YOU KNOW, WE'D SIT AND TALK FOR A LONG

13 TIME. TONIGHT, HE KIND OF WALKED ME TO THE DOOR.

14 YOU KNOW WHAT I MEAN? MAYBE IT'S JUST BECAUSE

15 HE'S WANTING TO HOLD OFF AND ---

16 BY OFFICER: THIS LEFT HERE?

17 BY MALE #1: HUH?

18 BY OFFICER: THIS LEFT HERE?

19 BY MALE #1: YEAH, THIS LEFT. WELL, I TOLD

20 YOU. I GOT LOST. YEAH, THIS IS IT. (LAUGHTER)

21 IT MIGHT NOT BE EVERYTHING TO, TO MAKE A CASE

22 RIGHT THERE, BUT I DEFINITELY THINK THERE'S ENOUGH

23 TO ---

24 BY OFFICER: ALL RIGHT.

25 BY MALE #1: HE SITS THERE, MAN.

1 BY OFFICER: DON'T REMEMBER GOING THROUGH ALL
2 THIS SHIT.

3 BY MALE #1: YEAH. (LAUGHER) YEAH. IT
4 LOOKS DIFFERENT COMING UP BECAUSE ---

5 BY OFFICER: YEAH, IT DOES.

6 BY MALE #1: YEAH. RIGHT. I DON'T KNOW
7 WHERE Y'ALL ARE PLANNING TO MEET, BUT TO GET BACK
8 TO WHERE WE CAME FROM, WE'RE GOING TO MAKE A
9 RIGHT. WE COME IN FROM THAT DIRECTION, BUT --
10 (INAUDIBLE). BUT, TO GO TO MY HOUSE, IT WOULDN'T
11 EVEN NEED (INAUDIBLE) -- SOMEBODY WAS SPEEDING.

12 BY OFFICER: SOMEBODY MIGHT BE DRUNK.

13 BY MALE #1: THAT'S A TROOPER. THEY AIN'T NO
14 TELLING.

15 BY OFFICER: (INAUDIBLE)

16 BY MALE #1: DO WHAT?

17 BY OFFICER: TRYING TO SEE WHERE WE COME IN.
18 I GOT IT. (INAUDIBLE)

19 BY MALE #1: MAN, I GOT TO HAVE A CIGARETTE.
20 THIS IS NERVE-RACKING. THAT SMOKE DON'T BOTHER
21 YOU, DOES IT?

22 BY OFFICER: HUH?

23 BY MALE #1: IT DON'T -- SMOKE ---

24 BY OFFICER: NO, YOU'RE FINE. IS THE
25 CONSTRUCTION BUSINESS MOVING?

1 BY MALE #1: WELL, NOT AS MUCH. I'VE GOT A
2 LOT OF CLIENTELE THAT STILL CALL ME FROM TIME TO
3 TIME. UH, BUT, YOU KNOW, I DON'T HAVE ALL THE
4 EQUIPMENT I USED TO HAVE. BUT, YOU KNOW, I -- AND
5 I DON'T HAVE THE LABOR FORCE TO BRICK AN ENTIRE
6 HOUSE, BUT I COULD UNDERPIN A MOBILE HOME, A THREE
7 (3) DAY JOB. AND I, I PICK THAT UP ON THE SIDE,
8 MAKE A LITTLE EXTRA MONEY. YOU KNOW, I GET ---

9 BY OFFICER: (INAUDIBLE) CONSTRUCTION ---

10 BY MALE #1: YEAH, WELL, I SUB A LOT OF STUFF
11 OUT, BUT YEAH, PRACTICALLY ---

12 BY OFFICER: (INAUDIBLE)

13 BY MALE #1: YEAH. WELL, I MEAN, I SUBBED A
14 LOT OF STUFF OUT AND ---

15 BY OFFICER: YEAH.

16 BY MALE #1: I STARTED OUT DOING (INAUDIBLE)
17 YOU KNOW, BY BORROWING MY GIRLFRIEND'S CAR. SHE,
18 SHE WAS A SENIOR IN HIGH SCHOOL. THAT'S MY WIFE
19 NOW. I BORROWED HER CAR AND STRAP A WHEEL BARROW
20 TO THE TOP OF IT AND MIX THE MUD WITH A HOSE. AND
21 I DID THAT FOR ABOUT TWO (2) YEARS. JUST ME AND
22 ONE OTHER GUY. AND I COULD HAVE USED -- I SAVED
23 UP ENOUGH MONEY TO BUY A TRACTOR. I DIDN'T EVEN
24 HAVE A TRUCK TO PULL IT WITH. BUT I KNEW I COULD
25 MAKE MONEY WITH A TRACTOR. AND I WENT AND BOUGHT

1 A SKID STEER. AND I DID A COUPLE OF JOBS AND GOT
2 ENOUGH MONEY TO BUY A DECENT TRUCK. AND I BOUGHT
3 A (INAUDIBLE). THAT WAS REALLY WHAT DID IT FOR
4 ME. I BOUGHT THE TRACTOR AND THEN I HAD THE ---

5 BY OFFICER: MAKE MONEY WITH THE TRACTOR.

6 BY MALE #1: YEAH. AND THE NEXT THING YOU
7 KNOW, I HAD A DUMP, A DUMP TRUCK. AND I WAS, I
8 WAS IN BUSINESS IN LESS THAN A YEAR, MAN, FROM THE
9 TIME I BOUGHT MY FIRST TRACTOR. I ENDED UP WITH
10 TWO (2) TRACTORS, THREE (3) (INAUDIBLE) LOADERS
11 AND (INAUDIBLE) -- BUT IT WAS -- I HAD AN
12 EXCLUSIVE AD AND I (INAUDIBLE) -- BASICALLY,
13 NOBODY ELSE COULD ADVERTISE UNDER THE SAME
14 BUSINESS I WAS. I HAD AN EXCLUSIVE AD WITH THE
15 OCONEE COUNTY COMMUNITY GUIDE AND I WAS BIDDING
16 FIVE (5) OR SIX (6) JOBS A DAY, YOU KNOW. AND
17 FOUR (4) OF THEM, I -- YOU KNOW, I'D BID AND I'D
18 ALWAYS GET -- AND I WAS ACTUALLY SUBBING OUT TO
19 THE GUY THAT TAUGHT ME HOW TO LAY BRICK. THEY RUN
20 OUT OF WORK. AND I WAS KEEPING THEM IN MOST OF
21 THE WORK.

22 BY OFFICER: YEAH. THAT'S GOOD. IT'S ALWAYS
23 (INAUDIBLE) PEOPLE TAKE CARE OF (INAUDIBLE) ---

24 BY MALE #1: YEAH. WHAT, WHAT HAPPENED IS,
25 UH, MY SISTER-IN-LAW GOT KILLED IN A CAR WRECK.

1 AND THEN HER MOTHER DIED THE DAY OF HER FUNERAL.
2 AND SO THAT LEFT MY WIFE AND HER YOUNGER SISTER.
3 AND HER DADDY WAS A DOPE DEALER, BUT WE ADOPTED
4 HER YOUNGER SISTER AND ALL THAT. AND I GOT SO
5 DEPRESSED THAT, BY THE TIME I REALIZED WHAT I'D
6 DONE, THREE (3) YEARS HAD WENT BY AND I HADN'T
7 DONE NOTHING. DIDN'T WORK. I MEAN, I HAD MONEY
8 IN THE BANK. I WAS DOING GOOD. DIDN'T WORK.
9 DIDN'T DO ANYTHING ANYMORE. WHEN I REALIZED IT
10 WAS TIME TO GO BACK TO WORK, THERE WASN'T NO WORK.

11 BY OFFICER: (INAUDIBLE)

12 BY MALE #1: WELL, I'VE HAD SOME PEOPLE, YOU
13 KNOW, BAD-MOUTH ME FOR LOSING MY BUSINESS. SAID I
14 WAS -- YOU KNOW, WASN'T A GOOD COMPANY, SORT OF
15 BAD-MOUTHING ME AND CRITICIZING. AND I REALLY
16 THINK I DID PRETTY GOOD BECAUSE THERE WAS A LOT
17 MORE SPECIAL BUSINESS THAN MINE THAT WENT OUT
18 FASTER THAN I DID.

19 BY OFFICER: I'M SURE. (INAUDIBLE) START
20 GETTING A HIGH OVERHEAD AND ---

21 BY MALE #1: YEAH. WELL, I PAID FOR
22 EVERYTHING OF MINE. I ONLY HAD ONE (1) LOAN ON
23 ONE TRUCK. EVERYTHING ELSE, I PAID FOR WITH CASH,
24 YOU KNOW.

25 BY OFFICER: THAT'S GOOD.

1 BY MALE #1: IF I HAD HAVE BORROWED A BUNCH
2 OF MONEY, I WOULD HAVE WENT UNDER A LOT SOONER.
3 BUT I WAS ABLE TO SELL EVERYTHING OF MINE WITHOUT
4 LOSING. YOU KNOW WHAT I MEAN? I REALLY, I REALLY
5 DIDN'T LOSE NOTHING. LOST A LOT OF (INAUDIBLE).
6 AFTER YOU DO THAT KIND OF WORK FOR YOURSELF AND
7 MAKE THAT KIND OF MONEY, IT'S HARD TO GO TO WORK
8 FOR SOMEBODY ELSE. I'M GETTING MY DRIVE BACK NOW,
9 THOUGH. MAYBE, MAYBE I'LL GET SOMETHING GOING.
10 THAT WAS THEM RIGHT THERE. HEY, JUST SAY IF HE
11 WAS TO CALL ME UP TOMORROW AND SAY, "ALL RIGHT. I
12 WANT TO GO GET THIS SON OF A BITCH," WHAT, WHAT IN
13 THE WORLD WOULD WE DO?

14 BY OFFICER: WE AIN'T GOING TO LET THAT
15 HAPPEN.

16 BY MALE #1: YEAH, WELL, WELL, THAT'S FOR
17 SURE, BUT ---

18 BY OFFICER: I STARTED EARLY THIS MORNING.

19 BY MALE #1: YOU DO?

20 BY OFFICER: (INAUDIBLE)

21 BY MALE #1: YEAH, I GOT TO BE LEAVING MY
22 HOUSE ABOUT SIX (6:00) IN THE MORNING. MAN,
23 SENECA IS A PRETTY ROUGH PLACE. YOU SAID YOUR
24 COUSIN LIVES THERE?

25 BY OFFICER: YEAH.

1 BY MALE #1: SENECA IS PRETTY ROUGH, MAN.

2 DOGGONE EVERYBODY IN SENECA IS ON METH.

3 BY OFFICER: REALLY?

4 BY MALE #1: YEAH. WELL, NOT EVERYBODY, BUT,

5 I MEAN -- WE WANT TO MOVE. I WANT TO ---

6 BY OFFICER: THAT STUFF'S EVERYWHERE, MAN,

7 THAT METH IS.

8 BY MALE #1: MAN, THIS STAYING UP LATE IS

9 GETTING TO ME.

10 BY OFFICER: LAY DOWN.

11 BY MALE #1: DO Y'ALL DO THIS SHIT EVERY

12 NIGHT?

13 BY OFFICER: (LAUGHTER) NOT EVERY NIGHT, BUT

14 WE WORKED MANY LATE ONES; THAT'S FOR SURE.

15 BY MALE #1: (LAUGHTER)

16 BY OFFICER: TOO MANY OF MY SHARE OF THEM.

17 TAKE A TOLL, TAKE ITS TOLL ON YOU, TOO. THAT'S

18 WHY I, I DON'T SEE HOW THEM OLE' METH HEADS CAN DO

19 THIS STUFF, BOY. STAY UP THREE (3), FOUR (4),

20 FIVE (5) DAYS AT A TIME.

21 BY MALE #1: IT KILLS Y'ALL CHASING THEM,

22 DON'T IT?

23 BY OFFICER: I LIKE SLEEP. I LIKE SLEEPING.

24 I LIKE MY SLEEP.

25 BY MALE #1: YOU CAN ALWAYS SPOT THEM, TOO.

1 THEY THINK THEY ARE INVISIBLE, BUT YOU CAN ALWAYS
2 SPOT THEM. COME IN AT NIGHT TIME WEARING THEIR
3 SUNGLASSES. (LAUGHTER) I HAD THIS ONE BOY THAT
4 WORKED WITH ME, MAN. HE GOT ON THAT STUFF AND HE
5 THOUGHT AS LONG AS HE HAD SUNGLASSES ON,
6 (LAUGHTER) YOU COULDN'T SEE. HE'D TRY TO STEAL
7 RIGHT THERE WITH YOU WATCHING HIM.

8 BY OFFICER: ALWAYS HAD FLASHLIGHTS, TOO;
9 DIDN'T HE?

10 BY MALE #1: YEP. ALWAYS HAD FLASHLIGHTS,
11 YEP.

12 BY OFFICER: PUT THE LIGHT IN (INAUDIBLE) ---

13 BY MALE #1: TWEAK A LOT (LAUGHTER). (SOUND
14 OF CAR DOOR OPENING)

15 BY OFFICER: HANG ON.

16 BY OFFICER: WHERE'S HE AT?

17 BY OFFICER: RIGHT HERE. (INAUDIBLE)

18 BY OFFICER: ALL RIGHT. GO AHEAD AND STEP
19 OUT THERE ---

20 BY OFFICER: DID YOU CUT THAT WIRE, YET,
21 DAVE?

22 BY OFFICER: NO, I HAVEN'T DONE NOTHING.

23 BY OFFICER: YOU WANT ME TO JUST DOCUMENT
24 DATE AND TIME?

25 BY OFFICER: YEAH.

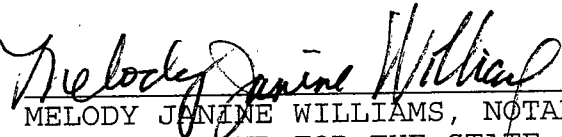
1 BY OFFICER: IT'S MAY 30TH, 2012. IT'S 12:44
2 A.M. WE ARE GOING TO END THE AUDIO RECORDING.
3 END OF TRACK "D"

STATE OF SOUTH CAROLINA)
) CERTIFICATE OF NOTARY
 COUNTY OF ANDERSON)

THIS IS TO CERTIFY THAT THE FOREGOING
 FIFTY-EIGHT (58) PAGES REPRESENT A TRUE AND ACCURATE
 TRANSCRIPTION OF THE CD REGARDING THE MATTER OF
JAMES BARTEE, WHICH WAS PROVIDED TO THE
 OFFICE OF BOWEN COURT REPORTING SERVICE, LLC FOR THE
 PURPOSE OF TRANSCRIPTION BY THE OCONEE COUNTY
 SOLICITOR'S OFFICE, TENTH JUDICIAL CIRCUIT.

THAT I, MELODY JANINE WILLIAMS, COURT
 REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF
 SOUTH CAROLINA, WITHOUT BENEFIT OF ANY NOTES
 WHATSOEVER, TRANSCRIBED THE CD TO THE BEST OF MY
 KNOWLEDGE AND ABILITY, ALTHOUGH THE CD WAS NOT AUDIBLE
 IN SOME INSTANCES.

THIS WILL FURTHER CERTIFY THAT I AM NOT
 INTERESTED IN, NOR AM I COUNSEL OR ATTORNEY TO EITHER
 OF THE PARTIES INTERESTED IN THE EVENT OF THE CAUSE.

 (L.S.)
 MELODY JANINE WILLIAMS, NOTARY
 PUBLIC IN AND FOR THE STATE OF
 SOUTH CAROLINA.

MY COMMISSION EXPIRES: 10/16/2022

MARCH 1, 2013

COUNTY OF OCONEE

IN THE COURT OF COMMON PLEAS

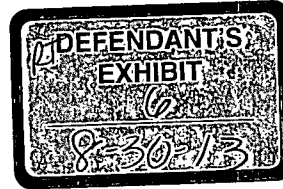
James C. Williams, Jr., Plaintiff

CIVIL ACTION COVERSHEET

2012 - CP - 37 - 469

vs.

Oconee County Commission of Registration and Elections; Joy Brooks, as Director of and as a representative of the Oconee County Commission of Registration and Elections; Oconee County Republican Party; Eddie Adams, as Chair of and representative of the Executive Committee of the Oconee County Republican Party, Defendant(s)



FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT
2012 MAY 22 AM 11 30

Submitted By: Julian L. Stoudemire
Address: Stoudemire & Sprouse, P. A.
Attorneys at Law
P. O. Box 99
Seneca, South Carolina 29679-0099

SC Bar #: 5381
Telephone #: 864.882.1480
Fax #: 864.882.2000
Other:
E-mail: julians@statecom.net

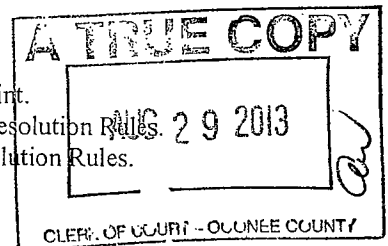
NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)



Contracts ☐ Constructions (100) ☐ Debt Collection (110) ☐ Employment (120) ☐ General (130) ☐ Breach of Contract (140) ☐ Other (199)	Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) Previous Notice of Intent Case # 20___-CP-___-___ ☐ Notice/ File Med Mal (230) ☐ Other (299)	Torts - Personal Injury ☐ Assault/Slander/Libel (300) ☐ Conversion (310) ☐ Motor Vehicle Accident ☐ Premises Liability (330) ☐ Products Liability (340) ☐ Personal Injury (350) ☐ Wrongful Death (360) ☐ Other (399)	☐ Claim & Delivery (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☐ Other (499)
In ☐ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599)	Administrative Law/Relief ☐ Reinstate Drv. License (800) ((800)(800) ☒ Judicial Review (810) ☒ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture-Petition (840) ☐ Forfeiture-Consent Order (850) ☐ Other (899)	Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Confession of Judgment (770)	Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☐ Municipal (930) ☐ Probate Court (940) ☐ SCDOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Comm. (990) ☐ Employment Security Comm (991)
Special/Complex /Other ☐ Environmental (600) ☐ Automobile Arb. (610) ☐ Medical (620) ☒ Other (699)	☐ Pharmaceuticals (630) ☐ Unfair Trade Practices (640) ☐ Out-of State Depositions (650) ☐ Motion to Quash Subpoena in an Out-of-County Action (660) ☐ Sexual Predator (510)	☐ Petition for Workers Compensation Settlement ☐ Other (780)	☐ Other (999)

Copies to: pd \$150.00 cl
 Atty (P) ☒ (D)
 DSS other Williams
 Mailed Boxed handed ☒

Submitting Party Signature:

Date: May 22, 2012

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

TENTH JUDICIAL CIRCUIT
Case Number 2012-CP-37- 469

James C. Williams, Jr.

Plaintiff-Petitioner,

versus

Oconee County Commission of Registration and Elections; Joy Brooks, as Director of and as a representative of the Oconee County Commission of Registration and Elections; Oconee County Republican Party; Eddie Adams, as Chair of and representative of the Executive Committee of the Oconee County Republican Party, ...

Defendants-Respondents.

SUMMONS

2012 MAY 22 AM 11 30

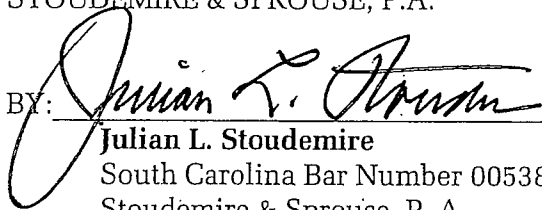
FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT

TO: OCONEE COUNTY COMMISSION OF REGISTRATION AND ELECTIONS; JOY BROOKS, as Director of and as a Representative of the Oconee County Commission of Registration and Elections; OCONEE COUNTY REPUBLICAN PARTY; EDDIE ADAMS, as Chair of and Representative of the Executive Committee of the Oconee County Republican Party, DEFENDANTS

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in this action of which a copy of herewith served upon you, and to serve a copy of your Answer on the subscriber at his office, 811 By-Pass 123, (P. O. Drawer 99), Seneca, South Carolina, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to Answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

STOUDEMIRE & SPROUSE, P.A.

BY:


Julian L. Stoudemire

South Carolina Bar Number 005381

Stoudemire & Sprouse, P. A.

Attorneys at Law

P. O. Box 99

Seneca, South Carolina 29679-0099

Telephone Number (864) 882-1480

FAX Number (864) 882-2000

E-Mail: julians@statecom.net

Seneca, South Carolina
May 22, 2012

ENTERED
fch
COMPUTER

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

TENTH JUDICIAL CIRCUIT
Case Number 2012-CP-37- 469

James C. Williams, Jr.

Plaintiff-Petitioner,

versus

Oconee County Commission of Registration and Elections; Joy Brooks, as Director of and as a representative of the Oconee County Commission of Registration and Elections; Oconee County Republican Party; Eddie Adams, as Chair of and representative of the Executive Committee of the Oconee County Republican Party, ...

Defendants-Respondents.

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

2012 MAY 22 AM 11 30

FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT

The Plaintiff comes before this Honorable Court and would show as follows:

NATURE OF THE CASE

1. This action involves the pending certification of James R. Bartee seeking nomination by political party primary to become a candidate for the Sheriff of Oconee County, South Carolina. Upon information, Mr. Bartee does not meet the statutory requirements to serve as sheriff.

2. Through this Complaint, Plaintiff seeks a declaration that James R. Bartee should not be certified as a candidate for Sheriff of Oconee County, South Carolina, to appear on the State Primary Election ballot or the State General Election ballot as he is ineligible to seek the nomination by political party primary to be a candidate for that office, and is not qualified as a candidate to run in the general election for Sheriff of Oconee County, South Carolina.



PARTIES

Plaintiffs

3. Plaintiff, James C. Williams, Jr, is a resident and citizen of Oconee County, South Carolina, and is qualified and registered to vote in the State primary election currently scheduled for June 12, 2012 ("State Primary"). By virtue of his residence, Plaintiff Williams is qualified to vote in the State Primary for those individuals seeking nomination to become candidates for Sheriff in Oconee County. See Affidavit of James C. Williams, Jr. (attached as Exhibit 1) .

Defendants

4. Defendant Joy Brooks is the duly appointed Executive Director and representative of the Election Commission.

5. Defendant Oconee County Republican Party ("OCRCP") is a county committee of the SCRP.

6. Defendant Eddie Adams is the duly appointed or elected Chairman of the Executive Committee and a representative of Defendant OCRCP.

7. Defendant Oconee County Commission of Registration and Elections ("Oconee Commission") is an agency of the government of the State of South Carolina and an entity charged with carrying out the authority conferred upon it by the South Carolina Election Law, S. C. Code Ann. § 7-1-10, et seq.

JURISDICTION

8. This Court has jurisdiction of this case pursuant to the Uniform Declaratory Judgments Act, S.C. Code Ann. § 15-53-10 et seq. (1976, as amended) and its equitable powers.

STATUTORY BACKGROUND

9. The South Carolina requirements for filing to become a candidate nominated by a political party are clear. "In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary "... must file a statement of intention of candidacy between noon on March sixteenth and noon on March thirtieth ...". S.C. Code Ann. § 7-11-15.

10. § 23-11-110, Code of Laws of S.C., sets the general qualifications for all sheriffs of South Carolina. Pursuant to Section 23-11-110 (A) (5) (c), Mr. Bartee must have "one years experience as a certified law enforcement officer". The Section further provides: "For purposes of this section, a "certified law enforcement officer" is a person who has been issued a certificate as a law enforcement officer pursuant to Section 23-23-10."

11. Mr. Bartee is not and has never been a certified law enforcement officer in South Carolina (see letter of Hubert F. Harrell dated May 21, 2012, attached hereto as Exhibit 2.

12. No later than 12:00 noon on April 9th of each general election year, the state and county executive committees must provide to the Commission written certification of the names of all persons seeking the nomination by political party primary to become candidates. S.C. Code Ann. § 7-13-40.¹ The political parties "must verify the qualifications of those candidates prior to certification to the [Commission] of the names of the candidates to be placed on primary ballots." Id. Furthermore,

The written verification required by this section must contain a statement that each candidate certified meets ... the qualifications for office for which he has filed. Political parties must not accept the filing of any candidate who does not ... meet the qualifications for the office for which the candidate desires to file, and such candidate's name shall not be placed on a primary ballot. Id.

FACTS

13. James Bartee is seeking the Republican nomination to become a candidate for Oconee County Sheriff in the 2012 South Carolina General Election.

14. Upon information and belief, on or about March 16, 2012, Mr. Bartee filed a Statement of Intention of Candidacy with the OCRP to become a candidate for Oconee County Sheriff in the 2012 South Carolina General Election by nomination through a political party in the State Primary. See statement of Intention of Candidacy (Attached as Exhibit 3) Mr. Bartee's SIC was accompanied by his Filing Affidavit - Sheriff and Notice of Candidacy and Pledge, attached hereto as Exhibit 4 and 5.

UNLAWFUL ACTIONS BY THE DEFENDANTS

15. Notwithstanding the ineligibility of Mr. Bartee to seek the nomination to be a candidate for Oconee County Sheriff, upon information and belief, the OCRP accepted the filing of Mr. Bartee, failed to verify the eligibility of Mr. Bartee, as required by law, and provided written certification to the Oconee Commission that Mr. Bartee met the qualifications for the office of Sheriff of Oconee County.

16. Notwithstanding the ineligibility of Mr. Bartee to seek the nomination to be a candidate for Sheriff of Oconee County, upon information and belief, the State Commission or the Oconee Commission accepted the written certifications from the OCRP, certifying that Mr. Bartee met the qualifications for the office of Sheriff of Oconee County.

17. By letter dated April 25, 2012, to Eddie Adams and the OCRP, Plaintiff Williams protested the certification of Mr. Bartee and requested a hearing on Mr. Bartee's eligibility to be a candidate for Sheriff of Oconee County. See Letter from James C. Williams, Jr. dated April 25, 2012 (attached as Exhibit 6). By personal contact on May 10, 2012, Mr. Adams informed the Plaintiff that a hearing would not be held.

¹ If April 9th falls on a Saturday or Sunday, the state and county executive committees must certify the names of all candidates to be placed on the ballot no later than 12:00 noon on the following Monday. S.C. Code Ann. Section 7-13-40.

18. Upon information and belief, the Oconee Commission is in the process of formulating ballots that will include the name of Mr. Bartee.

FOR A FIRST CAUSE OF ACTION
(Declaratory Relief)

19. Each and every allegation contained in the preceding paragraphs is re-alleged and reasserted as if set forth verbatim herein.

20. Plaintiff seeks a declaration that James R. Bartee does not meet the eligibility requirements to be a candidate for Sheriff of Oconee County and was improperly certified as a candidate by the OCRP, that his name may not appear on the ballot for the primary election presently scheduled for June 12, 2012, and that he is not qualified as a candidate to run in the general election.

21. Plaintiff further seeks a declaration that the OCRP and SCRP unlawfully certified as a candidate an individual seeking nomination by political party primary to be a candidate for office who is not eligible to be certified.

FOR A SECOND CAUSE OF ACTION
(Injunctive Relief)

22. Each and every allegation contained in the preceding paragraphs is realleged and reasserted as if set forth verbatim herein.

23. The OCRP failed to comply with South Carolina's election laws by certifying to the Commission a candidate seeking nomination by political party primary to be a candidate for office who is not eligible to be a candidate for sheriff.

24. By certifying a candidate seeking nomination by political party primary to be a candidate for office, who is not eligible, the OCRP has enabled an individual who is unqualified and ineligible to seek such nomination to be listed on the election ballot for the 2012 State Primary and to be qualified as a candidate to run in the general election.

25. If the Commission is permitted to approve, prepare, print, and provide to qualified voters election ballots listing the names of an individual who is unqualified, Plaintiff will suffer significant and irreparable harm in that Plaintiff will be required to participate in a party primary seeking to nominate an individual who is unqualified and ineligible to seek nomination by political party primary, and allowing to be a candidate for office, a person who cannot be certified as the nominee, or who is not qualified as a candidate to run in the general election.

26. This matter implicates the validity of this State's election process and, thus, is a matter of critical public importance. A timely resolution to this question is critical to ensuring the validity of the upcoming primary election and ensuring the validity of the general election should Mr. Bartee prevail in a primary election and appear on the general election ballot.

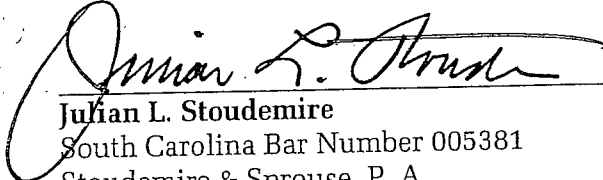
27. As a result, Plaintiff further seeks an order enjoining the Defendants from taking any further action to approve, prepare, print, or provide election ballots and from certifying, approving, printing, or distributing any 2012 primary and/or general election ballots that list the name of Mr. Bartee.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, providing the following relief:

- (a) A declaratory judgment as set forth above;
- (b) An order enjoining the Defendants from taking any further action to print election ballots which list the name of Mr. Bartee;
- (c) An Order enjoining the Defendants from certifying, approving, printing or distributing any 2012 primary and/or general election ballots that list the name of Mr. Bartee, and
- (d) Such other and further relief as this Court deems just and proper.

Respectfully submitted,



Julian L. Stoudemire

South Carolina Bar Number 005381

Stoudemire & Sprouse, P. A.

Attorneys at Law

P. O. Box 99

Seneca, South Carolina 29679-0099

Telephone Number (864) 882-1480

FAX Number (864) 882-2000

E-Mail: julians@statecom.net

Attorney for Plaintiff, James C. Williams, Jr.

Seneca, South Carolina
May 22, 2012

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

TENTH JUDICIAL CIRCUIT
Case Number 2012-CP-37- 469

James C. Williams, Jr.

Plaintiff-Petitioner,

versus

Oconee County Commission of Registration and Elections; Joy Brooks, as Director of and as a representative of the Oconee County Commission of Registration and Elections; Oconee County Republican Party; Eddie Adams, as Chair of and representative of the Executive Committee of the Oconee County Republican Party.....

FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT

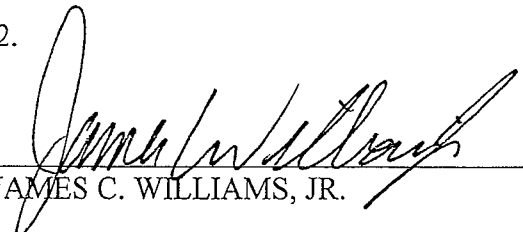
2012 MAY 22 AM 11:30

AFFIDAVIT OF JAMES C. WILLIAMS, JR.

I, JAMES C. WILLIAMS, JR., who after being duly sworn, do hereby depose and state:

That I am a citizen and resident of Oconee County, South Carolina, residing at

I am registered and qualified to vote in the Primary Election scheduled for June 12, 2012, and
in the General Election scheduled for November 2012.


JAMES C. WILLIAMS, JR.

Sworn to before me this 17th
day of May, 2012,

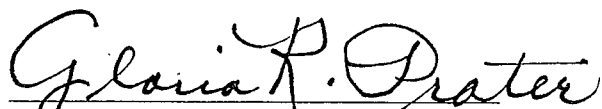

Notary Public for South Carolina
My commission expires: 08 27 19

EXHIBIT 1



South Carolina Criminal Justice Academy

May 21, 2012

Julian L. Stoudemire, Esquire
Stoudemire & Sprouse, P.A.
Post Office Box 99
Seneca, South Carolina 29679-0099

RE: Freedom of Information Act
Certification Records: James R. Bartee

Dear Mr. Stoudemire:

I received your May 16, 2012 Freedom of Information Act request. Please note that we were not able to locate any records for James R. Bartee. This indicates that Mr. Bartee is not and has never been a certified law enforcement officer pursuant to S.C. Code 23-23-10 et seq.

If you would like us to look further, please ensure the name and spelling for Mr. Bartee are correct. If they are, then I will need Mr. Bartee's social security number or ACADIS number to further examine our records.

If you have questions, please contact Brandy A. Duncan, General Counsel, at 803-896-7414.

As always, please feel free to contact me if I can be of further assistance.

Sincerely,

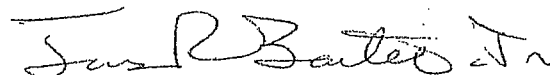
Hubert F. Harrell
Director

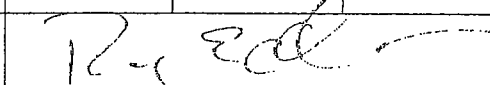
HFH:bad

Statement of Intention of Candidacy - Partisan

- This form must be completed by a candidate seeking partisan office.
- A Statement of Intention of Candidacy must be filed with each party the candidate wishes to be the nominee.
- The S.C. Constitution prohibits a person who has been convicted of a felony from filing for public office for 15 years after the completion of the sentence, including probation and parole time, unless previously pardoned.

Name	James Richard Bartee, Jr.			Party	Republican			
Office	Sheriff of Oconee County, SC			District	10th			
Primary or Convention	Primary		Election Date	June 12, 2012				
Address	PO Box 1410		City	Seneca, SC		Zip	29679	
Email Address	JamesBartee@BARTEEforSHERIFF.com							
Telephone	Cell	864/414-7425		Home	864/886-8513		Work	864/886-8511
Voter Registration Number	6-402-813							
Guidelines for a Candidate's Name to appear on the ballot: ▪ A given name or a derivative may be used ▪ The name will not contain quotations, parentheses, or other distinguishing marks ▪ Nicknames are allowed if they are used in good faith for honest purposes and do not: ▪ Imply professional or social status ▪ Include an office or military rank ▪ Exceed 15 letters								
Name as you wish it to appear on ballot (please print)		James Bartee						
Audio Ballot -- Phonetically spell your name, if necessary		Example Jackson Gervais: jur-VAY		James Bartee: Bar-T				

Candidate's Oath	
I affirm that I meet, or will meet by the time of the general or special election, the qualifications for this office.	
Candidate's Signature	

Completed by County Party			
Date Received	3-16-12	Time Received	1200
Received By			
County Political Party	Oconee GOP		

Completed by State Party			
Date Received		Time Received	
Received By			
State Political Party			

Filing Affidavit- Sheriff

State of South Carolina

County of OCONEE

I, James Richard Bartee, Jr. being duly sworn, make this affidavit to meet the requirements of law set forth in S.C. Code of Laws §23-11-110.

1. I am a candidate for the Republican Party for nomination for Sheriff.
2. My date of birth is 09/16/57 and my place of birth is Washington, DC.
3. I am a resident of OCONEE County and have been a resident for 12 years.
4. I am a registered voter in OCONEE County.
5. I am a citizen of the United States.
6. I have, or will have, attained the age of at least twenty-one years prior to the date of election for this office.
7. I have not been convicted of or plead guilty to a violation of Section 56-1-460 or 56-5-2930, or both, within the past ten years or a felony in this State or another state.
8. I received a high school diploma or its recognized equivalent in educational training as established by the State Department of Education on the following date: 06/75.
9. I have 17 year(s) experience as a certified law enforcement officer. (if none, enter zero)
10. I received a two-year associate degree on the following date: 1982. (if not, leave blank)
11. I received a four-year baccalaureate degree on the following date: 1983. (if not, leave blank)
12. I have served as a summary court judge for: N/A year(s). (if none, enter zero)
13. I have been fingerprinted and had the State Law Enforcement Division search local, state, and federal fingerprint files for any criminal record, and the results have been filed with the appropriate filing officer; or I will submit the fingerprints necessary to conduct this search to SLED no later than 130 days prior to the General Election.
14. I meet one of the following education and experience requirements:
 - ☒ a. obtained a high school diploma or its recognized equivalent in educational training as established by the State Department of Education and have at least five years experience as a certified law enforcement officer; or
 - ☒ b. obtained a two-year associate degree and have three years experience as a certified law enforcement officer; or
 - ☒ c. obtained a four-year baccalaureate degree and one year experience as a certified law enforcement officer or
 - d. served as a summary court judge for at least ten years.

Completed by Notary Public for South Carolina		Completed by Candidate	
Signature	<u>Katherine H. [Signature]</u>	Signature	<u>James R. Bartee, Jr.</u>
Sworn before me on this date	<u>3/16/2018</u>	Address	<u>P.O. Box 1410 Seneca, S.C. 29679</u>
Commission expiration date	My Commission Expires November 23, 2019		

NOTICE OF CANDIDACY AND PLEDGE

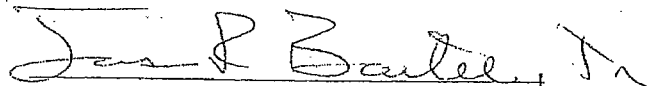
STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

I hereby file my notice as a candidate for the nomination as **SHERIFF** in the **Primary** election to be held on **June 12, 2012**. I affiliate with the Republican Party, and I hereby pledge myself to abide by the results of said primary and I authorize the issuance of an injunction upon ex parte application by the party chairman, as provided by law, should I violate this pledge of offering or campaigning in the ensuing general election for election to this office or any other office for which a nominee has been elected in said primary election, unless the nominee for any such office has become deceased or otherwise disqualified for election in said ensuing general election.

James R. Bartee, Jr.
Print Name

864/414-7425
Mobile Telephone

PO Box 1410
Address


Signature

Seneca, SC 29679
City

Zip

03/16/2012
Date

864/414-7425
Home Telephone

The notice of candidacy required by this section to be filed by a candidate in a primary must be signed personally by the candidate, and such signature of the candidate must be signed in the presence of the county chairman or such other officer as may be named by the county committee with whom such candidate is filing or a candidate must have his signature on the notice of the candidacy. Any signature by an agent on behalf of a candidate shall not be valid.

NOTE: The county chairman shall retain the original, a copy shall be given to the candidate and a copy shall be mailed to State Republican Party Headquarters.

South Carolina Republican Party
1913 Marion Street
Columbia, SC 29201

Revised 2012

JAMES C. WILLIAMS, JR
1703 Keowee Lakeshore Drive
Seneca, South Carolina 29672

April 25, 2012

Mr. Eddie Adams, Chairman
OCONEE COUNTY REPUBLICAN PARTY
102 West North First Street
Seneca, South Carolina 29678

RE: Sheriff's Candidacy of JAMES R. BARTEE

Dear Mr. Adams:

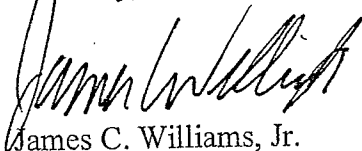
I wish to file a protest of the party's certification of the candidacy of Mr. James Bartee to run for Sheriff of Oconee County. Because the primary date is fast approaching, I am requesting that you schedule a hearing on my protest as soon as practicable.

South Carolina Law (Sections (7-13-40 and 7-13-150, Code of Laws of SC) requires that political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election commission.

South Carolina Law requires a candidate for sheriff to meet certain minimum experience requirements to be eligible to run for sheriff. Since Mr. Bartee appears to have a four year baccalaureate degree, he would need to have a minimum of one year's experience as a South Carolina Law Enforcement officer pursuant to Section 23-11-110 of SC Code of Laws. The question is whether or not Mr. Bartee meets this experience requirement.

If the Republican Party has any substantive or procedural rules which must be followed in handling this protest, please let me know immediately. I shall appreciate your contacting me to schedule a hearing in a timely manner. I can be reached by cell phone 803.533.8000 or email at jwiljrj@netscape.net.

Sincerely,



James C. Williams, Jr.

cc: Mr. James Bartee

STATE OF SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS

TENTH JUDICIAL CIRCUIT
Case Number 2012-CP-37- 469

James C. Williams, Jr.

Plaintiff-Petitioner,

versus

Oconee County Commission of Registration and
Elections; Joy Brooks, as Director of and as a
representative of the Oconee County Commission of
Registration and Elections; Oconee County
Republican Party; Eddie Adams, as Chair of and
representative of the Executive Committee of the
Oconee County Republican Party,.....

Defendants-Respondents.

ORDER

2012 MAY 22 PM 2 17

FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT

This matter comes before me for a Declaratory Judgement filed in this Court which has jurisdiction of this case pursuant to the Uniform Declaratory Judgments Act, S.C. Code Ann. § 15-53-10 et seq. (1976, as amended) and its equitable powers. The issues set forth in the Complaint implicates the validity of this States' election process and, thus, is a matter of critical public importance. The OCRP primary is set for Tuesday, June 12, 2012, and in accordance with Rule 57, SCRPC " ...[t]he court may order a speedy hearing of an action for a declaratory judgment and may advance it on the calendar."

NOW, THEREFORE,

IT IS ORDERED:

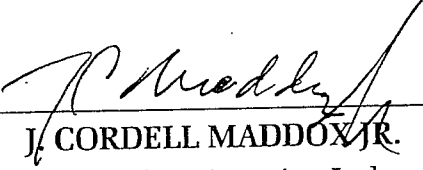
Case Number 2012-CP-37- 469 shall be advanced on the calendar and a speedy hearing of an action for a declaratory judgment shall be scheduled by Beverly H.

ENTERED
tel
3
COMPUTER
mms hmd

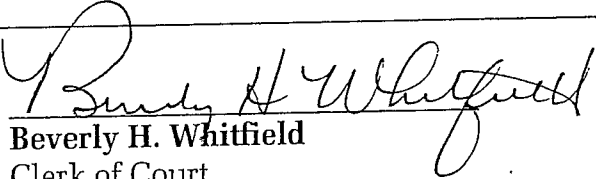
Whitfield, Clerk of Court for Oconee County, South Carolina, in accordance with Rule 57; SCRCF, and the parties notified of the date, time and place of the hearing by service of the pleadings and this Order upon them.

AND IT IS SO ORDERED!

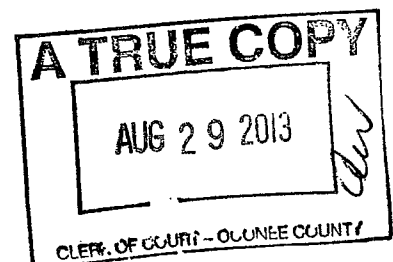
Walhalla
Anderson, South Carolina
May 22, 2012


J. CORDELL MADDOX JR.
Chief Administrative Judge
Tenth Judicial Circuit

A Hearing in this matter has been set before the Honorable J. CORDELL MADDOX JR. on the 24 day of May, 2012 at 11:30 o'clock, 9 . m. The hearing will be held at Oconee Courthouse 3rd Floor Courtroom B


Beverly H. Whitfield
Clerk of Court

FILED OCONEE, SC
BEVERLY H. WHITFIELD
CLERK OF COURT
2012 MAY 22 PM 2 17



STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF Oconee)

10th JUDICIAL CIRCUIT

CASE NO.: 2012-CP-37-00469

James C Williams Jr)

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff,)

vs.)

Oconee County Commission of Registration
and Elections; et al)

Defendant.)

Plaintiff's Attorney: Julian L Stoudemire, Bar No. 5381 Address: P O Box 99, Seneca, SC 29679-0099 Phone: 864-882-1480 Fax 864-882-2000 E-mail: julians@statecom.net Other: _____		Defendant's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____	
☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☒ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: _____		Court Reporter Needed: ☐ YES / ☐ NO	
Estimated Time Needed: _____			
SECTION II: Motion/Order Type			
☐ Written motion attached ☒ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
Signature of Attorney for ☒ Plaintiff / ☐ Defendant		05/22/2012 Date submitted	
SECTION III: Motion Fee			
☒ PAID - AMOUNT: \$ 25.00 ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☐ Other: _____			
JUDGE'S SECTION			
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		JUDGE CODE _____ Date: _____	
CLERK'S VERIFICATION			
Collected by: TSH Date Filed: _____ ☒ MOTION FEE COLLECTED: \$ 25.00 ☐ CONTESTED - AMOUNT DUE: \$ _____			

FILED OCONEE, SC
BEVERLY N. WHITFIELD
CLERK OF COURT
2012 MAY 22 PM 2 18

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

James C. Williams, Jr.)

Plaintiff,)

vs.)

Oconee County Commission of Registration et. al.)

Defendant.)

IN THE COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT

CASE NO.: 2012-CP-37-469

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney:

_____, Bar No. _____

Address:

Phone: _____ Fax _____

E-mail: _____ Other: _____

Defendant's Attorney: Attorney for Intervenor
Stephen H. Brown, Bar No. 957

Address:

P.O. Box 10439 Greenville, S.C. 29603

Phone: (864) 350-7750 Fax _____

E-mail: stephen@stephenbrownlawfirm.com Other: _____

- ☒ **MOTION HEARING REQUESTED** (attach written motion and complete **SECTIONS I and III**)
☐ **FORM MOTION, NO HEARING REQUESTED** (complete **SECTIONS II and III**)
☐ **PROPOSED ORDER/CONSENT ORDER** (complete **SECTIONS II and III**)

SECTION I: Hearing Information

Nature of Motion: Intervention

Estimated Time Needed: 30 minutes

Court Reporter Needed: ☒ **YES** / ☐ **NO**

SECTION II: Motion/Order Type

☐ Written motion attached

☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☐ Plaintiff / ☐ Defendant _____ Date submitted _____

SECTION III: Motion Fee

☒ **PAID - AMOUNT:** \$ 25.00

☐ **EXEMPT:**

(check reason)

☐ Rule to Show Cause in Child or Spousal Support

☐ Domestic Abuse or Abuse and Neglect

☐ Indigent Status ☐ State Agency v. Indigent Party

☐ Sexually Violent Predator Act ☐ Post-Conviction Relief

☐ Motion for Stay in Bankruptcy

☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)

☐ Proposed order submitted at request of the court; or,

reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____

☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.

☐ Other: _____

JUDGE CODE _____

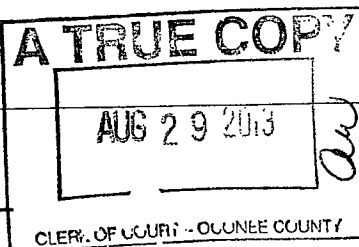
Date: _____

CLERK'S VERIFICATION

Collected by: BW Date Filed: 25.00

☒ **MOTION FEE COLLECTED:** \$ 25.00

☐ **CONTESTED - AMOUNT DUE:** \$ _____



FILED OCONEE, SC
BEVERLY FLEMING
CLERK OF COURT
2012 MAY 23 PM 4 39
2012 MAY 23 PM 4 39

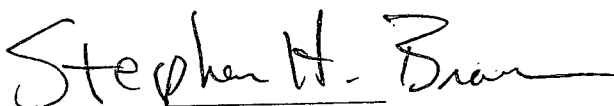
Pursuant to Rule 24 of the *South Carolina Rules of Civil Procedure*, James R. Bartee, Jr., moves to be permitted to intervene in this action as a Defendant – Respondent, as a matter of right, because he claims an interest relating to the transaction which is the subject of this legal action which will be impaired or impeded if he is not allowed to protect and defend his interests in the matter. Alternatively, Mr. Bartee seeks permission to intervene in this action, at the discretion of the Court, because his defense and the main action have questions of law and fact in common.

The nature of this case, as defined by the Plaintiff – Petitioner and set forth in his Complaint, challenges the eligibility of the Intervenor Applicant to be certified as a candidate for Sheriff of Oconee County, South Carolina. The Complaint expressly references Mr. Bartee, by name, and alleges that he does not meet the statutory requirements to serve as sheriff. Mr. Bartee asserts that he is currently qualified to be nominated, and will by the date the general election is held be qualified to be elected and to serve as Sheriff of Oconee County. Mr. Bartee submits that justice, due process and simple fairness entitle him to intervene in this action before this Court. Without the right to intervene in this action, he will not have the opportunity to defend his good name, his qualifications for office, and his right to be on the primary ballot, and eventually the general election ballot in the event he wins the primary.

The Intervenor Applicant's motion is based upon the referenced *South Carolina Rules of Civil Procedure*, all applicable statutory and case law, any evidence which may be properly and timely submitted to the Court at the hearing, as well as such oral argument as the Court shall permit.

Respectfully submitted,

STEPHEN H. BROWN, LLC

A handwritten signature in black ink that reads "Stephen H. Brown". The signature is written in a cursive, flowing style. The first name "Stephen" is written in a larger, more prominent script, followed by "H." and "Brown". The signature is positioned above the printed contact information.

Stephen H. Brown
S.C. Bar No. 957
Post Office Box 10439
Greenville, SC 29603
(864) 272-3424
(864) 527-3153 fax
stephen@stephenbrownlawfirm.com
Attorney for the Intervenor Applicant
James R. Bartee, Jr.

May 23, 2012

Tuesday, May 29, 2012, at 11:54 p.m.

Mark Gregory (ACSO): Jeff Kinley with SLED, Michael Sloan with SLED, and David Baker with the Anderson County Sheriff's Office, ATF Agent Shawn Stallo present, sending a CI to speak with a sheriff candidate in Oconee County in reference to a SLED investigation.

Nick Blackwell

James Bartee

Beginning at 18:50:00 on the tape

(knocking heard)

NB: What's going on? (inaudible)

NB: Doing all right today?

JB: What's going on, Black?

NB: I got some uh...

(inaudible)

NB: Rusty, you haven't met Rusty yet...

JB: Oh ok (inaudible).

NB: He's one of them guys that I hired, but he don't know nothing about nothing really.

JB: Oh good.

NB: I don't tell 'em no more than I have to.

JB: I wouldn't.

NB: ...talking to him this morning (inaudible)

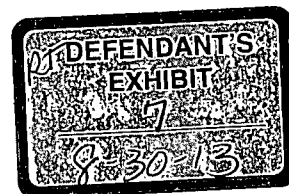
JB: (Inaudible)

NB: Yeah. But...

JB: (inaudible) on Facebook, too.

NB: Yeah.

JB: People are eating you up.



NB: They are?

JB: Yeah they're eating you up because their all voting for Fricks (inaudible) or Crenshaw. There ain't no arguing with them because they're just sitting here full time running them (inaudible).

NB: It ain't good.

JB: I've asked these boys, look...

JB: --(Inaudible)----Oconee don't let anyone post anything even on that Oconee...

NB: Yeah.

JB: I said I can't control you because it ain't my site ---(inaudible)---- you say you're supporting me --- (inaudible)--- either shut the damn thing down or...

NB: Yes today man they had a thing on there something about dressed in battle rattle.

JB: Yeah that would be the ...

NB: (laughs)

JB: ad that that idiot put in the newspaper.

NB: Who put a ad?

JB: Fricks did. That's what he called himself, dressed in battle rattle.

NB: Oh when he's holding the AK-47?

JB: Whatever he was holding, I didn't look at it ---(inaudible)--- flash going off man, muzzle off and everything, I mean, what does he think, he's an action star?

NB: He's a fucking idiot.

JB: I know ---(inaudible)---- he killed himself with ----(inaudible)-----.

NB: Hey did you see the ducks that they had...

JB: Jerry Edwards will throw 'em into the wolves because...

NB: Yeah.

JB: Jerry wouldn't have put out a picture like that, you know what I'm saying? And then some girl wrote something or another about him going to ---(inaudible)---- like I ain't got nothing to do with Oconee --- (inaudible)----. But it don't matter, Mr. Williams didn't show up tomorrow, they can still go on --- (inaudible)-- and he don't know why.

NB: They can?

JB: ----(inaudible)-----

NB: And your lawyer told you that?

JB: Yep.

NB: Huh.

JB: Somebody can sue ya. It don't matter if he didn't show up. Julian would still do it. If Julian wasn't there they would they would postpone it. ----(inaudible)----- crock of crap ----(inaudible)----- that you didn't show up.

NB: If I don't go to court I got a damn bench warrant on me.

JB: Watch what I'm saying, the system's stacked, ain't it for the lawyers and stuff.

NB: Here's uh, 138 dollars, and I told you now some of it I used in gas, you know what I mean.

JB: I know you've been trying hard but I wouldn't doubt ----(inaudible)-----.

NB: ----(inaudible)-----

JB: ----(inaudible)-----

NB: I was kind of looking forward to busting him in the head.

JB: No, we can wait on that.

NB: (laughs) Wait on it?

JB: Yeah, depends on if we have to, we can't make a difference anyway and have him be there tomorrow. It doesn't make him look good. He's a weasel, isn't he? Right?

NB: I don't know man, it's just some bullshit.

JB: Well, we'll see tomorrow, I don't know. I have no idea. I think it's stacked cards is what I think. We'll see tomorrow.

NB: They probably paid the judge, not Judge Williams, I mean the judge...

JB: Judge Maddox. Yeah. I'm afraid so. It'll be on the radio, turn it on and listen.

NB: What time?

JB: Starts at 2, 96.3.

NB: Oh it's two, not three?

JB: I think it's two, ain't it?

NB: Even though, even though, I mean we ain't gonna take him hostage or nothing but even worse than that I can meet him up there at the stop sign or something.

JB: (laughs)

NB: You know what I'm saying? Tell him hey, why I don't ----(inaudible)----- he don't need to see me, does he?

JB: No, you got enough shit on your head. He probably knows who you are, he probably studies all this stuff, Facebook...

NB: I bet he does.

JB: You're damn right he knows. You don't want to get in trouble. This is the kind of thing you let the dust settle. --- (inaudible) --- and does that'll --- (inaudible) --- the Hatfields and McCoys. That's a great show. It's funny, just let it go for a couple of months, let the dust settle. You sneak up on someone I don't care if they see it or not as far as I am concerned. I feel the right thing to do is --- (inaudible) --- they don't know what hit 'em. (This is where Bartee held his hand up and made a motion of pointing a gun.)

NB: Yeah. I want, I'd like to see Jerry Edwards go fucking down.

JB: Now that's the one that's causing all the problems.

NB: He's a fucking... he's a dick, man.

JB: Yep, yep. There's probably a lot of people in Oconee who'd pay you for him.

NB: I wish I knew where they were.

JB: Who, sure you do. You're not helping yourself while your --- (inaudible) --- with me. You're --- (inaudible) ---.

NB: It's Fricks, man. It's uh... I mean I haven't heard nothing out of him --- (inaudible) --- hey did you ever listen to that CD?

JB: No, it's laying right here. I ain't had time.

NB: Yeah, I know you busy. You'd probably get a kick out of it though with what all he says. He's telling me choose the place you want to die.

JB: I'm glad you said that because, I mean I told --- (inaudible) --- needed to send it to me today --- (inaudible) ---.

NB: Oh did they?

JB: On the computer --- (inaudible) ---.

NB: Yeah. Hey I played that song, that Mike Crenshaw song, I played it for my boss man today, and he laughed his ass off.

JB: It was funny, wasn't it?

NB: Yeah. He kept laughing. Man I'll tell you, if we you know, when we, if we decide like at a later court hearing or whatever, if we decide to get the judge, I'm just, I'm going to take a fire extinguisher...

JB: That could mess him up.

NB: Yeah. I'll take a fire extinguisher and spray his ass...I got, you know I got them, that's what I did tonight I had to go down there 'cuz I can't talk to them on the phone you know what I mean, I had to go down to Greenville and tell these guys just to hold up, you know 'cuz they were planning on meeting me.

JB: Yeah:

NB: You know I had to go...

JB: Man, we just have to save it for a later date when the dust settles. Right now, you'd have the FBI (inaudible) you'd have the FBI here in a day.

NB: You think so?

JB: Yeah. You gotta let the dust settle, you know what I'm saying?

NB: Yeah.

JB: Hell yeah, he would.

NB: Even if we blamed it on Jerry Edwards? You think they, who would care, if the FBI was on Jerry Edwards?

JB: Uh...

NB: You know what I'm saying?

JB: Yeah but I'd still let the dust settle. Make it work later, you know what I'm saying? Too much going on right now. We gotta see what happens tomorrow.

NB: Hey, say this. Say if they don't get you off the ballet.

JB: Mmm hmm. Oh if they don't get me off the ballet then we're gonna walk away with the election. If everyone can keep their cool and stay off the Facebook and stuff, you know what I'm saying?

NB: Yeah.

JB: Don't argue with those people. If they call you a son of a bitch, so what. And I've been called everything in the book so far.

NB: Well you ain't seen the comments I post back at them. I just humor them, you know what I'm saying?

JB: Yeah but I... they're just, they've gone crazy.

NB: Yeah but I ain't said nothing to them in two or three days.

JB: Yeah, I'd just stay off, it don't help ya.

NB: Yeah. There's no point in it.

JB: Let everything settle.

NB: That Oconee sheriff's website, did you see where they uh, was talking about sending a petition to the Solicitor's Office about me?

JB: Who was?

NB: The Oconee sheriff's guy.

JB: Well, I mean, for what? They can't send a petition.

NB: 'Cuz they're fucking crazy.

JB: They don't have a clue.

NB: (laughs) Damn.

JB: But you need to stay low, lay low, you know what I'm saying?

NB: Yeah.

JB: Don't bring, you don't want to bring any more attention to yourself, in my opinion.

NB: Yeah. No, I don't need no more.

JB: You got a wife and kids. We'll get this figured, we'll get this figured out and that's the way I look at it.

NB: So did they send it to you or you don't know.

JB: No, they didn't send it to me, I just sent them an email.

NB: Oh. It's pretty funny a damn state trooper is gonna threaten me like that.

JB: Former state trooper.

NB: Yeah, former state trooper.

JB: There's a reason he's a former state trooper.

NB: (Laughs) I mean I don't see how nobody takes him seriously. I really thought it was a computer animated voice. I don't see how nobody can take him seriously, if he'd been sitting there talking to me at my window I'd laugh at him.

JB: I agree with you.

NB: (Laughs)

NB: Man, I was all psyched up. (Referring to the Judge)

JB: Yeah, well, I'm just saying you don't spend your political favors until you have to. You know what I'm saying?

NB: Yeah.

JB: That's what I think. There might be a time, but tomorrow ain't going to be it.

NB: Yeah. Well...

JB: Right now they would blame me anyway.

NB: Huh?

JB: I said if it happened tomorrow it they would blame me anyway.

NB: You think so?

JB: I mean, there's no need, it doesn't matter whether he's there or not, there's no need. If they would say they would drop the case if he wasn't there, then like I said drive him up the road and drop him off. Right?

NB: Take him to Asheville? I was going to take him to Table Rock, man.

JB: Yep.

JB: Somewhere. You need somewhere where it takes a long time to get back.

NB: Yeah. (laughs)

JB: Right.

NB: Yeah.

JB: That would make him pee his pants anyway.

JB: You never know, I'm sure he owns a gun, too. Weasel.

NB: That's what I need, I need me a damn gun, boy.

JB: You need something. All right, let's both get some rest.

NB: Yeah, and uh... I didn't get to make it up to that place to vote. But I'm gonna go in the morning,

JB: You can go in the morning...

NB: But it's possible that we're gonna go to Tennessee and do a job. I won't know until in the morning.

JB: No problem, they open at eight.

NB: Right, but if we are, I gotta meet at 7:15...

JB: Okay.

NB: If we are, we'll know then that we're going and I'll get to go back home then and we won't leave out until about noon, and we'll have to pack and shit, uh so I'll have time then, I'll do it then...

JB: Yeah, it takes five minutes.

NB: All right, Mr. Bartee...

JB: All right, and you just gotta remember that wife and kids for now.

NB: I got ya, man.

JB: I'll let you loose when it's time.

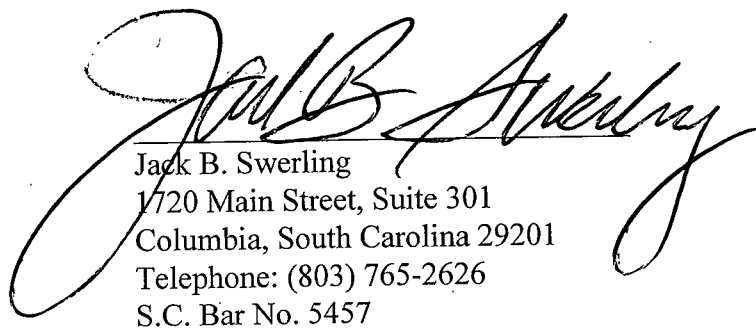
NB: Okay, man. (29:42:6)

End of tape: May 30, 2012, at 12:44 a.m.

CERTIFICATE OF COUNSEL

Pursuant to Rule 210(g) of the South Carolina Appellate Court Rules, counsel for appellant certifies that this record on appeal contains all material proposed to be included by any of the parties (except those exhibits which are being transported to the South Carolina Court of Appeals pursuant to court order, as explained in the index to this record on appeal, at page iv) and not any other material.

Counsel further certifies that this record on appeal complies with the Order of the Supreme Court of South Carolina entitled *Re: Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings*, 407 S.C. 607, 757 S.E.2d 421 (April 15, 2014).



Jack B. Swerling
1720 Main Street, Suite 301
Columbia, South Carolina 29201
Telephone: (803) 765-2626
S.C. Bar No. 5457

Katherine Carruth Goode
229 Congress Street
Post Office Box 1175
Winnsboro, South Carolina 29180
Telephone: (803) 799-4440
S.C. Car No. 8951

ATTORNEYS FOR APPELLANT

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Oconee County
Court of General Sessions
R. Lawton McIntosh, Circuit Court Judge

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SC Court of Appeals

Case No. 2012-GS-37-597
Appellate Case No. 2013-001895

The State,

Respondent,

v.

James Richard Bartee,

Appellant

PROOF OF SERVICE

I certify that I have served the Record on Appeal, by mailing a copy, postage prepaid, to Assistant Attorney General William M. Blitch, Jr., P.O. Box 11549, Columbia, South Carolina 29211, on May 1, 2015.



Kellie A. Switzer
Paralegal to Jack B. Swerling
1720 Main Street, Suite 301
Columbia, South Carolina 29201
Telephone: 803-765-2626