

22,487

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

William P. Keesley, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ALICIA ADDERLY,

APPELLANT

APPELLATE CASE NO. 2015-000658

RECORD ON APPEAL

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No Respondent's Brief Filed

NO DEFENDANT'S BRIEF

JAN 13 2016

SC Court of Appeals

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STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

COURT OF GENERAL SESSIONS

Alicia Adderly,)
PLAINTIFF,)
v.)
The State of South Carolina)
DEFENDANT.)

TRANSCRIPT OF JURY SELECTION
2013-GS-07-00788

Beaufort Cuntly Courthouse
March 16, 2015

BEFORE:

HONORABLE WILLIAM P. KEESLEY, PRESIDING JUDGE.

APPEARANCES:

Assistant Solicitor Mary Concannon
Attorney for The State of South Carolina

Public Defender Tracy Campbell
Attorney for Alicia Adderly

TAKEN BY MELISSA R. SINGLETARY
CERTIFIED VERBATIM REPORTER

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Jury Selection Only

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EXHIBITS

Court's Exhibit One was marked - Defendant's Voir Dire

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1 The Court: Solicitor, call your first case.

2 Ms. Concannon: Thank you, Your Honor. The State
3 calls Alicia Adderly. Indictment 2013-GS-07-0788.
4 Charged with criminal domestic violence of a high and
5 aggravated nature.

6 The Court: All right. Ladies and Gentlemen of the
7 jury panel, we're about to qualify a jury in the case
8 that is captioned The State of South Carolina vs. Alicia
9 Adderly. Ms. Adderly is charged with criminal domestic
10 violence of a high and aggravated nature.

11 In the indictment, it is alleged that in Beaufort
12 County, South Carolina on or about April 27, 2013, Ms.
13 Adderly caused physical harm or injury to Terrence
14 Adderly, a household member of Ms. Adderly or that she
15 offered or attempted to cause physical harm and injury
16 with the apparent physical ability under circumstances
17 reasonably creating fear of eminent apparel to Terrence
18 Adderly.

19 It is alleged that the assault on Mr. Adderly
20 involved the use of a deadly weapon or resulted in
21 serious bodily injury to Mr. Adderly or would reasonably
22 of caused a person to fear serious bodily injury or
23 death. That's alleged to be in violation of the code
24 section of criminal domestic violence of a high and
25 aggravated nature. Upon her arraignment on this charge,

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1 Ms. Adderly has entered a plea of not guilty. She is
2 presumed to be innocent. It is incumbent upon the State
3 of South Carolina having brought this charge to proof
4 every essential element of the charge against Ms. Adderly
5 beyond a reasonable doubt.

6 An indictment is not evidence. This charging paper
7 is nothing more than that. It's called an indictment but
8 it is not evidence, it has no evidentiary value and you
9 may not accord it any.

10 I'll be asking you a series of questions. If any of
11 these questions apply to you, or you have doubt about
12 whether they apply to you, please stand and listen to the
13 question that I ask of you and answer that question.

14 Now, is Alicia Adderly in the courtroom?

15 Ms. Concannon: Yes, Your Honor.

16 The Court: Would you please stand and face the jury.

17 (Witness complies)

18 The Court: Thank you very much. You may be seated.

19 (Witness complies)

20 The Court: Is there any member of the jury panel who
21 is related by blood or marriage or connected by
22 employment with the defendant in the case, Alicia
23 Adderly? Is so, please stand. Ms. Adderly will be ...

24 Bailiff: One standing, Your Honor.

25 The Court: State your name, please.

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1 Ms. Abreu: Gloria Abreu.

2 The Court: Say it again?

3 Ms. Abreu: Gloria Abreu.

4 The Court: Jury number 1. What is your situation?

5 Ms. Abreu: We are friends.

6 The Court: Okay.

7 Ms. Abreu: She's a very decent person.

8 The Court: Hold on. Don't start telling ...

9 Ms. Abreu: Okay. I ...

10 The Court: Hold on. Let me finish. I need you to
11 come around here and talk to me on the side, please.

12 Thank you.

13 Bailiff: Juror number one, Your Honor.

14 (Discussion between Judge, Ms. Abreu and counsel)

15 The Court: Ms. Abreu, I'm going to set you aside
16 for this case. Are they going back in the jury assembly
17 room after lunch, does that sound right?

18 Clerk: I'm sorry, Judge?

19 The Court: After - there's no need for her to stay,
20 she needs to come back after lunch, does she go to the
21 jury assembly room?

22 Clerk: She can.

23 The Court: Find out what time. Just have a seat
24 right there and I'll find out what time. Jury One is set
25 aside for this case.

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1 All right. Ladies and Gentlemen, I guess that - in
2 my instructions to the jury, I try to go through
3 everything that I think that might happen. One of the
4 things I generally say when I'm giving full instructions
5 is that when I am asking you these questions there may be
6 times when I limit your responses. There may be times
7 when I just say answer the question yes or no. If you
8 feel that you cannot answer the question with the
9 limitations I place on you to come down front and give me
10 the full explanation. I usually tell the juries, and
11 it's my fault for not doing it. I'm trying to speed
12 things along so that you can get out of her and failed
13 bad.

14 They want you back, ma'am, at 2:15, 2:15 in the jury
15 assembly room. Thank you.

16 Ms. Abreu: Thank you.

17 The Court: The purposes of all these questions.
18 There are going to be several other ones so I usually
19 tell jurors if you got some connection with someone don't
20 endorse somebody or don't condemn somebody in front of
21 the whole jury. So, if you have a connection with
22 someone and we need to set you aside that's fine. That's
23 why we don't just bring in twelve people, we bring in a
24 lot more. There was some comments just made about the
25 defendant, so you're under oath and I expect you to tell

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1 me the truth. Is there anything about what that lady just
2 said, who was just excused from the jury, that will
3 affect you in any way in being a fair and impartial jury
4 in this case? If so, please stand. If you have any
5 question about your inability to put that out of your
6 mind and decide the case only on the evidence in the law,
7 you need to tell me now so if so please stand. Okay.

8 Unfortunately that happened to the other judge that
9 was here the last time I was here. It was a civil case
10 but we had a lot more detail then what we just had. I
11 guess I need to make I've covered that from now on?

12 Okay. Now, the following persons have been
13 identified as potential witnesses in the case. If any of
14 these people are present I need for the person to stand
15 as his or her name is called. Andre Massey of the Port
16 Royal Police Department. Thank you, sir. You may be
17 seated. Terrence Adderly, Dr. Nicholas Dardes, D-a-r-d-
18 e-s, Scott O'Neal of the Port Royal Police Department;
19 John DiFalco of the Bluffton Police Department, Mandy
20 Kenninger of the Port Royal Police Department, Rodney
21 Shell, Jr., Heidi Light of the Port Royal Police
22 Department and Christian Sheppard.

23 Are any of you related by blood or marriage or
24 connected by employment with any of the potential
25 witnesses in the case? If so --- I'm sorry, I left

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1 somebody out. Johnalisha Sanders and Idaisha Smith are
2 also potential witnesses. Now, I read some names and if
3 you're not sure if you have some connection with one of
4 these people and you need more identifying information
5 from the lawyer. Okay. I've missed something else. What
6 does BMI stand for?

7 Ms. Campbell: That's the Beaufort Marine Institute.

8 The Court: Okay. There will be a records custodian,
9 personnel records from the Beaufort Marine Institute.
10 Are any of you related by blood or marriage or connected
11 by employment with any of the potential witnesses in the
12 case. If so, please stand.

13 (Juror stands)

14 The Court: Your name, please.

15 Ms. Ross: Florence Ross.

16 The Court: Say it again.

17 Ms. Ross: Florence Ross.

18 Clerk: Juror 226.

19 The Court: Okay. Ms. Ross is juror 226. What's
20 your situation?

21 Ms. Ross: Do you want me to tell you here or up
22 there. Do you want me to come talk to you or tell you up
23 there?

24 The Court: We'll start right here and then we'll see
25 where it goes.

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1 Ms. Ross: I believe I know the treating physician
2 Dr. Dardes. He used to work at Roper Hospital. He may
3 still work there in a temporary capacity, hospice.

4 The Court: Is there anything about your relationship
5 with this doctor that would affect your ability to be a
6 fair and impartial juror in this case?

7 Ms. Ross: No.

8 The Court: You need to answer these questions yes or
9 no and if you need to go beyond that come down front. Do
10 you understand that if you're a juror in the case that
11 you have to evaluate the credibility, the believability
12 of ever witness who testifies, do you understand that?

13 Ms. Ross: Yes.

14 The Court: If Dr. Dardes testifies or if there is
15 information presented during the trial related to some
16 diagnosis or treatment he provided if there is anything
17 about that that effected your ability to be a fair and
18 impartial juror?

19 Ms. Ross: No.

20 The Court: Have you ever formed in your own mind or
21 have you ever expressed to anyone else an opinion as to
22 whether that doctor is believable or not? Don't tell me
23 what your opinion is, if you have one.

24 Ms. Ross: Yes.

25 The Court: You have formed and expressed an opinion?

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1 Come down front.

2 (Juror complies - sidebar with Judge and counsel)

3 The Court: Juror 226, Ms. Ross, is set aside for this
4 trial. All right. The state will be represented by Mary
5 Concannon, who is with the Solicitor's office in the
6 fourteenth circuit and the defendant is represented by Mr.
7 Tracy Campbell.

8 Do any of you know anything at all about this matter?
9 Have you heard anyone talk about it. Have you seen
10 anything about it. Any knowledge, whatsoever, about the
11 underlying factual allegations in the case? If you know
12 anything at all about this matter, please stand and let us
13 know.

14 I asked you if you were related by blood or marriage
15 or by employment, what I need to do now is expand that out
16 as far as I can. So, if you have any connection of any
17 kind with anybody in this case or any entity involved in
18 the case, you need to let us know about it. That would
19 include being a neighbor, a friend, attending the same
20 churches or civil clubs. Being a current or former client
21 of one of these attorneys. Being on the opposite of the
22 case represented by one of these attorneys or anyone with
23 whom they are affiliated. Any connection with Port Royal
24 Police Department or Bluffton Police Department or with the
25 doctor or being a current or former patient of Dr. Dardes.

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1 Anything at all you need to let us know about it. You
2 understand? Your name, sir?

3 Mr. Owens: Thomas Owens.

4 The Court: Mr. Owens is juror number 205. What's your
5 situation?

6 Mr. Owens: I attend church with one of the witnesses.

7 The Court: Which one?

8 Mr. Owens: The police officer with Port Royal.

9 The Court: Massey or Scott O'Neal ...

10 Mr. Owens: Scott O'Neal.

11 The Court: Scott O'Neal?

12 Mr. Owens: Yes, sir.

13 The Court: Is there anything at all about that
14 connection that effects your ability to be a fair and
15 impartial juror in the case?

16 Mr. Owens: No, sir.

17 The Court: You can decide the case without regard to
18 what he may think?

19 Mr. Owens: Yes, sir.

20 The Court: You want be concerned about the next time
21 you see him if you find not guilty?

22 Mr. Owens: No, sir.

23 The Court: Now, Mr. Owens, just answer these
24 questions yes or no but if you need to go beyond that come
25 down front. You can tell me further down front. If you

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1 have to answer yes or no. Do you understand that Mr.
2 O'Neal is listed as a witness in the case?

3 Mr. Owens: Yes.

4 The Court: Do you understand that you have to
5 evaluate the credibility or believability of every witness
6 if you're on the jury?

7 Mr. Owens: Yes, sir.

8 The Court: Have you ever expressed to anyone else an
9 opinion as to whether Mr. O'Neal is a believable person or
10 not?

11 Mr. Owens: No, sir.

12 The Court: Any doubt about your ability to be a fair
13 and impartial juror?

14 Mr. Owens: No, sir.

15 The Court: Thank you, sir. Mr. Owens is 205, he's
16 eligible to serve. Yes, ma'am.

17 Juror: I have worked ...

18 The Court: What is your name?

19 Ms. Shupe: Sharon Shupe, 245, Your Honor.

20 The Court: 245. Ms. Shupe, 245, what's your
21 situation?

22 Ms. Shupe: I worked with Dr. Dardes in the past.

23 The Court: You worked with Dr. Dardes in the past?

24 Ms. Shupe: Yes, sir.

25 The Court: Anything about that relationship that

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1 effects your ability to be a fair and impartial juror?

2 Ms. Shupe: No, sir.

3 The Court: You can decide the case without regard to
4 what he might think of your decision?

5 Ms. Shupe: Yes, sir.

6 The Court: Just answer these questions yes or no. If
7 you need to go beyond that come down please. You
8 understand that Dr. Dardes is listed as a witness in the
9 case and you will have to evaluate the credibility and the
10 believability of every witness who testifies?

11 Ms. Shupe: Yes, sir.

12 The Court: Have you ever formed in your own mind or
13 expressed an opinion as to whether Dr. Dardes is a
14 believable person or not?

15 Ms. Shupe: No, sir.

16 The Court: Do you have any doubt whatsoever about any
17 of the answers you've given me?

18 Ms. Shupe: No, sir.

19 The Court: Any doubt about your ability to be a fair
20 and impartial juror?

21 Ms. Shupe: No, sir.

22 The Court: Thank you. Ms. Shupe, juror 245 and
23 eligible to serve. Anybody else? Are any of you,
24 currently yourself currently employed in law enforcement
25 in any level or is anyone close to you by blood or

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1 friendship employed in law enforcement in any capacity
2 that you haven't already told me? If so, please stand.
3 Your name, sir?

4 Mr. Green: Shawn Green.

5 The Court: Say your last name again.

6 Mr. Green: Green, number 97.

7 The Court: Mr. Green, juror number 97. What's your
8 situation?

9 Mr. Green: Both my uncles are police officer.

10 The Court: Where?

11 Mr. Green: Fairfield Connecticut.

12 The Court: Anything about that relationship or
13 experience that would effect your ability to be a fair and
14 impartial juror in this case?

15 Mr. Green: No.

16 The Court: Any doubt in your mind?

17 Mr. Green: No, sir.

18 The Court: Thank you. Juror 97, Mr. Green is
19 eligible to serve. Anybody else? Are any of your
20 currently or formerly or anyone very close to you employed
21 in any capacity in a prosecutors office or every been
22 employed in any capacity in a prosecutors office or ever
23 been employed in any capacity of a prosecutor's office at
24 any level, Federal, State, local, military, whatever it
25 may be. If so, please stand. Your name, please?

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1 Ms. Hodges: Jennifer Hodges, 116. I don't know if
2 this counts but one of the prosecutors that works here his
3 name is Patrick, I forget his last name, works in our
4 sales office.

5 The Court: Do you all know who she is talking about?

6 Assistant Solicitor: Yes, Your Honor, it's Patrick
7 Hall in his office.

8 The Court: What does he do?

9 Assistant Solicitor: He's an assistant solicitor as
10 well.

11 The Court: He works in the same office as the
12 prosecutor in this case?

13 Ms. Hodges: Yes.

14 The Court: Is there anything about your relationship
15 with him or experiences in that situation that affects
16 your ability to be a fair and impartial juror?

17 Ms. Hodges: No. Is he actually going to be on this
18 case.

19 The Court: Is he going to be participating in the
20 trial?

21 Assistant Solicitor: No, Your Honor.

22 The Court: Can you decide the case without regard to
23 what he may think of your decision?

24 Ms. Hodges: Yes.

25 The Court: Any doubt whatsoever about any of that?

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1 Ms. Hodges: No.

2 The Court: Thank you. Ms. Hodges, Juror Number 116
3 is eligible to serve. Anybody else? Are any of you
4 members of or contributors to or volunteers for any
5 organization which has as its primary purpose the
6 promotion of law enforcement or victims rights? That will
7 include such organizations as Citizens Against Violent
8 Crime, Mother's Against Drunk Driving. Any type of
9 shelter or abused persons. Have you had any connection
10 with any such organization either as a member or a
11 volunteer, please stand? Yes, sir. What's your name?

12 Juror: Contributed to Mother's Against ...

13 The Court: What's your name?

14 Mr. Maggi: Joseph Maggi. Juror #166.

15 The Court: You contribute to MADD, is that right?

16 Mr. Maggi: I'm sorry.

17 The Court: You contribute to MADD?

18 Mr. Maggi: Yes, sir.

19 The Court: Anything about that that effects your
20 ability to be a fair and impartial juror in a criminal
21 case?

22 Mr. Maggi: No.

23 The Court: Do you have any doubt?

24 Mr. Maggi: No.

25 The Court: Thank you. 166 is eligible to serve.

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1 Thank you, sir. What's your name?

2 Ms. Malone: 168. Marie Malone.

3 The Court: I'm having a hard time hearing you, I'm
4 sorry.

5 Ms. Malone: CODA, Citizens opposed to Domestic Abuse.

6 The Court: Okay. And your connection to that
7 organization is what?

8 Ms. Malone: I contribute a lot of money and I've gone
9 to conventions.

10 The Court: Do you understand the allegations to this
11 case?

12 Ms. Malone: Uh-huh.

13 The Court: Please say yes or no.

14 Ms. Malone: Yes.

15 The Court: Thank you. Is there anything at all about
16 your situation, your experience that would effect your
17 ability to be fair and impartial regarding this case?

18 Ms. Malone: No.

19 The Court: Do you have any doubt in your mind?

20 Ms. Malone: No because I believe ...

21 The Court: No, don't tell me why. You need to come
22 down front. You're welcome to tell me but you need to
23 come down front.

24 Bailiff: Juror 168, Your Honor.

25 The Court: Juror 168 is going to stay. What's your

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1 name, sir?

2 Mr. Esquivel: Eric Esquivel.

3 The Court: #72. What's your situation?

4 Mr. Esquivel: I work very closely with the Board and
5 Executive Directors for both CODA and safe shelter.

6 The Court: Okay. Do you understand the allegation in
7 this case?

8 Mr. Esquivel: Yes, sir.

9 The Court: Is there anything at all about this
10 situation, your relationship or experience with those
11 organizations that would affect your ability to be a fair
12 and impartial juror in this case?

13 Mr. Esquivel: No, sir.

14 The Court: Any doubt in your mind?

15 Mr. Esquivel: No, sir.

16 The Court: Thank you. Have any of you ever been a
17 witness in a criminal trial for either the state or for
18 the defense, if so, please stand.

19 (No response)

20 The Court: Have any of you ever participated in a
21 citizens police academy explorer program or volunteer for
22 the Beaufort County Sheriff's office or any similar agency
23 or if anyone very close to you has ever done that, please
24 let us know about it.

25 (No response)

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1 The Court: Is there anything at all about the nature
2 of the allegation itself, that is criminal domestic
3 violence of a high and aggravated nature that would affect
4 your ability to be a fair and impartial juror in the case?
5 If so, please stand.

6 (No response)

7 The Court: All right. I'm going to pose a question
8 and see how many of you stand up. It's a multiple part
9 question so try to listen carefully to all the parts. If
10 any of you or anybody very close to you, either by blood
11 or marriage or friendship has ever been the victim of any
12 type of domestic violence or ever been excused of any type
13 of domestic violence or if any of you or anyone very close
14 to you has ever been accused of or the victim of any act
15 of violence, regardless of whether it was in a domestic
16 contact or not and regardless of whether any charges were
17 ever brought, you need to let us know. I need you all to
18 form a line over here to my left, please.

19 **(Judge along with counsel and jurors approach bench)**

20 Bailiff: Juror Number 205, Your Honor.

21 The Court: Thomas Owens. Mr. Owens, Juror 205, is
22 eligible to serve.

23 Bailiff: Juror Number 51, Your Honor.

24 The Court: Robert Cunningham. Mr. Cunningham, Juror
25 51, is eligible to serve.

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1 Bailiff: Juror Number 168, Your Honor.

2 The Court: Ms. Marie Malone. Ms. Malone, Juror 168
3 can serve.

4 Bailiff: Juror Number 264, Your Honor.

5 The Court: Nicholas Swindle. Mr. Swindle, Juror 264,
6 is eligible to serve.

7 Bailiff: Juror Number 88, Your Honor.

8 The Court: Ruby Fulton. Mr. Fulton, Juror 88, is
9 eligible to serve.

10 Bailiff: Juror Number 233, Your Honor.

11 The Court: Ms. Taffy Scheider. Mr. Scheider, Juror
12 233, is eligible to serve.

13 Bailiff: Juror Number 152, Your Honor.

14 The Court: Mr. Richard Kurtz. Mr. Kurtz, Juror 152,
15 is set aside on this trial.

16 Bailiff: Juror Number 116, Your Honor.

17 The Court: Ms. Jennifer Hodges. Ms. Hodges, Juror
18 116, is eligible to serve.

19 Bailiff: Juror Number 47, Your Honor.

20 The Court: Ms. Laura Crawford. Ms. Crawford, Juror
21 47, will be set aside for this trial.

22 Bailiff: Juror Number 31, Your Honor.

23 The Court: Ms. Denise Cadres. Ms. Cadres, Juror 31,
24 will be set aside for this trial. Yes, ma'am.

25 Bailiff: Juror Number 151, Your Honor.

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1 The Court: Ms. Hilary Kraus. Ms. Kraus, Juror 151,
2 she is set aside on this trial.

3 Bailiff: Juror Number 202, Your Honor.

4 The Court: Mr. David Omasta. Mr. Omasta, Juror 202,
5 is eligible to serve. Yes, ma'am.

6 Bailiff: Juror Number 134, Your Honor.

7 The Court: Ms. Pamela Joiner. Ms. Joiner, Juror
8 134, is eligible to serve.

9 Bailiff: Juror Number 3, Your Honor.

10 The Court: Frank Ambrosino. Mr. Ambrosino, Juror 3,
11 is excused from the trial of this case. Have any of you
12 formed or expressed any opinions about the case, if so,
13 please stand?

14 (No response)

15 The Court: Are any of you aware of any interest, bias
16 or prejudice that you might have for or against the state,
17 for or against Ms. Adderly or for or against any entity in
18 the case? If so, please stand.

19 (No response)

20 The Court: Are any of you aware of any interest, bias
21 or prejudice that you might have for or against the state,
22 for or against Ms. Adderly, for or against anyone or any
23 entity in the case. If so, please stand.

24 (No response)

25 The Court: Can each of you give both the state and

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1 the defendant, Alicia Adderly, a fair and impartial trial?
2 If there is any reason why you cannot, please stand now.

3 (No response)

4 The Court: Any further questions from the state?

5 Ms. Concannon: No, Your Honor.

6 The Court: All right. I have the proposed voir dire
7 from the defense. I didn't ask some of those. Do you
8 want to preserve those issues or ...

9 Ms. Campbell: Your Honor, there is just one and that
10 would be number 9 and I can make my voir dire part of the
11 record. We just ask that Your Honor inquire as to number
12 9 and if not we'll just make it part of the record.

13 The Court: Have any of you ever posted on line
14 opinions about crime or punishment or what would be
15 appropriate sentences or appropriate disposition for a
16 certain crime in particular. Have you ever posted any
17 comments on the Island Pack or Beaufort Gazette on line
18 comment section? If so, please stand.

19 (No response)

20 The Court: No one stood. Anything else from the
21 defense?

22 Ms. Campbell: No, Your Honor.

23 The Court: Do you want me to mark this or not?

24 Ms. Campbell: That's fine.

25 The Court: Fine yes or fine no?

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1 Ms. Campbell: We'll mark it. Thank you.

2 **(Court's Exhibit Number One is marked)**

3 The Court: The jury is now qualified. All right,
4 Ladies and Gentlemen, I know we're way passed 1:00 and we
5 got a late start. I wish I was given the go ahead to
6 start sooner, but I wasn't. If I were sitting where
7 you're sitting I'd want to keep pressing on and draw this
8 jury and have some certainty about the afternoon instead
9 of coming back and having more so that's what I'm going to
10 do, I'm sorry. If you're hungry maybe I need to pick up
11 your lunch tap. My wife might like it.

12 (Jurors laughing)

13 The Court: The way we draw a jury in criminal court
14 is they are going to call the names, the court is going to
15 put in the computer all the people who have not been
16 disqualified from the first case and it will randomly
17 select a list. She will be starting and calling the first
18 name. If your name is called don't come down to the front
19 like we normally do, just stand where you are but I need
20 you to stand so that the lawyers can eyeball you. Then
21 they will ask questions of the state and the defense, and
22 based on their responses you'll be told to have a seat in
23 the jury box over here or just stay where you are. Five
24 and five for strikes. Ma'am Clerk, give us the jury.

25 Clerk: Juror Number 255, Brenda Spalding, what says

Alicia Adderly vs. State of South Carolina

24

1 the state?

2 Ms. Concannon: Please present this juror.

3 Clerk: What says the defense?

4 Ms. Campbell: Swear the juror.

5 Clerk: Juror Number 292, Frances Worthy, what says
6 the state?

7 Ms. Concannon: Please present this juror.

8 Clerk: What says the defense?

9 Ms. Campbell: Please swear that juror.

10 Clerk: Juror Number 134, Pamela Joyner, what says the
11 state?

12 Ms. Concannon: Please excuse Mr. Joyner.

13 Clerk: Have a seat. Juror Number 48, Stephen
14 Crawford, what says the state?

15 Ms. Concannon: Please present this juror.

16 Clerk: What says the defense?

17 Ms. Concannon: Please excuse the juror from this
18 case.

19 Bailiff: Have a seat over here.

20 Clerk: Juror 256, Leighann Spencer, what says the
21 state?

22 Ms. Concannon: Please present this juror.

23 Clerk: What says the defense?

24 Ms. Campbell: Please swear the juror.

25 Clerk: Juror Number 208 Jeffrey Peck, what says the

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25

1 state?

2 Ms. Concannon: Please present this juror.

3 Clerk: What says the defense?

4 Ms. Campbell: Please excuse this juror.

5 Clerk: Juror Number 35, Shavawn Capers, what says the
6 state?

7 Ms. Concannon: Please excuse this juror.

8 Bailiff: Have a seat over here.

9 Clerk: Juror 127, Richard Jacobs, what says the
10 state?

11 Ms. Concannon: I'm sorry, what number was Mr. Jacobs?

12 Clerk: Juror 127.

13 Ms. Concannon: Please present the juror.

14 Clerk: What says the defense?

15 Ms. Campbell: Please excuse the juror.

16 Bailiff: Please have a seat.

17 Clerk: Juror 125, Catherine Hutchins, what says the
18 state?

19 Ms. Concannon.: Please present this juror.

20 Ms. Campbell: Please swear the juror.

21 Clerk: Juror Number 123, Stephen Hunnicutt, what says
22 the state?

23 Ms. Concannon: Please excuse Mr. Hunnicutt.

24 Bailiff: Have a seat.

25 Clerk: Juror Number 26, Karen Brasseler, what says

1 the state?

2 Ms. Concannon: Please present this juror.

3 Clerk: What says the defense?

4 Ms. Campbell: Please swear the juror.

5 Clerk: Juror Number 51 Robert Cunningham, what says
6 the state?

7 Ms. Concannon: Please present this juror.

8 Clerk: What says the defense?

9 Ms. Campbell: Please swear the juror.

10 Clerk: Juror Number 27, Michael Brennan, what says
11 the state?

12 Ms. Concannon: Please present this juror.

13 Clerk: What says the defense?

14 Ms. Campbell: Just one moment. Please swear the
15 juror.

16 Clerk: Juror Number 264, Nicholas Swindle, what says
17 the state?

18 Ms. Concannon: Please present this juror.

19 Clerk: What says the defense?

20 Ms. Campbell: Please excuse the juror.

21 Clerk: Juror Number 202, David Osmasta, what says the
22 state?

23 Ms. Concannon.: Please present this juror.

24 Clerk: What says the defense?

25 Ms. Campbell: Please swear this juror.

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1 Clerk: Juror Number 150, Karen Kozemchak, what says
2 the state?

3 Ms. Concannon: Please present this juror.

4 Clerk: What says the defense?

5 Ms. Campbell: Please swear the juror.

6 Clerk: Juror Number 186 Demetrius Mitchell, what says
7 the state?

8 Ms. Concannon: Please present this juror.

9 Clerk: What says the defense?

10 Ms. Campbell: Please swear the juror.

11 Clerk: Juror Number 199, Kimberly Nixon, what says
12 the state?

13 Ms. Concannon: Please present this juror.

14 Clerk: What says the defense?

15 Ms. Campbell: Please swear juror.

16 Clerk: Juror Number 168, Marie Malone, what says the
17 state?

18 Ms. Concannon: Please excuse Ms. Malone.

19 Clerk: Juror Number 18, Gail Bethea, what says the
20 state?

21 Ms. Concannon: Please present ths juror.

22 Clerk: What says the defense?

23 Ms. Campbell: Please swear the juror.

24 The Court: We're drawing alternate strikes, one for
25 the state, two for the defense.

1 Clerk: Juror Number 103, William Guenther, what says
2 the state?

3 Ms. Concannon: Please present the juror.

4 Clerk: What says the defense?

5 Ms. Campbell: Please swear the juror.

6 The Court: All right. We'll just do one instead of
7 two. Are there matters to take up including composition
8 of the jury from the state?

9 Ms. Concannon: None from the state, Your Honor.

10 The Court: From the defendant?

11 Ms. Campbell: May I have just one moment, Your Honor?

12 The Court: Sure.

13 Ms. Campbell: After discussions with my client, Your
14 Honor, we do not have any motions on the selection of the
15 jury.

16 The Court: Thank you. All right. Ladies and
17 gentlemen, if you're not selected on this jury, I need you
18 back at the jury assembly room at 2:30 with Judge Mullen.
19 Thank you.

20 (Jury Panel exits courtroom)

21 The Court: All right. Ladies and Gentlemen, after
22 confirming with the attorneys it appears that the smartest
23 thing that I do is let you go home after I give you the
24 instructions and then have you come back and start the
25 trial in the morning. We will stay here and work with the

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1 matters that I have to deal with that do not require the
2 juries assistance.. Now, before I left you go I have to
3 give you some instructions. I mentioned to you a moment
4 ago you're not to discuss this case among yourselves in
5 any way. Don't talk about this case at all until I tell
6 you you may begin your deliberations.. So, do not discuss
7 the case among yourselves in any way until I tell you to.
8 Do not discuss this case with family members or friends or
9 anybody else until the week is over with and you've been
10 seated on any jury you might possibly be seated on. Now,
11 when I say don't talk about the case, I mean, don't talk
12 about the people in it, the type of case it's alleged to
13 be, anything at all about the case.

14 Now, obviously you have to be able to tell your
15 employers, your co-workers, your friends, spouse that
16 you're on a jury, that's fine, but you cannot tell the
17 name of the case, what it's about, anything like that.
18 Don't discuss the case in any way with anybody until the
19 week is over.

20 If anybody does attempt to contact you and discuss
21 the case with you report that to me so that I can deal
22 with it. I never know if the media is going to cover a
23 trial or not. Sometimes they pick up cases that I think
24 wouldn't have much public interest and ones that seem to
25 have great public interest I don't see any media, so, and

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1 sometimes they cover cases and they never come to court.
2 So, I have to give this instruction. If there is in media
3 coverage of this trial, get away from it and report to me
4 at the first opportunity what you may have seen, heard or
5 read from the media. Do not do any independent
6 investigation and I'm going to read to you an instruction
7 that the Supreme Court requires us to read to you, our
8 state Supreme Court, but I want do that today, I'll do
9 that tomorrow. Basically, what I want you to understand
10 right now is it is inappropriate for you to go on the
11 computer and look up word searches, look up people, look
12 up law, don't do that. When you take your oath, you're
13 going to be taking your oath to decide the case based on
14 the evidence in the law. I'll explain where those things
15 come from. The law comes from me. It is my job to decide
16 the law and to tell it to the jury at the end of the
17 trial. So, don't do any independent research, any
18 independent investigation.

19 When you come back tomorrow, you will not come into
20 the courtroom. I think we will be in a different
21 courtroom anyway. I think it's down in three. But, you
22 will come to the jury room and the Bailiff will show you
23 as you leave where to report.

24 As you already have seen, we go through a very
25 methodical process of selecting juries. There's a reason

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1 for all that stuff we did. These parties have a right to
2 have you serve on their jury and I cannot proceed unless
3 all thirteen of you are here. However, if you have some
4 true emergency that arises that prevents you from being
5 here, please have somebody call the clerk's office and let
6 us know. That's why we have the alternate, but I cannot
7 do anything until I account for all of you. So, please
8 let us know if something arises that prevents you from
9 being here and please make sure it's a true emergency or
10 that you're really really sick if something like that
11 comes up. Hopefully none of that will involve anyone this
12 week.

13 I need you here tomorrow at 10:00 a.m. in the jury
14 room. You don't need to call in. Just be here at 10:00
15 a.m. I know you've had a lot of waiting today. I know
16 we're way past the lunch hour. I apologize for that. I
17 honestly will tell you one of my pet peeves is having the
18 jury wait. I will do everything I can not to waste your
19 time, but I need you here at 10:00. If for some reason we
20 are not ready at 10:00, I will send word to you as we go
21 along. If it doesn't look like we can finish in a
22 reasonable period of time, I might let you go home and
23 come back at lunch or something. But, there is hurry up
24 and wait in this process. I, like you, know nothing about
25 this process. I don't know a thing about it and I'll

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1 learn as we go along. That's the way this system is set
2 up. Okay. Any questions. My guess is that the case will
3 take a couple of days so you're looking at Wednesday,
4 maybe the morning on Thursday. It may go a little
5 quicker, it may not. I'll keep you abreast of that, too.
6 Last thing, when you come back tomorrow, I want you to
7 select your foreperson. It cannot be the alternate, but
8 it can be any of the twelve of you. Don't talk about the
9 case, pick the person you want to serve as the foreperson.
10 Write that person's name on a slip of paper and give that
11 to the Bailiff and I'll let you pick your own foreman,
12 madam foreperson.

13 Okay. Thank you so much folks. I need you here at
14 10:00.

15 Court's in recess until 3:00.

16 **(This was end of jury process)**

17

18

19

20

21

22

23

24

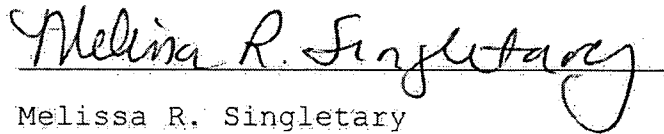
25

CERTIFICATE

This is to certify that the jury selection process in the matter of Alicia Adderly vs. State of South Carolina, consisting of Thirty-two (32) is a true and correct transcript; said hearing was reported by the method of Stenomask with Backup.

I further certify that I am not employed by any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 30th day of June, 2015.



Melissa R. Singletary
Certified Court Reporter

State of South Carolina) In General Sessions Court
County of Beaufort) 14th Judicial Circuit

State of South Carolina) Transcript of Record
) 2013-GS-07-00788
) Vs.
Alicia Adderley,)
) Defendant.)

March 16, 17 & 18, 2015

Beaufort, South Carolina

B E F O R E:

The Honorable William P. Keesley, Presiding Judge;
and a jury.

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

Mary Concannon, Assistant Solicitor
Hunter Swanson, Assistant Solicitor
Attorneys for the State

Trasi Campbell, Assistant Public Defender
Attorney for the Defendant

SHARON L. VIZER

CIRCUIT COURT REPORTER

I N D E X

(SW) - DENOTES STATE'S WITNESS

(DW) - DENOTES DEFENSE WITNESS

(IC) - DENOTES IN CAMERA

Monday, March 16, 2015

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(SW) Detective Andre J. Massey - (IC):

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**COURT REPORTER'S NOTE: The jury voir dire and jury selection is not included in this transcript because a different court reporter was present for that part of the trial.

E X H I B I T S

NO.	DESCRIPTION	ID.	EV.
<u>For the State:</u>			
1 -	Photograph		--54
2 -	Photograph		--84
3 -	Photograph		--84
4 -	Photograph		--84
5 -	Photograph		--84
6 -	Photograph		--84
7 -	Photograph		--88
8 -	Photograph		--88
9 -	Photograph		--88
10 -	Photograph		--88
11 -	Photograph		--82
12 -	Photograph		-110
13 -	Photograph		-152
14 -	Photograph		-152
15 -	Photograph		-152
16 -	Photograph		-143
17 -	Photograph		-143
18 -	Advice of Rights Form		-147
19 -	Interview Disk (Court's No. 2)		-154
20 -	Statement of Defendant		-226

E X H I B I T S

NO.	DESCRIPTION	ID.	EV.
<u>For the Defendant:</u>			
1 -	Photograph	-159	-160
 <u>For the Court:</u>			
2 -	Interview of the Defendant (State's No. 19)	---7	
3 -	Advice of Rights Form	---7	
4 -	Employer Form	--28	
5 -	Foreman Note	--28	
6 -	Defendant's Charge Request	-288	
7 -	Note from the Jury	-289	
8 -	Written Copy of Jury Charge	-289	
9 -	Note from the Jury	-293	

1 Monday, March 16, 2015.

2 (WHEREUPON, Court's Exhibit Numbers 2 and 3 were
3 premarked and made a part of the record.)

4 THE COURT: You ready to do the Denno hearing?

5 MS. CONCANNON: Yes, Your Honor.

6 THE COURT: Call your first witness.

7 MS. CONCANNON: The State calls Detective Andre
8 Massey from the Port Royal Police Department.

9 THE COURT: Come around and be sworn, please.

10 ANDRE J. MASSEY, SR., after having been duly
11 sworn, testified as follows:

12 THE CLERK: Be seated and state your full name,
13 please.

14 THE WITNESS: Andre Jerome Massey, Sr.

15 DIRECT EXAMINATION

16 BY MS. CONCANNON:

17 Q. Detective Massey, where are you currently employed?

18 A. Port Royal Police Department.

19 Q. And in what capacity do you work for the police
20 department?

21 A. I'm now in charge of traffic and patrol. I was
22 formerly the chief investigator.

23 Q. All right. So back in April of 2013 you were chief
24 investigator?

25 A. Yes.

1 Q. What were some of your duties as chief
2 investigator?

3 A. Basically, follow up on cases, assign cases, ensure
4 that the actual investigative unit is running smoothly.

5 Q. Okay. And were you involved in the investigation
6 of the case we are here for today against Alicia
7 Adderley?

8 A. I was.

9 Q. What role did you play in that investigation?

10 A. I was the on-duty detective and I was called out to
11 that call.

12 Q. As part of your investigation of this case did you
13 have an opportunity to speak with Ms. Adderley?

14 A. I did.

15 Q. Do you remember the date and where this -- where
16 you spoke with Ms. Adderley?

17 A. I want to say it was the 27th of April and it was
18 at the Port Royal Police Department in my office.

19 Q. And who was present aside from you and Ms. Adderley
20 during that questioning?

21 A. I think it was Detective Billiard. I'm not sure.
22 I know there was another officer there but I'm not
23 exactly sure who was there.

24 Q. Could it have just been yourself, possibly?

25 A. That's possible. Normally we do two people.

1 Q. When you were speaking with Ms. Adderley did she
2 appear to be under the influence of any drugs or
3 alcohol --

4 A. No, ma'am.

5 Q. No?

6 A. No.

7 Q. She didn't appear to be impaired in any manner?

8 A. No.

9 Q. What sort of -- did this occur in an interrogation
10 room? What sort of room did this occur in?

11 A. It was actually in my office.

12 Q. Do you remember how long this interview lasted?

13 A. Probably approximately about -- probably a little
14 more than an hour. Maybe an hour.

15 Q. Was she ever denied upon request access to
16 telephone, water, bathroom breaks?

17 A. No, she wasn't.

18 Q. Did you or anybody else ever promise anything to
19 Ms. Adderley or make any threats to her?

20 A. No.

21 Q. At that time you spoke with Ms. Adderley had she
22 already been placed under arrest for this?

23 A. She was -- no. She was actually asked to come down
24 to the police department. I needed to talk to her.

25 Q. And she came down on her accord to the police

1 department?

2 A. Yes.

3 Q. And that's in Port Royal?

4 A. Yes.

5 Q. At the time you were questioning Ms. Adderley had
6 you already identified her as a suspect in this case?

7 A. Yes. She was identified as a suspect in the case,
8 yes.

9 Q. But she had not been placed under arrest yet?

10 A. No.

11 Q. So was she advised of the reasoning for your
12 speaking with her?

13 A. Yes, she was.

14 Q. Prior to speaking to her did you advise
15 Ms. Adderley of her Miranda rights?

16 A. Yes. She was given Miranda in writing and
17 verbally.

18 Q. You say in writing; how was this process done?

19 A. What I do is I give the person I'm talking to a
20 copy of -- in this case it was Ms. Adderley. I gave her
21 a copy of the Miranda warnings for her to initial and
22 sign as we went through. I had a copy and I would read
23 it as we went through.

24 Q. And you did this with Ms. Adderley?

25 A. I did.

1 Q. And did she acknowledge on this advisement of
2 rights form?

3 A. Yes, she did.

4 MS. CONCANNON: Permission to approach, Your Honor?

5 THE COURT: Yes.

6 BY MS. CONCANNON:

7 Q. Detective Massey, I'm going to hand you what has
8 been marked Court's Exhibit 3. Can you please identify
9 that for the Court, please.

10 A. Yeah. This is a copy of the Miranda warnings that
11 I gave her.

12 Q. And what does it say?

13 A. It's got the case number involved, the date in
14 which the Miranda was given, the time in which Miranda
15 was given. It's got her name, Alicia Adderley.
16 Location, the Port Royal Police Department, and it
17 states, Before I ask you any question you must understand
18 your rights. You have a right to remain silent, which if
19 they understand they say yes, and initial.

20 Anything you say can and will be used against you
21 in court. I ask them if they understand that. If they
22 say yes, I state to them these are the two most important
23 rights that you have. If you understand that go ahead
24 and sign on that signature block below the two. She did.

25 And I add, You have a right to talk to an attorney

1 or have him or her present while you are being
2 questioned. I asked her if she understood that. She
3 said she did and initialled it.

4 I said, If you cannot afford to hire an attorney
5 one will be appointed to represent you before any
6 questions, if you wish. I asked if she understands that.
7 If she says yes, then I ask her to go ahead and initial
8 that. And then at the bottom I tell them it's a waiver
9 of rights. I'm going to read it to them, they can follow
10 along with me. It says, I have read this statement of my
11 rights and I understand what my rights are. I do not
12 want an attorney at this time. I am not under the
13 influence of any drugs or alcohol and I understand and
14 know what I'm doing. No promises have been made to me
15 and no threats or pressure of any kind have been used
16 against me by anyone in exchange for my statement.

17 I ask them what's the highest grade level
18 completed. She said the 11th, 11 years, so I told her to
19 put the 11 there. Then if she wants to talk to me
20 without an attorney present then go ahead and sign the
21 signature block and date it, which she did, and I
22 witnessed it.

23 Q. And did she initial by each of those rights
24 indicating she understood them?

25 A. She did.

1 Q. And did she agree to speak with you after signing
2 this form?

3 A. Yes, she did.

4 Q. When she was speaking with you did her responses
5 appear rational?

6 A. They did.

7 Q. Did at any point do you believe she had any trouble
8 understanding any of those rights you read to her that
9 she followed along with you?

10 A. No. She didn't have any problems.

11 Q. Did Ms. Adderley ever indicate she wished to have
12 an attorney present?

13 A. No, she didn't.

14 Q. And to the best of your knowledge was the
15 defendant's statement freely and voluntarily given?

16 A. It was.

17 Q. Was this statement written, audio, video recorded?

18 A. It's audio and video recorded.

19 Q. And how is that done?

20 A. Well, until recently I have a webcam that sits on
21 top of my computer monitor and I point that directly at
22 the person I'm interviewing and the camera stays on them,
23 and I'm sitting off to the side and I talk to them back
24 and forth.

25 Q. And Ms. Adderley spoke with you?

1 A. Yes, she did.

2 Q. What did she say?

3 A. Well, I spoke to her in reference to what happened
4 at the Suds City laundromat and I can't say verbatim
5 every word that's why I video record it and stuff, but I
6 asked her, you know, what happened. She stated she was
7 going -- she was on Parris Island Gateway and she passed
8 Suds City and one of the kids had mentioned about
9 something, There goes daddy washing a car. So she goes
10 back to Suds City. She pulls up next to Mr. Adderley,
11 her husband, and they exchange some words and stuff.

12 She says that she went to get the tag number off
13 the car and he pushed her. So when she almost fell she
14 went back to the car to try to get a bat from the door, I
15 believe, and the daughter wouldn't give it to her. So
16 she said that Mr. Adderley had her down in the seat
17 choking her and she reached with her left hand to the
18 back part of the floorboard of the car, back toward the
19 car and grabbed the bat and just started hitting him with
20 it and stuff. She said she just kept hitting him until
21 she could get him off of him [sic].

22 Q. You said this was recorded?

23 A. Audio and video recorded.

24 MS. CONCANNON: Permission to approach, Your Honor?

25 THE COURT: Yes.

1 BY MS. CONCANNON:

2 Q. Detective Massey, I'm going to hand you what's been
3 marked Court's Exhibit 2. What is that?

4 A. This is a disk from the interview.

5 Q. And is that the full interview that you had with
6 Ms. Adderley that day, on the 27th?

7 A. Yes.

8 Q. And is that your writing on the disk itself?

9 A. It was.

10 Q. And is that the case number assigned to this case?

11 A. Yes, it is.

12 Q. Okay. And that includes a full interview of
13 Ms. Adderley?

14 A. Yes, it does.

15 Q. And it fair and accurately depicts how this
16 interview took place that day?

17 A. Yes.

18 MS. CONCANNON: At this time, Your Honor, the State
19 would publish the interview.

20 THE COUR: Yes, ma'am.

21 (WHEREUPON, Court's Exhibit No. 2, the Interview of
22 Ms. Adderley, was played for the Court.)

23 BY MS. CONCANNON:

24 Q. Detective Massey, was that the extent of your
25 interview with Ms. Adderley?

1 A. Yes, it was.

2 Q. That was the full, complete interview?

3 A. Yes, it was.

4 Q. I have no further questions for you.

5 THE COURT: Cross?

6 MS. CAMPBELL: May it please the Court.

7 THE COURT: Yes.

8 CROSS-EXAMINATION

9 BY MS. CAMPBELL:

10 Q. Detective Massey, did anybody else from the Port
11 Royal Police Department talk to my client and interview
12 her besides you? How about O'Neal or Light?

13 A. If they did, that would be in their report. They
14 didn't do it with me. I was called out and I conducted
15 my interview. I can't testify to what they did.

16 Q. You are the detective on the case, you are the
17 supervisor. Do you know if Light or O'Neal interviewed
18 her before you interviewed her? Yes or no.

19 A. (There was no response).

20 Q. I guess my question, if I could just direct you to
21 the report, if you have a copy of it, it says, Interview
22 with Alicia Adderley, and O'Neal and Light are the
23 officers listed on the report.

24 A. Okay. That would be their contact field interview.
25 That would be what they do when they initially get to a

1 crime scene.

2 Q. Okay. And so these officers interviewed her at her
3 home, correct?

4 A. Yes. I guess that was at her home. Yes.

5 Q. And then you interviewed her at the Port Royal
6 Police Department?

7 A. Yes.

8 Q. Okay. Now, what we saw in the video is basically
9 an office, correct? It's not an interrogation room,
10 right?

11 A. No. It's actually my office, and I share an office
12 with another officer.

13 Q. Now, you do have an interrogation room at the Port
14 Royal Police Department, correct?

15 A. We do now. We didn't at that time.

16 Q. So at that time you bring Alicia Adderley into your
17 office to talk to her about what happened at the car
18 wash, right?

19 A. Yes.

20 Q. And you are aware that she's around 40 years old,
21 correct?

22 A. Yes. She mentioned that.

23 Q. And that she has absolutely no experience
24 whatsoever with any legal proceedings, be it criminal or
25 family court, right?

1 A. I didn't know that.

2 Q. You didn't know that she had no criminal record at
3 all when you started to interview her?

4 A. No, I didn't.

5 Q. Did it become apparent to you in talking to her
6 then through the course of the hour long interview that
7 she was an ingenue, uninformed when it comes to the court
8 system? You had to educate her. You said you were
9 educating her, right?

10 A. Okay. I understand what you are saying.

11 Q. So yes?

12 A. No. No. I didn't understand the fact that she was
13 not fully educated. Most people that you deal with in
14 law enforcement, a lot of them don't have the knowledge
15 of law enforcement as far as the judicial system. So if
16 that's the case then we are educating everybody when we
17 bring them in and talk to them, but that's not the case
18 in this matter.

19 Q. And it seemed shocking to her that you were
20 considering charging her with strong armed robbery for
21 taking the necklace off of her husband, correct?

22 A. No. I did not tell her that I was charging her
23 with strong armed robbery.

24 Q. You were considering charging her with
25 strong armed --

1 A. I didn't tell her considering. I said I could
2 charge her with strong armed robbery, not that I was
3 considering charging her with that.

4 Q. Okay. That's exactly what I just said. You were
5 considering charging her with strong armed robbery,
6 right?

7 A. No. At no point did I say I was going to charge
8 her with strong armed robbery. That's what considering
9 means to me.

10 Q. Did you tell Alicia Adderley that you could charge
11 her with strong armed robbery?

12 A. That I did say.

13 Q. Okay. And that seemed to shock her, correct?

14 A. She seemed shocked, yes.

15 Q. Okay. At one point in the interview you become
16 agitated and you actually begin yelling at her, correct?

17 A. No. I didn't yell at her.

18 Q. Did you not raise your voice when you were speaking
19 to her?

20 A. I raised my voice but I was not yelling at her.

21 Q. Did you also explain to Alicia when you were
22 interviewing her that you felt like both she and Terrence
23 were, as you call it, the primary aggressor?

24 A. Yeah.

25 Q. You couldn't make up your mind?

1 A. Yes.

2 Q. Now, did you also let her go home that night with
3 the understanding that you were then going to talk to
4 Terrence Adderley and decide what to do, right?

5 A. I was going to re-interview him to find out the
6 consistencies in the stories.

7 Q. In whose stories?

8 A. See if there was any -- well, both of their stories
9 were not adding up. They was pretty much inconsistent.
10 My idea was to find out who the primary aggressor was.
11 If he pushed her down then I would take it a little bit
12 further and find out why did he push her down, but he
13 never said he pushed her to the ground --

14 Q. Jonalisha said he pushed her to the ground, right?

15 A. Jonalisha?

16 Q. Her daughter. That's in her written statement, the
17 one you keep shuffling around in the interview. Daddy
18 pushed momma down, right?

19 A. Right. She said that.

20 Q. So the inconsistencies that you are talking about
21 are inconsistencies between Terrence's statement and
22 Alicia's statement?

23 A. No, inconsistencies between what she's telling me
24 and what I'm getting from him. Nobody mentioned being
25 pushed down other than her and her daughters, but at the

1 same time he mentioned being hit outside of the car with
2 the baseball bat. The witness' statement said that she
3 came out of the trunk of the car with a bat and it's just
4 none of the stuff was adding up and I just figured I'd
5 look into it a little bit more before I determined --

6 Q. After you let Alicia go home that night the only
7 other person you talked to was Terrence Adderley,
8 correct?

9 A. Correct.

10 Q. And he had already been interviewed by other
11 officers and you had his statement when you interviewed
12 her, correct?

13 A. Yes.

14 Q. Okay. And what changed in his statement?

15 A. The fact that he never pushed her to the ground.

16 Q. So you are saying that what changed was in his
17 first statement he said he never pushed her to the
18 ground?

19 A. Well, he never put that in his statement, if I
20 could look at his statement.

21 Q. Okay.

22 A. She said he pushed her to the ground. He never
23 said he pushed her down.

24 Q. Huh. Okay.

25 MS. CAMPBELL: That's all I have for this officer.

1 THE COURT: Redirect?

2 MS. CONCANNON: No, Your Honor.

3 THE COURT: Thank you, sir. You may step down.

4 Anything else from the State on Denno?

5 MS. CONCANNON: No, Your Honor, not from this
6 officer.

7 THE COURT: Does the defense have any witnesses on
8 Denno?

9 MS. CAMPBELL: No, Your Honor.

10 THE COURT: Any issues that you need to put on the
11 record?

12 MS. CAMPBELL: No, Your Honor.

13 THE COURT: The State, anything else?

14 MS. CONCANNON: No, Your Honor.

15 THE COURT: If there's nothing further the Court
16 finds that the State has met its requisite degree of
17 proof and has established by evidence that at least clear
18 and convincing in the Court's view is more than
19 sufficient to establish that the defendant was properly
20 advised of her rights under the Constitution of the
21 United States and the warnings required under Miranda vs.
22 Arizona, that she was properly advised that she had the
23 right to remain silent, that anything she said could be
24 used against her, that she had the right to an attorney,
25 if she could not afford one an attorney would be

1 appointed for her, that she had the right to have counsel
2 present at all times and during all interviews and that
3 she waived her rights freely, knowingly, voluntarily and
4 intelligently and gave her statement knowingly,
5 voluntarily and intelligently without threats, coercion,
6 promise, hope of reward or fear.

7 There's nothing about the length of interrogation,
8 the circumstances of interrogation, the conditions,
9 including the location of the interrogation that was
10 improperly threatening, coercive or in any other way
11 improper. The only evidence presented is that the
12 defendant was not under the influence of any type of
13 substance nor was she suffering from any physical or
14 mental condition that adversely affected her ability to
15 think clearly.

16 If the proper foundation is established the
17 statement will be admissible under Jackson V. Denno and
18 the jury will be charged that it must evaluate the
19 statement and find the requisite elements have been
20 proven for its consideration beyond a reasonable doubt by
21 the State.

22 Anything else I need to take up today?

23 MS. CONCANNON: No, Your Honor.

24 MS. CAMPBELL: Your Honor, I will say that the
25 records that I have requested under subpoena I'm told

1 should be provided to me at 11 o'clock in the morning.
2 If they are not supplied to me prior to the opening I
3 certainly don't intend to make any sort of assertion
4 prior to receiving those records.

5 THE COURT: Okay.

6 MS. CAMPBELL: Also, the last matter is the rap
7 sheet that was given to me for Ms. Sheppard indicates her
8 name as Kristen, K-r-i-s-t-e-n; however, the name on the
9 witness list is Christian and so I'm just trying to
10 confirm that we actually have the right rap sheet for the
11 individual that was the owner of the car at the car wash,
12 the white car.

13 MS. CONCANNON: Your Honor, I have one under both
14 names. Those both show her prior record so...

15 MS. CAMPBELL: Okay. Thank you very much.

16 THE COURT: Then I look to see you folks at 10:00
17 a.m. Thank you.

18 (WHEREUPON, the trial of this case was recessed for
19 the day.)

20 Tuesday, March 17, 2015

21 THE COURT: Is the State ready for the jury?

22 MS. CONCANNON: Your Honor, we have one more
23 pretrial matter briefly regarding the BMI termination of
24 Mr. Adderley. The State believes that Ms. Campbell
25 intends to use evidence of his termination from BMI. The

1 report that we have seen so far references him being
2 terminated for instigating the horseplay of two other
3 students. The State would argue that that is not
4 relevant, first of all. It's not Mr. Adderley himself
5 engaging in any sort of conduct.

6 Also, we feel that it is not appropriate under Rule
7 608, in that it doesn't have anything to do with the
8 truthfulness of Mr. Adderley and his credibility as a
9 witness while he's on the stand.

10 Additionally, while the defense doesn't raise the
11 type of reputation for violence Ms. Campbell can't do
12 this by showing specific instances of violence and that
13 is in reference to State V. Boyde. We just ask that it
14 stay out. It's not relevant and not appropriate
15 impeachment or testimony by Mr. Adderley.

16 THE COURT: All right. What is the defense's
17 position?

18 MS. CAMPBELL: Your Honor, I'm going to look at
19 Rule 404. Specifically, we are not offering that
20 evidence to prove any sort of conformity but it does say
21 specifically under section 2, the character of the
22 victim, that sort of a, you know, first aggressor
23 analysis that is at the heart of this issue.

24 And I do think that the evidence about what he did
25 shows a tendency toward violent behavior, the instigation

1 of an attack by one person upon another person, and in
2 the manner in which he allowed the attack to continue I
3 think is absolutely admissible under 404(a)(2) when we
4 are dealing with -- you know, as you heard yesterday the
5 conundrum that Officer Massey found himself in as to who
6 was the primary first initial aggressor and under that
7 rule we deem it admissible, Your Honor, to cross-examine
8 him with that type of behavior, and her knowledge of it
9 as well, Your Honor. She was aware of the violent
10 aspects and the conduct that caused the termination.
11 Thank you, Your Honor.

12 THE COURT: Thank you.

13 MS. CONCANNON: Your Honor, just briefly, if I may.
14 Regarding character of the victim under 404(b)(2) --
15 (a)(2) this is not a trait of Mr. Adderley himself and
16 this report that I don't believe is the entire report, it
17 seems that a sentence cuts off at the end, references
18 horseplay not an attack, and horseplay of other
19 individuals not on Mr. Adderley himself. We feel this
20 isn't a character trait of Mr. Adderley.

21 THE COURT: Anything else?

22 MS. CAMPBELL: No, Your Honor.

23 THE COURT: How do you propose to get this in, to
24 ask him about it in cross-examination?

25 MS. CAMPBELL: That's correct, Your Honor. And

1 then obviously should he deny it we would offer, you
2 know, the records custodian from his employment. It's
3 kept in the regular course of their business when they
4 deal with their employees.

5 THE COURT: In my view as far as a preliminary
6 ruling, and it is a preliminary ruling, this is not
7 admissible. It doesn't say he's the instigator. It
8 doesn't say that he participated in any violence.
9 Yesterday I think you all indicated you were under the
10 assumption that he had choked a student. That's not what
11 this says at all.

12 MS. CAMPBELL: That's correct, Your Honor. You
13 know, the information that I received was very
14 preliminary, and we went to the effort to obtain the
15 record. And again, it is what it is, and we do feel like
16 encouraging a student, someone that he's in charge of to
17 attack someone else shows a propensity for violence.

18 THE COURT: All right. Well, it would take far
19 more than this. And again, this is an in limine ruling
20 and the in limine ruling is it's not admissible. You've
21 got his Social Security number on here. Have you all got
22 a black magic marker or something.

23 MS. CONCANNON: I have a Sharpie.

24 MS. CAMPBELL: Your Honor, if I may, I can have a
25 copy made in the clerk's office and then we can make it

1 part of the record.

2 THE COURT: That's what I was going to obliterate
3 the Social Security number for.

4 MS. CAMPBELL: Thank you, Your Honor.

5 THE COURT: All right. Are we ready for the jury
6 now?

7 MS. CONCANNON: Yes, Your Honor.

8 THE COURT: Both sides ready for the jury?

9 MS. CAMPBELL: Yes, sir.

10 THE COURT: Bring them in.

11 MS. CONCANNON: Your Honor, there hasn't been a
12 motion regarding sequestering the witnesses. The State
13 would just ask that all witnesses aside from Mr. Adderley
14 himself as well as Investigator Massey be sequestered.

15 MS. CAMPBELL: The defense would object to that
16 motion, Your Honor. We don't see any need for
17 sequestration.

18 THE COURT: If you need anything on the record I
19 need to stop the jury. Anything else?

20 MS. CONCANNON: No, Your Honor.

21 MS. CAMPBELL: No.

22 THE COURT: Motion is denied.

23 (WHEREUPON, Court's Exhibit Number 4 and 5 were
24 marked and made a part of the record.)

25 (WHEREUPON, the jury enters the courtroom at

1 approximately 10:30 a.m.)

2 THE COURT: All right. Ladies and gentlemen, first
3 of all, I want to tell you your delay today was entirely
4 my fault. I came in on Highway 21. I'm staying out that
5 way. And they had a wreck and they stopped traffic and
6 we sat in the road for the 20 something minutes. So I'm
7 sorry. That's why you were delayed.

8 I have a note indicating juror number 202,
9 Mr. Omasta (phonetic), is the foreman of the jury. So,
10 sir, you keep that seat throughout the trial, and the
11 alternate keeps that seat throughout the trial, and we
12 are about ready to get started.

13 First order of business is that I have to have you
14 placed under the oath of a trial jury. I need for you to
15 please stand, raise your right hand and the clerk will
16 administer your oath.

17 (WHEREUPON, the jury was given their oath.)

18 THE COURT: Can I add something? The evidence and
19 the law so help you God. Say I do if you accept the
20 oath.

21 (All jurors answered.)

22 THE COURT: Thank you. Thank you. There was a
23 case in Greenville a while back, a long while back, where
24 that was I think added to the end, so just to be safe.

25 All right. Ladies and gentlemen, I'm going to

1 begin by explaining to you how we normally operate court,
2 and then I'm going to tell you how I expect the case to
3 begin, some of the landmarks you can look for as we
4 start, and then I'm going to give you some instructions
5 you have to follow throughout the trial.

6 I usually start with juries at 10 o'clock. We
7 usually go until about 1 o'clock and break for lunch.
8 Normally, you are on your own for lunch. We usually give
9 the jury about an hour to an hour and a half for lunch.
10 So we start back at 2:00, 2:30, and then normally break
11 for the day between 5:00 and 5:30.

12 Sometimes we have to vary that schedule depending
13 upon the availability of witnesses and what issues arise
14 during the trial, but you know as much as I know about
15 how your day is likely to go.

16 Now, the way the case will begin is that you will
17 hear the opening statements of the attorneys.. In opening
18 statements the attorneys are not permitted to engage in
19 argument. An opening statement is permitted to be an
20 introduction, an outline, an overview. It's typically
21 said to be the position of each side as to what they
22 believe the evidence will show. Now, that doesn't change
23 the burden of proof. The burden remains entirely on the
24 State throughout the trial.

25 Once the opening statements are finished then I

1 will call upon the solicitor to present her case. The
2 State brought this charge and the State has the entire
3 burden of proof. The State has to prove every essential
4 element of the offense charged against Ms. Adderley
5 beyond a reasonable doubt. So I'll recognize the
6 solicitor to present evidence in an attempt to meet that
7 burden.

8 When the State finishes presenting its evidence in
9 chief the solicitor will advise me that the State rests.
10 At that point, I have to send you out of the courtroom
11 and discuss legal issues with the attorneys. So whether
12 you've been in here just a few minutes or you've been in
13 here an hour I have to break at that point and discuss
14 legal matters with the attorneys.

15 When you come back after that point I'll tell you
16 where we go from there, but that's kind of what you can
17 look for as we get started.

18 Now, it's really important that you understand some
19 things. First, that oath that you just took was one in
20 which you promised us that you are going to decide this
21 case based on the evidence and the law. So you need to
22 know where those things come from.

23 The evidence comes from the sworn testimony of the
24 witnesses. Evidence can also come in the form of
25 exhibits. Now, an exhibit can be anything tangible

1 that's marked in the record. It can be a photograph, a
2 map, a chart, a bill, a video, an audio recording. It
3 can be anything tangible marked in the record.

4 If something is an exhibit you will have it with
5 you in the jury room when you decide the case. And the
6 reason I'm telling you that is because it's not unusual
7 for an attorney to have something like a small photograph
8 and show it to the jury from a distance or hand it into
9 the jury box and ask the jury to circulate it around so
10 that you are trying to look at the photograph, for
11 example, while you are also trying to pay attention to
12 what's going on on the witness stand. So just realize
13 that all the exhibits go back to the jury room when you
14 decide the case.

15 What the lawyers say is not evidence. Now, I want
16 you to pay close attention to them. They facilitate the
17 introduction of the evidence but what comes out of the
18 lawyer's mouth is not evidence. The evidence comes from
19 witnesses and the exhibits.

20 There is one exception to that rule about what the
21 lawyers say not being evidence and if it happens in this
22 case I'll tell you about it; otherwise, I won't burden
23 you with it. So you know where the evidence comes from.

24 As I mentioned to you yesterday, the law comes from
25 me. It's my job to decide what law applies to a case and

1 tell it to the jury at the end of the trial.

2 Now, it's also very important that you understand
3 that there are two judges in the courtroom. I'm the
4 judge of the law. I tell you the law at the end of the
5 trial, I rule on legal issues as they arise, and I
6 preside over the trial. That's my job.

7 You are the other judge. It's really important
8 that you understand that you are the only judge of the
9 facts. Only you are going to get to decide such things
10 as whether evidence is believable or not. Only you are
11 going to get to decide what weight, if any, should be
12 placed on evidence. Those things are entirely your
13 prerogative and I will not invade your province.

14 Now, to explain to you a little bit about how our
15 roles interact and how they are different I'm going to
16 give you an example of what typically happens in a trial.
17 From time to time one side or the other in a trial may
18 feel that the opposite side is trying to put something
19 before the jury that does not fit within the rules for
20 the jury to consider. And if that happens these
21 attorneys took an oath to do their jobs just like you've
22 taken an oath and I had to take an oath, and so the
23 attorneys have an obligation to stand up and raise an
24 objection. That calls upon me to make a ruling.

25 Now, if I overrule the objection that means that I

1 agree with the attorney that that thing is not proper for
2 the jury to consider. . It doesn't fit within the rules
3 and it doesn't come before you and you put it out of your
4 mind. It's not proper for you the consider. But if I --
5 if I sustain the objection it doesn't come before you..
6 If I overrule the objection that means that I allow it to
7 come before the jury.

8 But what I want to make sure you understand is that
9 it will not cross my mind to think about whether that
10 thing is believable or not because that's not my job. I
11 will not give one moment's thought to whether that thing
12 should be given any weight by a jury. It's not my job.
13 That's the jury's job.

14 I'm going to be looking very narrowly with tunnel
15 vision to see do I believe that thing fits within the
16 rules for the jury to consider, and if I do I'll let it
17 come before you and then you decide whether it's
18 believable and you decide what weight, if any, to put on
19 it. So that's how our roles interact. I'm the judge of
20 the law, you are the only judge of the facts.

21 Now, while you promised us that you were going to
22 decide the case based on the evidence and the law, and
23 you must do that, I'm not telling you to leave your
24 common sense at home. We want you to use your common
25 sense. We want you to use your sense of logic and reason

1 and your good judgment.

2 Now, it just makes good common sense that you keep
3 an open mind about the case and that you don't make your
4 mind up about the case until you've heard all the
5 evidence and you know what law applies to the case.

6 So there's a rule that I've already told you about
7 and I have to repeat it again, and it's hard to follow.
8 And that rule is that you are not to discuss this case in
9 any way among yourselves until I tell you to. Don't talk
10 about the people involved, the subject matter of the
11 case, anything about the case until I tell you to
12 deliberate, and when I do we wait on you.

13 Now, that rule is hard to follow because you 13
14 folks may feel you have little in common except you all
15 live in Beaufort County and you all got picked on this
16 trial. So the logical thing you're going to want to do
17 during any break is to talk about what you just saw or
18 what you just heard in the courtroom. You have to resist
19 that temptation and not talk about the case until I tell
20 you to. Don't discuss the case with family members,
21 friends or anyone else until the week is over and you've
22 been dismissed from the jury.

23 If anybody attempts to contact you and discuss the
24 case with you then you need to report that to me so I can
25 deal with it. If there's any media coverage of the trial

1 you are to get away from it and report to me what you may
2 have seen, heard or read through the media.

3 Now, I mentioned to you yesterday that you are not
4 to do any independent investigation and I told you that I
5 would have to read to you a directive that the Supreme
6 Court of our State has required us to read to all the
7 juries. A lot of what I'm going to read to you is
8 repetitious of what I've just told you. It's in a little
9 bit more legalese, so I want to explain it to you in more
10 common language and I want to give you a little
11 background on this.

12 Years ago when I would give an instruction about
13 not doing independent investigation it would be in the
14 context of like if it was in a civil case if there was a
15 who-ran-the-red-light case, and I would tell the jury
16 don't go out to the intersection and look around.

17 There are procedures by which we can send a jury to
18 an intersection to look around if it's necessary but if
19 they changed the intersection since the wreck or they've
20 changed the lights since the wreck you wouldn't know that
21 if you just did it independently and we didn't know you
22 went out there. So I would tell them that or because I
23 typically work in the Midlands I would tell them don't go
24 to the law library and look up law.

25 Well, nowadays we have the internet and you can go

1 on the internet and look up things that when I was in law
2 school it would take me months, years or I might not ever
3 find it. Now, a little knowledge is a dangerous thing.
4 They have me here to put the law in context to know all
5 the caveats, and I don't pretend to know them all but
6 that's my job, is to try to figure out what applies to a
7 particular case and give it to the jury. So it's really
8 inappropriate for you to try to look up law or you to try
9 to go out and go to the scene where something happened
10 and look around.

11 Also, with the advent of social media we've had
12 situations, not in South Carolina but in other states,
13 where jurors post things on Facebook or they post things
14 on Twitter. Well, that's the same thing as going out on
15 the steps of the courthouse and screaming out loud what I
16 just told you you can't talk about. So don't do that.
17 Don't go on social media and post anything about the case
18 during the trial.

19 Now, once the trial is over and you are discharged
20 from duty you can do whatever you want to in that regard,
21 but don't do it until then.

22 Now, folks, I was rushing to get up here so I
23 didn't pull this up yet so bear with me a minute.

24 (PAUSE.)

25 All right. Ladies and gentlemen of the jury, I

1 instruct you that until your jury service is concluded
2 you are not to discuss the case with others including
3 other jurors except as authorized by the Court.

4 You are not to read or listen to any news reports
5 about the case. You are not to use a computer, cell
6 phone or other electronic device with communication
7 capabilities while attending the trial or during
8 deliberations. Those devices may be used during lunch
9 breaks or extended breaks when you are away from the
10 courthouse but not to obtain or disclose prohibited
11 information.

12 You are not to use a cell phone, a computer or any
13 other electronic device with communication capabilities
14 or any other method to obtain or disclose information
15 about a case when you are not in court.

16 Information about a case includes but is not
17 limited to the following things: Information about a
18 party, a witness, an attorney or a court officer, any
19 news accounts of the case, any information collected
20 through juror research on any topics raised or any
21 testimony offered by any witness, any information
22 collected through juror research on any other topic that
23 a juror might think would be helpful in deciding the
24 case.

25 I don't have to read that to you anymore. I'll use

1 shorthand and say don't discuss the case, perhaps, but
2 I've given you all those admonitions and you know to
3 follow them and how long to follow them.

4 Okay. Now, a couple housekeeping things. The
5 bailiffs said some of you had asked about taking notes.
6 It's fine with me if you take notes, if you wish to. The
7 judges who do not let jurors take notes, the reason they
8 typically give for that is that their concern that when a
9 juror has a written recollection, something on paper and
10 another juror who may not have written anything down
11 would unduly defer to what was written down. Well, I
12 don't buy into that. I mean, you folks know what you
13 believe strongly and what you remember, clearly, and it's
14 fine with me if you take notes.

15 They do tell us if we let you take notes we have to
16 have three rules, so here they are. During any breaks in
17 the trial you have to leave your notes in the courtroom.
18 So we ask you to put something on your notepad to
19 identify what juror. You can just put your number, if
20 you want to, and just turn them facedown either on the
21 rail or your seat when you leave.

22 If you go for an extended break, like a lunch break
23 or overnight, we'll take them up and they'll be placed
24 somewhere safe. We don't read your notes. We are not
25 interested in reading your notes, so that won't happen.

1 The second rule is that when you do go back to the
2 jury room to decide the case you may have your notes with
3 you but you are not allowed to physically show the notes
4 to another juror.

5 Now, you may look at your notes and you may say
6 whatever you like but you cannot point to them and say,
7 Here, I've got it written down right here. See.

8 So don't physically show your notes to another
9 juror.

10 And the third requirement is that at the end of the
11 trial the notes have to be destroyed. So we shred them,
12 obliterate them, so don't -- I know they've given you
13 legal pads here, a little pad. I've noticed some people
14 writing them on their personal calenders and things.
15 Just understand, we are going to either take a black
16 magic marker and obliterate it or we're going to shred
17 them or something like that. So with those three rules
18 you are welcome to take notes.

19 All right. I'm about through with my part. The
20 last thing I want to tell you is something I mentioned to
21 you yesterday and that is about how I feel about making
22 juries wait. I want to first thank you for your service.

23 Now, I'm not the kind of guy that's going to stand
24 up and sit up here and repeatedly say thank you to a
25 jury. And the reason I do that is not because I'm

1 unappreciative. It's because I think it cheapens it when
2 I do that. It just sounds like I'm saying it, and I
3 really truly know that it's very easy to find yourself in
4 a dispute like these folks are in and if you are ever in
5 one you'll be very grateful that 13 people like you came
6 away from everything else they had to do in their lives
7 so we can resolve our disputes and life go on. So I
8 thank you.

9 Now, the only promise I can make to you is that if
10 you are waiting on us we are working, unless I'm stuck in
11 traffic. If you are waiting we are working. We are not
12 going to be out here goofing off if you are back there
13 waiting. So to honor my commitment to you to do
14 everything I can not to waste your time I'll be quiet.
15 Now, I invite your close attention.

16 And, Solicitor, you are recognized for your opening
17 statement.

18 MS. CONCANNON: Thank you, Your Honor. May it
19 please the Court.

20 THE COURT: Yes, ma'am.

21 MS. CONCANNON: I should have never stopped. I
22 should have never stopped. That's what the defendant,
23 Alicia Adderley, tells Lieutenant Massey of the Port
24 Royal Police Department. I should have never stopped.
25 But she did stop. She chose to stop and what ensued next

1 was a violent, jealous rage against the victim, Terrence
2 Adderley, her husband.

3 It was April 27th of 2013 around 4:30 in the
4 afternoon. Ms. Adderley, the defendant, is driving her
5 car and she sees her husband who she had been separated
6 from for sometime now. He's at the Suds City car wash
7 over in Port Royal. What she notices most is not that
8 it's Terrence but he is washing someone else's car.
9 That's not his car he's washing.

10 She gets jealous. Her jealousy sets in, she turns
11 around, she pulls into the car wash. She's angry. She
12 is jealous. She confronts him. She chooses to stop.
13 She chooses to get out of her car. She chooses to let
14 her jealousy and anger and rage take over, and she
15 chooses to start that confrontation with Terrence.

16 She starts yelling at Terrence about, Whose car is
17 this? Whose car is this?

18 All of this is in front of her children. She tries
19 to take down the license plate of that car. She is mad,
20 she is jealous, she is angry.

21 She sees Terrence is wearing a necklace around his
22 neck, a chain, and there are a couple rings on it and
23 another pendant on it. She's not afraid of Terrence.
24 She's not scared. She is mad. She is scorned, she is
25 mad, she is jealous. She snatches that necklace off of

1 his neck.

2 Then the rage sets in. She demands that her
3 14-year-old daughter hand her a baseball bat out of the
4 car. The daughter refuses. A 14-year-old child knows
5 better than to hand her angry, upset, jealous, mad mother
6 a baseball bat.

7 Well, that doesn't stop the defendant. She goes in
8 her car, she gets that baseball bat. She starts swinging
9 and she swings, and she swings, and she swings that
10 baseball bat. And who is she swinging it at with all of
11 her might, every inch of that jealousy that she has
12 inside of her? She's swinging it at Terrence, at his
13 face, at his head, at his arms.

14 He suffers broken bones in his face. He is beaten,
15 he is bloody. His teeth are knocked out. He has bruises
16 on his arms, all because she chose to stop. She chose to
17 confront Terrence, she chose to grab that baseball bat
18 and act on her jealousy.

19 Today the defendant is charged with criminal
20 domestic violence of a high and aggravated nature. At
21 the end of this trial the Judge is going to instruct you
22 on the law. Before this happens you are going to hear
23 testimony come down from that witness stand, you are
24 going to hear from law enforcement, you are going hear
25 from a doctor, you are going to hear from Terrence

1 himself, and all this testimony is going to take you back
2 to that Suds City parking lot on April 27th of 2013.

3 You are also going to hear the words that the
4 defendant told Investigator Massey. I want you to listen
5 to these words as they come off the witness stand.
6 Listen to these people as they take you back to that day,
7 to that afternoon, questioning their credibility, their
8 reasoning, their statements, does it make sense? And I'm
9 confident that after you do you'll understand that the
10 defendant is a jealous woman. She was mad and she chose
11 to act on that jealousy.

12 She chose to stop her car, she chose to confront
13 Terrence. She chose to grab that baseball bat and she
14 chose to violently beat him with that baseball bat, and
15 because of all of that, because of the choices she made
16 she is guilty today of criminal domestic violence of a
17 high and aggravated nature.

18 THE COURT: Thank you, solicitor.

19 Ms. Campbell, you are recognized for your opening
20 statement.

21 MS. CAMPBELL: May it please the Court, Your Honor.

22 THE COURT: Yes, ma'am.

23 MS. CAMPBELL: Good morning. As His Honor has told
24 you, my name is Trasi Campbell. I'm Alicia Adderley's
25 attorney. Alicia Adderley did hit Terence Adderley with

1 a T-ball bat, a children's bat on April 27th, 2013. She
2 used a children's T-ball bat to defend herself and
3 children from a violent attack from her husband. I
4 believe that the evidence will show and you will be
5 firmly convinced that this is what happened.

6 This was not the first time -- you'll hear from
7 Alicia herself, either today or tomorrow, depending on
8 how the trial moves forward, this is not the first time
9 that Terrence Adderley grabbed her and pushed her and
10 moved her physically away from something he didn't want
11 her to have anything to do with.

12 Alicia Adderley met Terrence Adderley many years
13 ago. They were both working as managers at a Burger
14 King. She was a widow with small children. They
15 married, they had two children together. Those two
16 children were in the backseat of the van on April 27th,
17 2013. Also in the van on that day was her daughter,
18 Jonalisha, who is seated on the far left in the front
19 passenger seat, and her friend, Idaisha, best friends
20 since they were kids.

21 Now, Terrence Adderley and Alicia Adderley married.
22 Early on you'll hear from Alicia it became clear to her
23 that she had married a cheater. Right or wrong she
24 honored her marriage vows, she stood by him. She never
25 demanded that he leave. They had two small children

1 together.

2 But I'll tell you what she'll tell you she did
3 demand, what she asked from him, and you'll hear this
4 from the witness stand, What about it? What about the
5 rumors around town? What about the women coming by my
6 work? What about these things? Is it true?

7 And every time Terrence Adderley's answer to her
8 was, Where is your proof? Where is your proof? I don't
9 know. Where is your proof? Catch me if you can.

10 So on April 27th, 2013 Alicia Adderley was faced
11 with the proof. She did it. She caught him. Catch me
12 if you can. There's the proof. He's washing his
13 girlfriend's car, another women's car, and they hadn't
14 been apart very long. In fact, at the end of 2012 he was
15 still coming back in the house. So they weren't
16 technically away from each other for any lengthy period
17 of time. This was her husband. This was the father of
18 her children.

19 I believe the testimony will show -- you know, and
20 consider this as you move through and when you finally
21 get to the end of this case what the State of South
22 Carolina chooses, what they choose not to give you, the
23 witnesses they choose not to call, the pictures they
24 choose not to put before you and therefore put that
25 burden upon us.

1 I believe you'll see that the children along with
2 Alicia were at Mossy Oaks Park, as she did many times
3 take the children to the park. They were playing
4 kickball, they were playing T-ball. She was spending the
5 day with her children.

6 They left from the park and went to Golden Corral,
7 got some food to go, and they were coming back to the
8 home and one of the kids yells out, Hey, there's daddy.
9 And when that happened the kids, Let's go see daddy, and
10 they did. And when they pulled up, I believe the
11 testimony will show, that he came over.

12 Terrence came over to the car, passenger side and
13 basically was talking to the kids, and Alicia says to him
14 quite honestly, Is that your girlfriend's car? I'm going
15 to get the license plate.

16 Well, that made him fighting mad. I believe what
17 you'll hear is that at that point he came around, because
18 she was getting out of the car to get the license plate,
19 and he's pushing her, Get back in the car. Get back in
20 the car. Go home.

21 And he's pushing her and then grabs her neck. And
22 I don't know. You'll hear from the witnesses whether the
23 child said, Momma, here is the bat or don't give me the
24 bat. You judge the credibility of those statements.

25 In any event, one of the kids gave her the bat when

1 daddy had her down in the seat choking her. I believe
2 that you will from the evidence, again, see that all the
3 blood from Mr. Adderley's lip was in Alicia's car,
4 spattered all over the steering wheel. And you can take
5 that piece of evidence and look at that in conjunction
6 with the fact that there will not be a single piece of
7 evidence from the State of South Carolina that shows any
8 blood over where Mr. Adderley says she attacked him with
9 the bat, unprovoked.

10 I believe that you will hear testimony as we move
11 through this trial that Alicia Adderley left with her
12 children as Mr. Adderley had wrestled the bat away from
13 her and he was on the phone calling 911. She went home.
14 She took a deep breath.

15 You will hear from the officers, I believe the
16 first officer who is going to testify, that when they
17 went to her house she was there, they were taking with
18 her. Her shirt was nearly ripped off of her body:

19 Mr. Adderley shows up at the house again causing a
20 scene, coming at Alicia even with the police present. I
21 believe the testimony will show that she acted in self
22 defense of herself and of her children.

23 You will hear the interview that Investigator
24 Massey conducted with Alicia the day that this happened.
25 You will see him send her home. You will see him

1 repeatedly express to her the fact that he's just frankly
2 confounded as to what really happened and who started
3 what, and that he's going to have to think on it and
4 maybe talk to Mr. Adderley again and try to decide what
5 he's going to do. He might charge them both for getting
6 in the tussle. So you are back to square one.

7 I think you'll hear testimony that Alicia Adderley
8 because of this they did arrest her, put her in jail.
9 She lost her job. At that time she was working at
10 K-mart. Her face was in a mugshot newspaper and her
11 employer said, No, you are gone.

12 Not to be detoured, because she's never been on
13 public assistance, she's never asked for help from
14 anybody, she's always had a job taking care of herself
15 and her children, she got a job at a nursing facility
16 where she still works today taking care of 20 men who are
17 disabled suffering from schizophrenia. She feeds them,
18 she clothes them, she administers their medications and
19 she monitors how well they are doing. This is where she
20 spends her time.

21 I believe that you will find through the testimony
22 that after this date, no, Mr. Adderley was not and did
23 not come home. Alicia Adderley finally shut the door on
24 Mr. Adderley. I believe the testimony will show at the
25 close of the trial -- again, consider what the State has

1 given you, what they have failed to give you, what they
2 have chosen to give you.

3 You know, we took a long time yesterday picking the
4 jury. I'm confident, I know Alicia is confident. Each
5 of you sits in an individual chair, individual voice, an
6 individual vote at the end of the trial and we are
7 confident in your judgment of what really happened here
8 that you will judge the credibility of the witnesses put
9 before you, and in the end I believe that you will be
10 firmly convinced that Alicia Adderley, in fact, defended
11 herself and her children and that she was justified in
12 striking Mr. Adderley with the T-ball bat.

13 Now, at the end of the case I'm going to ask you to
14 find her not guilty. I believe she's not guilty. I
15 believe she was justified in how she defended herself on
16 April 27th, 2013. Thank you so much for your patience.

17 THE COURT: Thank you, Ms. Campbell.

18 All right, Solicitor. Call your first witness.

19 MS. CONCANNON: Thank you, Your Honor. The State
20 calls Sergeant Scott O'Neal.

21 SCOTT O'NEAL, after having been duly sworn,
22 testified as follows:

23 THE CLERK: You may be seated. Please state and
24 spell your name for the Court's record.

25 THE WITNESS: Sergeant Scott O'Neal.

- 1 Q. And were you working on April 27th of 2013?
- 2 A. I was.
- 3 Q. And were you working with the Port Royal Police
- 4 Department in the same capacity as you are today?
- 5 A. Yes, ma'am.
- 6 Q. Did you have the opportunity to respond to the Suds
- 7 City?
- 8 A. Yes.
- 9 Q. Do you know what the address at Suds City is?
- 10 A. I believe it's 816 Parris Island Gateway.
- 11 Q. And where is that located?
- 12 A. That's located just past the new Waffle House on
- 13 Parris Island Gateway, just past the Bilo shopping center
- 14 down there by Fat Patty's right there on Bellview. East
- 15 and West Bellview is right there on the opposite by
- 16 Parris Island Gateway.
- 17 Q. And that's Port Royal?
- 18 A. Yes, ma'am.
- 19 Q. Thank you. And why did you respond to that
- 20 location?
- 21 A. We got dispatched there in reference to an assault
- 22 that had occurred, and we responded.
- 23 Q. When you got to the car wash -- what time of day
- 24 was this? Do you remember?
- 25 A. I believe it was mid afternoon. Not quite dusk,

1 afternoon time.

2 Q. Daylight?

3 A. Yes. Yes, ma'am.

4 Q. When you arrived at the car wash what did you
5 observe?

6 A. Pulled into the car wash, I observed a white
7 vehicle. I observed a black male standing there. The
8 subject was later identified as Mr. Adderley. He was on
9 the phone. He seemed very disoriented. I don't know if
10 he was in shock but I'd say he had a state of shock upon
11 him, kind of dumbfounded. I observed that he was
12 bleeding from the face and mouth, had some blood on his
13 shirt and he was on the phone, I believe with 911.

14 Q. Okay. And you mentioned the white car. Did you
15 photograph this car by any chance?

16 A. I did.

17 MS. CONCANNON: Permission to approach, Your Honor?

18 THE COURT: Yes, ma'am.

19 BY MS. CONCANNON:

20 Q. Sergeant O'Neal, I'm going to hand you what has
21 been marked State's Exhibit Number 1 for identification
22 purposes only. What is that?

23 A. That's the white vehicle that was parked at the car
24 wash that Mr. Adderley was standing next to when I
25 arrived on scene.

1 Q. And does that picture fairly and accurately depict
2 that car that day?

3 A. Yes, ma'am.

4 Q. And did you, in fact, take this photograph?

5 A. I did.

6 MS. CONCANNON: At this point, the State moves
7 State's 1 into evidence.

8 THE COURT: Any objection?

9 MS. CAMPBELL: No objection.

10 MS. CONCANNON: Permission to publish.

11 THE COURT: Marked into evidence.

12 (WHEREUPON, State's Exhibit Number 1, a Photograph,
13 was admitted into evidence.)

14 THE COURT: Yes, ma'am.

15 MS. CONCANNON: Thank you, Your Honor.

16 BY MS. CONCANNON:

17 Q. And that's the white car Mr. Adderley was next to?

18 A. Yes, ma'am.

19 Q. Thank you. After you photographed that car and
20 spoke with Mr. Adderley what did you do next?

21 A. Well, I arrived on scene. Like I said, I spoke
22 with Mr. Adderley. I called and let them know that the
23 scene was secure for fire and EMS to arrive. They came
24 and checked him out. Basically, secured the scene as it
25 was. Photographed it, attempted to locate the baseball

1 bat if it had been anywhere left on the scene, was
2 unsuccessful at that. Basically, was holding everything
3 down there.

4 Mr. Adderley had made some statements of where the
5 possible suspect may be going, so I radioed the other
6 officers to attempt to try to make contact with her at
7 the location that they gave.

8 Q. Okay. Where did you look for this baseball bat?

9 A. Well, from the picture you saw it's kind of an
10 own-faced car wash. There's separate stalls for the
11 actual car wash and then there's some vacuum stalls. I
12 checked the immediate area of the car wash, the car that
13 was there. I checked the trash cans that were located at
14 each of the vacuum stations.

15 I did basically a perimeter walk of the entire
16 thing, starting small and then spreading out to include
17 the shrubs on the side, the fence area, the dumpster,
18 anywhere and everywhere it could have possibly ended up.

19 Q. And did you locate it?

20 A. No, ma'am.

21 Q. Approximately how long, if you know the answer to
22 this, after the attack did you arrive and attempt to
23 locate this bat?

24 A. I would say within minutes. I don't know my exact
25 response time but people that witnessed the incident were

1 still there, Mr. Adderley was still there. Everything
2 was where they said it would be, so I don't know my exact
3 response time but I'd say it was fairly quickly.

4 Q. You mentioned witnesses. Did you speak to other
5 people on the scene?

6 A. I attempted. I'm not sure -- to talk to everyone
7 who was there at the time. I got there I was only able to
8 locate, I believe, one subject who stated that he had
9 been there and observed the incident and I did interview
10 him and collect a statement from him.

11 Q. And was he with Mr. Adderley or with the defendant?

12 A. No. He claimed that he had no connection to them,
13 that he was simply there washing his car. I made contact
14 with him in the wash bay that would have been -- the way
15 the car was parked it was kind of directly in front,
16 maybe a little bit offset to the right. He was actually
17 there washing his truck. I made contact with the man who
18 stated that that's where he had been the entire time that
19 he had observed it.

20 Q. Do you remember his name?

21 A. Rodney Shell.

22 Q. Thank you. After you secured the scene and
23 attempted to locate the baseball bat where did you go?
24 What did you do next?

25 A. Like I said, I contacted the other officers in an

1 attempt to locate the other party in reference to this.
2 EMS had arrived on scene, I believe taking a look at
3 Mr. Adderley. I think he opted to take himself to the
4 hospital and not to be transported. I radioed to the
5 other units to attempt to make contact with Ms. Adderley
6 at her residence. I believe Sergeant Rodgers and
7 Corporal Light responded and stated that they did make
8 contact with her there. As soon as that scene was
9 cleared up I moved myself from the car wash over to the
10 apartment complex.

11 Q. Okay. And did you have an opportunity to observe
12 Ms. Adderley?

13 A. I did.

14 Q. And what was her demeanor? What did she appear
15 like?

16 A. When I first made contact with her standing out
17 front she was speaking with other officers. Some of her
18 children who were present were there as well. She spoke
19 with me. I observed that the collar of her shirt was
20 stretched out and torn. I didn't observe any other
21 physical injuries. She didn't seem in any state of
22 distraughtness [sic] or dismay, just kind of maybe
23 overwhelmed a little bit with the brevity of the
24 situation.

25 Q. You mentioned injuries. Did you see any red marks

1 on her neck?

2 A. I did not.

3 Q. Any bruises on her arms?

4 A. I did not.

5 Q. Legs?

6 A. I did not.

7 Q. No bruises?

8 A. No.

9 Q. After you spoke with her what did you do next?

10 A. I asked her about the possible location of the
11 baseball bat. She had stated that she did not have it,
12 that she thought that Mr. Adderley had taken it. I
13 explained to her that we did not locate it on the scene
14 in his vehicle. I asked for consent to search her
15 vehicle in reference to the location of the bat, which we
16 did and did not locate the bat.

17 I did upon searching her vehicle, I did observe a
18 few drops of blood throughout the door frame area and
19 within the passenger cabin.

20 Q. Aside from searching her vehicle at that apartment
21 complex did you search anywhere else for that baseball
22 bat?

23 A. No, ma'am.

24 Q. Just her vehicle?

25 A. Just her vehicle. We didn't go into the apartment

1 or at that point we didn't go any further.

2 Q. And to your knowledge was the bat ever located?

3 A. No.

4 Q. After you conducted your investigation at the
5 apartment complex what did you do next?

6 A. Well, on my way -- once we noticed or were able to
7 locate the other half and establish the relationship and
8 what the actual crime that we would possibly be charging
9 would be, the brevity of that crime, I went ahead and
10 notified our duty investigator per our policy and had him
11 respond and in route.

12 As I was leaving the car wash and going over to the
13 apartment complex, I'm not sure, I believe he arrived
14 shortly after I got there to the apartments. So he was
15 already in route. By the time I got there he arrived
16 shortly after.

17 Q. Okay. And once he arrived did you stay on scene or
18 did you go somewhere else?

19 A. I would have cleared as soon as possible. Once
20 they arrive we hand the scene over to them for
21 investigation. I believe after speaking with Lieutenant
22 Massey I responded to the hospital to further speak with
23 Mr. Adderley and maybe assess further his injuries.

24 Q. And what was Mr. Adderley's appearance at the
25 hospital?

1 A. He still seemed kind of distraught and kind of
2 concerned about what happened. I believe he had been
3 cleaned up a little bit. You could observe --

4 THE COURT: Can you slow your speech down a little
5 bit. You talk fast --

6 A. I'm sorry. I'm from down here.

7 He appeared to have some -- his lips were -- some
8 lacerations to his lips. They were pretty mangled, had
9 some loose teeth, some missing teeth, bleeding from some
10 gums. His forearms were swollen. It looked like they
11 were -- they hadn't started to bruise yet but you could
12 tell that it was going to come.

13 Q. Both forearms?

14 A. I'm not sure exactly if it was both of them or just
15 one of them, and that's about it.

16 Q. And you spoke with him, and did that conclude your
17 part of the investigation?

18 A. Yes, ma'am.

19 Q. Sergeant O'Neal, I don't have any more questions
20 for you at this time. Thank you.

21 THE COURT: Cross-examination.

22 MS. CAMPBELL: May it please the Court.

23 THE COURT: Yes, ma'am.

24 CROSS-EXAMINATION

25 BY MS. CAMPBELL:

1 Q. Officer O'Neal, one of the photographs that you
2 took of Ms. Adderley's car was the steering wheel,
3 correct?

4 A. I didn't photograph Ms. Adderley's car, ma'am.

5 Q. Do you know who photographed her car?

6 A. I believe it would have been Lieutenant Massey, the
7 investigator that I called on the scene.

8 Q. So you've not seen the photograph of the interior
9 of her car?

10 A. No -- well, I've seen it on the report, yes, ma'am.
11 I've seen the photograph.

12 Q. So all you did was photograph Suds City?

13 A. Suds City and I took some preliminary photographs
14 of Mr. Adderley's injuries at the hospital as well.

15 Q. Okay. And at Suds City, just to be clear, were you
16 looking for evidence other than this T-ball bat?

17 A. Yes, ma'am. We basically assess the whole scene
18 and what evidence is there. So we did a search of the
19 whole scene to determine what physical evidence or any
20 evidence was.

21 Q. And you found none, right?

22 A. I found Mr. Adderley, which was evidence in itself.
23 There was a drop of blood, I believe on his car just
24 underneath the driver's side door handle. That was
25 photographed as well. The lack of the bat was

1 photographed, the fact. We took pictures of the parking
2 lot, the dumpsters and trash cans. All that was
3 photographed.

4 Q. So you took pictures of the dumpsters --

5 A. Yes, ma'am.

6 Q. - where you didn't find the bat? And the one drop
7 of blood on Mr. Adderley's car, when you pulled up you
8 said Mr. Adderley was standing next to that car, correct?

9 A. Yes, ma'am.

10 Q. Okay. And he was on the telephone, right?

11 A. Yes, ma'am.

12 Q. And you said he was missing some teeth, right?

13 A. Appeared to be, yes, ma'am.

14 Q. There weren't any teeth on the ground around him,
15 were there?

16 A. I did not locate any, no.

17 Q. You looked for them but didn't find them, right?

18 A. Yes, ma'am.

19 Q. And you also at Suds City saw EMS arrive, correct?

20 A. Yes, ma'am.

21 Q. You saw Mr. Adderley refuse treatment, correct?

22 A. I didn't see that. I would have been -- that would
23 have been the time that I was checking over the scene and
24 looking for further evidence. I'm assuming that he
25 refused based on the fact that he didn't ride with them

1 in the ambulance.

2 Q. You were also then leaving there and going to
3 Ms. Adderley's home and you were there when Mr. Adderley
4 came to her home on the way to the hospital causing a
5 scene there, right?

6 A. I was not. I was informed by the --

7 Q. That would be Officer Light?

8 A. Yes, ma'am.

9 Q. Now, what about the video surveillance cameras at
10 Suds City and the surrounding buildings; did you obtain
11 any evidence from those?

12 A. I don't recall. We've had kind of a sketchy
13 history with that, with their video being in working
14 order and not. I'm sure that we would have went and
15 checked that, but we did not -- I did not retrieve any
16 from there.

17 Q. When you are saying you're sure you would have went
18 and retrieved that, you didn't do that, right?

19 A. No, ma'am.

20 Q. Okay. So it would have been one of the other
21 officers in this case who would have tried to obtain the
22 video surveillance from that location, correct?

23 A. Typically.

24 Q. Do you know in this case?

25 A. I do not. Once it's passed up through

- 1 investigations my part in it is pretty much done.
- 2 Q. You said that when you did see Ms. Adderley that
- 3 her shirt was ripped, correct?
- 4 A. Yes, ma'am.
- 5 Q. Did you or any other officer take that shirt into
- 6 evidence in this case?
- 7 A. I'm not sure. I did not.
- 8 Q. Okay. So you did not?
- 9 A. No, ma'am.
- 10 Q. Now, also in your report that you submitted about
- 11 this you actually talked to, or maybe it was Officer
- 12 Light, because both your names are on the report,
- 13 Ms. Adderley's daughter and her friend; is that correct?
- 14 A. She was spoken to and I believe statements were
- 15 collected but they were not collected by me.
- 16 Q. Not by you?
- 17 A. I was not on scene yet, no, ma'am. I was still at
- 18 the car wash.
- 19 Q. That again would be Corporal Heidi Light?
- 20 A. I believe so.
- 21 Q. I believe you testified when the State was
- 22 questioning you that you actually did talk to and get a
- 23 statement from Terrence Adderley though, correct?
- 24 A. I did.
- 25 Q. And I'm going to go over some things in that

1 statement with you. Do you have a copy of your report in
2 case you need to refresh your recollection?

3 A. I do back there but I'm sure I can be provided with
4 one.

5 Q. All right. While the officer is retrieving your
6 report for you did you say that you photographed Terrence
7 Adderley?

8 A. I did.

9 Q. And in the photographs of Terrence Adderley he's
10 wearing his glasses, correct?

11 A. I don't recall.

12 MS. CAMPBELL: May I approach, Your Honor?

13 THE COURT: Yes.

14 BY MS. CAMPBELL:

15 A. Okay. Yes. These are the photographs that I took.

16 Q. That you took. And in those photographs
17 Mr. Adderley is wearing his glasses, correct?

18 A. Yes, ma'am.

19 Q. Do you have a copy of your statement yet?

20 A. I do not.

21 Q. Well, we'll start and then if you need it we'll get
22 it.

23 A. Okay.

24 Q. Do you recall that Mr. Adderley informed you that

25 Ms. Adderley got out of her car and followed him over to

1 the car that he was cleaning?

2 MS. CONCANNON: Objection.

3 THE COURT: Just a moment, please.

4 MS. CONCANNON: Objection. Hearsay.

5 THE COURT: You wish to be heard?

6 MS. CAMPBELL: Yes, Your Honor, I do. This officer
7 interviewed Mr. Adderley, put this information in his
8 report. It's not offered for the truth of the matter
9 asserted. This is offered for the truth of what the
10 officer put in his report. This is a statement given by
11 Mr. Adderley in this case.

12 THE COURT: Ladies and gentlemen, the quickest way
13 I can handle this is to ask you to step in the jury room.
14 Don't discuss the case. Leave your notes in the
15 courtroom.

16 (WHEREUPON, the jury leaves the courtroom at
17 approximately 11:20 a.m.)

18 THE COURT: All right. Elicit from him what it is
19 you wish to ask.

20 MS. CAMPBELL: Your Honor, Mr. Adderley gave
21 information to law enforcement that they acted on. This
22 is a statement by him. This officer included it in his
23 report. I'm not offering it as being truthful. I
24 understand Mr. Adderley is going to testify next. If I
25 need to -- you know, if I'm going to have to recall this

1 officer to go through the fact that the stories have
2 changed repeatedly then I will but this is a record of
3 Mr. Adderley's assertions in this case.

4 THE COURT: Yes?

5 MS. CONCANNON: Your Honor, Mr. Adderley is going
6 to testify. This is proper for cross-examination by
7 Ms. Campbell of Mr. Adderley. This is hearsay if she
8 attempts to get it in through this officer. She
9 specifically asked him what Mr. Adderley told him which
10 is hearsay and if she would like to ask Mr. Adderley
11 about that on cross-examination she certainly can.

12 THE COURT: Do you want to make a proffer of the
13 evidence?

14 MS. CAMPBELL: You want me to question the officer
15 then I will, yes. I mean --

16 THE COURT: It's not my decision. It's yours.

17 MS. CAMPBELL: I guess procedurally Mr. Adderley
18 can testify and I can ask Mr. Adderley if that is what he
19 told the officer. We can go that route and then should
20 he deny it or change it I'll have to call the officer
21 back to make clear that he's changed his story.

22 THE COURT: All right. Well, Rule 801 defines
23 hearsay and statements that are not hearsay. I haven't
24 heard the statement so I don't have any way of ruling as
25 to whether it's offered for the truth of the matter

1 asserted or not.

2 It's hard for me to envision that it would not be,
3 but be that as it may, Rule 801(d), a prior statement of
4 witness, states that if the declarant testifies at the
5 trial and is subject to cross-examination and the
6 statement is either A, inconsistent with the declarant's
7 testimony or B, consistent with the declarant's testimony
8 and is offered to rebut an express or implied charge of
9 recent fabrication or improper influence of motive, if
10 the statement was made before the alleged fabrication or
11 before the alleged improper influence or motive or C, is
12 one of identification of a person made after perceiving
13 the person or D, consistent with the declarant's
14 testimony in sexual conduct cases -- and that's not
15 relevant. So if it's one of those it's not hearsay but
16 until Mr. Adderley testifies I don't know how that's
17 going to come in.

18 There's also an admission by a party opponent under
19 (d)(2) and it's the party's own statement in either an
20 individual or a representative capacity. It's got five
21 subsections of admission by a party opponent. And as far
22 as any -- that's if it would not be hearsay at all the
23 other would be -- otherwise, it appears to be clearly
24 hearsay. And then, of course, I haven't considered the
25 exceptions to the hearsay rule because I don't know what

1 it is, if it could possibly fall within the exception. I
2 don't know. So how do you want to proceed?

3 MS. CAMPBELL: Well, I guess what I will do is ask
4 this officer to wait so I can serve a subpoena on him. I
5 don't have him under subpoena.

6 THE COURT: Don't leave.

7 MS. CAMPBELL: Thank you.

8 THE WITNESS: I'm not going anywhere, Your Honor.

9 MS. CAMPBELL: He can stay. I'll serve a subpoena
10 on him. We'll let Mr. Adderley testify and then if
11 Mr. Adderley is not consistent with the statement and
12 information that he gave, because he's given two -- three
13 different statements, then we'll -- the defense will call
14 this officer and put it in evidence, the difference in
15 the statement. That's how I'd like to proceed.

16 THE COURT: Thank you, ma'am.

17 MS. CAMPBELL: Thank you.

18 THE COURT: You ready for the jury?

19 MS. CONCANNON: Yes, Your Honor.

20 THE COURT: All right. You ready for the jury,

21 Ms. Campbell?

22 MS. CAMPBELL: Yes, sir.

23 THE COURT: Bring them in.

24 (WHEREUPON, the jury enters the courtroom at
25 approximately 11:26 a.m.)

1 THE COURT: All right. The objection is sustained.

2 Do you have any further questions of the witness?

3 MS. CAMPBELL: I do briefly, Your Honor.

4 THE COURT: Yes, ma'am.

5 BY MS. CAMPBELL:

6 Q. Officer O'Neal, you responded to the State of South
7 Carolina when they asked you if you had checked

8 Ms. Adderley's legs for bruises and you said yes, and
9 that you found none; is that correct?

10 A. I believe she was wearing shorts and a shirt.
11 There was none that were readily available or readily
12 present observed.

13 Q. And the manner in which you checked her legs was to
14 just look at them; is that correct?

15 A. Yes. I did not have her disrobe or anything like
16 that.

17 Q. And you said that you visibly checked her neck,
18 correct?

19 A. Yes, ma'am.

20 Q. Okay. And that you -- well, what did you do with
21 the shirt? Do you know what happened to the shirt that
22 was ripped off?

23 A. No, ma'am. Like I said, I arrived on scene, I'd
24 already identified an investigator. I basically arrived
25 there and shortly after that the investigator arrived and

1 he would have been handed over the scene and collected
2 any evidence or anything from there.

3 Q. And that would be Investigator Massey?

4 A. Yes, ma'am.

5 MS. CAMPBELL: Okay. Subject to your ruling, Your
6 Honor, as far as the officer remaining, I don't have any
7 other questions at this time.

8 THE COURT: Thank you.

9 Redirect?

10 MS. CONCANNON: No, Your Honor.

11 THE COURT: Thank you, sir. You may step down.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: Don't leave unless you are released.

14 THE WITNESS: No, sir.

15 THE COURT: Call your next witness.

16 MS. CONCANNON: The State calls Terrence Adderley.

17 THE COURT: Come around, please, sir.

18 TERRENCE ADDERLEY, after having been
19 duly sworn, testified as follows:

20 THE CLERK: Please state and spell your name for
21 the Court record.

22 THE WITNESS: My name is Terrence Adderley,
23 A-d-d-e-r-l-e-y.

24 DIRECT EXAMINATION

25 BY MS. CONCANNON:

- 1 Q. Mr. Adderley, how old are you?
- 2 A. Thirty-nine. I'll be 39 in July.
- 3 Q. You'll be 39 in July?
- 4 A. Yes, ma'am.
- 5 Q. And where do you live?
- 6 A. Right now I live in Beaufort with my uncle.
- 7 THE COURT: Can you speak up a little bit more.
- 8 A. I'm sorry. I live with my uncle in Beaufort. I
- 9 reside with uncle in Beaufort.
- 10 Q. Thank you. I think that's better.
- 11 Back in April of 2013 where were you living?
- 12 A. Same place.
- 13 Q. Okay. Do you know who Alicia Adderley is?
- 14 A. Yes, ma'am.
- 15 Q. And who is she?
- 16 A. Currently my wife but we are separated.
- 17 Q. How long have y'all been separated?
- 18 A. At least two years now, two and a half years.
- 19 Since November of 2012 we've been separated.
- 20 Q. Since November of 2012. You were married -- you
- 21 are still married to Ms. Adderley?
- 22 A. Legally, yes, ma'am.
- 23 Q. Are you still in a relationship with her?
- 24 A. No, ma'am.
- 25 Q. When was the last time you were in a relationship

1 with her?

2 A. November 2012.

3 Q. How long were you married and in a relationship
4 with Ms. Adderley?

5 A. Eight years. We were married December 2004.

6 Q. And separated in 2012?

7 A. Yes, ma'am.

8 Q. Do you have any children with Ms. Adderley?

9 A. Yes, ma'am. We have two biological and five other.

10 Q. You said biological and other. Who, how old?

11 A. My two are eight and five.

12 Q. I'm sorry?

13 A. My two, TA, Jr. and TA (phonetic), are eight
14 and five.

15 Q. Eight and five.

16 A. That's the two we share.

17 Q. Okay. So in 2013 how old were they?

18 A. Six and four -- three.

19 Q. Okay. And she has five other children?

20 A. Yes, ma'am.

21 Q. While you were with Ms. Adderley did those other
22 children -- did all the children live in the home with
23 y'all?

24 A. Yes, ma'am.

25 Q. So there were seven children total in that home

- 1 ranging from -- was your two year old the youngest?
- 2 A. Yes, ma'am. Yes, she was.
- 3 Q. On up. How old was the oldest?
- 4 A. At that time I believe she was 14 or 15.
- 5 Q. Okay.
- 6 A. No. I apologize. The oldest was her son and I
- 7 think he was maybe 17, 18 at the time. I'm not sure.
- 8 Q. Okay. Full house?
- 9 A. Yes, ma'am.
- 10 Q. Do you remember April 27th of 2013?
- 11 A. Yes, ma'am.
- 12 Q. Why do you remember that day?
- 13 A. It was the only time I've ever been attacked.
- 14 Q. Okay. What were you doing that day?
- 15 A. I was at the car wash. I was on the passenger side
- 16 of the car vacuuming. I had the trunk open, both
- 17 passenger doors were open.
- 18 Q. I'm going to stop you for a second, Mr. Adderley.
- 19 A. Yes, ma'am.
- 20 MS. CONCANNON: Permission to approach, Your Honor?
- 21 THE COURT: Sure.
- 22 BY MS. CONCANNON:
- 23 Q. Mr. Adderley, I'm going to show you -- can I call
- 24 you Terrence?
- 25 A. Yes, ma'am.

1 Q. Terrance, I'm going to show you what's been

2 admitted as State's 1. Do you recognize that?

3 A. Yes, ma'am. That's the vehicle I was cleaning.

4 Q. That's the vehicle you were cleaning?

5 A. Yes, ma'am.

6 Q. Whose car is that?

7 A. That's my friend's car.

8 Q. It's not your car?

9 A. No, ma'am.

10 Q. It's your friend's car?

11 A. Yes, ma'am.

12 Q. But at this point you had been separated from

13 Ms. Adderley for --

14 A. About five months.

15 Q. Quite sometime?

16 A. Yes, ma'am.

17 Q. So you are cleaning this car, you are vacuuming it.

18 Do you have all the doors opened, closed? How is that?

19 A. No. The driver's side doors were both closed.

20 Both the passenger side doors were open and the trunk was

21 open.

22 Q. Okay. Do you ever see Alicia while you are at the

23 car wash?

24 A. No, ma'am.

25 Q. Does she ever come to the car wash?

1 A. No, ma'am.

2 Q. The defendant doesn't come to the car wash while
3 you're cleaning that car?

4 A. Oh, I'm sorry. That day?

5 Q. Yes.

6 A. Yes, ma'am, but normally no.

7 Q. Okay. Okay. Normally no. But that day you did
8 see her?

9 A. Yes, ma'am.

10 Q. Was she at the car wash when you got there?

11 A. No, ma'am. She arrived after.

12 Q. When did you first see her?

13 A. Like I said, I was vacuuming the backseat on the
14 passenger side. When I lift my head I looked up and
15 Jonalisha, the defendant's daughter, was standing outside
16 of her vehicle walking towards me. She asked me did I
17 hear her, and I said, No.

18 I walked over to her vehicle. I spoke to all the
19 kids in the third row, second row. When I moved to the
20 front of the vehicle I spoke to Ms. Adderley.

21 Q. Okay.

22 A. From there she asked me was that what I gave her my
23 family for, was that the B -- she called out her name,
24 that I gave up my family for. At that point, I told her
25 it wasn't time to talk about it, to talk about it later.

1 Q. And where did this conversation happen?

2 A. I was standing at the front passenger door of the
3 vehicle and she was sitting in the driver's seat.

4 Q. After you spoke with her about this, you spoke to
5 the kids and you spoke to the defendant, what did you do
6 after that?

7 A. After that, Jonalisha got back into her mom's
8 vehicle. Her mother asked her did she get the license
9 tag number. She told her mom no. She said, Okay, well,
10 I'm going to go and get it.

11 At that point while getting out of her vehicle I'm
12 walking back to the car.

13 Q. To this white car?

14 A. Yes, ma'am. I close the trunk. By the time I got
15 to the back passenger door she was standing by the
16 vacuum. I turned towards her before I closed the
17 passenger door and I told her, you know, just go ahead,
18 just go, just leave and go home.

19 Q. Did she seem upset or mad or angry or --

20 A. She was upset.

21 Q. She was upset?

22 A. She snatched the -- I was wearing three chains with
23 rings on them, she snatched the chain and said, These
24 belong to me anyway.

25 Q. And the chain popped and came off your neck?

1 A. Yes, ma'am. She snatched all of them off.

2 Q. What was on that chain?

3 A. It was -- I had two bands on there, two wedding
4 bands, ring bands. After she snatched them I told her
5 again, Just go ahead and go.

6 She started to walk away from the vehicle. She
7 asked for the bat. She didn't call the name. She said,
8 Somebody give me a bat.

9 Q. Did she just ask in the direction of her car?

10 A. Yes, ma'am, at the same time she's walking towards
11 her vehicle.

12 Q. Okay. She asked. Did she yell it --

13 A. Yeah. She said it loud. At that time, while she
14 was walking back to her vehicle, I'm closing the
15 passenger side doors because I just wanted to leave. I
16 was leaving. By the time I walked to the back of the
17 white car, I got to the driver's side back corner, she
18 was already walking toward me with the bat.

19 Q. What does this bat look like?

20 A. If I remember correctly it was like an aluminum
21 bat, I believe. I believe it was black or silver.

22 Q. Do you remember how big it was?

23 A. No, ma'am, I don't, but it wasn't a child's bat.
24 It was a regular size bat.

25 Q. Okay.

1 A. She started swinging. I was blocking with my left
2 arm. She --

3 Q. Did she make contact with your arm --

4 A. Yes, ma'am, she did.

5 Q. -- with the baseball bat?

6 A. She hit me in this arm about six or seven times
7 (indicated). I kind of turned a little bit and I started
8 blocking my right arm. She hit that arm several more
9 times and when I let my arm down that's when she struck
10 me in my face.

11 Q. Okay. How many times did she hit you in your face?

12 A. In my face just the one time.

13 Q. What are you thinking as all this is happening?

14 A. When she's hitting my arms I'm just hoping that
15 she's just going to stop.

16 Q. But she didn't stop?

17 A. No, ma'am.

18 Q. Okay. When she hit you in your face what are you
19 thinking?

20 A. When she hit my face all I could feel was -- I
21 could feel my mouth just messed up and when I opened my
22 mouth some blood came out. I reached out, I grabbed her
23 shoulders and I'm walking her back to her vehicle.

24 Q. You were walking her back. Is she wanting to go
25 back?

1 A. I mean, she's not pushing back towards me. I've
2 got her shoulders walking her back to her vehicle.

3 Q. Are you having to force her back to her car?

4 A. No, ma'am. I put her in the seat. She's sitting
5 in the seat with her legs out the door.

6 Q. Are you bleeding at this point?

7 A. Yes, ma'am. I have blood on my shirt, I had a big
8 drop on my shoe. We got to the vehicle, I looked up and
9 one of the witnesses, Ms. Idaisha, was holding my son and
10 he was crying. When I saw him I looked back at her and I
11 said, They just saved you.

12 I let go of my arm, I grabbed my cell phone and
13 that's when I called 911. When I'm calling 911 she puts
14 herself back in the seat and she drove off towards the
15 back of the car wash. She turned around and on the way
16 back I had to, like, side step, turn sideways so she
17 wouldn't clip me on the way out.

18 Q. Did you think that she was going to hit you on the
19 way out?

20 A. I did.

21 Q. She very easily could have --

22 A. Yes, ma'am.

23 Q. -- hit you with her car?

24 A. Yes, ma'am.

25 Q. And at this point are you dialing, are you on the

1 phone?

2 A. Yes, ma'am. I'm on the phone with 911.

3 Q. I want to talk a little bit more about your
4 injuries that day.

5 A. Yes, ma'am.

6 Q. Can you give us a little more detail about the
7 injuries you sustained?

8 A. I had a broke finger. I had contusions on both my
9 arms. My middle and index finger were both -- I don't
10 know how to describe it. They were locked up.

11 Q. Okay. I'm going to stop you there for a second.

12 MS. CONCANNON: Permission to approach?

13 THE COURT: Yes.

14 BY MS. CONCANNON:

15 Q. Mr. Adderley, I am going to show you -- you
16 mentioned your finger?

17 A. Yes, ma'am.

18 Q. I am going to show you what has been previously
19 marked State's Exhibit Number 11. Can you identify that
20 for the Court?

21 A. Yes, ma'am. That's my left hand.

22 Q. And what do you see in that picture?

23 A. My hand is swollen and my -- the pinky is messed up
24 -- spread out and bent.

25 Q. And is that -- did that happen when Alicia hit you

1 with the baseball bat?

2 A. Yes, ma'am.

3 Q. And does this fairly and accurately depict your
4 hand after the incident?

5 A. Yes, ma'am.

6 Q. After the attack?

7 A. Yes, ma'am.

8 MS. CONCANNON: At this point, the State moves
9 State's 11 into evidence.

10 THE COURT: Any objection?

11 MS. CAMPBELL: No objection.

12 THE COURT: Mark it in evidence, please.

13 (WHEREUPON, State's Exhibit Number 11, a
14 Photograph, was admitted into evidence.)

15 MS. CONCANNON: Permission to publish?

16 BY MS. CONCANNON:

17 Q. So you are referencing your pinky. Is this the
18 injury you are speaking of here?

19 A. Yes, ma'am, and also the middle finger and the
20 index finger. They were also swollen and I was unable to
21 -- I'm still unable to bend them forward.

22 Q. Okay. But that pinky, the bone was fractured on
23 that?

24 A. Yes, ma'am.

25 Q. Thank you. Aside from injuries to your hand and

1 your arms what other injuries did you sustain?

2 A. I had a fracture in my sinus, the top part of my
3 jaw was actually pushed back on the right side. I had
4 two teeth that were half knocked out. They had to be
5 extracted. I had to get stitches on the top lip on the
6 inside and outside and also on the inside of my bottom
7 lip.

8 Q. Okay. Do you remember if photographs were taken of
9 your injuries right after the attack?

10 A. Yes, ma'am, I believe they were.

11 Q. Okay.

12 MS. CONCANNON: Permission to approach?

13 THE COURT: Yes, ma'am.

14 BY MS. CONCANNON:

15 Q. Terrence, I'm going to show you what has been
16 marked for identification as State's 2, 3, 4, 5, 6. Can
17 you please identify those pictures.

18 A. Yes, ma'am. That's the photo after the stitches in
19 my mouth.

20 Q. Is that picture taken at the car wash, maybe?

21 A. I'm sorry, at the car wash.

22 Q. Okay.

23 A. This one is at the hospital.

24 Q. Is that the same day as the attack?

25 A. Yes, ma'am. All of these are the same day of my

1 mouth.

2 Q. Don't show them to the jury yet.

3 A. Oh, I'm sorry.

4 Q. That's okay. And what do these last three pictures
5 depict?

6 A. They are the cuts on the inside of my lip, my
7 mouth, showing the damage to my teeth and also the cuts.

8 Q. Okay. And those are the injuries that you
9 sustained at the hand of Ms. Adderley --

10 A. Yes, ma'am.

11 Q. -- the defendant?

12 A. Yes, ma'am.

13 Q. And do these fairly and accurately depict your
14 injuries that day?

15 A. Yes, ma'am.

16 Q. And these are actual photographs of you the day of
17 the incident?

18 A. Yes.

19 MS. CONCANNON: At this point, the State moves
20 State's 2, 3, 4, 5, and 6 into evidence.

21 THE COURT: Any objection to them?

22 MS. CAMPBELL: No objection.

23 THE COURT: All right. Mark them in evidence,
24 please.

25 (WHEREUPON, State's Exhibit Numbers 2 through 6,

1 Photographs, were admitted into evidence.)

2 BY MS. CONCANNON:

3 Q. Okay, Terrence. We're going to go through these.

4 Okay. What does that picture show?

5 A. Where she struck me on the side of the face. It's
6 showing how the teeth on the bottom are missing, were
7 broke in half, and that the top part was actually pushed
8 all the way back.

9 MS. CONCANNON: Okay. Your Honor, may I ask the
10 witness to step down from the witness stand?

11 THE COURT: Sure.

12 You have to keep your voice up because she has to
13 take down what you say and all of us have to be able to
14 hear you.

15 THE WITNESS: Yes, sir.

16 BY MS. CONCANNON:

17 Q. Terrence, I'm going to ask you to come down and
18 point out these injuries.

19 (The witness stepped down from the witness stand.)

20 Q. What do you see in that photograph? And speak
21 really loudly so the jury and the court reporter can hear
22 you.

23 A. Okay. On the bottom the teeth are actually half
24 knocked out. It's just the bottom part was left, had to
25 be extracted. The lip on the top and the bottom were

1 both damaged, both hit and cut. And the top part, the
2 teeth were actually pushed back.

3 Q. Okay. How about this picture? And it might
4 actually help if you come over here so they can hear you
5 better, the jury can hear you better, and point on the
6 picture. What do you see in that picture?

7 A. Okay. On this picture the swollen lip. I had a
8 cut to my nose, all the blood was coming down on my neck.
9 The cuts on my lip, on the outside, where it bruised up.

10 Q. Okay. How about the picture?

11 A. That's just a close-up picture of the bruise I
12 sustained on the bottom lip.

13 Q. And how about this one?

14 A. That's showing the cut that I had on the inside of
15 my lip.

16 Q. Is that a cut on the bottom and the top?

17 A. Yes, ma'am, on bottom, both sides, it is also
18 showing where the bottom tooth is gone, is missing, and
19 how the top is pushed back, how my jaw is not fitting
20 right.

21 Q. Okay. Finally State's 6. What does that show?

22 A. That was showing the cuts that I sustained to the
23 top and the bottom lip, and again, it's also showing the
24 teeth are missing and the teeth that's pushed back to the
25 top.

1 Q. Okay. Thank you, Mr. Adderley. You can take your
2 seat back.

3 A. (The witness complied.)

4 Q. After the attack by the defendant did you speak to
5 the police ever again?

6 A. Yes, ma'am. I spoke at the hospital. I spoke to
7 an officer. I spoke to Investigator Massey the following
8 day, I believe it was. I gave him a statement. The
9 pictures were taken at the hospital.

10 Q. Were any more pictures taken of your injuries after
11 the date it happened?

12 A. At the hospital and then when I spoke to him,
13 Investigator Massey, pictures were also taken.

14 Q. And how many days after the attack was this?

15 A. I want to say two days.

16 MS. CONCANNON: Okay. Permission to approach?

17 THE COURT: Yes, ma'am.

18 BY MR. CONCANNON:

19 Q. Terrence, I'm going to show you State's 7, 8, 9,
20 and 10. Can you please identify those for the Court.

21 A. Yes, ma'am. These are the photos taken two days
22 later when I spoke to Investigator Massey.

23 Q. Okay. And what do those photographs depict?

24 A. It's showing the stitches that I have on the
25 outside of my mouth, that my lip was swollen in the first

1 picture. The second one is showing all the cuts and the
2 stitching on the inside, the missing bottom teeth.

3 The next one again is showing the cut on the top of
4 my lip and how the top tooth is pushed back. This last
5 one is just showing how my face was swollen and the
6 stitching on the outside of my lip.

7 Q. And where were those photographs taken?

8 A. These were taken at the Port Royal Department,
9 Police Department.

10 Q. And do those pictures fairly and accurately depict
11 your appearance two days after the attack?

12 A. Yes, ma'am.

13 MS. CONCANNON: At this point, the State's moves
14 State's 7, 8, 9, and 10 into evidence.

15 THE COURT: Any objection to these?

16 MS. CAMPBELL: No, Your Honor.

17 THE COURT: Mark those in evidence, please.

18 (WHEREUPON, State's Exhibit Numbers 7 through 9,
19 Photographs, were admitted into evidence.)

20 MS. CONCANNON: Permission to publish?

21 THE COURT: Yes.

22 BY MS. CONCANNON:

23 Q. Okay. Terrence, I think we can leave you up there
24 for these. And this picture is kind of dark but what
25 does that show?

1 A. Yes, ma'am. That's the one showing how my face was
2 swollen and the stitching that I had on the outside of my
3 lip.

4 Q. What are you wearing in that picture?

5 A. That's my manager uniform from Burger King.

6 Q. You work at Burger King?

7 A. Yes, ma'am.

8 Q. How long have you worked there?

9 A. For 14 years.

10 Q. Okay. And you are a manager?

11 A. Yes, ma'am.

12 Q. How many days a week do you work?

13 A. Now I'm working five days a week.

14 Q. So you were working there in 2013 as well?

15 A. Yes, ma'am.

16 Q. Okay. Here is another picture, Terrence, State's

17 8.

18 A. That one is showing the stitching on the inside of
19 my lips and the bottom teeth that were missing.

20 Q. Is that the stitching right there?

21 A. Yes, ma'am.

22 Q. And those are the teeth that are missing?

23 A. Yes, ma'am.

24 Q. Or where your teeth should be?

25 A. Yes, ma'am.

1 Q. State's 9?

2 A. That one is showing the inside stitching on my top
3 lip and the fact that the top -- my top teeth were pushed
4 back.

5 Q. And that would be right there?

6 A. Yes, ma'am.

7 Q. Okay. And State's 10?

8 A. And that one is showing that my face was swollen,
9 my lips were swollen, and the outside stitching on my
10 lips.

11 Q. Okay. Would that be right there and there --

12 A. Yes, ma'am.

13 Q. -- the top and bottom lip? Both lips had to have
14 stitches?

15 A. Yes, ma'am, top and bottom.

16 Q. Okay. These are stitches so you sought medical
17 attention?

18 A. Yes, ma'am.

19 Q. Did you go to the emergency room, the hospital, a
20 doctor?

21 A. I went to the emergency room.

22 Q. Was that the same day as the attack?

23 A. Yes, ma'am.

24 Q. Did an ambulance take you there?

25 A. No, ma'am. I drove myself.

- 1 Q. Why did you drive yourself?
- 2 A. The adrenaline I guess was flowing and at the time
- 3 EMS was there I wasn't in pain. I really didn't start
- 4 feeling the pain until I went to the emergency room and
- 5 actually sat down.
- 6 Q. And what did this pain feel like?
- 7 A. My arms were throbbing, my face was throbbing. I
- 8 don't know, my teeth were really hurting bad. It was a
- 9 lot of pain once I calmed down, a lot of pain.
- 10 Q. Okay. What emergency room did you go to?
- 11 A. Beaufort Memorial.
- 12 Q. And you saw the emergency room doctor that day?
- 13 A. Yes, ma'am.
- 14 Q. Do you remember what sort of medical treatment you
- 15 had to have done?
- 16 A. I had to get a cast for my finger. I got 11
- 17 stitches in my lips. They couldn't do anything to my
- 18 teeth right then. I had to go to a dentist afterwards.
- 19 And basically, they gave me some pain -- some pain
- 20 medication.
- 21 Q. What about your sinus? You referenced that
- 22 earlier.
- 23 A. It hasn't healed.
- 24 Q. What happened to it?
- 25 A. It was fractured when my jaw was pushed back.

1 Q. Okay. What did the emergency room -- were they
2 able to treat that wound?

3 A. No, ma'am. They said I have to go to a dentist
4 because my jaw would have to be realigned, and once it
5 gets realigned it should heal.

6 Q. Terrence, do you see the woman that attacked you
7 that day in the courtroom today?

8 A. Yes, ma'am, I do.

9 Q. Can you please point her out, please.

10 A. Yes, ma'am. She's at the table (indicated).

11 Q. And what does she have on?

12 A. Jeans and a dark-colored blouse.

13 MS. CONCANNON: Can the record reflect the witness
14 identified the defendant?

15 THE COURT: So noted.

16 MS. CONCANNON: Thank you.

17 BY MS. CONCANNON:

18 Q. Terrence, I just have a couple more questions.

19 A. Yes, ma'am.

20 Q. Before or after the defendant snatched the necklace
21 off your neck did you push her?

22 A. No, ma'am, not any time.

23 Q. You choke her?

24 A. No, ma'am.

25 Q. Did you hit her?

1 A. No, ma'am.

2 Q. Did you threaten her?

3 A. No, ma'am.

4 Q. What were you saying to her?

5 A. When she snatched the chains I told her just to
6 leave. Before she got out of her vehicle I told her it
7 wasn't the time, to go ahead and leave.

8 Q. Why did you want her to leave?

9 A. Because I didn't want it to escalate with the kids
10 there. I just wanted to handle it differently.

11 Q. So you didn't touch her before any of that
12 happened?

13 A. No, ma'am, not until she struck me in the face.

14 Q. Okay. And not until she struck you in the face, so
15 you did touch her then?

16 A. Yes. I grabbed her shoulder. Yes, ma'am.

17 Q. And when you grabbed her shoulders what did you do?

18 A. That's when I walked her back to her vehicle.

19 Q. And did you put her in her vehicle?

20 A. When we got to the door I put her back in and she
21 sat into the seat.

22 Q. Okay. And then what did you do?

23 A. I said that's when I looked up, I saw my son was
24 crying and told her, you know, They just saved you. I
25 took out my phone and called 911.

1 Q. Okay. And that's when she took off?

2 A. Yes, ma'am.

3 Q. And came back?

4 A. Yes, ma'am.

5 Q. And then took off again. Okay.

6 MS. CONCANNON: Beg the Court's indulgence.

7 Q. Terence, I have no further questions for you at
8 this time. If you can answer any Ms. Campbell may have.

9 A. Yes, ma'am.

10 THE COURT: We are going to take a break.

11 Ladies and gentlemen, we are going to take about a
12 10-minute break. Don't discuss the case. I'll get you
13 back out here in 10 minutes.

14 (WHEREUPON, the jury leaves the courtroom at
15 approximately 11:54 a.m.)

16 THE COURT: Mr. Adderley, during the break you may
17 step down but you are not permitted to talk with anybody
18 about your testimony.

19 THE WITNESS: Yes, sir.

20 THE COURT: You understand?

21 THE WITNESS: Yes, sir.

22 THE COURT: Court is in recess for 10 minutes.

23 (WHEREUPON, a brief recess was taken.)

24 THE COURT: Is the defense ready for the jury?

25 MS. CAMPBELL: Yes, sir.

1 THE COURT: The State?

2 MS. CONCANNON: Yes, sir, Your Honor.

3 THE COURT: Bring the jury.

4 (WHEREUPON, the jury enters the courtroom at
5 approximately 12:10 p.m.)

6 THE COURT: Cross-examination.

7 MS. CAMPBELL: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MS. CAMPBELL:

10 Q. Mr. Adderley, on April 27th, 2013, have you told
11 this jury that you were not living with Alicia at that
12 time?

13 A. Yes, ma'am.

14 Q. Where were you living?

15 A. At my uncle's house.

16 Q. At your uncle's house?

17 A. Yes, ma'am.

18 Q. What's your uncle's name?

19 A. Paul Adderley.

20 Q. Paul Adderley?

21 A. Yes, ma'am.

22 Q. Yeah. And where does Paul Adderley live?

23 A. 908 Harrington Street in Beaufort.

24 Q. And you testified in front of this jury that you
25 are living with your uncle now; is that right?

- 1 A. Yes, ma'am.
- 2 Q. Same address?
- 3 A. Yes, ma'am.
- 4 Q. You are not living at the Shell Point Apartments?
- 5 A. No, ma'am.
- 6 Q. Have you ever lived at the Shell Point Apartments?
- 7 A. No, ma'am.
- 8 Q. You ever spent the night at the Shell Point
- 9 Apartments?
- 10 A. Yes, ma'am, I have.
- 11 Q. And when you spent the night at the Shell Point
- 12 Apartments whose apartment were you in?
- 13 A. My friend's apartment.
- 14 Q. And your friend, does your friend have a name?
- 15 A. Christian Sheppard.
- 16 Q. Christian Sheppard. That's a young woman, correct?
- 17 A. Yes, ma'am.
- 18 Q. And the white car that the State has shown the jury
- 19 photographs of, that was Christian Sheppard's car,
- 20 correct?
- 21 A. Yes, ma'am.
- 22 Q. On 4-27-2013 you were supposed to meet your wife
- 23 and your children at the playground, correct?
- 24 A. No, ma'am.
- 25 Q. You had not made a prior arrange with your wife on

1 that day to join them to play at the playground?

2 A. No, ma'am.

3 Q. On 4-27-2013 you were at the car wash cleaning

4 Christian Sheppard's car?

5 A. Yes, ma'am.

6 Q. Someone whose home you had spent the night at,

7 correct?

8 A. Yes, ma'am.

9 Q. Okay. You were in the process of cleaning

10 Christian Sheppard's car when your wife and children

11 pulled up at Suds City, correct?

12 A. Yes, ma'am.

13 Q. Now, just so we get this sequence down correctly --

14 well, because you gave a statement to Officer O'Neal,

15 correct?

16 A. Yes, ma'am.

17 Q. And then you gave another statement to Investigator

18 Massey, right?

19 A. Yes, ma'am.

20 Q. And then you are testifying today, correct?

21 A. Yes, ma'am.

22 Q. So if we can get the sequence of events down is it

23 your testimony that you were on the passenger side of

24 Christian Sheppard's car vacuuming it out, correct?

25 A. Yes, ma'am.

1 Q. By the vacuum station at Suds City?

2 A. Yes, ma'am.

3 Q. And your wife approached you in that area and
4 assaulted you with a baseball bat; is that correct?

5 A. Yes, ma'am.

6 Q. Okay. Now, the assault did not occur, according to
7 what I'm hearing you say, at the van, your wife's van
8 with the children in it; is that right?

9 A. That's correct.

10 Q. Okay. And it's your testimony that you never laid
11 your hands on your wife that day other than to guide her
12 back to the van; is that correct?

13 A. That's correct.

14 Q. And your wife, Alicia, is right-handed, isn't she?

15 A. Yes, ma'am.

16 Q. Okay. And you were hit by your wife with the
17 T-ball bat and struck where?

18 A. On my right side.

19 Q. On the right side. Now -- could you --

20 MS. CAMPBELL: Your Honor, if the witness would
21 mind stepping down and demonstrating the manner in which
22 he says Ms. Adderley was swinging that bat, please.

23 THE COURT: You may step down and follow her
24 instructions.

25 (The witness stepped down from the witness stand.)

1 BY MS. CAMPBELL:

2 Q. If you wouldn't mind, if you'll just stand right
3 here and if you can demonstrate for the jury how you are
4 telling us she was -- turn around, face the jury, how she
5 was swinging that bat at you.

6 A. She had it with two hands and she started swinging.
7 I had my left arm -- to begin with she was hitting my
8 left arm.

9 Q. Okay. So let's do this. If you are standing there
10 and I'm Alicia she's swinging the bat?

11 A. Right.

12 Q. And do you remember telling one of the officers
13 that she came up over her head and came down on you like
14 that; is that right? Do you remember telling Officer
15 O'Neal that, that you relaxed arms?

16 A. Yeah, when I relaxed my arms --

17 THE COURT REPORTER: I'm sorry --

18 Q. Okay. So she's swinging like this --

19 THE COURT: Hold on a second.

20 He said when he relaxed his arms that's when she
21 hit his face.

22 But you need to speak up.

23 A. I apologize.

24 Q. Okay.

25 A. Yes, when I relaxed arms she hit me in my face.

1 Q. And that was a downward hit --

2 THE COURT: Do me a favor. Y'all switch sides.

3 MS. CAMPBELL: Okay. Thank you, Your Honor.

4 Lovely. Thank you. I'm so sorry.

5 BY MS. CAMPBELL:

6 Q. And so she swings down on you and that's when you
7 are telling this jury that you were then hit in the
8 mouth?

9 A. Right, because when I relaxed my arm she came down
10 and hit me in the face.

11 Q. Uh-huh, and swinging like this, correct? She's
12 right-handed, right?

13 A. Yes, ma'am.

14 Q. Okay. You can take the witness seat.

15 A. (The witness complied.)

16 Q. So you are injured on the right side of your mouth,
17 correct?

18 A. Yes, ma'am.

19 Q. And you are injured on your left arm?

20 A. Both arms.

21 Q. Primarily on your left? Was it primarily your left
22 arm that was hit?

23 A. No, both arms were hit.

24 Q. Now, do you remember telling either one of the
25 officers about the fact that Alicia was trying to obtain

1 the license plate off of Christian's car?

2 A. Yes. She had sent Jonalisha to get the tag first.

3 When she got back into the truck she asked her did she

4 get a tag number. She told her mother no. So that's

5 when she said, That's okay. I'll get it. And she got

6 out of the vehicle.

7 Q. And you told Officer O'Neal that and you told

8 Investigator Ms. Massey that; is that correct?

9 A. Yes, ma'am.

10 Q. And if their reports don't reflect that information

11 then they just must be wrong, correct?

12 A. I can't speak what they put in the report.

13 THE COURT: Say that again.

14 A. I said I'm not sure what they put in the report.

15 Q. Christian Sheppard's car -- may I approach, Your

16 Honor?

17 THE COURT: Yes.

18 Q. -- had what appeared to be one drop of blood on the

19 driver's side door; is that correct?

20 A. Yes, ma'am.

21 Q. Nowhere else on that automobile was there any

22 blood, right?

23 A. I believe so.

24 Q. And you've testified to the jury that this assault

25 took place on the passenger side by the vacuum station,

1 correct?

2 A. No. The attack took place on the driver's side.

3 Q. Okay. Well, we'll go back through that then and
4 check your testimony.

5 Now, when you helped your wife back into the car I
6 believe you testified you told her, Your son just saved
7 your life.

8 A. I didn't say that. I said they just saved you.

9 Q. They just saved you?

10 A. Yes, ma'am.

11 Q. What did they save her from?

12 A. To be honest with you, I was angry. I don't know.

13 Q. So they saved her from you?

14 A. (There was no response.)

15 THE COURT: Did you answer the question?

16 Was that a statement or a question?

17 Q. That's a question. They saved her from you?

18 That's what you are telling us?

19 A. When I said it I was just angry. I had no intent
20 really. I was just saying that out of anger.

21 Q. The necklace that you've told the jury that Alicia
22 took from you at the car wash, didn't it have your
23 wedding band on it?

24 A. One of them did, yes.

25 Q. Okay. It didn't have just some bauble. It was an

1 important piece of jewelry, the wedding band between the
2 two of you, correct?

3 A. Correct.

4 Q. Mr. Adderley, Christian Sheppard is someone that
5 you've had sexual relations with, correct?

6 A. No.

7 Q. Have you ever cheated with anyone else over than
8 Christian Sheppard?

9 A. No, ma'am.

10 Q. During the entire course of the time that you were
11 married to Alicia Adderley you never stepped out on her?

12 A. That's correct.

13 Q. Dated other women?

14 A. That's correct.

15 Q. During the time that you were married to Alicia
16 Adderley were there times that you called her a fat
17 bitch?

18 A. No, ma'am.

19 Q. Okay.

20 A. Never.

21 Q. Were there times that you hit her?

22 A. No, ma'am.

23 Q. Pushed her in the house?

24 A. No, ma'am.

25 Q. Were there times that you hit the walls in the

1 house?

2 A. No, ma'am.

3 Q. Did you not just recently break your finger again
4 by striking a table at Christian Sheppard's house?

5 A. Yes, ma'am, I did.

6 Q. Okay. Took your hand at Christian Sheppard's
7 house, struck the table and broke your finger again,
8 correct?

9 A. Yes, ma'am.

10 Q. Okay. Now, you told the jury that you and Alicia
11 had separated in November 2012, correct?

12 A. Yes, ma'am.

13 Q. And this incident occurred in April 2013, right?

14 A. Yes, ma'am.

15 Q. And for those five or six months all the children
16 were living with Alicia, correct?

17 A. Correct.

18 Q. You were not providing any support whatsoever for
19 them, correct?

20 A. That's not correct.

21 MS. CONCANNON: Objection, relevance.

22 THE COURT: How is it relevant?

23 MS. CAMPBELL: Well, it's relevant to the fact that
24 there are other types of litigation going on between the
25 two of them at this time and have been since 2013 over

1 his support or nonsupport of the family.

2 THE COURT: You got to tie it in. Right now
3 there's nothing to make it relevant. You have to lay a
4 foundation for it to be relevant.

5 MS. CAMPBELL: Thank you, Your Honor.

6 THE COURT: Disregard the last statement of the
7 witness, please.

8 BY MS. CAMPBELL:

9 Q. Mr. Adderley, you ripped Alicia's shirt that day,
10 correct?

11 A. I don't remember ripping her shirt.

12 Q. Since 2013 Alicia has had custody of the two
13 children that the two of you share together, correct?

14 A. Yes, ma'am.

15 MS. CONCANNON: Objection.

16 THE COURT: Hold on a second.

17 Yes?

18 MS. CONCANNON: Relevance again.

19 THE COURT: How is it relevant?

20 MS. CAMPBELL: The two children are living with
21 their mother and she's not had them taken away from her
22 because of this matter. Mr. Adderley has trusted her
23 with his children.

24 THE COURT: All right. Hold on.

25 You want to be heard?

1 MS. CONCANNON: Your Honor, this is not relevant to
2 the facts that took place on April 27. Ms. Campbell is
3 trying to turn this into a family court matter.

4 THE COURT: If you ask the questions and lay a
5 foundation that could possibly get to some issue then I'd
6 be happy to let you move forward but right now -- first
7 of all, the custody, who the children were living with
8 was previously testified about without objection. It's
9 in evidence. This is repetitive. But at this stage it's
10 not relevant to any issue before the Court.

11 MS. CAMPBELL: Thank you, Your Honor.

12 THE COURT: Ask your next question.

13 MS. CAMPBELL: I'll move on. Thank you very much.

14 BY MS. CAMPBELL:

15 Q. Mr. Adderley, when your wife and children pulled up
16 at the Suds City car wash in Port Royal on April 27th,
17 2013 and you were cleaning out Christian Sheppard's car
18 did you not have a feeling that you had been caught?

19 A. No, ma'am.

20 Q. No. That's all I have.

21 THE COURT: Redirect?

22 MS. CONCANNON: No redirect, Your Honor.

23 THE COURT: Thank you, sir. You may step down.

24 Call your next witness, please.

25 MS. CONCANNON: The State calls Rodney Shell.

1 THE COURT: Come around, please.

2 RODNEY SHELL, after having been duly sworn,
3 testified as follows:

4 THE CLERK: Have a seat and state and spell your
5 name for the Court's record.

6 THE WITNESS: My name is Rodney Shell, S-h-e-l-l.

7 DIRECT EXAMINATION

8 BY MS. CONCANNON:

9 Q. Good morning, Mr. Shell. How old are you?

10 A. I'm 37.

11 Q. Thirty-seven. And where do you live?

12 A. I live in Burton.

13 Q. In Burton. Do you have any connection to the
14 defendant or Mr. Adderley who just spoke?

15 A. No. I know neither one of them.

16 Q. You don't know either one of them?

17 A. No, ma'am.

18 Q. Do you remember April 27th of 2013?

19 A. Yes, ma'am.

20 Q. What do you remember about that day?

21 A. I remember washing my truck. I remember seeing
22 Mr. Adderley pull up.

23 Q. I'm going to stop you for a second. Where were you
24 washing your truck?

25 A. At the Suds City in Port Royal.

1 Q. Okay. Thank you. You can continue.

2 A. I seen him pull up, started to vacuum out the car,
3 the passenger side of the car, and I started continue
4 washing my truck. I seen her vehicle, Ms. Adderley's
5 vehicle pull up. I continue washing my vehicle and when
6 I looked back, probably two or three minutes when I look
7 back I seen her and him with the stick or whatever that
8 was, little Braves bat or whatever, coming at him and he
9 was like this (indicated).

10 Q. Who had the bat?

11 A. Ms. Adderley.

12 THE COURT: Did you say little Braves bat?

13 THE WITNESS: You know, a little wooden Atlanta
14 Braves bat. A little small miniature --

15 THE COURT: I just wanted to make sure I understood
16 it. Go ahead.

17 BY MS. CONCANNON:

18 Q. Okay. So Ms. Adderley had the bat, and what was
19 Mr. Adderley doing?

20 A. He had his arms up, I guess blocking her or
21 whatever, then shortly after that that's all I seen. I
22 seen all the blood coming down his shirt and stuff like
23 that.

24 Q. And where did you see this happening in reference
25 to that white car that you had seen Mr. Adderley --

1 A. It was in between -- he was on the driver's side of
2 his car basically right there, standing right next to the
3 driver's side.

4 Q. Okay.

5 A. Next to his car.

6 Q. And that's where Ms. Adderley, the defendant, was
7 beating him with the bat?

8 A. Yes, ma'am.

9 Q. Did you ever see him strike her?

10 A. No, not at all. I seen him trying to block from
11 the stick or whatever she had.

12 Q. Did you ever see him choke her?

13 A. No.

14 Q. Did you ever see him hit her?

15 A. No, ma'am.

16 Q. Did you ever see him threaten her?

17 A. No. I didn't even hear him yelling or anything.

18 It was just she was yelling saying something and swinging
19 the bat at him.

20 Q. How far away were you from where you were
21 witnessing this?

22 A. You know the car wash got the vacuums right here
23 then you pull up to wash your car, I was in the wash bay
24 and he was right behind me in the vacuuming part.

25 MS. CONCANNON: Permission to approach?

1 THE COURT: Yes. Yes, ma'am.

2 BY MS. CONCANNON:

3 Q. Mr. Shell, I'm going show you State's 12. Does
4 that help you identify where you were and where
5 Mr. Adderley was?

6 A. Uh-huh.

7 Q. And what is this a picture of?

8 A. That's Suds City car wash.

9 Q. And is that what it looked like the day on April
10 27th?

11 A. Yes, ma'am.

12 Q. And it fairly and accurately depicts the car wash?

13 A. Uh-huh.

14 MS. CONCANNON: At this point, the State moves
15 State's 12 into evidence.

16 THE COURT: Any objection?

17 MS. CAMPBELL: No objection.

18 THE COURT: Mark it into evidence, please.

19 (WHEREUPON, State's Exhibit Number 12, a
20 Photograph, was admitted into evidence.)

21 MS. CONCANNON: Permission to publish?

22 THE COURT: Yes, ma'am.

23 BY MS. CONCANNON:

24 Q. Rodney, can you explain to the jury what this
25 picture shows?

1 A. It shows Suds City car wash.

2 Q. Okay. And where were you? Where were you parked?

3 A. I believe I was there at that second vacuum right
4 there. He was at the vacuum and I was inside that wash
5 bay.

6 Q. Okay. So you all were relatively close to each
7 other?

8 A. Yes, ma'am.

9 Q. Was there anything blocking your view from
10 Mr. Adderley's car?

11 A. No. He was right behind me.

12 Q. Okay. I'm going to show this again. There was
13 no --

14 A. You see where that gray car is in the middle?

15 Q. Yes.

16 A. I was like right there and his car was immediately
17 behind that at the vacuum right there.

18 Q. Okay. So it wasn't on either side of these where
19 these walls and the coin machine and all that --

20 A. No. No.

21 Q. -- would have been blocking you? You just had to
22 look right behind you and there he was?

23 A. Yes, ma'am.

24 Q. Okay. Nothing obstructed your view? You saw
25 clearly?

1 A. No, ma'am.

2 Q. After you see the defendant beating Terrence with a
3 baseball bat do you see anything else?

4 A. No. I didn't see any much more after that. I was
5 washing my truck. I just figured they were just going at
6 it and they would stop but I turned around and he was
7 just bleeding. Then an ambulance showed up almost -- an
8 ambulance and police showed up almost immediately after
9 that.

10 Q. Did you ever see the car that the defendant was
11 driving leave?

12 A. Yeah. I seen her speed off.

13 Q. Okay. She sped off?

14 A. Uh-huh.

15 Q. Did she leave -- did she make a straight shot out
16 of the car wash or...

17 A. No. I believe when she got out she made a left and
18 took off towards the left like towards Broad River Bridge
19 way.

20 Q. Was anything in her way, anything obstructing her
21 path to leave the car wash?

22 A. No.

23 Q. Where was Terrence when she was trying to leave?

24 A. He was on the phone. I guess he was on the phone
25 with the sheriff at the same time. I'm not sure who he

1 was on the phone with but he was standing there bleeding
2 on the phone.

3 Q. Okay. Did he ever have to get out of the way while
4 she was leaving? Did you see that?

5 A. I don't remember seeing anything like that.

6 Q. Okay. Did you ever see -- when he's on the phone
7 and she's already gone did you ever see Terrence with the
8 bat?

9 A. No. I didn't see him with the bat at all.

10 Q. But you saw him after she was already gone and he
11 was on the phone?

12 A. Yes, ma'am.

13 Q. No baseball bat?

14 A. No, ma'am.

15 Q. Who is the only person you saw with the bat in
16 their hands?

17 A. Mrs. Adderley.

18 Q. Okay. And you keep nodding over here. Is this the
19 lady?

20 A. Yes, ma'am.

21 MS. CONCANNON: Okay. Thank you. May the record
22 reflect Mr. Shell identified Ms. Adderley?

23 THE COURT: Can you describe her?

24 BY MS. CONCANNON:

25 Q. Can you describe what she has on?

1 A. Dark jeans and a dark shirt.

2 THE COURT: So noted.

3 MS. CONCANNON: Thank you, Your Honor. Beg the
4 Court's indulgence.

5 THE COURT: Yes.

6 (PAUSE.)

7 BY MS. CONCANNON:

8 Q. Rodney, do you remember speaking to police that
9 day?

10 A. Yes, I do.

11 Q. Do you remember if you gave a written statement?

12 A. I do believe I wrote down a statement. Yes, I do.

13 Q. What you testified today, was that what you
14 remember in your statement?

15 A. Yes, ma'am.

16 MS. CONCANNON: Permission to approach?

17 THE COURT: Yes.

18 Q. Rodney, I'm going to ask you to read this last
19 sentence starting with, I saw. Well, first of all, is
20 that your statement?

21 A. Yes, ma'am.

22 Q. And how do you know that's your statement?

23 A. My signature right there.

24 Q. Okay. Is there a date on that --

25 A. My handwriting.

1 Q. Is there a date on that statement?

2 A. Yes, there is.

3 Q. And what date is it?

4 A. 4-27-2013.

5 Q. Okay. And if you can read that last sentence,
6 please.

7 THE COURT: You want him to read it out loud or to
8 himself?

9 Q. Could you read it to yourself.

10 A. Oh, read it to myself? Okay.

11 (PAUSE.)

12 A. Okay.

13 Q. Does that help you remember --

14 A. Yes.

15 Q. -- what happened?

16 A. Uh-huh.

17 Q. Okay. What happened after the beating?

18 A. I observed her leaving and I guess he's trying to
19 run out of the way of the car but --

20 Q. Trying --

21 A. I don't know if she was trying to hit him or
22 anything but I know he was running out of the way of the
23 car.

24 Q. He had to move to get out of her way?

25 A. Yes.

1 Q. Because the car coming after him?

2 A. Yes, ma'am.

3 Q. I have no further questions for you, Mr. Shell.

4 THE COURT: Cross-examination.

5 CROSS-EXAMINATION

6 BY MS. CAMPBELL:

7 Q. Mr. Shell, you've been convicted of criminal
8 domestic violence, have you not, for beating up on
9 someone?

10 A. Yes. Back in my -- when I was 20s, in my 20s.

11 MS. CONCANNON: Objection.

12 THE COURT: Yes? What's the objection?

13 MS. CONCANNON: Can we approach, Your Honor?

14 THE COURT: Sure. It's not going to be on the
15 record. If you need something on the record I have to
16 send the jury out.

17 MS. CONCANNON: I would like the put this on the
18 record, also.

19 THE COURT: Ladies and gentlemen, please step to
20 the jury room. Don't discuss the case.

21 (WHEREUPON, the jury leaves the courtroom at
22 approximately 12:32 p.m.)

23 THE COURT: Yes, ma'am?

24 MS. CONCANNON: Your Honor, I feel that that
25 conviction of Mr. Shell is outside the scope of Rule 609.

1 It has nothing to do with truthfulness or dishonesty and
2 criminal domestic violence only carries 30 days. It
3 doesn't carry a year as required by 609.

4 THE COURT: Yes, ma'am?

5 MS. CAMPBELL: Your Honor, I'm not offering it for
6 truthfulness. I'm offering it for bias or prejudice, you
7 know, of this witness's testimony. He's been convicted
8 of beating up on a woman and I believe that skews his
9 testimony and how he acted at the car wash that day. I
10 believe this is the man that these girls cried out to to
11 call 911 and he did not. So I'm not offering it for the
12 truthfulness. I'm offering it for his bias or prejudice.
13 Thank you.

14 THE COURT: Anything else?

15 MS. CONCANNON: Your Honor, I just feel like it's
16 not relevant to the case at bar. Mr. Shell is a
17 bystander. He already testified he doesn't know these
18 two people, has no relationship or connection to either
19 of the people, the defendant or the victim in this case.
20 It's not relevant and it doesn't fall within the bounds
21 of 609.

22 THE COURT: I know nothing about what you all have
23 just talked about as far as the other testimony, what it
24 will be. I need to hear what it is you want to ask him
25 and what his answer is.

1 MS. CAMPBELL: Your Honor, I asked him has he not
2 been convicted of criminal domestic violence for
3 assaulting a woman.

4 THE COURT: And what's your answer?

5 THE WITNESS: Yes.

6 THE COURT: And what else do you want to ask him
7 about this?

8 MS. CAMPBELL: I don't have anything else to ask
9 him about that particularly. You know, while we are on
10 the subject I am going to ask him about whether or not he
11 was drinking or smoking marijuana that day affecting his
12 judgment because he has convictions also, alcohol related
13 convictions and marijuana convictions. So I would intend
14 to ask him about that and that's it regarding the record,
15 criminal record.

16 THE COURT: Yes, ma'am.

17 MS. CONCANNON: And again, Your Honor, I would just
18 argue that those are irrelevant. It's a way for
19 Ms. Campbell to backdoor in these convictions which don't
20 fall within 609 and they are more prejudicial than
21 probative in the facts of this case.

22 THE COURT: Do you want to ask him about the
23 convictions or do you want to ask him if he was under the
24 influence of anything that day?

25 MS. CAMPBELL: I'm going ask him if he was under

1 the influence of anything that day, alcohol or --

2 THE WITNESS: I've never been charged with alcohol.

3 MS. CAMPBELL: He was convicted of open container.

4 THE WITNESS: That was a warning. I never got a
5 ticket. It was a warning.

6 MS. CAMPBELL: This is the rap sheet the State
7 provided me. It shows a conviction.

8 THE WITNESS: Okay.

9 MS. CAMPBELL: I mean --

10 THE COURT: You were convicted of simple criminal
11 domestic violence in magistrate's court?

12 THE WITNESS: No. I believe it was general
13 sessions.

14 THE COURT: So what did it carry?

15 MS. CONCANNON: Your Honor, our circuit handles
16 criminal domestic violence first offenses in general
17 sessions. Typically they are remanded back down to
18 magistrate court. It's a little different than
19 everywhere else in the state. He has a CDV first
20 conviction on his prior record. He probably did have to
21 come to general sessions roll call though.

22 THE WITNESS: Yes.

23 THE COURT: Bear with me a minute.

24 (PAUSE.)

25 THE COURT: With regard to the first issue, the

1 State is objecting under Rule 609. The defense is
2 asserting that it's not offered under Rule 609. It does
3 go to the issue of truthfulness. It goes to credibility.

4 It appears that what it's being offered under is
5 Rule 608, and Rule 608 does provide a method for
6 attacking the credibility of a witness. A and B tend to
7 go in favor of the State. C is what the defense is
8 relying on, which is evidence of bias, prejudice or any
9 motive to misrepresent. I think this ruling could go
10 either way but I'll allow the question.

11 With regard to the question about the drinking.
12 You can ask him if he was under the influence of any
13 substances on the day that he observed this. If he
14 denies it, unless you have any evidence that he was, the
15 fact that he may have been convicted in the past is
16 irrelevant. It would be pure speculation on the part of
17 the jury. And even if it is relevant, which it is not,
18 it would be excluded under Rule 403.

19 MS. CAMPBELL: Thank you, Your Honor.

20 THE COURT: We square? Everybody understand?

21 MS. CAMPBELL: Yes, sir.

22 MS. CONCANNON: Yes, Your Honor.

23 THE COURT: Bring the jury in.

24 (WHEREUPON, the jury enters the courtroom at
25 approximately 12:39 p.m.)

1 THE COURT: The objection is overruled. You may
2 pose your question.

3 MS. CAMPBELL: Thank you, Your Honor.

4 BY MS. CAMPBELL:

5 Q. Mr. Shell, you yourself have been convicted of
6 criminal domestic violence for assaulting a woman,
7 correct?

8 A. Yes, ma'am.

9 Q. And on April 27th, 2013 in the parking lot at Suds
10 City do you recall that the young girls from
11 Ms. Adderley's car were yelling out to you to call 911
12 and you did nothing?

13 A. No, ma'am. No one said anything to me. I was
14 washing my truck.

15 Q. Do you recall giving -- well, I assume you do
16 because the State has already shown you a copy of a
17 statement that you made to the Port Royal Police
18 Department on April 27th, 2013, correct?

19 A. Yes, ma'am.

20 Q. Do you recall that in that statement you do not
21 make an assertion that you in any way saw an attack upon
22 Mr. Adderley by Ms. Adderley? Would you like to take a
23 look at it again?

24 A. I said I saw her with the bat in the hand and I saw
25 him bleeding. I saw him holding his hands up.

1 Q. Okay. Well, that's not what you said. Let me let
2 you take a look at it.

3 A. I just read it.

4 Q. Okay. Why don't you read that out loud for us.

5 A. I saw the driver of the SUV pull up and pop the
6 trunk. It says, I looked back a few minutes later and
7 the man's mouth was bleeding and the driver was coming at
8 the man again until the passenger of the SUV took off.

9 Q. Took it.

10 A. Took it, the woman.. I saw the woman leave with the
11 small black bat and trying to run him over.

12 Q. And so in this statement you do not say that you
13 saw Ms. Adderley hitting Mr. Adderley with the bat?

14 A. No. I seen her coming at him. I seen her like
15 this right here, doing this right here (indicated) and
16 saw him up like that (indicated). That may not have been
17 what I put in there but that's what I seen.

18 Q. And were you asked to be truthful when you gave
19 this statement to the Port Royal Police Department?

20 A. Yes, and I was just getting off from work and I was
21 in kind of a rush. He told me to write down what I seen
22 and I wrote it down.

23 Q. Okay. And --

24 A. I did it as quick as possible, short.

25 Q. When you talked to the Port Royal Police Department

1 on April 27th, 2013 and you made this statement did you
2 think it was important to include everything in it?

3 A. At the time, I didn't think that the situation was
4 really -- had anything to do with me. I didn't think it
5 was important to me at all. I know it's probably
6 important to them but it wasn't that important to me.

7 Q. Okay. Mr. Shell, were you drinking alcohol that
8 day?

9 A. No, ma'am. I just got off from work.

10 Q. You smoke marijuana?

11 A. No, ma'am.

12 Q. Ever?

13 A. Ever? I have before, yeah.

14 Q. Were you smoking marijuana that day?

15 A. No, ma'am, just got off from work.

16 MS. CAMPBELL: That's all.

17 THE COURT: Redirect?

18 MS. CONCANNON: Briefly, Your Honor.

19 REDIRECT-EXAMINATION

20 BY MS. CONCANNON:

21 Q. Mr. Shell, do you know this woman?

22 A. No, ma'am.

23 Q. Do you know that man right there, Terrence
24 Adderley?

25 A. No, ma'am.

1 Q. Until April 27th, 2013 they were strangers to you,
2 right?

3 A. Yes, ma'am.

4 Q. And is this the second time you've ever seen them?

5 A. Yes.

6 Q. Ms. Campbell brought up a domestic situation in
7 your past. Does a domestic situation in your past have
8 any bearing on what you saw that day?

9 A. Oh, no, ma'am.

10 Q. Did it have any influence on the written statement
11 you provided to the police?

12 A. No, ma'am.

13 Q. Any influence on your testimony today?

14 A. No, ma'am.

15 Q. And what you testified is you saw this woman with
16 the bat?

17 A. Yes, ma'am.

18 Q. The victim like this (indicated)?

19 A. Uh-huh.

20 Q. Is what you didn't see, you just didn't see the bat
21 make contact with his face?

22 A. No, ma'am. I didn't see her hit him. I saw her
23 like this and I saw him like this and he was bleeding
24 from the mouth (indicated). Basically, it had already
25 happened, I guess.

1 Q. Okay. So you saw both of them in their stances
2 then blood?

3 A. Yes, ma'am.

4 MS. CONCANNON: I have no further questions.

5 MS. CAMPBELL: Just one question.

6 RECROSS-EXAMINATION

7 BY MS. CAMPBELL:

8 Q. So if I hear you correctly now what you are telling
9 us is his mouth bleeding and whatever had happened had
10 already happened? That's what you just said.

11 A. His mouth was bleeding. He said that was the last
12 hit, so evidently --

13 Q. What do you mean he said that was the last hit?

14 A. Wasn't that the last hit he got hit in the side of
15 face after he let his arms down.

16 Q. Well, I don't know. What are you talking about?

17 A. I mean, that's what he's testifying that --

18 Q. Oh, you are basing your testimony on what you heard
19 him say?

20 A. I was right in front of him.

21 MS. CAMPBELL: That's all I have.

22 THE COURT: Anything else for the witness?

23 MS. CONCANNON: No, Your Honor.

24 THE COURT: Thank you, sir. You may step down.

25 Do you have a 15-minute witness?

1 MS. CONCANNON: No, Your Honor. Our final two
2 witnesses are going to be pretty lengthy.

3 THE COURT: What time is the doctor supposed to be
4 here?

5 MS. CONCANNON: Two o'clock.

6 THE COURT: All right. Ladies and gentlemen, we're
7 going to break for lunch now. I need you back in the
8 jury room at -- you want to call the doctor next or who
9 do you want to call next?

10 MS. CONCANNON: I was planning on calling Detective
11 Massey next and finishing with Dr. Dardes.

12 THE COURT: But the doctor is going to wait through
13 the officer's testimony.

14 MS. CONCANNON: Yes, Your Honor.

15 THE COURT: Does he know that?

16 MS. CONCANNON: We've had discussions about this,
17 Your Honor. If I need to swap out my witness order I can
18 do that as well.

19 THE COURT: Okay. I don't see any real benefit --
20 if the doctor is going to be first up I'll just tell them
21 to be back at two when he's going to be here and we can
22 start then. Does that make sense? But if you are going
23 to call the detective he's going to go over an hour from
24 what you are telling me so -- be back at two o'clock.
25 Don't discuss the case. Thank you.

1 (WHEREUPON, the jury leaves the courtroom at
2 approximately 12:47 p.m.)

3 THE COURT: You all stick around a second. I need
4 the talk to Ms. Adderley. All right.

5 All right. The jury is out of the courtroom.

6 Ms. Adderley, during a trial I have to decide
7 whether to take people into custody or not. I'm going to
8 let you stay out. I mean, I can change my mind later but
9 right now I'm not going to require you to be taken into
10 custody but I need to go over a few things with you, same
11 thing I go over with everybody who is on trial.

12 The jury has been sworn so jeopardy is attached.
13 I've got to keep going forward with this trial. If you
14 are not here the trial will continue in your absence and
15 I will issue a bench warrant for you to be arrested. If
16 you are arrested and they get you into court then you
17 participate in the rest of the trial but if they don't or
18 you're not in court we are going to continue and try you
19 in your absence. Do you understand all that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And if you were to be convicted what
22 would happen -- if you were to be convicted in your
23 absence what would happen is that I would sentence you,
24 the sentence would be sealed. Whenever the bench warrant
25 was executed and you were brought in front of a circuit

1 judge, not necessarily me, the sentence would be read.

2 You understand all that process?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: So make absolutely certain that you are
5 here at -- by the time I designate throughout the trial
6 and if your lawyer wants you here sooner you be here when
7 your lawyer wants you. Okay?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Thank you.

10 All right. You all be careful as you leave that
11 you don't have contact with the jury. Be sure you don't
12 have any conversations that might be overheard by the
13 jury. Check around in any restaurants that you go to to
14 make sure there are no jurors sitting around that might
15 be in earshot.

16 Do you have something?

17 MS. CONCANNON: Your Honor, may Mr. Shell be
18 excused?

19 THE COURT: Any objection to Mr. Shell leaving?

20 MS. CAMPBELL: No objection.

21 THE COURT: Mr. Shell, you're free to go. Thank
22 you, sir.

23 All right. We are at ease until two o'clock.

24 MS. CONCANNON: Thank you, Your Honor.

25 (WHEREUPON, a lunch break was taken.)

1 THE COURT: The State ready?

2 MS. CONCANNON: Yes, Your Honor.

3 THE COURT: Defense?

4 MS. CAMPBELL: Yes, sir.

5 THE COURT: Bring in the jury, please.

6 (WHEREUPON, the jury enters the courtroom at
7 approximately 2:04 p.m.)

8 THE COURT: Call your next witness, please.

9 MS. CONCANNON: Thank you, Your Honor. The State
10 calls Dr. Dardes.

11 THE COURT: Come around, please, sir, and be sworn.

12 NICHOLAS DARDES, after having been duly
13 sworn, testified as follows:

14 THE CLERK: You may be seated. State and spell
15 your name for the Court's record.

16 THE WITNESS: Dr. Nicholas Dardes, D-a-r-d-e-s.

17 DIRECT EXAMINATION

18 BY MS. CONCANNON:

19 Q. Good afternoon, Dr. Dardes.

20 A. Good afternoon.

21 Q. Were are you currently employed?

22 A. Beaufort Memorial Hospital.

23 Q. Okay. And did you have to have some special
24 training or education to work at Beaufort Memorial?

25 A. Yes.

1 Q. Could you explain that.

2 A. Yeah. I graduated medical school in Philadelphia
3 College of Osteopathic Medicine --

4 THE COURT: Slow down a little.

5 A. Sure.

6 THE COURT: Graduated where?

7 A. Philadelphia College of Osteopathic Medicine,
8 Philadelphia, Pennsylvania in 1988. Rotating internship
9 in surgery medicine at St. Joseph's Hospital
10 Philadelphia, Pennsylvania 1988 through '89. Internal
11 medicine residency at Scranton Temple University Hospital
12 1989 through 1992. Board certified American Board of
13 Internal Medicine 1992. Recertified 2002 to 2003 -- or
14 2013.

15 Q. So you are certified today?

16 A. Yes.

17 Q. How long have you been employed with Beaufort
18 Memorial Hospital?

19 A. Oh, just the hospital itself just one year. Prior
20 we were at the Low Country Medical Group which was a
21 private multispecialty group for the last 17 years.

22 Q. Okay. It's the same building, same practice?

23 A. Nothing has changed just the owners are different,
24 yeah.

25 Q. Okay. Okay. So you've been there 17 years?

1 A. Correct.

2 Q. What capacity do you work for Beaufort Memorial
3 Hospital?

4 A. I work as a general internist in which basically
5 includes taking care of adult patients. I also work
6 part-time in the emergency room roughly 60 hours a month.

7 Q. Okay. At the emergency room what do you see? What
8 do you treat?

9 A. Mostly adults. Anywhere from heart attacks,
10 stroke, uncontrolled diabetes, traumas, fractured bones
11 and just a hodgepodge of adult medicine care in the
12 emergent situation.

13 Q. A whole lot of everything?

14 A. Yep.

15 Q. How long you been working in the emergency room?

16 A. I worked at Mercy Hospital in Scranton,
17 Pennsylvania full-time 1992 through '94, and when I
18 relocated to Beaufort in '94 I worked part-time in their
19 emergency room since then.

20 MS. CONCANNON: Okay. At this point, Your Honor,
21 the State would request Dr. Dardes be admitted as an
22 expert in emergency medicine?

23 THE COURT: You wish to voir dire the witness?

24 MS. CAMPBELL: I do not and I consent.

25 THE COURT: All right. He is so recognized. You

1 may continue.

2 MS. CONCANNON: Thank you, Your Honor.

3 BY MS. CONCANNON:

4 Q. Were you working at Beaufort Memorial on April 27
5 of 2013?

6 A. Yes.

7 Q. And were you working at Low Country Medical Group
8 or at the hospital?

9 A. At Beaufort Memorial Emergency Room.

10 Q. Okay. And working in the emergency room did you
11 have a chance to treat a patient named Terrence Adderley?

12 A. Yes.

13 Q. When you met with Mr. Adderley what did you
14 observe?

15 A. He was involved in an altercation and sustained
16 facial trauma and upper extremity and hand trauma.

17 Q. Was this the sort of trauma that you were able to
18 visibly see or something that was further discovered with
19 treatment?

20 A. I could visibly see.

21 Q. When Mr. Adderley came into your care what did you
22 do first?

23 A. He was initially assessed by the nursing staff with
24 simple vital signs and a brief history, and when I came
25 to see him we obtain a brief history which is subjective

1 on his part. After that, we perform a physical exam
2 which is completely objective on my part and we started
3 an IV, and we also did some imaging studies of the body
4 parts that were involved in the trauma.

5 Q. Imaging studies, do those have another word?

6 A. X-rays, CT scans.

7 Q. When you are treating Mr. Adderley what is his
8 demeanor, his behavior?

9 A. He was anxious, you know, restless, mildly
10 agitated, painful.

11 Q. You mentioned x-rays. Did these x-rays show
12 anything?

13 A. The basic x-rays of both arms, forearms were
14 unremarkable for fracture, usually there's some soft
15 tissue swelling that go along with contusions from the
16 injury. Also had --

17 Q. I'm sorry to interrupt you. You mentioned both
18 arms?

19 A. Yes.

20 Q. Why did you x-ray both arms?

21 A. There was evidence of contusions of both forearms.

22 Q. Contusions or bruising?

23 A. Are basically bruising from trauma and we wanted to
24 rule out a fracture.

25 Q. Okay. And he didn't have any fractures?

1 A. No fractures of the arms..

2 Q. Okay. Did he have any fractures --

3 A. A fracture of the small --

4 THE COURT: You all, she has got to take down
5 everything we say.

6 THE WITNESS: Okay. I'm going too fast.

7 THE COURT: You talk fast and she talks fast and
8 when you talk at the same time it's impossible. So try
9 to not talk over each other, please.

10 MS. CONCANNON: My apologies, Your Honor. I'm
11 sorry about that.

12 THE COURT: What was your question?

13 BY MS. CONCANNON:

14 Q. Did he have any fracture anywhere else?

15 A. Yes. He had a fracture in his fifth finger, which
16 is the pinky finger, right at the tip near the nail which
17 had some blood around the nail. In addition, we did a CT
18 scan of the facial bones because he had a small fracture
19 of the right maxillary sinus, which is this area
20 (indicated).

21 Q. Okay. Were you able to treat that fracture in his
22 face?

23 A. Fracture to the face is not treated with casting or
24 surgery. It was a mild hairline fracture. The concern
25 is that since it's a sinus fracture that bacteria will

1 overgrow and has a risk of developing a significant
2 infection so he was literally treated with antibiotic,
3 intervenes antibiotic as well as pain control.

4 Q. Was he referred for further treatment?

5 A. Because of the fracture of the sinus that warrants
6 a referral to an ear, nose and throat specialist for
7 follow-up care.

8 Q. So you would have referred him to follow-up care --

9 A. I did. We --

10 THE COURT: You all are still doing it.

11 A. Yeah, sorry.

12 THE COURT: You all don't talk over each other.

13 A. We referred him to Dr. Christian who is a local
14 ear, nose and throat doctor just by phone, discussed the
15 case with him on the phone and he was to follow up with
16 his office, I think that week.

17 Q. Did he have any other injuries?

18 A. Significant lacerations to the upper and lower lips
19 and he had loosening of the incisor tooth, the tooth
20 right here (indicated) just below the fracture of the
21 sinus.

22 Q. Did any sort of treatment have to be done to those
23 wounds?

24 A. He required 11 sutures both upper and lower of his
25 lip which we used absorbable sutures to close the wound.

1 Q. And what does that mean?

2 A. So he had a big cut of the upper and lower lip
3 which was quite open. If we don't close it big risk of
4 infection so we use absorbable stitches to close the
5 wounds, and I believe he had a total of 11, just about
6 equal upper lip closure with the stitches and lower lip
7 closure with the stitches.

8 Q. Absorbable meaning they don't have to come back?

9 A. They don't have to have them removed by a doctor.
10 They just would absorb and close on their own.

11 Q. You mentioned high risk of infection. Did you
12 prescribe medication for this?

13 A. Antibiotic.

14 Q. Was he prescribed any other medication by yourself?

15 A. I believe something -- a decongestion because of
16 the fracture of the sinus and oxycodone for pain control.

17 Q. Okay. Did Mr. Adderley have to have follow-up care
18 with yourself?

19 A. Not with myself but with just the ear, nose and
20 throat doctor.

21 Q. For the sinus?

22 A. For the sinus fracture, yeah.

23 Q. Did you do anything else with Mr. Adderley that
24 day?

25 A. We observed him for a number of hours. He did

1 receive some IV fluids and IV antibiotic and some pain
2 control.

3 Q. Why did you observe him for several hours?

4 A. Because one, we had to do a number of -- the CT
5 scan takes a while, especially in a busy emergency
6 department. It's at least an hour or even two hours just
7 to get the imaging and have the imaging read by the
8 on-call radiologist. Yeah. Plus he had facial trauma
9 which we wanted to make sure there were no mental state
10 changes during the two, three hour course that he was
11 with us.

12 Q. And he was able to be released that day?

13 A. Yes.

14 Q. I have no further questions for you at this time.

15 Thank you, Dr. Dardes.

16 THE COURT: Cross-examination?

17 MS. CAMPBELL: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MS. CAMPBELL:

20 Q. Dr. Dardes, would it be fair to say that
21 Mr. Adderley was at Beaufort Memorial for approximately
22 four hours?

23 A. Just about.

24 Q. And you classified his injuries as contusions and
25 bruising, correct?

- 1 A. Correct.
- 2 Q. No fractures on his arms. There was a fracture on
- 3 his pinky tip?
- 4 A. Correct.
- 5 Q. Near the nail?
- 6 A. Yep.
- 7 Q. Would that be the left or right hand?
- 8 A. Right.
- 9 Q. On his right hand?
- 10 A. Yeah.
- 11 Q. And a mild hairline sort of sinus --
- 12 A. Sinus fracture.
- 13 Q. Fracture.
- 14 A. Right at the base where the upper teeth were
- 15 located.
- 16 Q. And in your experience in the emergency room I
- 17 assume that you have seen a number of contusions and
- 18 bruises and, you know, fractures of fingers, correct?
- 19 And they can happen in a number of different ways,
- 20 correct?
- 21 A. Sure.
- 22 Q. Okay. And it would be fair to say that you
- 23 probably treated patients who have had that type of
- 24 hairline fracture to the face from receiving a fist punch
- 25 to the face, correct?

1 A. Correct.

2 Q. And it would be fair to say also that the little
3 fracture on the right pinky finger could also come from a
4 fistfight, correct?

5 A. Correct.

6 MS. CAMPBELL: That's all I have. Thank you.

7 THE COURT: Redirect?

8 MS. CONCANNON: No, Your Honor.

9 THE COURT: Thank you, Doctor. You may step down.

10 MS. CONCANNON: And may Dr. Dardes be excused?

11 THE COURT: Any objection to releasing him?

12 MS. CAMPBELL: No objection.

13 THE COURT: You're free to go, Doctor. Thank you,
14 sir.

15 Call your next witness.

16 MS. CONCANNON: The State calls Lieutenant Massey.

17 THE COURT: Come around, please, sir, and be sworn.

18 ANDRE JEROME MASSEY, after having been duly
19 sworn, testified as follows:

20 THE CLERK: You may be seated. Please state your
21 full name and spell you last for the Court's record.

22 THE WITNESS: My name is Lieutenant Massey,
23 Lieutenant Andre Jerome Massey, last name M-a-s-s-e-y.

24 DIRECT EXAMINATION

25 BY MS. CONCANNON:

1 Q. Lieutenant Massey, where are you currently
2 employed?

3 A. At the Port Royal Police Department.

4 Q. And in what capacity do you work with the police
5 department?

6 A. I am currently the patrol commander lieutenant over
7 trafficking patrol.

8 Q. How long have you been with the police department?

9 A. A little over 20 years. I started in 1994.

10 Q. In what capacity were you working with Port Royal
11 P. D. back in April of 2013?

12 A. I was the chief investigator.

13 Q. And how long were you a chief investigator over
14 there?

15 A. I've been a chief investigator until just two weeks
16 ago.

17 Q. Okay. Then you got transitioned to this new
18 position?

19 A. Yes, ma'am.

20 Q. Thank you. As a chief investigator what are some
21 of your duties?

22 A. I'm in charge of investigations where I actually
23 assign cases, investigate cases, follow-up investigate on
24 cases, also basically the way I see it we are what is
25 known as the finder of facts.

1 Q. And were you working in that capacity back on April
2 27 of 2013?

3 A. Yes, ma'am.

4 Q. And were you involved in the investigation of the
5 case that brings us here today?

6 A. Yes, ma'am.

7 Q. On April 27th what did you do?

8 A. Well, I received a call from the on-duty supervisor
9 at the time, which I believe at that time was
10 Mr. Sergeant O'Neal, requesting a duty investigator,
11 which at that time I was the duty investigator. When we
12 get a call from officers we are responding to the crime
13 scene because at that point they are in the predicament
14 to either they don't have time to investigate because
15 they have to get back on the road or they need an
16 investigator that can go more in depth into the
17 investigation.

18 Q. And did you, in fact, respond as a duty
19 investigator?

20 A. I did.

21 Q. And where did you respond?

22 A. I went to -- it's done changed a number of times,
23 it used to be August on South Side now it's -- oh, give
24 me a second. What is it called now?

25 (PAUSE.)

1 A. I can't think of the name. It used to be August on
2 South Side. It's now -- it used to be Versailles
3 Apartment now it's August on South Side. I'm sorry.

4 Q. It's an apartment?

5 A. It's an apartment complex, yes.

6 Q. And where is that? Is that in Port Royal?

7 A. Yes, it's in Port Royal, South Carolina right off
8 of South Side Boulevard.

9 Q. And why did you go there?

10 A. Well, when I got the call from Sergeant O'Neal they
11 said that the suspect involved in the case was actually
12 at that location and actually left the original crime
13 scene.

14 Q. So you went there to meet with a potential suspect?

15 A. Well, meet with the officers and find out what I
16 have at that point.

17 Q. When you get to that apartment complex what do you
18 observe?

19 A. Well, several people standing outside, officers
20 there. I speak to officers out there and they give me a
21 brief of what actually occurred down at the incident
22 location, and at that point I started to process the
23 vehicle which was the vehicle at the crime scene.

24 Q. Okay. Whose vehicle is that?

25 A. Ms. Alicia Adderley's.

1 MS. CONCANNON: Permission to approach, Your Honor?

2 THE COURT: Yes, ma'am.

3 Q. Lieutenant Massey, I'm going to show you for
4 identification what has been marked State's 16 and
5 State's 17. Can you please identify those for the Court.

6 A. Yeah. This is the vehicle that left the original
7 crime scene and one I actually processed.

8 Q. And did you take these photographs?

9 A. I did.

10 Q. And do they fairly and accurately depict that
11 vehicle that day?

12 A. They do.

13 Q. And what day did you take these?

14 A. The 27th of April.

15 Q. Of 2013?

16 A. 2013, yes.

17 Q. Thank you.

18 MS. CONCANNON: At this time, Your Honor, the State
19 moves State's 16 and 17 into evidence.

20 MS. CAMPBELL: No objection.

21 THE COURT: Without objection. Mark them in
22 evidence.

23 (WHEREUPON, State's Exhibit Number 16 and 17,
24 Photographs, were admitted into evidence.)

25 MS. CONCANNON: Permission to publish?

1 THE COURT: Yes, ma'am.

2 BY MS. CONCANNON:

3 Q. What is in this picture, Lieutenant Massey?

4 A. This is the vehicle parked in one of the parking
5 spaces at Versailles Apartments just in front of -- I
6 can't remember the number of the apartments right off the
7 top of my head but I did photograph it. And on the back
8 is a placard. That's a number placard which I use to
9 mark photographs I take as -- so when I'm actually
10 explaining I can say, okay, photograph number one,
11 placard number one shows the vehicle which I'm
12 processing.

13 Q. So this is the defendant's vehicle?

14 A. It is.

15 Q. Okay. And how about this picture; what does that
16 depict?

17 A. On the side of the vehicle that's a couple of
18 pieces of tape. The door is open. There's markings
19 inside of that once you get a closer view of it. These
20 are stickers I put on the side which is tape that marks
21 parts of evidence which in this case it would be blood on
22 the vehicle.

23 Q. Did you do anything with that blood?

24 A. I did swab that blood which is a DNA swab for that
25 blood. Yes, I did.

1 Q. And what did you do with that swab?

2 A. I placed it in evidence.

3 Q. Did you do anything further with it?

4 A. No, I did not.

5 Q. Why not?

6 A. Well, after talking with everybody involved in the
7 case, the officers, the victim, they say the victim was
8 bleeding, and Ms. Adderley when I interviewed her she
9 didn't deny the fact that he was bleeding. So I didn't
10 take the time to go ahead and send that to the lab to be
11 processed because you can readily believe that blood
12 belongs to him.

13 Q. Did you see Ms. Adderley, the defendant, at the
14 apartment complex that afternoon?

15 A. I saw her for a brief moment and I asked that she
16 come down to the police department and talk with me.

17 Q. Okay. Did she come down and talk to you?

18 A. She did.

19 Q. Did she come down on her own accord or did you have
20 to bring her?

21 A. She came down on her own accord.

22 Q. What was this -- did she speak with you that very
23 same day, the 27th?

24 A. Yes, she did.

25 Q. Who was present during that questioning?

1 A. It was me and Mrs. Adderley.

2 Q. Nobody else?

3 A. No.

4 Q. When she's speaking with you do you advise her of
5 her Miranda rights?

6 A. I do.

7 Q. In what manner do you advise her?

8 A. Both. What I do is when I give Miranda warnings on
9 anybody that I interview I actually give them a copy of
10 the form. I have a copy of the form. That way they have
11 it in writing and I verbally read the Miranda warnings to
12 them.

13 MS. CONCANNON: Permission to approach, Your Honor?

14 THE COURT: Yes, ma'am.

15 BY MS. CONCANNON:

16 Q. Lieutenant Massey, I'm going to show you for
17 identification only what's been marked State's 18. Can
18 you identify that for the Court?

19 A. This is a copy of the Miranda warnings that I gave
20 Ms. Adderley that day.

21 Q. Okay. How do you know that's the one you gave
22 Ms. Adderley?

23 A. This is my handwriting and this is the date I gave
24 it.

25 Q. Okay. And that's a copy of it?

1 A. Yes, it is.

2 MS. CONCANNON: At this time, the State moves
3 State's 18 into evidence.

4 MS. CAMPBELL: No objection.

5 THE COURT: Mark it in evidence, please, ma'am.

6 (WHEREUPON, State's Exhibit Number 18, Advice of
7 Rights Form, was admitted into evidence.)

8 BY MS. CONCANNON:

9 Q. And, Lieutenant Massey, can you please read the
10 rights you read to Ms. Adderley that night -- that
11 afternoon.

12 A. Okay. I'll give them a copy of this form. I also
13 have a copy, and the first thing I tell them, Before I
14 ask you any questions you must understand your rights. I
15 ask them -- I tell them, You have the right to remain
16 silent, and I ask them if they understand that. If they
17 say yes I go ahead and initial on the line next to that.

18 The next one I read is, Anything you say can and
19 will be used against you in court. I ask them do they
20 understand that. If they say yes I have them initial
21 next to that.

22 I also tell them that being that these are the two
23 most important rights that you have if you understand
24 that go ahead and sign the signature block underneath it
25 too saying you understand that these are the two most

1 important rights you have.

2 Once they sign that I go to the next one is, You
3 have the right to talk to an attorney and have him or her
4 present before -- while you are being questioned. I ask
5 them do they understand that. If they say yes I have
6 them to initial that, also.

7 The fourth one I read is, If you cannot afford to
8 hire an attorney one will be appointed to represent you
9 before any questions, if you wish. I ask them if they
10 understand it. If they say yes I ask them to put their
11 initials on the line next to it.

12 At the bottom of this it also has a waiver. This
13 is known as a waiver of rights. I tell them to follow
14 along with me. I will read it to them and they can
15 follow along. It says, I have read the statement of my
16 rights. I understand what my rights are. I do not want
17 an attorney present at this time.

18 I am not under the influence of any drugs or
19 alcohol and I understand and know what I am doing. No
20 promises have been made to me and no threat or pressure
21 of any kind has been used by anyone in exchange for my
22 statement. Then I ask them what's the highest grade
23 level they completed. She stated the 11th, she had 11
24 years of school. So I asked her in the block to put 11
25 on the line where it says completed years of school, and

1 if she wants to talk to me without an attorney present.
2 she can sign and date it, which she did and I witnessed
3 the signature and dated it.

4 Q. Did she initial by each of those boxes that she
5 understood her rights?

6 A. Yes, she did.

7 Q. And did she sign saying she would speak with you?

8 A. Yes, she did.

9 Q. At any point during your conversation with the
10 defendant did you believe that she was having trouble
11 understanding what you were speaking to her about?

12 A. No, ma'am, I didn't.

13 Q. Did she ever appear to be under the influence of
14 anything or have any mental problems understanding what
15 you are saying to her?

16 A. No, ma'am.

17 Q. So she freely and voluntarily spoke with you that
18 day?

19 A. Yes, she did.

20 Q. How long was your questioning of the defendant?

21 A. It was approximately one hour.

22 Q. Did you ever promise her or coerce her into
23 speaking with you?

24 A. No, I did not.

25 Q. Was she ever denied water, food, bathroom breaks,

1 any of the above?

2 A. No, she was not.

3 Q. And did she, in fact, speak to you that day?

4 A. Yes, she did.

5 Q. What did she say?

6 A. Well, after I spoke with her she started telling me

7 -- I asked her what had happened at that incident

8 location at Suds City car wash. She stated that she was

9 on the way home and her kids or something saw the father

10 at the car wash washing a car and one of the kids was

11 like, Hey, there's dad. So she turned around, she goes

12 to the car wash where Mr. Adderley was at.

13 Well, she pulls up next to him. She starts to talk

14 to him and asks him, Is this the lady that you left your

15 family for? And so she gets out of the car to get a tag

16 number from him -- I meant from off the car, and she

17 states that Mr. Adderley pushed her.

18 She looked back at the kids and says one of the

19 kids says, Give me the bat and stuff, and the kid

20 wouldn't do it. And she said at that point he said he

21 was going to kill her and that he pushed her into the

22 car, held her down and at that point she was able to

23 reach back, grab a baseball bat and began to swing the

24 bat hitting Mr. Adderley while he was holding her down

25 and choking her in the car.

1 Q. So she says she is swinging the bat, the baseball
2 bat, while she is in this car?

3 A. Yes, ma'am.

4 Q. Did she say how long that baseball bat was?

5 A. Well, she gave the total -- during the interview
6 she made the measurement which is approximately like -- I
7 would say two, maybe two and a half feet.

8 Q. Okay.

9 A. That's my estimate.

10 Q. Before we get more into the interview with the
11 defendant did you ever have an opportunity to go to Suds
12 City?

13 A. I did.

14 Q. And did you take some photographs of Suds City?

15 A. I did.

16 MS. CONCANNON: Permission to approach?

17 THE COURT: Yes.

18 BY MS. CONCANNON:

19 Q. Lieutenant Massey, I'm going to show you State's
20 13, 14, and 15 for identification purposes only. Can you
21 please tell us what they are without showing to the jury?

22 A. These are photographs they took at Suds City.

23 Q. And those are the actual photographs you took?

24 A. Yes.

25 Q. Do they fairly and accurately depict Suds City on

1 the day of the incident?

2 A. Yes, they do.

3 Q. And what date were those taken?

4 A. The 27th of April 2013.

5 Q. The same day?

6 A. The same day.

7 MS. CONCANNON: At this point, Your Honor, the
8 State moves State's 13, 14, and 15 into evidence.

9 MS. CAMPBELL: No objection.

10 THE COURT: Mark those in evidence, please.

11 (WHEREUPON, State's Exhibit Number 13 through 15,
12 Photographs, were admitted into evidence.)

13 MS. CONCANNON: Permission to publish?

14 THE COURT: Okay.

15 BY MS. CONCANNON:

16 Q. Briefly, Lieutenant Massey, what is this picture
17 of?

18 A. That's the front entrance to Suds City laundromat.

19 Q. Okay. And how about this one?

20 A. That's going to be the parallel shot at Suds City
21 Laundromat parallel to Parris Island Gateway.

22 Q. And finally how about this one?

23 A. That's going to be one of the side -- it's a side
24 to the Port Royal laundromat where you can drive a car
25 around without going through the stalls. That's the side

1 of the laundromat.

2 Q. Okay. Now, I'm going to backtrack a little bit,
3 Lieutenant Massey, back to the interview. This interview
4 you had with the defendant, was it recorded?

5 A. Yes, ma'am, it was.

6 Q. How was it recorded?

7 A. Audio and video recorded.

8 Q. And did you provide a copy of the evidence of that
9 recording?

10 A. Yes, I did.

11 MS. CONCANNON: Permission to approach?

12 THE COURT: Yes, ma'am.

13 BY MS. CONCANNON:

14 Q. Lieutenant Massey, I'm going to show you State's
15 19. What is that?

16 A. This is a copy of the disk, the actual interview
17 that I did with Mrs. Adderley.

18 Q. Okay. And how do you know that's a copy of the
19 interview with her?

20 A. That is my handwriting.

21 Q. And that indicates it's an interview of the
22 defendant?

23 A. Yes, it does.

24 MS. CONCANNON: Your Honor, at this time the State
25 move's 19 into evidence.

1 THE COURT: Any objection to this?

2 MS. CAMPBELL: No, sir.

3 THE COURT: Mark it in evidence, please.

4 (WHEREUPON, State's Exhibit Number 19, a Disk, was
5 admitted into evidence.)

6 MS. CONCANNON: Permission to publish?

7 THE COURT: Yes, ma'am.

8 Folks, before she plays it, this video is about an
9 hour long. Do any of y'all want to take a break before
10 we start it?

11 (There was no response.)

12 THE COURT: Okay. Go ahead.

13 (WHEREUPON, State's Exhibit Number 19, the
14 Interview of the Defendant, was played for the jury.)

15 BY MS. CONCANNON:

16 Q. Lieutenant Massey, I just have a couple of
17 follow-up questions after watching that interview. It
18 seems you are pretty close to the defendant in that
19 interview. Did you notice any bruising on her neck or
20 arms or legs?

21 A. No.

22 Q. She mentioned he kicked her. He kicked her so hard
23 he knocked her shoe off. Did you see any bruises on her
24 legs?

25 A. No.

1 Q. That was a long interview. Y'all talked a lot in
2 that interview. When you are speaking to the defendant
3 do you believe everything you are saying to her or is
4 that part of your interview tactics?

5 A. Some of it is part of my interview tactics.

6 Q. And after that interview did you do some more
7 follow-up investigation?

8 A. I spoke to Mr. Terrence Adderley.

9 Q. Did you place Terrence Adderley under arrest?

10 A. No, I did not.

11 Q. And subsequently did you place Alicia Adderley
12 under arrest?

13 A. I did.

14 Q. I have no further questions for you at this time.

15 THE COURT: All right. Ladies and gentlemen, we'll
16 take a 10-minute break. Don't discuss the case. Leave
17 your notes in the courtroom.

18 (WHEREUPON, the jury leaves the courtroom at
19 approximately 3:25 p.m.)

20 THE COURT: During the break you may step down but
21 you may not discuss your testimony with anyone. You
22 understand?

23 THE WITNESS: Yes, Your Honor.

24 THE COURT: Thank you.

25 We are at ease for 10 minutes.

1 (WHEREUPON, a brief recess was taken.)

2 THE COURT: All right. Is the defense ready for
3 the jury?

4 MS. CAMPBELL: Yes, sir.

5 THE COURT: The State?

6 MS. CONCANNON: Yes, Your Honor.

7 THE COURT: Bring the jury, please.

8 (WHEREUPON, the jury enters the courtroom at
9 approximately 3:45 p.m.)

10 THE COURT: Cross-examination.

11 MS. CAMPBELL: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MS. CAMPBELL:

14 Q. Officer Massey, can you trace your steps for me on
15 April 27th, 2013 from the time you got the call. Where
16 did you go, who did you talk to?

17 A. After I got off the phone with Officer O'Neal I
18 proceeded to August on South Side or the apartment
19 complex where the suspect location was at. When I got
20 there there was several people standing outside.

21 I spoke with Ms. Adderley's 17-year-old daughter
22 briefly. She had mentioned some things to me about
23 wanting to be an investigator, wanting to get into law
24 enforcement and I explained to her some of the criterias
25 to do that, going to school, doing things.

1 She gave sort of a brief on what happened out there
2 and I talked to Officer Light and I said, Officer Light,
3 get a statement from her, get one from the sister. And
4 after that I looked at the vehicle, and I actually
5 started processing the vehicle and basically all I did to
6 process the vehicle was take pictures, put markers where
7 I saw blood at on the vehicle.

8 After taking the pictures and stuff I asked
9 Ms. Adderley if she'd come down and talk to me at the
10 police department and I believe -- I want to say -- I
11 don't remember if she drove down there or rode with one
12 of the officers but she came down there freely. She
13 talked to me, and I let her go home after we did the
14 interrogate -- interview.

15 Q. Okay. And after you left the Port Royal Police
16 Department you had indicated in the video that we watched
17 that you were going to get the necklace and the ring to
18 retrieve that from Ms. Adderley's car and did you, in
19 fact, do that?

20 A. I don't think I got it. I think another officer
21 got it and brought it back. I don't remember if I went
22 and got it but we did get the jewelry back and it was
23 returned to Mr. Adderley.

24 Q. So where did you go when you left the Port Royal
25 Police Department? Did you go to the hospital? Where

1 did you head off to?

2 A. Chances are I went home.

3 Q. Okay. So you didn't go back to the hospital that
4 night?

5 A. I never went to the hospital at all that night.

6 Q. So chances are you went home. So you testified
7 that on April 27th, 2013 you took those photographs at
8 sun city -- excuse me, at Suds City, correct? I didn't
9 hear you say that in your steps that day.

10 A. Well, I did. I take photographs.

11 Q. Okay.

12 A. That was -- that might have been after the fact.
13 Okay. It's been two years. I don't remember everything.

14 Q. So after you left the Port Royal Police Department
15 you are testifying you went back to Suds City to take
16 those photographs; is that correct?

17 A. That could be very well possible.

18 Q. And your interview with Alicia Adderley began,
19 according to the paperwork that's been put in evidence,
20 at 6:45, correct? Would you like to see it?

21 A. Yes. Yes. Yes.

22 Q. Okay. The interview lasted about an hour so you
23 would have finished about 7:45, correct?

24 A. That would have been correct.

25 Q. So on April 27th, 2013 sometime around 8:00 or

1 after eight o'clock you're telling us you took those
2 photographs at Suds City?

3 A. No. It may have been before the interview. It was
4 sometime during that day. I can't honestly say exactly
5 what time it was.

6 Q. You are the head investigator on this case,
7 correct?

8 A. I am.

9 Q. Okay. And so you're supervising the other officers
10 and telling them where to go and what to do, correct?

11 A. No. I wasn't supervising any officers to tell them
12 what to do. My job is basically to go there and find
13 facts to the case. That's it. The supervisor on shift
14 is who tells the officers where to go and what to do.
15 I'm only in charge of the crime scene.

16 Q. You are aware that Mr. Adderley caused a scene at
17 Alicia Adderley's home that afternoon on the way to
18 Beaufort Memorial Hospital, right?

19 A. I was informed that he had come by there and then
20 somebody had transported him on to the hospital.

21 MS. CAMPBELL: May I approach?

22 THE COURT: Yes.

23 (WHEREUPON, Defendant's Exhibit Number 1, a
24 Photograph, was marked for identification only.)

25 BY MS. CAMPBELL:

1 Q. Officer Massey, I'm going to present you with what
2 is a photograph I believe that you took of the interior
3 of Alicia Adderley's car at her apartment complex on
4 4-27-2013. Would that be fair?

5 A. Yes, ma'am.

6 Q. Okay. And within that photograph it fairly and
7 accurately does depict the condition of her steering
8 wheel at the apartment complex, correct?

9 A. It does.

10 Q. With what you believed and you've testified to was
11 blood from Terrence Adderley, correct?

12 A. Correct.

13 MS. CAMPBELL: Your Honor, at this time defendant
14 would move Defendant's 1 into evidence, please.

15 MS. CONCANNON: Can I see it?

16 (PAUSE.)

17 MS. CONCANNON: I have no objection.

18 THE COURT: Mark it in evidence.

19 MS. CAMPBELL: It is, Your Honor.

20 (WHEREUPON, Defendant's Exhibit Number 1, a
21 Photograph, was admitted into evidence.)

22 MS. CAMPBELL: May I publish it to the jury, Your
23 Honor?

24 THE COURT: Sure.

25 (PAUSE.)

1 BY MS. CAMPBELL:

2 Q. Officer Massey, you indicated in your interview of
3 Ms. Adderley that you would like to reenact the incident.

4 Did you ever do that? Did you ever try to do that?

5 A. No, ma'am. I kind of visualized it in my mind
6 trying to actually do that because I didn't have the
7 actual weapon used in that, so I wasn't able to reenact
8 it.

9 Q. You could have obtained a T-ball bat, correct?

10 A. Yes, ma'am.

11 Q. You did not?

12 A. No, I did not.

13 Q. The officers who were at Suds City, was that
14 Officer O'Neal?

15 A. I'm not sure who was at Suds City because those
16 officers were not there when I was at Suds City. They
17 had already left that scene and went to August on South
18 Side.

19 Q. And your only purpose being there was to take those
20 photographs that are in evidence, correct?

21 A. No, ma'am.

22 Q. What else did you do when you were there?

23 A. I went back to Suds City, I did look for the bat,
24 also. I didn't find it. I actually processed the car,
25 swabbed for DNA evidence, which I did collect DNA

1 evidence, to interview the suspect in the case. At the
2 time the victim was not in a state to be interviewed;
3 therefore, I did not go to the hospital to interview him.
4 I was informed that he was going into x-rays. So I just
5 arranged a later time for him to be interviewed. That's
6 pretty much my job.

7 Q. So you are telling us that the white automobile,
8 this Ms. Sheppard's car was still there when you went to
9 Suds City because you processed it? Is that what you
10 just said?

11 A. No. The white car was not at Suds City. I did not
12 process that white car.

13 Q. Okay. So did you process any evidence at Suds
14 City?

15 A. There was nothing to process. I didn't find
16 anything back there.

17 Q. Thank you. So no blood, nothing of evidentiary
18 value to support what happened, correct?

19 A. There was no evidence at Suds City.

20 Q. Now, are you the officer that made an attempt to
21 obtain the video surveillance from the location? Did you
22 do that?

23 A. I inquired to see if there was one and at that time
24 they said the video was not working.

25 Q. And when you say you inquired, was that also on

1 April 27th, 2013 that you talked to someone at Suds City
2 about the video surveillance?

3 A. No. It wouldn't have been that same day. No.

4 Q. Okay. Sometime after that?

5 A. Yeah.

6 Q. Okay. You indicate that the closest statement to
7 the truth is given by Ms. Adderley's daughter.

8 A. Yes, ma'am.

9 Q. That was your opinion?

10 A. That was my opinion, yes.

11 Q. And you found her statement to be truthful and I
12 think you characterized it as not taking sides, just
13 telling what happened?

14 A. Yes.

15 Q. Now, it's clear from your statement during the
16 interview that you were considering charging Mr. Adderley
17 with criminal domestic violence; however, you did not,
18 correct?

19 A. That's correct.

20 Q. And if you had -- were you really serious when you
21 said you were considering charging her with strong armed
22 robbery?

23 A. No.

24 Q. Okay. Was that done to frighten her?

25 A. No. It was not meant to frighten her. The idea

1 was that she theoretically could have been if I wanted to
2 push the issue to charge her with strong armed robbery
3 but I didn't see no point in doing that because I don't
4 think she did it with the intent to take it from him as a
5 robbery. She did it more or less because she really felt
6 that it belonged to her and stuff and she didn't realize
7 that it could go to that extent.

8 Q. And the papers that you are shuffling during the
9 interview of Alicia, that would be the written statement
10 of Jonalisha Sanders, Alicia's daughter, correct?

11 A. Yes. That's one of them.

12 Q. Right. That's one of them. The statement of
13 Mr. Adderley that was given to one of the officers
14 initially at the scene, correct?

15 A. That was in there, also.

16 Q. And when you are speaking about the statement from
17 Jonalisha you don't ever mention or talk about the fact
18 that her statement is exactly what her mother is saying
19 happened, right?

20 A. No, I didn't.

21 Q. Basically he's attacking her mother saying, Bitch,
22 I'm going to kill you. Correct?

23 A. Correct.

24 Q. Did you also have the statement from the other
25 young lady, the friend that was in the car? Did you have

1 that statement?

2 A. I had that statement, also, yes.

3 Q. Who also indicated that Mr. Adderley was

4 threatening to kill Ms. Adderley?

5 A. Correct.

6 Q. Okay. Now, you had Terrence Adderley's statement
7 given to, I guess Officer O'Neal originally at Suds City,
8 correct?

9 A. I had his statement, also, yes.

10 Q. And that particular statement that you had -- well,
11 I guess my question is how did that statement differ from
12 the statement you say he made to you, you know, a couple
13 days afterwards? What was different about it? What was
14 the thing that pushed you over the edge to say, Oh, well,
15 clearly, you know, Alicia should be charged here?

16 A. Well, it wasn't the statement that he gave me. It
17 was looking at all the facts after the case, after the
18 talking to everybody. I wanted to know did he ever push
19 her down, did he ever put his hands on her, in which he
20 did not say he put his hands on her whatsoever. He said
21 he didn't. So what I did is I kind of look at the
22 primary aggressor rule. Okay.

23 If you are in an altercation, and say somebody hits
24 you and then you have the means to walk away, you can
25 defend yourself but you can't go back to your vehicle to

1 grab a weapon to come back and assault this person. That
2 makes you the primary aggressor because you have the
3 means to leave at that point and you can call law
4 enforcement to get help. But if you grab a weapon and
5 you go back and you start the altercation then now you
6 just became a primary aggressor, and that's what I based
7 that on after looking at it.

8 The one witness that had no -- nothing to gain in
9 this entire case states that the victim was outside of
10 the car and the witness -- the suspect was outside of the
11 car with the bat and that -- in his statement, by reading
12 his statement I determined that, okay, if, in fact, he
13 did push her and she left to go back to her car and get a
14 bat then she just became the primary aggressor, in which
15 after looking at everything and piecing everything
16 together it just didn't seem feasible to me to swing a
17 baseball bat inside of a mini van with two people, one on
18 top of you, and you are swinging and causing that much
19 damage. So that's what led me to go ahead and file the
20 charges against Ms. Alicia Adderley.

21 Q. Thank you. You said that Rodney Shell's statement
22 factored in to -- kind of what you said it sounded like
23 it was a major factor because he's unattached to either
24 one of them, right?

25 A. It's not a major factor. It's just a fact.

1 Q. Okay. So Mr. Adderley's statement didn't change,
2 correct? It was consistently I didn't put my hands on
3 her other than to push her into the car and tell her to
4 leave, right?

5 A. Correct.

6 Q. And you certainly wouldn't expect him to admit that
7 he pushed her down at that point, correct? He's not
8 going to tell you that, right?

9 A. I've had people to do so.

10 Q. Did you expect him to do that?

11 A. I didn't expect anything from him. I just asked
12 the question.

13 Q. And Mr. Shell, when he gave this statement -- did
14 you ever talk to him again after the written statement?

15 A. No, I did not.

16 Q. Did you ever actually speak to Mr. Shell in person?

17 A. No, I did not.

18 Q. So all you are going off of is about six or seven
19 lines of his statement, correct?

20 A. Correct.

21 Q. And, in fact, in his statement, if you'd care to
22 see a copy of it, you may have a copy up there, he never
23 says that he saw Alicia Adderley hit Terrence Adderley,
24 right?

25 A. Correct.

1 Q. Okay. And so this statement, in fact, is not
2 incriminating whatsoever against Alicia Adderley,
3 correct?

4 A. No. It just adds to the facts of what happened
5 outside the vehicle.

6 MS. CAMPBELL: That's all I have.

7 THE COURT: Redirect?

8 MS. CONCANNON: No redirect, Your Honor.

9 THE COURT: Thank you, sir. You may step down.

10 Call your next witness.

11 MS. CONCANNON: Your Honor, at this point the State
12 rests.

13 THE COURT: All right. Ladies and gentlemen, I
14 told you at the outset when I was going through the
15 various stages of how we would begin that when the State
16 rests I have to confer with the attorneys about legal
17 issues. This generally takes 15, 20 minutes. If it is
18 going to be substantially longer than that I'll let you
19 know. If based on where we are in the trial it's better
20 to stop now and start back tomorrow I'll let you know
21 that but I need to talk with them first. So don't
22 discuss the case yet. Follow the bailiff, please.

23 (WHEREUPON, the jury leaves the courtroom at
24 approximately 4:03 p.m.)

25 THE COURT: Are there any motions?

1 MS. CAMPBELL: May it please the Court. Your
2 Honor -- if Your Honor would look at the indictment with
3 us as I make my directed verdict motion. The State rests
4 their indictment upon 16-25-65(a)(1) in that the assault
5 and battery involved use of a deadly weapon, and I would
6 submit to the Court at this juncture the entire State's
7 case is devoid of any testimony that the T-ball bat was
8 in any way fashioned, made up of any material, anything
9 of that nature that would classify it as a deadly weapon,
10 and on that point the State has failed and their
11 indictment fails and we would make a motion for a
12 directed verdict at this stage.

13 That's not something that can be inferred. There
14 needs to be testimony in the record about the object and
15 the nature of that object and how it conforms to our
16 definition of a deadly weapon and there simply is not.

17 The second ground would be that there is no
18 testimony in the record that this event, and it's a
19 purely procedural matter, occurred in Beaufort County.
20 They placed it in Port Royal but there's never been a
21 witness to testify that it occurred within the
22 jurisdiction of Beaufort County. Thank you, Your Honor.

23 THE COURT: Well, with regard to the first issue,
24 Mr. Adderley testified it was a regular size baseball
25 bat. Whether the jury believes that or not is up to the

1 jury but he testified it was a baseball bat, a regular
2 baseball bat. He said he thought it was aluminum.

3 The gentleman who was washing his car in the bays
4 said it was a Braves baseball bat, which I -- again, this
5 is me and I'm not in it checking evidence in the trial,
6 but I call those souvenir bats. Those are little
7 souvenir-type things that they sell at Braves games and
8 things like that.

9 But what kind of bat it was, whether it was a
10 T-ball bat, as was said in the statement, or whether it
11 was a souvenir bat, as I'm labelling it, or it was an
12 aluminum bat, that's a jury issue. And any object like a
13 baton could be considered a deadly weapon. It would just
14 depend on the circumstances of each case.

15 Secondly, on that issue, the indictment alleges
16 that it was -- either involved the use of a deadly weapon
17 or resulted in serious bodily injury to the victim or
18 reasonably would have caused a person to fear imminent
19 serious bodily injury or death. So I don't see them
20 limiting their indictment. They don't actually allege
21 any specific facts in the indictment itself.

22 My question is going to be to you at the end of
23 trial, as a way to anticipate this if you want to, I
24 don't know if the State is trying to claim that the
25 evidence about her trying to run him over is part of this

1 indictment or not.

2 I didn't hear Beaufort County. I did hear Port
3 Royal.

4 MS. CONCANNON: Your Honor, multiple people
5 testified that this incident occurred in Port Royal,
6 Parris Island Gateway, Parris Island Gateway, Port Royal,
7 South Carolina. The State would ask that the Court take
8 judicial notice that Port Royal is here in Beaufort
9 County right down the road.

10 THE COURT: I can't take judicial notice of it. I
11 can charge the jury that they have to make a
12 determination that it occurred in Beaufort County, South
13 Carolina in order to convict him and there's
14 circumstantial evidence, there's evidence in the record
15 that would allow the jury to make that determination.

16 It's a difficult issue. I know different rulings
17 have been handed down over the years. Some of them have
18 been different than others. I'm trying to think about my
19 personal experiences. I know I had one case one time in
20 Columbia where there was testimony that the incident
21 happened right beside the Capital and nobody ever said it
22 was in Richland County but I let that go to the jury
23 because there's only one capital in the State and
24 presumably the jury would be able to determine where that
25 occurred.

1 I know of a murder case in Aiken though where they
2 did not. It wasn't my case but the solicitor did not
3 introduce evidence about jurisdiction and the judge threw
4 it out.

5 The motion is denied.

6 MS. CAMPBELL: Thank you.

7 THE COURT: Anything else?

8 MS. CAMPBELL: Yes, Your Honor, briefly. At this
9 juncture we would like to at least this afternoon put up
10 one very short witness for the defense due to her work
11 schedule tomorrow.

12 THE COURT: That's fine with me. I just have to
13 cover some things with your client.

14 MS. CAMPBELL: Thank you, Your Honor. Do you want
15 us to stand?

16 THE COURT: It's fine with me if she sits. Just
17 speak out so the court reporter can hear you and I can
18 hear you.

19 Ms. Adderley, I need to talk to you about some
20 issues and I need to make sure that your responses are
21 under oath. Would you raise your right hand for me.

22 (The defendant was placed under oath.)

23 THE COURT: Now, we've reached the stage of the
24 trial where the State has rested and the next thing that
25 would happen is that your side gets to present evidence

1 for the jury to consider. That doesn't change the burden
2 of proof. The State has the burden of proof but you have
3 the opportunity now to present evidence for the jury to
4 consider in deciding whether the State has met its burden
5 of proof or failed to meet its burden of proof. You
6 understand where we are in the trial?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Now, in that regard you may testify if
9 you wish to but no one can force you to testify. Do you
10 understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You have an absolute right to remain
13 silent and if you choose not to testify I'm going to tell
14 that jury they cannot hold your silence against you in
15 any way at all; you understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: I will tell them that they are not to
18 discuss in the jury room the fact that you elected not to
19 testify and it's not to enter their minds in making a
20 decision whether you are guilty or not guilty; do you
21 understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Now, you may choose to testify or you
24 may choose not to testify. Whether you testify or not
25 you may call witnesses on your behalf; do you understand

1 that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Now, you all have already introduced
4 one exhibit, right? There's one defense exhibit?

5 MS. CAMPBELL: That's correct.

6 THE COURT: Okay. So last argument is going to be
7 with the State, and I'm assuming from what the testimony
8 has been she has no prior criminal record to impeach her?

9 MS. CONCANNON: No prior record, Your Honor.

10 THE COURT: Then, Ms. Adderley, I want to make sure
11 that you understand the decision about whether you
12 testify or not is your decision to make and yours alone.
13 Do you realize that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: I expect that you may confer with your
16 attorney, family members, friends, anyone whose opinion
17 you value on important decisions but it's your call. You
18 are the person on trial and you are the person who has to
19 make the decision about whether you testify or not; you
20 understand?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Has anyone exercised any type of
23 improper influence over you to get you to choose to
24 testify or not testify?

25 THE DEFENDANT: No, sir.

1 THE COURT: So whatever decision you make is yours
2 and yours alone?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: I just have to state just for the
5 record, so I don't take offense at it. I don't have any
6 reason to suspect any of this is going on. Today are you
7 clear-headed, you know what you are doing?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You haven't had any kind of medication
10 or any substance that would affect your thinking
11 adversely, have you?

12 THE DEFENDANT: No, sir.

13 THE COURT: All right. Well, I'm going to make a
14 finding then, Ms. Adderley, that you understand you have
15 a right to testify, you have a right not testify, that if
16 you choose not to testify I'm going to tell the jury they
17 cannot hold your silence against you in any way at all.

18 That the decision about whether you testify or not
19 is your decision to make and yours alone and that
20 whatever decision you make is made of your own free will.
21 It's made freely, knowingly, voluntarily and intelligent.
22 So if anybody does attempt to exercise any type of
23 improper influence over you, you let me know it right
24 away. Okay.

25 THE DEFENDANT: Okay.

1 THE COURT: All right. I always give you a few
2 minutes to talk to your lawyer. I always give the person
3 on trial a few minutes to talk to the lawyer. If you
4 need more time than that you let me know and we'll hear
5 your witness and whatever else you all want to do today.

6 MS. CAMPBELL: Thank you, Your Honor.

7 THE COURT: All right. We are at ease for a few
8 minutes.

9 MS. CAMPBELL: Your Honor, may I just very quickly
10 let you know that it will not be my intention to call
11 Ms. Adderley this afternoon.

12 THE COURT: Okay.

13 MS. CAMPBELL: But because of their work schedules
14 I do believe I can get both of the young ladies up and
15 down between me and the State before we finish today. I
16 will have three witnesses tomorrow.

17 THE COURT: That's fine.

18 MS. CAMPBELL: Thank you.

19 THE COURT: Thank you very much. All right. We
20 are at ease.

21 (WHEREUPON, a brief recess was taken.)

22 THE COURT: We ready?

23 MS. CAMPBELL: Yes, sir.

24 THE COURT: The State ready?

25 MS. CONCANNON: Yes, Your Honor.

1 THE COURT: Bring them in, please.

2 (WHEREUPON, the jury enters the courtroom at
3 approximately 4:25 p.m.)

4 THE COURT: As I was going through the stages of
5 the trial and I told you how we would get started but
6 would not go through the whole trial, and I told you I
7 would advise you when we got to this point when we are
8 here. That's where we are now.

9 The State has rested its case in chief and the next
10 thing that happens is the defense is given the
11 opportunity to present evidence for you to consider.

12 Again, this does not change the burden of proof.
13 The burden of proof remains with the State throughout the
14 trial but the defense is given an opportunity to present
15 evidence for you to consider in deciding whether the
16 State has met its burden of proof or failed to meet its
17 burden of proof. So I invite your close attention.

18 My understanding is that we are going to get a
19 couple of witnesses in today, try to, and then we'll have
20 some more tomorrow and that you'll get the case tomorrow.
21 That's what it looks like now.

22 Now, after the State -- excuse me, after the
23 defense puts up their case the State does have an
24 opportunity to reply. They can't get to go back through
25 the whole case but they do have the option to reply to

1 whatever the defense may have brought out. So we'll just
2 have to to see what happens when we reach that point. I
3 invite your close attention once again.

4 Call your witness, please, Ms. Campbell.

5 MS. CAMPBELL: Please the Court, Your Honor.

6 THE COURT: Yes.

7 MS. CAMPBELL: The defense calls Ms. Idaisha Smith.

8 THE COURT: Come around, please.

9 IDAISHA SMITH, after having been duly sworn,
10 testified as follows:

11 THE CLERK: Be seated. State and spell your name
12 for the Court's record.

13 THE COURT: Your first name is spelled
14 I-d-a-i-s-h-a?

15 THE WITNESS: Yes, sir.

16 THE COURT: And last name is Smith?

17 THE WITNESS: Yes, sir.

18 THE COURT: Thank you, ma'am. All right.

19 MS. CAMPBELL: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MS. CAMPBELL:

22 Q. Ms. Smith, how old are you?

23 A. I'm 18.

24 Q. Did you go to school here in Beaufort County?

25 A. Yes. I went to Well Branch Early College High

1 School.

2 Q. Well Branch Early College?

3 A. Uh-huh.

4 Q. And did you graduate from there?

5 A. Yes, I did.

6 Q. Are you currently employed?

7 A. Yes. I have two jobs. I work at Waffle House

8 and --

9 THE COURT: Hold on a second. Waffle House and
10 what?

11 THE WITNESS: Waffle House, that's in Beaufort, and
12 Helena Place. That's in Port Royal.

13 THE COURT: Huntington Place?

14 THE WITNESS: Helena Place.

15 MS. CAMPBELL: Helena.

16 THE WITNESS: It's a nursing home?

17 THE COURT: I apologize. I'm not from here so I
18 don't know all these names. All right.

19 MS. CAMPBELL: Thank you, Your Honor.

20 BY MS. CAMPBELL:

21 Q. Are you married?

22 A. No.

23 Q. Do you have any children?

24 A. No.

25 Q. You know Alicia Adderley?

1 A. Yes.

2 Q. And do you know her daughter, Jonalisha?

3 A. Yes.

4 Q. About how long have you known that family?

5 A. Eight years.

6 Q. On April 27th, 2013 were you with that family?

7 A. Yes, I was.

8 Q. Can you tell the jury where you all had been and
9 what you had been doing before you wound up at the Suds
10 City car wash?

11 A. We went to the park to go play kickball and T-ball,
12 then we left to go get something to eat from Golden
13 Corral. Then we were riding past Suds City -- I think
14 that's what the place is called, Suds City, and then
15 Jonalisha was like, Oh, mom, there's dad, or whatever.

16 Then TA, Jr. said, I want to see dad. And then we
17 turned around so TA, Jr. and TA could see their dad.
18 And then we went there and then that's when Jonalisha --
19 I mean, Ms. Alicia asked Jonalisha did she get the tag
20 number down and she said, No.

21 And Ms. Alicia said, Okay. I'll get it myself. So
22 that's when she got out of the truck to try to get the
23 number, the tag number. Then Mr. Adderley was pushing
24 her back, telling her to get back in the truck, and then
25 that's when T. J. and Tierra started crying and I started

1 comforting them and I had my head down.

2 When I did happen to look up I did see him mouth,
3 I'm going kill you. I didn't hear him but I did see his
4 mouth move and say that.

5 Q. Are you a little bit nervous today?

6 A. Yes.

7 Q. Have you ever testified in court before?

8 A. No.

9 Q. It's okay to be a little bit nervous. Let's just
10 slow it down a little bit. At some point you tell the
11 jury you saw his mouth saying -- I guess it was loud in
12 the car, I'm going to kill you?

13 A. Yes, ma'am.

14 Q. Do you remember making a written statement for the
15 Port Royal Police Department?

16 A. Yes, I did.

17 Q. Okay. And were you truthful with them then?

18 A. I was.

19 Q. And you're truthful here today?

20 A. Yes, I am.

21 Q. Would you lie for Alicia or her daughter?

22 A. I would never.

23 Q. Okay. Why is that?

24 A. I'm an honest person. I wouldn't even lie for my
25 own mother. I wouldn't lie for myself. I can't tell a

1 lie. I would eventually get caught in it.

2 Q. That's right. Do you remember anything else that
3 you'd like to tell the jury about that day or anything
4 that you saw or heard, anything you can think of?

5 A. Nothing that I can remember.

6 Q. Do you remember when you went back to Alicia's
7 house from Suds City?

8 A. I do.

9 Q. You stayed in the car, right?

10 A. Uh-huh.

11 Q. And you all went back to her house?

12 A. Yes, ma'am.

13 Q. Did something happen there that was frightening or
14 what happened when you got back?

15 A. We got back and then that's -- Terrence, he did
16 arrive shortly afterwards. He was trying to get to
17 Ms. Alicia then Jonalisha stepped in front of her so he
18 couldn't get to her, and I was right beside her helping
19 block her mom or whatever.

20 Q. Were the police there when he did that?

21 A. They were there.

22 Q. Did the police try to stop him?

23 A. No.

24 Q. Now, you gave your statement to the Port Royal
25 Police Department, you talked to the officers. Did they

1 ask you to come and talk to this jury today?

2 A. Jonalisha and Ms. Adderley?

3 Q. No, the State.

4 A. Oh. No, ma'am.

5 Q. No. Okay. Did I have to issue a subpoena to bring
6 you here?

7 A. No, ma'am.

8 Q. I just asked you to come and tell the jury what you
9 saw, right?

10 A. Yes, ma'am.

11 Q. Okay. Did you see at any point -- or, you know,
12 between Suds City and Alicia's house or at the house you
13 or anybody else toss the bat, get rid of the bat, hide
14 the bat? Do you know anything about the T-ball bat?

15 A. No, ma'am.

16 Q. Okay. That's all I have. Thank you so much.

17 THE COURT: Thank you.

18 Cross-examination?

19 MS. CONCANNON: Thank you, Your Honor. Briefly.

20 CROSS-EXAMINATION

21 BY MS. CONCANNON:

22 Q. Idaisha, is that how you say it?

23 A. Uh-huh.

24 Q. Thank you. I'm just going to ask you a couple
25 questions, a follow up of Ms. Campbell. You said that

1 you have known the defendant and her daughter for eight
2 years, right?

3 A. Uh-huh.

4 Q. You care for them?

5 A. Yes.

6 Q. You're close to them?

7 A. Yes.

8 Q. You love them?

9 A. Yes.

10 Q. Are they like family to you?

11 A. Yes.

12 Q. You put your head down, so you can't see a whole
13 lot, right?

14 A. No, ma'am.

15 Q. Okay. Do you remember giving that statement?

16 A. Yes.

17 Q. You gave a written statement? Do you remember
18 giving a written statement?

19 A. Yes.

20 Q. You didn't write in that statement that you saw
21 Terrence choke Alicia, did you?

22 A. No, I didn't.

23 Q. You didn't see that, did you?

24 A. No.

25 Q. You didn't see him hit her?

1 A. No. I just seen when he pushed her.

2 Q. You didn't see him push her to the ground?

3 A. No, I didn't. Uh-uh.

4 Q. Okay. I have no further questions for you.

5 THE COURT: Redirect?

6 MS. CAMPBELL: No, Your Honor.

7 THE COURT: Thank you, ma'am. You may step down.

8 Call your next witness.

9 MS. CAMPBELL: Your Honor, at this time we would
10 call Jonalisha Sanders.

11 THE COURT: Come around, please.

12 JONALISHA SANDERS, after having been
13 duly sworn, testified as follows:

14 THE CLERK: Please state and spell your name for
15 the Court's record.

16 THE WITNESS: Jonalisha Sanders, S-a-n-d-e-r-s.

17 THE COURT: Let me ask you about your first name.
18 Is it J-o-h-n-a-l-i-s-h-a?

19 THE WITNESS: No, sir. It's J-o-n-a-l-i-s-h-a.

20 THE COURT: J-o-n, what's after that?

21 THE WITNESS: A-l-i-s-h-a.

22 THE COURT: Thank you, ma'am.

23 MS. CAMPBELL: Thank you, Your Honor.

24 DIRECT EXAMINATION

25 BY MS. CAMPBELL:

- 1 Q. Ms. Sanders, how old are you?
- 2 A. I'm 19 years old.
- 3 Q. And did you graduate from high school?
- 4 A. Yes, ma'am.
- 5 Q. And do you work here in the area?
- 6 A. Yes, ma'am, I do.
- 7 Q. Okay. What sort of type of work do you do?
- 8 A. I'm a medication technician at Helena Place in Port
- 9 Royal.
- 10 Q. And are you married?
- 11 A. No, ma'am.
- 12 Q. Do you have any children?
- 13 A. No, ma'am.
- 14 Q. Clearly, Alicia Adderley is your mom, right?
- 15 A. Yes, ma'am.
- 16 Q. And you have brothers and sisters?
- 17 A. Yes, ma'am, I do.
- 18 Q. How many children does your mother have with
- 19 Terrence Adderley?
- 20 A. Two.
- 21 Q. And their names?
- 22 A. TA and TA, Jr.
- 23 Q. And how old are they today?
- 24 A. Eight and five.
- 25 Q. Okay. And on April 27th, 2013 were they in your

- 1 mother's car?
- 2 A. Yes, ma'am.
- 3 Q. Were you in your mother's car?
- 4 A. Yes, ma'am.
- 5 Q. Where were you seated in the car?
- 6 A. In the passenger side.
- 7 Q. Okay. In the front or the back?
- 8 A. The front.
- 9 Q. And where were the children seated?
- 10 A. In the back of the -- the third row seat in the
- 11 back.
- 12 Q. All the way in the back?
- 13 A. Yes, ma'am.
- 14 Q. Okay. And so who was in the middle seat?
- 15 A. Idaisha, and my 14-year-old sister, Latroscha.
- 16 Q. And so in order to attend to those children you had
- 17 to get to the third row seat, correct?
- 18 A. Yes, ma'am.
- 19 Q. All right. Now, obviously you know Terrence
- 20 Adderley, correct?
- 21 A. Yes, ma'am.
- 22 Q. And he's your stepfather?
- 23 A. Used to be, yes, ma'am.
- 24 Q. And can you tell the jury a little bit about where
- 25 you and your mother and the children had been on April

1 27th, 2013.

2 A. Well, most of the time on the weekends we do family
3 events together, so we clean the house and then we go,
4 like, to the park or somewhere, or either, like, Chuck E.
5 Cheese or something. Whatever we plan. So that day we
6 decided to go to the park, and Terrence was supposed to
7 join us at the time.

8 We went to play kickball. We played T-ball, and
9 then once we were finished the other -- my two other
10 sisters, they left in the car with my brother and went
11 home. Me, Idaisha, Latroscha, and the two babies went
12 with my mom to Golden Corral to pick up the food.

13 And then as we were riding back to go home by Suds
14 City I noticed him in the parking lot cleaning out a car
15 and I was like, Mom, there goes dad right there, and then
16 she said, That's not him. And T. J., he was like, I want
17 to see my daddy.

18 (The witness appears to be upset and crying.)

19 THE COURT: You need a minute?

20 A. And when we turned around to go back that's when
21 they got into an altercation because she wanted me to get
22 the tag number and he wouldn't let me get the tag number.
23 So that's when she said, I'll get it myself. And once
24 she got out the vehicle to get it he pushed her on the
25 ground, then I jumped out and I was screaming to the guy,

1 Shell, whatever his last name is. I asked him, I said,
2 Someone please call 911. And each of the things were
3 filled with cars in them and no one would call 911, and
4 my siblings are in the back of the car screaming because
5 he's kicking her and pushing her and choking her and
6 everything, and then she -- that's when he reached for
7 the bat and she was swinging to get him off of her and he
8 was like, Bitch, I'm going to kill you. Bitch, I'm going
9 to kill you. You lucky T. J. just saved your life.

10 Q. It's clear, Jonalisha, that this is very hard for
11 you. We'll just slow down a minute. You also talked to
12 the State of South Carolina through the Port Royal Police
13 Department, right?

14 A. Yes, ma'am.

15 Q. And when they showed up at your mother's house you
16 talked with them. You even talked with the officer about
17 being interested in law enforcement one day, right?

18 A. Yes, ma'am.

19 Q. And they -- I think it was Officer Light, maybe,
20 asked you to write down that day what you remember
21 happening.

22 A. Yes, ma'am.

23 Q. And you did that for them, right?

24 A. Yes, ma'am.

25 Q. And did the State of South Carolina ask you to come

1 here today to testify?

2 A. No, ma'am.

3 Q. And you told them just what you told this jury just
4 now, right?

5 A. Yes, ma'am.

6 Q. Okay. And nobody served you a subpoena and nobody
7 said come in here and tell the jury what happened?

8 A. No, ma'am.

9 Q. Now, at your home were you ever able to see or hear
10 Terrence assaulting your mother?

11 A. Yes, ma'am.

12 Q. And when those assaults would take place were they
13 physical, were they verbal? Tell the jury about that.

14 MS. CONCANNON: Objection.

15 THE COURT: Hold on just a moment.

16 Yes?

17 MS. CONCANNON: Relevance. If we could ask the
18 jury out for a second.

19 THE COURT: Ladies and gentlemen, I need you to
20 step outside while I consider this. Don't discuss the
21 case.

22 (WHEREUPON, the jury leaves the courtroom at
23 approximately 4:38 p.m.)

24 THE COURT: What is it you are trying to elicit
25 from the witness?

1 MS. CAMPBELL: Your Honor, the prior difficulties
2 between the parties. That is a critical elements of the
3 essence of self defense, what Ms. Adderley's state of
4 mind was at the time Mr. Adderley was attacking her and
5 he had assaulted her previously. The grabbing of the bat
6 to protect herself, I think that goes directly to her
7 state of mind, her understanding of his violence and
8 propensity for violence and I think it is very relevant,
9 absolutely. We've got to show that in order to get the
10 self defense charge, that portion of it.

11 THE COURT: Yes, ma'am.

12 MS. CONCANNON: Your Honor, this --

13 THE COURT: Do you have anything else?

14 MS. CONCANNON: I'm sorry. Yes. Thank you, Your
15 Honor. This isn't a battered spouse case. This is a
16 specific instance of conduct. We feel it is too
17 prejudicial instead of probative in this case. It
18 doesn't go for truthfulness or untruthfulness. Terrence
19 took the stand already. We just feel that it is more
20 prejudicial than probative.

21 THE COURT: All right. Well, the question is
22 whether it's unduly prejudicial and it's not.

23 Anything else?

24 MS. CONCANNON: Well, additionally, Your Honor,
25 Ms. Campbell indicated that it was an element of self

1 defense and the State does not contend that. We don't
2 believe it is an element of self defense. Prior
3 difficulty is not an element of self defense that we
4 believe Your Honor would charge to the jury.

5 THE COURT: It may not be one of the listed
6 elements but it is one of the things the jury considers
7 in deciding whether the person was acting in self defense
8 or not. Anything else y'all need to put the on record?

9 MS. CAMPBELL: No, Your Honor.

10 MS. CONCANNON: No, Your Honor.

11 THE COURT: The objection is overruled. Bring the
12 jury back in.

13 When you ask your question try to be specific when
14 you are taking about it because you just said incidences
15 at the house.

16 MS. CAMPBELL: Okay.

17 (WHEREUPON, the jury enters the courtroom at
18 approximately 4:41 p.m.)

19 THE COURT: The objection is overruled. You may
20 continue.

21 MS. CAMPBELL: Thank you, Your Honor.

22 BY MS. CAMPBELL:

23 Q. Jonalisha, are there any specific instances when
24 Terrence Adderley hit your mother that you saw or
25 witnessed or heard that assault on your mother?

1 A. Yes, ma'am.

2 Q. Okay. Tell the jury about that.

3 A. This one incident happened when my mom found some
4 naked pictures of women and younger females on his laptop
5 and so she went to ask him about it. He was in my
6 brother's room at the time, and got upset with her from
7 asking him, so that's when he slammed her on the floor.

8 And my youngest sister, which her name is AG

9 she was crying and screaming, so I called my
10 brother. He was at work at the time. And that's when
11 she was just like, No, don't call the police. She was
12 telling me not to call the police because I wanted to
13 call the police from him, like, picking her up and
14 actually physically slamming her on the floor.

15 Q. Were there any times that you heard your dad,
16 Terrence Adderley, verbally abusing Alicia?

17 A. Yes, ma'am.

18 Q. What sort of things would he say to her?

19 A. Fat bitch. Just mainly, like, fat bitch and things
20 like that.

21 Q. And did he usually get upset when she questioned
22 him about certain things?

23 A. Yes, ma'am.

24 Q. And what were those things that she would be
25 questioning him about?

1 A. Any time, like, things about different women or
2 videos she saw on his computer or in his phone or
3 something like that.

4 Q. Have you, yourself, been assaulted by Mr. Adderley?

5 A. No, ma'am.

6 Q. Has he ever put his hands on you?

7 A. Well, actually -- well, one time me and my friend,
8 Mariah Boles, we went outside and when I came back in
9 because I wouldn't tell him where I was he got mad and
10 asked for my cell phone, I guess for a punishment. So I
11 was in my room and he came in and he started choking me
12 on the floor and he was like, Give me your cell phone,
13 give me your cell phone, because I wouldn't give it to
14 him so...

15 Q. On April 27th, 2013 can you explain to the jury how
16 frightened you were of what was happening.

17 A. I was very scared. I asked the police that was on
18 the scene, I said, So you all are telling me this man can
19 come back and do anything to my mother, because he was --
20 he came approaching her and they stood there and that's
21 when I jumped in front of her and I said, You're telling
22 me he can come back any time and do anything to her, he
23 can go to her job, anything. She don't have no one
24 around her 24/7 to protect her.

25 Q. You jumped in front of your mother at the house?

1 A. Yes, ma'am.

2 Q. When he stopped and came by there?

3 A. Yes, ma'am.

4 Q. When you were at the Suds City did you see your mom
5 with the bat?

6 A. Yes, ma'am.

7 Q. And can you explain to the jury what you saw or how
8 you saw her holding the bat or using the bat to hit
9 Terrence.

10 A. Like how I'm sitting in the seat now he was pushing
11 her and choking her into the seat, and I'm on the
12 passenger side so he was like, Bitch, I'm going to kill
13 you. Bitch, I'm going to kill you.

14 So she reached -- by her having her right hand, she
15 reached with the left hand to get the bat from my sister
16 and she was just swinging and swinging, and he just kept
17 saying, Bitch, I'm going kill you. Bitch, I'm going to
18 kill you. That's all I remember him saying, like, he was
19 going to killer. Then after he saw T. J. crying he was
20 like, You're lucky he just saved your life.

21 Q. When that ended -- where was the bat; do you know?
22 Did you see?

23 A. He had the bat once he left the scene.

24 Q. So at any point did you see the bat with your mom
25 after you left Suds City?

1 A. No, ma'am.

2 Q. At any point during the time your parents were
3 together, Terrence and Alicia, did you ever see your mom
4 assault Terrence?

5 A. No, ma'am.

6 Q. That's all I have. Thank you so much.

7 THE COURT: Cross-examination.

8 CROSS-EXAMINATION

9 BY MS. CONCANNON:

10 Q. Jonalisha, Alicia Adderley is your mother, isn't
11 she?

12 A. Yes, ma'am.

13 Q. You love her?

14 A. Yes, ma'am.

15 Q. You care for her?

16 A. Yes, ma'am.

17 Q. You'd do anything for her?

18 A. Not anything.

19 Q. But you don't want to see her get in trouble, do
20 you?

21 A. No, ma'am.

22 Q. You don't want anything bad to happen to her?

23 A. Neither one of them.

24 Q. Neither one of them? Who is them?

25 A. Terrence or Alicia.

1 Q. You just referenced a cell phone incident. You
2 were mad that Terrence was going to take your cell phone,
3 weren't you? You didn't like that punishment, did you?

4 A. Yes, ma'am.

5 Q. You were mad at him?

6 A. Yes, ma'am.

7 Q. Do you remember giving the police a written
8 statement?

9 A. Yes, ma'am, I do.

10 Q. Okay. Have you looked at that statement lately?

11 A. Yes, ma'am, I did.

12 Q. So you're familiar with it?

13 A. Yes.

14 Q. In that statement you didn't say you saw him push
15 her to the ground, did you?

16 A. No, ma'am.

17 Q. Okay. In that statement you didn't say I saw him
18 choke her, did you?

19 A. No, ma'am.

20 Q. You didn't say that because it didn't happen.

21 A. Yes, it did.

22 Q. Why didn't you put that your statement?

23 A. At the time I'm 17 years old. My adrenaline is
24 rushing. He just came trying to jump on her. Writing
25 the statements, all of that you don't remember. It's

1 just too much at one time.

2 Q. Well, you wrote he pushed her. You just didn't put
3 to the ground.

4 A. Okay.

5 Q. I'm asking you. Is that --

6 A. Yes, I did.

7 Q. Ms. Campbell asked you about some prior
8 difficulties between Terrence and your mom. Do you
9 remember those?

10 A. Yes, ma'am, I do.

11 Q. You said you saw some of those?

12 A. Yes, ma'am.

13 Q. And you saw this man right here picked up this
14 woman right here?

15 A. Yes, ma'am.

16 Q. And threw her to the ground?

17 A. Yes, ma'am, I did.

18 Q. Pick her up and throw her to the ground?

19 A. Yes, ma'am, I did.

20 Q. Okay. You didn't call police?

21 A. I tried.

22 Q. You tried?

23 A. But no, I didn't.

24 Q. You tried. Your phone wasn't working?

25 A. No. She didn't want me to call the police.

1 Q. But you are scared for your mom?

2 A. Okay.

3 Q. No. I'm asking you. Were you scared?

4 A. Yes, I am.

5 Q. So why didn't you call the police?

6 A. At the time when you love your mother and you will
7 do whatever they say. They are your parents.

8 Q. Even when you are scared for her?

9 A. Yes, ma'am.

10 Q. Your mom didn't call the police either?

11 A. No, ma'am, she didn't.

12 Q. She never called the police, did she?

13 A. No, ma'am.

14 Q. And you never called the police, did you?

15 A. No, ma'am.

16 Q. Jonalisha, I don't have any more questions for you.

17 THE COURT: Redirect?

18 MS. CAMPBELL: That's fine, no.

19 THE COURT: Thank you, ma'am. You may step down.

20 Is that your last witness today?

21 MS. CAMPBELL: Yes, sir.

22 THE COURT: All right. Folks, we'll continue with
23 the trial tomorrow at 10:00 a.m. I need you here in the
24 jury room, please, at 10:00. I hope you have a pleasant
25 evening. Leave your notes here and we'll get them back

1 to you tomorrow. Thank you.

2 (WHEREUPON, the jury leaves the courtroom at
3 approximately 4:48 p.m.)

4 THE COURT: Please be careful when you leave that
5 you don't have contact with jurors and don't have any
6 conversations that in any way relate to the case or
7 anything that might be overheard by a juror. Court is in
8 recess until 10:00 a.m. Remember all those admonitions
9 and make sure you're here by 10:00 unless Ms. Campbell
10 wants you here sooner. Thank you.

11 (WHEREUPON, the trial of this case was recessed for
12 the day.)

13 Wednesday, March 18, 2015

14 THE COURT: Is the defense ready for the jury?

15 MS. CAMPBELL: Yes, sir.

16 THE COURT: The State?

17 MS. CONCANNON: Yes, Your Honor.

18 THE COURT: Bring the jury.

19 (WHEREUPON, the jury enters the courtroom at
20 approximately 10:06 a.m.)

21 THE COURT: Call your next witness, Ms. Campbell,
22 please.

23 MS. CAMPBELL: Thank you, Your Honor. May it
24 please the Court. At this time, the defense will call
25 Officer Heidi Light.

1 THE COURT: Come around, please.

2 HEIDI LIGHT, after having been duly sworn,
3 testified as follows:

4 THE CLERK: Please be seated and state and spell
5 your name for the Court's record.

6 THE WITNESS: Heidi, H-e-i-d-i, Light, L-i-g-h-t.

7 MS. CAMPBELL: May it please the Court.

8 THE COURT: Yes, ma'am.

9 MS. CAMPBELL: Thank you.

10 DIRECT EXAMINATION

11 BY MS. CAMPBELL:

12 Q. Officer Light, I see that you are in a Beaufort
13 City uniform this morning. Is that where you are
14 currently employed?

15 A. Yes, ma'am.

16 Q. In April of 2013 where were you employed?

17 A. Port Royal.

18 Q. The Port Royal Police Department?

19 A. Yes, ma'am.

20 Q. Did you have an occasion on April 27th, 2013 to go
21 to the home of Alicia Adderley?

22 A. Yes, ma'am.

23 Q. And while you were at that home were you able to
24 talk to Alicia and her daughter and another witness in
25 the case?

1 A. I didn't interview them. I held them waiting for
2 an investigator to get there.

3 Q. The statements that they gave, the written
4 statements have your signature at the bottom of them.
5 Did you obtain those written statements from the
6 witnesses?

7 A. The written statements, yes.

8 Q. Okay. Thank you. You indicate and you've reported
9 to the other officers that at the time you were at Alicia
10 Adderley's home that Terrence Adderley came to that home
11 while you were there, correct?

12 A. Yes, ma'am.

13 Q. And that he caused a scene with Ms. Adderley at
14 that time, correct?

15 A. Correct.

16 Q. Do you remember what he said?

17 A. I do not.

18 Q. Did you put that in any kind of report, what he
19 said?

20 A. No, ma'am.

21 Q. Did you document what he did?

22 A. Just that he had come. I told the reporting
23 officer just that he had come.

24 Q. And that he had caused a scene, correct?

25 A. Yes, ma'am.

1 MS. CAMPBELL: Thank you. That's all I have.

2 THE COURT: Cross?

3 MS. CONCANNON: Thank you, Your Honor. Very
4 briefly.

5 CROSS-EXAMINATION

6 BY MS. CONCANNON:

7 Q. Officer Light, Ms. Campbell mentioned a statement
8 from Ms. Adderley to yourself, a written statement. What
9 did that statement say?

10 A. I didn't -- all I did was hand out the paper and
11 wait for them to write the statement, collect them for
12 Detective Massey. That's the only thing -- part of the
13 statements that I had to do with, was to help collect
14 them, collect them for him.

15 Q. So you weren't present when she wrote it?

16 A. I was present when -- I gave her the paper and
17 watched her write it. I didn't read over it. I just
18 signed that I received it from her and gave her a copy of
19 it and gave the other copy to --

20 Q. So you didn't read over it?

21 A. No, I didn't.

22 MS. CONCANNON: I have no further questions, Your
23 Honor.

24 THE COURT: Any redirect?

25 MS. CAMPBELL: No, Your Honor, and may this witness

1 be excused so she can go back to work.

2 THE COURT: Any objection?

3 MS. CONCANNON: No, Your Honor.

4 THE COURT: You're free to go. Thank you.

5 Call your next witness.

6 MS. CAMPBELL: Your Honor, at this time the defense
7 would call Port Royal Officer O'Neal back to the stand.

8 THE COURT: Come around, please.

9 SCOTT O'NEAL, after having been duly
10 sworn, testified as follows:

11 THE CLERK: Please be seated and state and spell
12 your name for the Court's record.

13 THE WITNESS: Sergeant Scott O'Neal, it's
14 O--'--N--E--A--L.

15 MS. CAMPBELL: May it please the Court?

16 THE COURT: Yes, ma'am.

17 DIRECT EXAMINATION

18 BY MS. CAMPBELL:

19 Q. Officer O'Neal, isn't it, in fact, true that you
20 are the one who wrote this incident report?

21 A. Yes, ma'am.

22 Q. Okay. When you wrote the incident report you took
23 down information about Mr. Adderley and Ms. Adderley,
24 correct?

25 A. Yes, ma'am.

1 Q. And do you have a copy of that incident report that
2 you wrote?

3 A. I do. It's back there where I was seated.

4 MS. CAMPBELL: May I approach, Your Honor?

5 THE COURT: Sure.

6 (A document was handed to the witness.)

7 BY MS. CAMPBELL:

8 Q. In information that you took down you listed
9 Terrence Adderley's weight at 230 pounds, correct?

10 A. Yes, ma'am.

11 Q. And Alicia Adderley's weight at the time at 180
12 pounds, correct?

13 A. That would have been obtained directly from
14 driver's license or it could have previously been entered
15 into Law Tracks System, which is the system that holds
16 the master I. D. file for all our subjects. So that
17 weight could have come from any time we had to deal with
18 her from whenever her driver's license was taken. I
19 didn't accurately depict her weight at the time of the
20 incident.

21 Q. Well, do you think it's important to be accurate?

22 A. Yes, ma'am.

23 Q. Okay. And so what you are telling us, that that's
24 not accurate?

25 A. Well, I'm telling you the way that these names are

1 put on to the report here they come from what's a master
2 I. D. file. A lot of times the only information, the
3 personal information that's gathered from those people
4 put in the master I. D. file comes directly from their
5 driver's license which could in certain circumstances be
6 more than almost 10 years old.

7 Q. And again, what you are telling us is that is not
8 accurate? The report you issued is not accurate?

9 A. I'm telling you that it could be off of her
10 driver's license. The weight could be off, is what I'm
11 telling you. I'm not telling you the report is
12 inaccurate.

13 Q. Do you think it's important that the weight of the
14 two people involved in this situation be accurate on the
15 date that it happened?

16 A. Yes, ma'am.

17 MS. CAMPBELL: Thank you. That's all I have.

18 THE COURT: Cross?

19 MS. CONCANNON: No, Your Honor.

20 THE COURT: Thank you, sir. You may stop down.

21 THE WITNESS: Thank you, Your Honor.

22 THE COURT: Any other witnesses?

23 MS. CAMPBELL: Your Honor, at this time we may need
24 for us to take a brief recess. The next witness that we
25 would call would be Ms. Adderley.

1 THE COURT: Ladies and gentlemen, please step in
2 the jury room. Don't discuss the case.

3 (WHEREUPON, the jury leaves the courtroom at
4 approximately 10:13 a.m.)

5 THE COURT: Ms. Adderley, you wish to testify?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: It's your own decision made of your own
8 free will?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You need to put anything else on the
11 record?

12 MS. CAMPBELL: No, Your Honor. I'm just accustomed
13 to making sure she's advised, as you did yesterday on the
14 record, then right before she testifies to confirm it's
15 her own voluntary decision to testify.

16 THE COURT: Okay. If the jury is ready bring them
17 back in.

18 (WHEREUPON, the jury enters the courtroom at
19 approximately 10:14 a.m.)

20 THE COURT: All right. Call your next witness.

21 MS. CAMPBELL: May it please the Court. We would
22 call Alicia Adderley.

23 THE COURT: Come around, please.

24 ALICIA ADDERLEY, after having been duly
25 sworn, testified as follows:

1 THE CLERK: You may be seated. Please state and
2 spell your name for the Court's record.

3 THE DEFENDANT: Alicia Adderley, A-d-d-e-r-l-e-y.

4 DIRECT EXAMINATION

5 BY MS. CAMPBELL:

6 Q. Ms. Adderley, are you currently working?

7 A. Yes, ma'am.

8 Q. Where do you work?

9 A. Bosticks Adult Residential Care Facility.

10 Q. And what are your responsibilities there?

11 A. I take care of 20 guys that have schizophrenia and
12 I give them medication, cook, oversee their showers,
13 different things like that.

14 Q. During your adult life have you held other jobs?

15 A. Yes.

16 Q. Okay. Where have you worked during your adult
17 life?

18 A. I've been a manager at Burger King, manager at
19 McDonald's, manager at Kmart, and now at Bosticks home,
20 working there.

21 Q. Now, during the time that you were working at one
22 of those jobs did you meet Terrence Adderley?

23 A. I met Terrence at the Burger King in Hardeville.

24 Q. At some point were you married?

25 A. I was widowed. My husband died in '99.

1 Q. And the children that you had with your first
2 husband, who are those children?

3 A. Timothy Mitchell, he's our adopted son, and Timothy
4 Garvin is me and my first husband's biological son.

5 Q. Now, when you met and married Terrence Adderley did
6 the two of you have children?

7 A. We did.

8 Q. How old are those children today?

9 A. Eight and six, getting ready to be six. He's five.

10 Q. At some point back in April 2013, specifically
11 April 27th, do you remember what you were doing that day?

12 A. Yes, ma'am.

13 Q. What were you doing? Where were you?

14 A. We was at home that morning. I had just spoke to
15 Terrence. He was supposed to come to the park. We was
16 going to have a family day with the kids. Went to
17 Walmart the day before and bought a bat. It was 9.99, a
18 T-ball bat with little plastic ball. We bought soccer
19 balls, we bought basket balls. We bought a bunch of
20 different items to go to the park. So he said he would
21 have been there. He never showed. We was there for like
22 two hours, so we left.

23 Q. What park did you go to?

24 A. To Mossey Oaks Elementary School park.

25 Q. When you left the park where were you headed?

1 A. Well, I called and ordered Golden Corral, some
2 chicken and all of that stuff. And my T. J., he don't
3 like certain things so we was headed after the Golden
4 Corral to McDonald's to get him a kids meal.

5 Q. And that would be the McDonald's that is near Suds
6 City car wash?

7 A. Yes.

8 Q. So from Golden Corral to McDonald's what happened
9 then?

10 A. Jonalisha saw Terrence at the car wash. She said,
11 Ma, dad over there at the cash was.

12 I said, Your dad wouldn't be over there. I didn't
13 spot his car.

14 And T. J. said, Yeah, that's my dad. I want to see
15 him. So we turned around and went to the car wash.

16 Q. When you turned around and went back to the car
17 wash what was your state of mind at that time?

18 A. Normal. You know, he wanted to see his dad.

19 Q. Okay. What happened when you pulled in?

20 A. When I pulled in Jonalisha tapped on the window
21 because I guess he didn't see them at first because I
22 really didn't pay them no attention. She tapped on the
23 window. He came over to the car. He was talking to
24 them. He had tell them hello. So I asked him who car he
25 was driving.

1 He said, A friend.

2 I said, What friend?

3 He said, We'll discuss it.

4 I said, we can discuss it now. You know, that look
5 like the car that was at Kmart because several different
6 women keep coming telling me different things, and my car
7 had a scratch on it. And he started laughing, hah, hah,
8 hah. Well, yeah, it's my girlfriend's car.

9 So I asked Jonalisha, I said, Did you get the tag
10 number?

11 She said, No. I didn't get the tag number.

12 He said, She's not getting out of the car. So I
13 got out of the car to get the tag number.

14 Q. And in your mind in getting the tag number, to help
15 us understand, what would that have done for you? Why
16 try to get the tag number? What were you thinking?

17 A. Well, silly me thought if I get the tag number I
18 would have some kind of proof besides -- you know,
19 because he keep denying what other women say. He keep
20 saying that he fired them so they are lying on him.

21 Q. So the women that were talking to you and the
22 rumors that you were hearing around town, what would be
23 his response to you when you brought this to him about
24 your marriage?

25 A. He said, I just fired them and she just making that

1 up because I had to let her go from stealing or I had to
2 let her go from this or that. But when you got 20 to 30
3 different people you didn't fire all of them. Burger
4 King is not that big to hire and fire everybody.

5 Q. Did he challenge you in any way to prove what was
6 happening?

7 A. No. He really didn't care.

8 Q. Did you try to get that tag number down?

9 A. I did.

10 Q. Okay. Now, we've all watched your interview with
11 Officer Massey. At some point did the encounter there
12 turn physical; do you remember that?

13 A. Yes. Yes.

14 Q. How did that happen?

15 A. When I went up to the car to get the tag number he
16 pushed me. I asked him to keep his hands off me, I
17 didn't touch him. So he pushed me again and I reached
18 out and he had some chains on and I grabbed the chains
19 off.

20 Q. Was there something particularly important about
21 the chain that was around his neck?

22 A. It was two wedding bands on there that was
23 important to me.

24 Q. After that happened what happened next?

25 A. After that he followed me to the car. Well, I had

1 the trunk open because trying to get my phone out. He
2 kicked my phone, broke it all up underneath the car. He
3 pushed me up against it. I tried to get in the car. I
4 said, Lala, you know, get him off of me. Get him off of
5 me.

6 She said, No.

7 So he pushed me down. When he pushed me down I
8 fell on the ground, my knees was all bruised. I had on
9 short pants. My knees was all bruised up. I don't
10 remember, somehow I got in the car and was down in the
11 seat. As I'm down in the seat he had this arm down, he
12 was choking me. And with this arm I grabbed the bat like
13 this out of the seat and I went to swinging.

14 Q. And that was from Lala?

15 A. That was from Lala. She was in the backseat behind
16 the driver's seat.

17 Q. And she's just what, 14 or -- 14?

18 A. She's about to be 16, so during then had to been 13
19 going on 14 or just turned 14.

20 Q. Now, at any time were you -- or can you remember
21 from this event if you were over by the white car hitting
22 him with a bat?

23 A. Never.

24 Q. Okay. How long have you been married to Terrence
25 Adderley?

- 1 A. Well, we're still married but we got married
2 December the 10th, 2004.
- 3 Q. Have you -- has anybody filed divorce papers or
4 anything like that?
- 5 A. He did.
- 6 Q. He did?
- 7 A. Uh-huh.
- 8 Q. All the children still live with you?
- 9 A. Yes.
- 10 Q. Did Terrence always work at Burger King?
- 11 A. No, ma'am.
- 12 Q. Where else has he worked?
- 13 A. He worked at BMI.
- 14 Q. Is he still at BMI?
- 15 A. No. He's at Burger King. He was fired from BMI.
- 16 Q. Now, Alicia, you -- what were you thinking when he
17 was choking you? What sort of state of mind did that put
18 you in?
- 19 A. I thought he was going to kill me. He choked me
20 until I peed up my pants. So literally, I thought I was
21 going to die.
- 22 Q. When you got back to your house, I know that's
23 traumatic and very personal, you had wet your pants?
- 24 A. Uh-huh.
- 25 Q. Did you change out of your shorts?

1 A. I changed out of my shorts. I had put on some
2 black capris.

3 Q. And that's what we see --

4 A. Yes.

5 Q. -- in the interview with the officer?

6 A. Uh-huh.

7 Q. Were there times during your marriage that Terrence
8 in your mind had been cheating on you?

9 A. He has.

10 Q. Okay. Did you take him back?

11 A. Yes.

12 Q. Were there times in your marriage when Terrence
13 assaulted you physically?

14 A. He has.

15 Q. How about verbally?

16 A. He has.

17 Q. What sort of verbal assault would you suffer?

18 A. Fat bitch, you're dumb, you're stupid. My mother
19 came, she was homeless, and the people put her on a bus
20 to send her to me and he didn't like that so he sent me a
21 text, a break-up text because your spink (phonetic) so
22 and so mother is there. You know...

23 Q. The times that he would assault you what would have
24 happened that brought on that assault?

25 A. Women or men.

1 Q. Would there be times when you had caught him doing
2 something or the suspicion was building?

3 A. Sending pictures of his private parts to other men
4 and women or they're sending them to him.

5 Q. Like from the phone?

6 A. Yes.

7 Q. Like a text message?

8 A. Yes.

9 Q. Okay. And when he found you going through his
10 phone looking at this information what happened to you?

11 A. We got into an argument. He started punching the
12 wall. He punched a hole in the wall then he picked me up
13 and slammed me on the floor.

14 Q. Alicia, you've had a lot of children?

15 A. Yes.

16 Q. Have you battled with your weight over --

17 A. Yes.

18 Q. Have there been times during your marriage when you
19 had trimmed down?

20 A. Yes. I had lost a hundred pounds and gained it
21 back, some of it back.

22 Q. Okay. Alicia, why did you take him back? Why?

23 A. Well, when you have kids and you love someone.

24 Q. Your state of mind at Suds City when he said I'm
25 going to kill you and was choking you, tell the jury what

1 was going through your mind.

2 A. I thought he was going to kill me.

3 Q. Thank you. That's all I have. Thank you, Alicia.

4 THE COURT: Cross?

5 MS. CONCANNON: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. CONCANNON:

8 Q. Ms. Adderley, you were scared for your life that
9 day?

10 A. Yes.

11 Q. You didn't call 911, did you?

12 A. I didn't.

13 Q. You didn't. Nope. You didn't call 911 that day.

14 In fact, before you even saw Terrence that day you were
15 already mad at him for standing you up at the park,
16 weren't you?

17 A. No, I wasn't.

18 Q. You were okay with him standing you and your
19 children up at the park?

20 A. This is all the time.

21 Q. Okay. So just expected him to do that?

22 A. I did.

23 Q. Do you remember giving Officer Light a written
24 statement?

25 A. Yes.

- 1 Q. Have you looked at the statement lately?
- 2 A. I'm not sure but...
- 3 Q. Would you like to look at it?
- 4 A. Not really. It's fine. I can look at it. It
- 5 don't matter.
- 6 Q. Okay. I'm going to show it to you.
- 7 A. Okay. That's fine.
- 8 MS. CONCANNON: Permission to approach?
- 9 THE COURT: Yes.
- 10 BY MS. CONCANNON:
- 11 Q. And if you need a second to read it -- how about
- 12 you take a second to read that to yourself.
- 13 (PAUSE.)
- 14 A. Okay.
- 15 Q. Okay. So you are familiar with that now?
- 16 A. Uh-huh.
- 17 Q. That's your statement you gave?
- 18 A. Yes.
- 19 Q. And is that dated?
- 20 A. Yes, it is.
- 21 Q. And what is the date on that?
- 22 A. It's April 26.
- 23 Q. My hand is in the way.
- 24 A. It's April 26, 2013.
- 25 Q. Okay. Well, this was the same -- you wrote this

1 after the incident we are here for today, right?

2 A. No.

3 Q. No?

4 A. I wrote that April the 27th.

5 Q. Okay. So the date is wrong at the top?

6 A. Yes, it is.

7 Q. But you wrote this April 27th, 2013?

8 A. Yes.

9 Q. Okay. That's what I was asking. Thank you,
10 Ms. Adderley. Okay. So now you are familiar with this.
11 You know what it says. That statement, it doesn't say
12 that -- and you also were here to watch your interview
13 with Lieutenant Massey?

14 A. Yes.

15 Q. Okay. And you are familiar with what you said
16 there?

17 A. Uh-huh.

18 Q. Okay. That interview with Lieutenant Massey, you
19 told him my kids wanted to see daddy. That's why we
20 stopped.

21 A. They did.

22 Q. In here that's not what it says, is it? It says
23 that you saw him washing a car and that's why you
24 stopped?

25 A. Well, I didn't see him washing a car. My daughter

1 saw him washing a car. Everything happened so fast, you
2 know.

3 Q. Okay. How about in this statement it doesn't say
4 he's washing his girlfriend's car, does it? It says he
5 tells you he's washing his friend's car but in here,
6 Lieutenant Massey, you told him, Oh, well, he told me it
7 was his girlfriend's car?

8 A. He said his friend. Then I asked him again and he
9 said his girlfriend.

10 Q. Okay. But it doesn't say that in here, right?

11 A. Okay. That's fine.

12 Q. You just read it.

13 A. Yes --

14 Q. Okay. It doesn't say that, does it?

15 THE COURT: Don't be talking over each other,
16 please.

17 BY MS. CAMPBELL:

18 Q. How about in this statement that you gave right
19 after it happened and then again when you were speaking
20 to Lieutenant Massey, when you were speaking to
21 Investigator Massey you told him he knocked you down to
22 the ground twice that day?

23 A. Yes, he did.

24 Q. Is that correct?

25 A. Yes.

1 Q. Okay. Well, in this statement it says he almost
2 pushed me to the ground. I almost fell.

3 A. He almost pushed me down twice and then he pushed
4 me down twice.

5 Q. Well, why wasn't that more clear?

6 A. I don't know, ma'am.

7 Q. Okay. What you testified to today and what you
8 told Lieutenant Massey is that Terrence was choking you.

9 A. He was.

10 Q. You don't say that in here, do you?

11 A. I didn't.

12 Q. Nope, you didn't. When you told Lieutenant Massey
13 you told Lieutenant Massey he kicked me so hard he kicked
14 my shoe off?

15 A. Yes. I even had on different shoes when I was
16 there..

17 Q. It doesn't say that in here, does it?

18 A. It doesn't.

19 Q. Speaking to Lieutenant Massey, isn't it true you
20 tell Lieutenant Massey that you left with Terrence
21 holding the baseball bat?

22 A. I did.

23 Q. It doesn't say that in here, does it?

24 A. Did I have to put that on there?

25 Q. Well, this is supposed to be your rendition of the

1 facts that day.

2 A. Ma'am, I didn't thought about putting that on
3 there. He was the one left holding the bat.

4 Q. But it's not in here, is it?

5 A. Okay.

6 Q. No, I'm asking you.

7 A. No. It's not on there.

8 Q. Okay. You just testified to something, some new
9 knowledge that I have never heard about. You said you
10 wet your pants?

11 A. Yes.

12 Q. He was choking you so hard you wet your pants?

13 A. Yes.

14 Q. Well, that seems -- that doesn't say that in here,
15 does it?

16 A. It doesn't.

17 Q. It doesn't say that to Lieutenant Massey, does it?

18 A. I have a ripped shirt that they took from me. Do
19 you have the shirt, all the blood and stuff that's on the
20 shirt?

21 Q. Ms. Adderley, I'm asking you a question.

22 A. Okay.

23 Q. In your interview to Lieutenant Massey --

24 A. I did not say it in the interview.

25 Q. Okay. So all of a sudden now today --

- 1 A. Yes.
- 2 Q. -- you are remembering that you wet your pants that
- 3 day?
- 4 A. Yes.
- 5 Q. Okay. Do you have a problem with wetting your
- 6 pants? Is that something that happens?
- 7 A. Only when people is choking me.
- 8 Q. What about you just referenced scratches on your
- 9 knees? You said he pushed you to the ground --
- 10 A. Yes.
- 11 Q. -- a couple times?
- 12 A. Uh-huh.
- 13 Q. And you had scratches to your knees?
- 14 A. Yes.
- 15 Q. You didn't show those to the police, did you?
- 16 A. They didn't even care about what I had to say.
- 17 Q. Well, they spoke to you more than once, correct?
- 18 A. Only one.
- 19 Q. Well, this is one --
- 20 A. I only talked to --
- 21 Q. Is this one statement?
- 22 A. Yeah. She didn't really talk. She just gave me a
- 23 piece of paper and said write your statement.
- 24 Q. Okay. But you didn't feel the need to show her the
- 25 scratches, the bruises, the cuts on your knees?

1 A. They was in a corner talking amongst themselves.

2 Q. Did you show them the bruises --

3 A. I didn't.

4 Q. -- and scratches?

5 A. I did not.

6 Q. And, Ms. Adderley, you testified earlier this is in
7 fact your statement?

8 A. Yes.

9 Q. And it's fair and accurate?

10 A. Uh-huh.

11 MS. CONCANNON: Your Honor, at this point the State
12 would move State's --

13 MS. CAMPBELL: Your Honor, I would object to the
14 introduction of a written statement into evidence. If
15 you need to hear me on that I'll be glad to be heard.

16 THE COURT: Let her finish her sentence first.
17 Have you finished?

18 MS. CONCANNON: I was just going to admit it, Your
19 Honor.

20 THE COURT: Well, you were in mid sentence.

21 MS. CONCANNON: Oh, I waiting for the court
22 reporter to give me a sticker. At this point I was just
23 moving to move State's Exhibit 20 into evidence.

24 THE COURT: You object?

25 MS. CAMPBELL: I do, Your Honor.

1 THE COURT: You wish to be heard?

2 MS. CONCANNON: I mean, it may be better if we do
3 it outside the presence of the jury.

4 THE COURT: Ladies and gentlemen, please step in
5 the jury room. Don't discuss the case.

6 (WHEREUPON, the jury leaves the courtroom at
7 approximately 10:33 a.m.)

8 THE COURT: Yes, ma'am?

9 MS. CAMPBELL: Your Honor, I would object. That's
10 a hearsay document.

11 MS. CONCANNON: Your Honor, I would refer to
12 801(d)(2) admission by a party opponent offered against a
13 party. Ms. Adderley is a party opponent in this case.
14 It's a hearsay exception. It's not hearsay, Your Honor.

15 THE COURT: Let me see what you are talking about.

16 MS. CONCANNON: The statement?

17 THE COURT: Yes.

18 MS. CONCANNON: And, Your Honor, I actually believe
19 that I underlined something in that one. So I have a
20 clean one with no pen marks on it.

21 (PAUSE.)

22 THE COURT: Do you have anything else,
23 Ms. Campbell?

24 MS. CAMPBELL: No, Your Honor. We believe that
25 that sheet of paper is a hearsay document and should not

1 be admitted in trial.

2 MS. CONCANNON: Your Honor, I'd also refer to
3 801(a) which says a statement can be an oral or written
4 assertion then coupled with 801(d)(2) admission of a
5 party opponent.

6 THE COURT: The objection is based on hearsay.
7 Your objection is overruled. Mark a clean copy.

8 (WHEREUPON, State's Exhibit Number 20, the
9 Defendant's Statement, was marked and admitted into
10 evidence.)

11 THE COURT: All right. You ready for the jury?

12 MS. CONCANNON: Yes, Your Honor.

13 THE COURT: Bring them in.

14 (WHEREUPON, the jury enters the courtroom at
15 approximately 10:38 a.m.)

16 THE COURT: The objection is overruled. Mark the
17 document into evidence. You may continue.

18 MS. CONCANNON: Thank you, Your Honor. May it
19 please the Court.

20 THE COURT: Yes.

21 BY MS. CONCANNON:

22 Q. I'm going to show you what has been marked as
23 State's 20. Is that the document you were looking at
24 earlier?

25 A. Uh-huh. Okay.

1 MS. CONCANNON: At this point, the State moves
2 State's 20 into evidence.

3 THE COURT: I thought we just did that.

4 MS. CONCANNON: Yes, Your Honor. We did.

5 THE COURT: Okay.

6 BY MS. CONCANNON:

7 Q. Can you read that, please, out loud.

8 A. Alicia Adderley was passing by the car wash. My
9 daughter, Jonalisha Sanders --

10 THE COURT: Slow down. This lady has to take down
11 what you say. Everybody reads faster.

12 A. My daughter, Jonalisha Sanders, told me, Mom, there
13 go daddy cleaning someone's car.

14 And I said, Okay. So we turned around. He -- and
15 yes, it was him cleaning his girlfriend's car. I asked
16 him, This is who you leave your family for?

17 He said, Yes.

18 So I asked for her tag number. He pushed me and I
19 almost fell down. He said, Bitch, move. I'm going to
20 kill you.

21 When he said that I asked my daughter for the bat.
22 She said, No. So he hit me and ripped my shirt off and
23 he put me down in the seat and he hit me -- as he hit me
24 I grabbed the bat with my left hand and I just swung it.
25 I didn't intend to hurt him. I just wanted him off.

- 1 Q. Okay. That doesn't say he choked me.
- 2 A. It doesn't.
- 3 Q. It doesn't say I wet my pants.
- 4 A. It doesn't.
- 5 Q. It doesn't say I had a broken cell -- he broke my
- 6 cell phone.
- 7 A. It doesn't.
- 8 Q. It doesn't say he kicked me.
- 9 A. It doesn't.
- 10 Q. Which is different than what you've testified to
- 11 today and what you told Lieutenant Massey?
- 12 A. But all of it happened.
- 13 Q. But you didn't think it was necessary --
- 14 A. I didn't put it in there.
- 15 MS. CONCANNON: I have no further questions.
- 16 THE COURT: Redirect?
- 17 MS. CAMPBELL: That's all, Your Honor. Thank you.
- 18 THE COURT: Thank you, ma'am. You may step down.
- 19 Anything else from the defense?
- 20 MS. CAMPBELL: No, Your Honor.
- 21 THE COURT: Any reply testimony?
- 22 MS. CONCANNON: No, Your Honor.
- 23 THE COURT: All right. Ladies and gentlemen, you
- 24 now have all the evidence you are going to have to decide
- 25 in the case. The next stage is that I have to go over

1 some legal matters with the attorneys. Once again, this
2 typically takes about 20 to 30 minutes. If it's going to
3 be substantially longer than that I'll send word to you.

4 Now, after the conversation I have with the
5 attorneys what you will hear are the closing arguments of
6 the attorneys and then I will tell you the law. That
7 part is called the charge, and shortly after that you
8 will get the case to decide.

9 So that's where we are in the case. You should get
10 the case relatively soon, but I need you to be patient,
11 please. Continue to be patient and wait on me while I
12 deal with this. I'll get you back out here as quickly as
13 I can. Don't discuss the case yet. Follow the bailiff,
14 please.

15 (WHEREUPON, the jury leaves the courtroom at
16 approximately 10:43 p.m.)

17 THE COURT: Any motions?

18 MS. CAMPBELL: Yes, Your Honor. On behalf of my
19 client I will renew my motion for directed verdict and
20 would like just a brief opportunity to put on the record
21 that in reference to my position that under State V.
22 Williams, which is a 1996 case and is on point, it says
23 the State must present evidence that the offense was
24 committed in the county alleged in the indictment or else
25 the defendant is entitled to a directed verdict. It's a

1 matter of venue not jurisdiction, and there's no wiggle
2 room here for the State of South Carolina.

3 It is not a jury question as to whether or not this
4 happened in Beaufort County, and so on that basis again
5 we would urge Your Honor to grant Ms. Adderley a directed
6 verdict for the State's failure to have any evidence as
7 to the location being in Beaufort County. I just have
8 one other matter and then we can --

9 THE COURT: You said it's a matter of venue and not
10 jurisdiction? Is that what you meant to say?

11 MS. CAMPBELL: I may have it backwards but
12 jurisdiction, correct. Matter of jurisdiction. And
13 again, I cite the State V. Williams case, 1996 468 S.E.
14 2d 626.

15 Again, Your Honor, another case on point, State vs.
16 Evan, 415 S.E. 2d 816, A criminal defendant is entitled
17 to a directed verdict when the State fails to present
18 evidence that the offense was committed in the county
19 alleged in the indictment.

20 THE COURT: I don't disagree with those statements
21 of law but you said it's not a jury issue. I'm not sure
22 that my reading -- and I haven't read these cases in a
23 while but I'll be happy to look at them. My
24 understanding of saying that there has to be evidence is
25 there has to be evidence. It doesn't have to be that it

1 happened in Beaufort County. It doesn't have to be those
2 exact words.

3 MS. CAMPBELL: And I guess what I'm saying is that
4 the case law as I'm understanding it does require that
5 the county, the purview, I think the case law does use
6 the words county. And that again has always been the way
7 that I have interpreted that and I believe that's the way
8 I'm reading the case law. And if I'm wrong I'm wrong but
9 we don't see how that is a jury question --

10 THE COURT: All right.

11 MS. CAMPBELL: -- the jurisdiction of this Court.

12 THE COURT: All right. Well, I'll read it. I
13 mean, I don't know why you believe there's a chance but
14 I'll be happy to read it and come back and make a ruling.

15 MS. CAMPBELL: Thank you. And secondarily, back to
16 the indictment. You know, Your Honor mentioned the word
17 or under section 16-25-65(a)(1) an assault and battery
18 which involves the use of a deadly weapon or results in
19 serious bodily injury to the victim.

20 The indictment in this matter does not include the
21 word or. It requires the jury to make a finding that the
22 T-ball bat, the bat in this case was, in fact, a deadly
23 weapon; resulted in serious bodily injury to the victim
24 or would reasonably cause them to fear serious bodily
25 injury or death.

1 It's critical that the State has left out the word
2 or and we believe that, you know, that the indictment
3 changes the nature of the statute as written requiring
4 the jury to in essence combine the two and again would
5 make a motion for a directed verdict at this time based
6 upon those, with the lack of interpreting and putting the
7 statute incorrectly into the indictment because the jury
8 has to work off this indictment, and if so, then they've
9 got to make that finding in conjunction with the serious
10 bodily injury and there's no either or situation for
11 them.

12 THE COURT: I'm not -- I'm just not reading it the
13 same way you are. It references the code section --

14 MS. CAMPBELL: Correct --

15 THE COURT: -- and the last sentence said assault
16 and battery involved the use of a deadly weapon, resulted
17 in serious bodily injury to the victim and there's no
18 comma there, maybe there should be, or would reasonably
19 have caused a person to fear imminent serious bodily
20 injury or death; all in violation of Section 16-25-65
21 Code of Laws of South Carolina 1976 as amend. And that's
22 the second sentence. The first sentence also has to be
23 read.

24 Anything else that you need to put on the record?

25 MS. CAMPBELL: Nothing further on the record for

1 that, Your Honor.

2 THE COURT: That part of the motion is denied. We
3 are at ease while I read the case.

4 (WHEREUPON, a brief recess was taken.)

5 THE COURT: All right. Williams is a case from my
6 home county. I'm very familiar with it. It was a
7 typical Edgefield County case, a death penalty type case.
8 I don't ever remember in my lifetime where we had a case
9 that originated in Edgefield County that the death
10 penalty had to be sought.

11 What usually happens, somebody in Augusta or one of
12 the bigger areas decides to kill somebody and they want
13 to dump the body in the boondocks and Edgefield County is
14 considered the boondocks. So they either dump the body
15 in Edgefield or McCormick or somewhere like that. And
16 then, of course, in Williams there was a very serious
17 question about where the murder occurred.

18 Well, I knew the defense attorney very well. I had
19 conversations with him at the time. I don't think I was
20 a judge. But anyway, I think Sydney Floyd did that case.
21 But the defense attorney was very confident that the
22 judge would have to throw that out. But there's a
23 sentence in his opinion that reads, For the purpose of
24 establishing jurisdiction in a criminal prosecution it is
25 not necessary that the county in which the crime was

1 committed be proved affirmatively if there is sufficient
2 evidence which it can be inferred.

3 I know from prior cases that there have been
4 situations where the appeals court affirmed the trial
5 court where the specific name of the county was not put
6 into evidence but, for example, if the Beaufort County
7 Sheriff's Office investigated the crime.

8 Now, here I don't remember any Beaufort County
9 Sheriff's officers or deputies. I told you about my
10 situation where I was in Richland County and the crime
11 happened right beside the capital building. I think it
12 is a jury issue.

13 Again, I think it's dangerous to leave it. When I
14 practiced in the positions you all are in now, and I've
15 been in both, I've been a public defender and an
16 assistant solicitor, I always wrote jurisdiction at the
17 very top of the first line of my legal pad to make sure
18 that the first witness out of the shoot got that out of
19 the way because you don't want to run that risk because I
20 told you there was a murder case in Aiken that I'm
21 familiar with where the judge did grant a directed
22 verdict because there was no evidence it happened in
23 Aiken County.

24 I may be wrong. I think there's sufficient
25 evidence in this case to allow to it go to the jury. I

1 have in the charge that the jury has to find that the
2 incident occurred in Beaufort County, South Carolina. If
3 they do not they have to find that the State has proven
4 that the offense occurred in Beaufort County, South
5 Carolina and if they have not found that beyond a
6 reasonable doubt they must find the defendant not guilty.
7 The objection is noted.

8 You all have anything else you need to put on the
9 record about that or any other issue?

10 MS. CAMPBELL: Not on that matter, Your Honor. I
11 do have a proposed self defense charge that I'd like to
12 pass up to Your Honor when you are ready to review that.
13 I have a copy for the State.

14 THE COURT: All right.

15 MS. CAMPBELL: Would it be appropriate to address
16 the jury charge now?

17 THE COURT: Well, let me tell you what I typically
18 do. What I typically do is I print out a draft of the
19 charge and let you all review it and then we talk about
20 the charge because a lot of times I will have in there
21 the same basic things that the attorneys are seeking.
22 But I haven't finished yet because I had to wait until
23 she testified to find out exactly what the issues were.
24 So if you all would just be at ease a little bit I'll
25 finish this charge and print it out.

1 MS. CAMPBELL: Your Honor, and thank you very much.
2 I just wanted to make sure that the things that I thought
3 that had been covered in the testimony were covered in
4 what I requested from the Court to charge and I just
5 simply put it in written form for Your Honor and for the
6 record.

7 THE COURT: All right. Thank you. We are at ease.

8 MS. CAMPBELL: Thank you, Your Honor.

9 MS. CONCANNON: Your Honor?

10 THE COURT: Did you want to put something on the
11 record?

12 MS. CONCANNON: Just briefly, Your Honor. I'm
13 sorry. Regarding self defense, I have a proposed jury
14 charge for self defense. I do have the Davis case which
15 outlines everything. I just would also add the Curry,
16 the State has the burden of disproving at least one
17 element of self defense beyond a reasonable doubt, and
18 yours may say that.

19 MS. CAMPBELL: And, Your Honor, I have before and I
20 will continue to object to that charge.

21 THE COURT: Okay. Well, let me see if I can make
22 myself a little clearer. I have found with my experience
23 that if I print out what I intend to tell the jury and
24 let the lawyers look at it I don't have to go through a
25 lot of the arguments about it because you'll see whether

1 it's in there or not.

2 MS. CAMPBELL: Okay.

3 MS. CONCANNON: Okay.

4 THE COURT: And we can then talk about what is not
5 in there that you want or what is in there that you do
6 not want. So just wait on me to finish then I'll give it
7 to you, but I do want to talk to you about mutual combat.
8 Is there any need to have any kind of mutual combat
9 charge?

10 MS. CAMPBELL: I don't see it in the evidence,
11 neither one of them.

12 THE COURT: Is there any kind of assertion that
13 there was a mutual combat and then a withdraw because I
14 think there was some mention of that not in the testimony
15 but the argument, the opening or somewhere I heard
16 somebody talking about withdrawing.

17 MS. CAMPBELL: I think Investigator Massey was
18 having an analysis of his interview with my client --

19 THE COURT: Okay. That's where --

20 MS. CAMPBELL: That's where it came from with his
21 trying to rationalize what his interpretation of the law
22 was, but I don't believe -- again, I don't believe that
23 the evidence would support a mutual combat charge, Your
24 Honor.

25 THE COURT: Anything else?

1 MS. CONCANNON: I don't think it's appropriate.

2 THE COURT: I've taken that out. All right. We
3 are at ease.

4 MS. CAMPBELL: Thank you, Your Honor.

5 (WHEREUPON, a brief recess was taken.)

6 THE COURT: I asked my law clerk to see if there
7 would be a request for a lesser included offense of
8 simple criminal domestic violence. My understanding is
9 the State does not believe that there is that option here
10 and I don't know what the defense's position is yet.

11 MS. CAMPBELL: Your Honor, that's my understanding
12 as well, is that the State would object. I believe I
13 would be bound to ask for the lesser included offense and
14 certainly accept it should the Court decide to charge
15 that. I will tell you, again, the evidence on the --
16 whether or not it was a deadly weapon, if the jury
17 determined that the T-ball bat was not and then if they
18 determine that it wasn't serious bodily injury I think it
19 could be a simple criminal domestic violence.

20 MS. CONCANNON: And, Your Honor, just out of an
21 abundance of caution the any evidence rule here I feel
22 like perhaps the jury could see there was any evidence
23 for the lesser included so I backtrack and now I do not
24 object to the CDV first being charged.

25 THE COURT: Well, if both agree then that's fine.

1 All right. Well, I'm going to need a little more time
2 because I didn't put it in there. We're at ease.

3 (WHEREUPON, a brief recess was taken.)

4 THE COURT: All right. Any comments? My law clerk
5 said that you want a charge on expert witness. That's
6 fine. Any other comments from the State?

7 MS. CONCANNON: Yes, Your Honor, just briefly. The
8 State did pass up a proposed addiction to the self
9 defense charge regarding the disproving of one element.
10 If Your Honor is not inclined to add that to the end of
11 the self defense charge you already have perhaps -- well,
12 we would ask that on page 13 you have, The following
13 elements are required for self defense, maybe in addition
14 of all the following elements are required. The State
15 just feels that may be confusing for the jury.

16 THE COURT: You wish to be heard? You wish to be
17 heard?

18 MS. CAMPBELL: I am satisfied with the self defense
19 charge as it is. I think it's plain and clear to the
20 jury. I do have another issue.

21 THE COURT: All right. I just meant on that one
22 issue.

23 MS. CAMPBELL: Right.

24 THE COURT: You want me to add all of the
25 following?

1 MS. CONCANNON: Yes, Your Honor.

2 THE COURT: Okay. I don't have a problem with
3 that. What else?

4 MS. CONCANNON: That's all from the State, Your
5 Honor.

6 THE COURT: From the defense?

7 MS. CAMPBELL: Your Honor, on page four on the
8 reasonable doubt charge we would ask that Your Honor
9 charge the -- basically charge the one sentence that is
10 customary, What is reasonable doubt? The kind of doubt
11 that would cause a reasonable person to hesitate to act.
12 It's simple. It's appropriate. In addition to the
13 lengthy explanation of reasonable doubt we just ask that
14 that be at the conclusion of reasonable doubt.

15 THE COURT: I have no problem with that being
16 argued to the jury because it's precedence. It's in our
17 legal precedent in South Carolina. I have not charged
18 that in many years. Quite frankly, it makes no sense to
19 me. I know very reasonable people that I think hesitate
20 to act all the time and I just don't see where that adds
21 anything. The charge from the U. S. Supreme Court that I
22 have about being firmly convinced I think is much clearer
23 but it is good law and you can argue it to the jury, but
24 I'm not going to charge it.

25 Anything else?

1 MS. CONCANNON: No, Your Honor.

2 MS. CAMPBELL: No.

3 THE COURT: You all ready to argue?

4 MS. CAMPBELL: We are ready.

5 MS. CONCANNON: Yes, sir.

6 THE COURT: All right. You want to open in full

7 then hear what she says and then reply?

8 MS. CONCANNON: No, Your Honor. I would just like

9 to go last.

10 THE COURT: Okay. You want to do anything else?

11 MS. CONCANNON: I'll waive opening, Your Honor.

12 THE COURT: You want to do anything else?

13 MS. CAMPBELL: No, sir.

14 THE COURT: If they are ready you can bring them

15 in.

16 MS. CAMPBELL: Your Honor?

17 THE COURT: Yes.

18 MS. CAMPBELL: When they return I'll rest, if

19 that's appropriate, and then go into my closing.

20 THE COURT: You didn't already rest?

21 MS. CAMPBELL: No. I don't think those words came

22 out of my mouth.

23 THE COURT: I don't think those words are necessary

24 but --

25 MS. CAMPBELL: The's fine.

1 THE COURT: I'll let you do whatever you want to
2 do.

3 MS. CAMPBELL: I'm happy to just close.

4 THE COURT: Okay.

5 MS. CAMPBELL: And I think actually we did because
6 then the question became to the State whether or not --

7 THE COURT: I asked you if you had any other
8 evidence to present and you said no.

9 MS. CAMPBELL: That's correct. That's correct.

10 (WHEREUPON, the jury enters the courtroom at
11 approximately 11:40.)

12 THE COURT: As I told you before the break, ladies
13 and gentlemen, you have all the evidence you're going to
14 have to decide the case and there are two stages that
15 remain, the closing arguments and then the charge.

16 I told you at the outset when I was explaining to
17 you the different landmarks you could look for as we go
18 along that in the opening statements the attorneys are
19 not permitted to engage in what we refer to as argument.
20 Well, we've reached the point in the trial where they are
21 allowed to engage in argument. And what we call argument
22 is basically the art of advocacy to attempt to get you to
23 see things as they would like you to see them on behalf
24 of their respective positions.

25 Now, again, that does not change the burden of

1 proof. The burden of proof remains entirely on the State
2 throughout the trial. The way this works is that the
3 defense will make the first closing argument, and since
4 the State has the burden of proof the State gets to go
5 last. So you will hear the full closing argument from
6 Ms. Campbell and then you will hear the closing, full
7 closing argument from the solicitor.

8 Now, I play this by ear. Sometimes I take a break
9 between the closing arguments. I always take a break
10 between when they finish and when I start so that I can
11 get set up. My charge is going to take about 30 or 40
12 minutes to tell you the law. So we'll take a break. I
13 just have to gauge how fast or how much time is elapsed
14 and whether we take a break in between the closings. So
15 that's what we'll do. And I invite your close attention
16 once again.

17 And, Ms. Campbell, you are recognized for your
18 closing argument.

19 MS. CAMPBELL: Thank you, Your Honor.

20 THE COURT: Yes, ma'am.

21 MS. CAMPBELL: Good morning. Ask yourselves,
22 what's more likely, Terrence Adderley caught red-handed
23 with the other woman's car, a man who prided himself on
24 the attitude of catch me if you can, where is your proof,
25 can't charm his way out of this one. He was caught. He

1 knew it and he was angry.

2 Alicia Adderley tries to document the infidelity by
3 writing down the license plate. That's all she wants to
4 do. Alicia Adderley is pushed by Terrence Adderley. The
5 wedding band, necklace comes off of him. He's pushing
6 her again back into the car. He's enraged. She's put
7 her hands on him, took the necklace off. He shoves her
8 in the car seat.

9 At some point, because I'm sure it was traumatic
10 for everyone, she has the T-ball bat in her left hand.
11 She's consistently told you that. Defending herself
12 against yet another attack from Terrence Adderley,
13 spraying blood all over her steering wheel. Or ask
14 yourselves as the State of South Carolina would ask you
15 to find and believe this quiet, soft-spoken, gentle woman
16 who has never had a mark on her record in her 40 years of
17 life, good honorable conduct that she unprovoked proceeds
18 to taking a baseball bat to Terrence Adderley, the same
19 mother who is spending the days and weekends with the
20 children at the park and the playground while he's
21 washing his girlfriend's car. No evidence that Alicia
22 Adderley, none that she's violent, that she's aggressive.
23 None whatsoever.

24 Now, scenario number two is simply out of character
25 for Alicia Adderley. But how do we know scenario number

1 one is absolutely in character for Terrence Adderley?
2 I'll tell you how. He testified. Remember I questioned
3 him about this, about the broken finger again, that he
4 smashed his hand through a table at the new girlfriend's
5 house breaking his finger. And he tells the truth about
6 that and I think I could tell he was a little bit -- how
7 did she know about that? Because Christian Sheppard, the
8 new girlfriend, she's on the witness list. What if they
9 call her? What if she tells the truth about me smashing
10 my hand through that table?

11 You know, he's cagey, isn't he? When he testified
12 when I asked him about his living situation, oh, we had
13 to go around and around about that. Finally he admits to
14 spending the night at her home. Oh, but he's not having
15 sex with her. No. You judge. You judge his
16 credibility, his believability.

17 How do you know he's lying? Well, I tell you the
18 law of physics and science and evidence never lies. A
19 right-handed woman, as he demonstrated with me, swinging
20 a bat right to left is never going to hit him on this
21 side of his face. It's just impossible. It's not going
22 to happen. There's no way for that to ever occur, and
23 the blood spatter that flew out of his mouth is where he
24 was when he was hit. And the blood, all of the blood in
25 this case is right there, and the car door is open, the

1 driver's seat. It's right there in the van.

2 You heard the officers testify, nope, no blood by
3 the white car. Not a drop. Now, you can look at a
4 picture here, and I believe it's in evidence. The State
5 put some things in and I hope it's here, but in any event
6 one blood spot on the driver's door of the white car, and
7 it's a smudge. It's not spatter. And it's right above
8 the handle where you would open the car door.

9 Also, the photos of Mr. Adderley, he's got his
10 glasses on. And if it happened the way he said it
11 happened the glasses would be gone. They would be
12 smashed, broken. Still on his face when the police get
13 there. And that's not because she's hitting at him down
14 and how she remembers it. She's just fighting for her
15 life because if she'd come down on him every single
16 person would lose their glasses. No. It was just like
17 that (indicated) by the midsection of the T-ball bat, Get
18 off me, get off me, to the right side of his face.

19 Now, the State of South Carolina in their opening
20 statement, and I think they've questioned the witnesses,
21 would have you believe that Alicia Adderley was some
22 wild-eyed, crazed, irrational out-of-control woman to
23 just grab this bat and attack him. For what? What was
24 she going to gain by doing that? No. No. The license
25 plate, yes. Attacking him, no. You Judge. You look at

1 her life, the record of who she's been, who she is, who
2 she's shown herself to be, a mother, a hard worker, not
3 taking a handout, clean criminal record and a loyal and
4 lawful wife.

5 Yes, Alicia Adderley did choose to stop and let the
6 children see their father. She did choose to ask him if
7 that car belonged to the woman that he left his family
8 for. She did choose to try to get the tag number and
9 ultimately she did choose that day to fight back.
10 There's no dishonor in those choices.

11 You say to the State of South Carolina where is
12 your proof, proof of guilt of Alicia Adderley beyond a
13 reasonable doubt? And that's a legal term. His Honor
14 will give you the legal definition. But I believe
15 reasonable doubt is the type of doubt that would cause a
16 reasonable person in their most serious decisions in life
17 to hesitate to act.

18 I believe that in order to act to convict Alicia
19 Adderley you've got to stand firmly side-by-side with
20 Terrence Adderley. It's as if you are on a mountaintop
21 and he's built you a wooden plank bridge to the other
22 mountaintop and you have to walk across that bridge.
23 Will you step out on it knowing he constructed it for
24 you? If you hesitate, reasonable doubt, not guilty.

25 Now, just a couple of comments briefly about some

1 of the witnesses that you heard from. I submit to you
2 Rodney Shell, not credible at all. You might take a few
3 pieces from what he said, like it was a little Braves
4 bat, but honestly, he did not see the physical encounter
5 at all. He even added to what he thought he remembered
6 about what happened based upon listening to Mr. Adderley
7 testify in Court, and he's embellishing with different
8 actions and things that he might have seen, and when
9 confronted about it actually admitted it.

10 Simply what had happened between Mr. and
11 Mrs. Adderley was over. What he did tell you was that he
12 looked away for a few minutes. That was in his written
13 statement. He read that to you. His exact words were, I
14 looked back a few minutes later and the man's mouth was
15 bleeding.

16 Rodney Shell is a batterer. He's been convicted of
17 criminal domestic violence for hitting, abusing a woman.
18 His testimony is skewed by his own bias and prejudice.
19 There's some testimony that he's the man they called out
20 to, Help us. Call 911. And he turned away. You are
21 absolutely allowed to discount his testimony in its
22 entirety.

23 Now, Jonalisha, you saw how emotional she was and I
24 think I'll just leave it at this. I think Officer Massey
25 said it best when he said to Alicia, You know, your

1 daughter's statement comes closest to the truth.

2 And Idaisha, goodness. She was just turned around.

3 She was taking care of the babies in the third row

4 backseat of that van. I'll kill you, something like

5 that, saw him mouth the words. But truly she was

6 focussed on the children.

7 There's been a lot of talk about the bat, the

8 T-ball bat, the little Atlanta Brave bat, and I think

9 that's really sort of Officer Massey's and the State of

10 South Carolina's red herring perhaps. Does it really

11 matter to you in this case who had the bat last? Massey

12 seemed fixated on it but the state of affairs simply is

13 this. Alicia Adderley told you she hit Terrence Adderley

14 with the kids' T-ball bat. Showed you how it happened,

15 where it happened and why it happened.

16 Don't lose your focus. If you are justified in

17 defending yourself absolutely you are permitted to do

18 that and His Honor will tell you self defense is a

19 complete defense meaning not guilty.

20 Ask yourselves a couple of questions when you are

21 deliberating. Number one, why the State of South

22 Carolina would not present you with the large photo of

23 the steering wheel with all the blood all over it. Why

24 did I have to do that?

25 Number two, why didn't they call her, she was on

1 their list, Christian Sheppard, to testify? What's that
2 about? - And number three, why didn't they call Jonalisha
3 and Idaisha? They took the statements from them. They
4 had the statements. Why hide that? Why keep that from
5 you? Why force me to have to bring those girls in here?

6 Now, sometimes I've seen the State of South
7 Carolina tell juries in their closing argument that, you
8 know, it's Ms. Campbell's job to muddy the waters. It's
9 Ms. Campbell's job to throw red herrings at you. She's
10 here to twist the evidence. I have and I always will
11 take offense at that. I don't know if they are going to
12 say that today, probably not now, but I'll tell you what
13 it does. It undermines the reference and the respect
14 that all of us have to have for this room.

15 My job, my solemn oath is to honestly and fairly
16 and competently defend this woman and any man or woman
17 who due to the charges leveled at them and the
18 prosecution by the State of South Carolina finds
19 themselves in this room fighting for their life and
20 their liberty.

21 Now, this is a sacred room. There's no place for
22 trickery or diversion or hiding of evidence here. The
23 reverence and respect that is due to the defendant, to
24 His Honor, to the State of South Carolina and this
25 courtroom is very real, and practiced by me and those who

1 work for me in every case.

2 I will tell you that as I close and as I leave you
3 the State of South Carolina will give you their argument.
4 Listen to them, and when you hear something and you think
5 "Hmm" that doesn't sound quite right, perhaps say to
6 yourself, What would Ms. Campbell say to that?

7 This is my last opportunity to argue for Alicia
8 Adderley and her fate will soon rest in your hands and
9 your hands. Remember, there is no remedy for an
10 incorrect decision by a jury. It's as if you fire a
11 bullet from a gun that cannot be undone.

12 As you deliberate Alicia Adderley's fate, her life,
13 come to a vote, sometime you will, I believe that when
14 you individually take and tear off that piece of paper
15 and write down what you believe, guilty, not guilty, I
16 believe passing it to your foreman when he reads them all
17 12 will say not guilty.

18 Last thing. You know, sometimes when I object I'm
19 bound to object. The rules of evidence, His Honor
20 explained that to you, and I got to get up off my chair.
21 I got to protect the record and my client and the rules
22 that we are supposed to follow. Now, I'm sure you
23 understand that.

24 The State of South Carolina tried to make a big
25 to-do out of the cursory written statement that Alicia

1 Adderley gave to Officer Light, who didn't even speak to
2 her. Nobody has talked to her at the house. Just write
3 down what happened minutes later after she had just been
4 attacked. I tell you, it's in evidence. Read it. It's
5 consistent. It's not different. It's consistent.

6 Every single time Alicia Adderley has talked about
7 what happened to her at that car wash she has said the
8 same thing. Yes, she told Officer Massey more. He
9 questioned her for an hour. And yes, she disclosed some
10 very private things that happened to her that day to you.
11 They are consistent.

12 You listened to Officer Massey shuffling the papers
13 over and over and over again. Well, I have doubts. I
14 don't know what to do. I got side A, I got side B. I'm
15 going to send you home. I'm going to go talk to Terrence
16 again. Terrence didn't say anything different the second
17 time they talked to him, same story. So here we are
18 today, doubts still. I would say to you, and as I've
19 said, reasonable doubt, hesitating to act is a verdict
20 from each and every one of you of not guilty. Thank you
21 so much.

22 THE COURT: Thank you, Ms. Campbell.

23 All right, Solicitor. You are recognized for your
24 closing argument.

25 MS. CONCANNON: Thank you, Your Honor.

1 I should have never stopped. You heard those very
2 words come from Alicia Adderley's mouth when she was
3 talking to Lieutenant Massey. She is right, and now you
4 know why. This trial is not about Terrence's fidelity or
5 infidelity. He's not on trial today. Alicia is. Alicia
6 Adderley is on trial, and she is on trial for the choices
7 that she made on April 27th of 2013.

8 Right or wrong Terrence's past, that is not to be
9 considered today. What is to be considered today is the
10 actions she took when she flew into that violent, jealous
11 rage and made those choices.

12 So what are those choices? She stopped. She
13 stopped her car to confront Terrence. She saw he was
14 cleaning somebody else's car. That is all she cared
15 about. She didn't care about her children seeing their
16 daddy. He was cleaning somebody else's car. That ain't
17 his car. That's what she said. Judge her demeanor when
18 she's telling Lieutenant Massey that.

19 She confronted him. She was mad. She was angry.
20 He was cleaning somebody else's car that ain't his car,
21 some woman's car at that. How dare he? I mean, they had
22 been separated for at least five months from when this
23 incident happened. That's all she cared about, that he
24 was cleaning somebody else's car.

25 She goes up to him. She snatches the necklace off

1 his neck. It doesn't fall off, like the defense may have
2 you believe. She told you herself today, I snatched it
3 off his neck. She told Lieutenant Massey, I snatched it
4 off his neck. She snatched it off his neck because she
5 thought those rings were hers. She was making it about
6 her. Those are my rings. Those ain't his rings. Those
7 are mine. So she took it back.

8 She was concerned about him spending all my money.
9 He spent all my money. I can't do anything about that.
10 That's all she cared about. She was mad. She was
11 jealous. She was angry. So what does she do? She asks
12 her 14-year-old daughter to hand her a baseball bat. She
13 was going to take it in her own hands and show Terrence
14 just how mad she is.

15 A 14-year-old child has the wherewithal not to hand
16 their angry, jealous, enraged mother a baseball bat. So
17 she gets it herself. She gets out of her car, she goes
18 over to where Terrence is by the white car, Christian's
19 car. We know it's Christian's car, and she beats him.
20 She beats him in the arms.

21 He's trying to protect his face. She beats him in
22 his face. She beats his mouth open, his teeth out,
23 everything, and she leaves with that baseball bat. She
24 leaves because Terrence forces her to get back in her car
25 and tells her to go, Get out of here. That's where this

1 blood came from. Not from beating her in the car with
2 the baseball bat.

3 He's yelling at her, Get out of here. I'm calling
4 the police.

5 Look at this picture. There's many pictures that I
6 ask you to look at. But the picture of the van, of her
7 SUV with the door open, she described this bat as being
8 -- she gave a visual of it, maybe two, two and a half
9 feet long. How are you going to swing a two and a half
10 foot baseball bat inside that car? You say you are
11 laying down? Well, there is a passenger next to you.
12 How are you not hitting that passenger? It just doesn't
13 make sense. It doesn't make sense because it didn't
14 happened.

15 You heard from a lot of witnesses yesterday and
16 then a couple more today, and I ask that when you go back
17 into your deliberations you recap their testimony. So
18 briefly I just want to go through bit by bit of what they
19 said to you.

20 Ms. Campbell just brought up that we didn't call
21 Christian Sheppard as a witness. A witness. Christian
22 wasn't there. Her car was there. She wasn't there. She
23 couldn't tell you what happened that day because she
24 didn't see anything.

25 But you did hear from Sergeant O'Neal. He

1 responded. He told you it happened at the car wash over
2 in Port Royal. He secured the scene. He searched for
3 the baseball bat, he couldn't find it. He didn't find
4 any evidence. Remember that. Nothing.

5 Alicia got on that stand today and told you that
6 her cell phone was ripped out of her hands and crashed,
7 broken all over the ground. Was there any broken cell
8 phone on that ground? No.

9 Sergeant O'Neal met with Terrence that day. He was
10 beaten, he was bloody, he was distraught, but another
11 thing Ms. Campbell said that she's correct about was he
12 was consistent. He gave the same story that day that he
13 later gave after Alicia was interviewed.

14 O'Neal then went and met with Alicia Adderley
15 herself at her apartment complex because she left. The
16 police can come to me. I'm not waiting around for them.
17 There's no bruising. She has no scratches. She didn't
18 show any injuries to her knees which this is the first
19 I'm hearing about injuries to her knees.

20 If she was so thrown on the ground bloodied,
21 bruised knees wouldn't you think she would show that to
22 the police? Take pictures of my knees. It goes with my
23 story. It didn't happen. She didn't tell them because
24 she didn't have any injuries.

25 Lieutenant Massey testified. He also testified I

1 went back to the scene and couldn't find the baseball
2 bat, searched the area. He also didn't testify about any
3 broken cell phone. Why? Because it didn't happen. She
4 added that today because she's trying to build up her
5 story, but it's just not the truth.

6 Lieutenant Massey, you saw him actually interview
7 the defendant. It took about an hour. It was pretty
8 lengthy and you saw it all. You also heard him talk
9 about, with the defendant, his statements to her
10 daughter. Very different than what Jonalisha did
11 yesterday. When she was speaking to Lieutenant Massey
12 all she cared about was the First 48. Oh, do you know
13 about this person on the First 48? I really want to be
14 in law enforcement. Oh, you're in law enforcement. Oh,
15 I'm going to go to school to be in law enforcement. I
16 love this TV show.

17 Not crying, not I'm scared for my mom's life,
18 nothing. She cared more about asking somebody with
19 experience about how she could get in law enforcement.

20 You heard from Dr. Dardes. He told you about the
21 victim's injuries. Look at these pictures of his
22 injuries. He was beat. He was beat bad. He had
23 fractures, he was bloody. His lips were busted open, his
24 teeth were knocked out. They were pushed back in his
25 head. It was bad.

1 Dr. Dardes even said, you know, that he needed more
2 treatment. He needed to go to a special ENT to get this
3 taken care of. I couldn't do it myself.

4 You also heard from Rodney Shell. Rodney doesn't
5 know Terrence. He doesn't know Alicia Adderley. He just
6 happened to be washing his car at the same place when all
7 this happened. He has zero connection to them
8 whatsoever. He just happened to see it. And he got on
9 the stand and told you what he saw.

10 He also told you that any part of his past,
11 domestic situations on his past have no bearing on what
12 he saw and what he told police that day and what he told
13 you yesterday. Why? Because what he told you is the
14 truth. He had nothing to gain or lose by getting on that
15 witness stand.

16 You heard from Terrence himself. He took you back
17 to the car wash on April 27th of 2013, and another thing
18 I want to reiterate that Ms. Campbell spoke to you about
19 is he has been consistent. Why has he been consistent?
20 Because it's the truth. The truth is easy to remember
21 because you lived it, you were there, you can visualize
22 it. So why are his stories consistent? Because they are
23 the truth. That is what happened.

24 He's cleaning his friend's car. The defendant
25 pulls up, she is mad. He already stood them up at the

1 park and now how dare he be cleaning some other woman's
2 car. She's mad. She goes into this violent rage. She
3 tries to take down this license plate number. She goes
4 and gets her bat and the attack happens outside the white
5 car. Not inside the van, the SUV. It's just not
6 plausible.

7 He does push her away. He says pushes her into her
8 car to get him off of her. Get out of here. Go. I'm
9 calling the police. That is where the blood on the
10 steering wheel came from.

11 He calls 911. Nobody else calls 911. Alicia was
12 in such fear for her life she didn't call the police.
13 Her daughters didn't call the police, the friend didn't
14 call the police. That SUV had three teenagers in it and
15 an adult and none of them had a cell phone to call the
16 police with?

17 He never threatened her. He never choked her.
18 Choking came after Alicia had some time to think what she
19 was about going to tell Lieutenant Massey. That's when
20 she decided, Oh, I'm going tell him he choked me. That's
21 why I did it. She didn't officially say that. Why?
22 Because it didn't happen. He didn't choke her. She was
23 mad, she was angry, she took it out on him.

24 Back to Jonalisha. Of course she testified
25 yesterday. She loves her mother. She cares for her.

1 She would do anything for her but just remember how
2 Lieutenant Massey described her demeanor and her
3 questions as opposed to what you saw yesterday. It just
4 doesn't make sense.

5 They talked about prior difficulties how Terrence
6 had tried to get Jonalisha in trouble, tried to take her
7 cell phone from her. She did not like that. How dare
8 you try to take a 17-year-old's cell phone from them.
9 No. She was mad. She didn't like Terrence. She was
10 sticking up for her mom and she also said she had never
11 called the police. Why? Because she didn't need to
12 because nothing ever happened.

13 But she also made a statement yesterday that I want
14 you to remember and take this with you when you go back
15 there and you're deliberating and you're judging her
16 credibility and you're judging Alicia's credibility. I
17 asked her why she didn't call the police if she was in
18 fear for her mother's life, and she said because when I'm
19 scared for my mom I will do anything she says. She's
20 scared for her mom. She certainly is.

21 Now, let's go into some statements made by the
22 defendant herself. I'm going to have a different
23 definition of consistent but those are not consistent
24 statements. You have her written statement. You can
25 take it back there. I ask that you read it. You read it

1 one, two, three, four times. You read it and you compare
2 it to what you heard.

3 Let's go through those inconsistencies. In her
4 written statement Jonalisha sees the victim cleaning
5 somebody else's car. Well, what she's telling Lieutenant
6 Massey, Oh, my kids wanted to see their daddy so that's
7 why, that's why we stopped. So which one is it? It's
8 the first one.

9 In the third statement she gives, the one to
10 Lieutenant Massey, she says, Well, he says it's his
11 girlfriend's car. It's his girlfriend's car. He says
12 it's his girlfriend's car. Nope. First statement, her
13 written statement, it's a friend's car. He never says
14 girlfriend. Read that statement.

15 That written statement she says he pushed her
16 causing her to almost fall down. Almost fall down is not
17 falling to the ground two times. If she fell to the
18 ground two times, had all these injuries on her knees
19 like now all of a sudden today she says she had she would
20 have wrote that in that statement that day, but she
21 didn't because it didn't happen.

22 Choking. He choked me. I was in fear for my life.
23 He had his hands around my neck. He choked me.

24 No, he didn't. Did she write that in her first
25 statement? No. He hit her in her first statement.

1 The statement to Lieutenant Massey she had more
2 time to think about it, more time to come up with her
3 story to add details she thought would help her. But the
4 problem with that is when you add these details that
5 didn't happen since it's not true you lose track of them,
6 and she lost track of them and that's why her testimony
7 today was inconsistent with her statement she gave to
8 Lieutenant Massey as well as with her written statement.

9 In the interview with Lieutenant Massey she
10 mentioned he kicked me so hard he kicked my shoe off.
11 No, he didn't. She had no bruises on her legs. In that
12 interview she has on capri pants. You can see her legs,
13 no bruising. Law enforcement didn't observe any bruises
14 to her legs. She didn't feel the need to write that in
15 her written statement or tell any of the police officers
16 that responded to her apartment complex that day.

17 Her stories just don't add up and they don't add up
18 because they are not the truth. You saw her being
19 interviewed. Judge her demeanor, her credibility. She
20 is more concerned about what she thinks belongs to her.
21 Those are my rings, that is my money. That is not his
22 car. She's the only person she cares about. How dare he
23 do her wrong, and she was going to take it out on him.

24 They want you to think that Alicia acted in self
25 defense that day. The Judge is going to instruct you on

1 self defense at the end of all of this, and self defense
2 has four elements and each of them have to be met in
3 order for self defense to be proven.

4 The defendant must be without fault in bringing on
5 the difficulty. Well, that's not right. She stopped.
6 She confronted him. She snatched those necklaces off.
7 She grabbed the bat, she attacked him.

8 She had to believe she was in fear of imminent
9 danger of losing her life or sustaining serious bodily
10 injury. He didn't have a weapon, and Alicia is the only
11 one that says he choked her. The two occupants of the
12 car that testified, no choking. They didn't see choking.
13 They didn't see it because it didn't happen.

14 And a reasonable prudent man of ordinary firmness
15 would have the same belief, somebody in her shoes would
16 have also felt that same fear. That's just not rational.
17 That is an irrational thought.

18 That she had no other probable means of avoiding
19 the danger. She wants you to believe that this attack
20 happened while she was in the driver's seat of her car.
21 If that is true she could have left. You are in the
22 driver's seat of your car, drive away, go home, call the
23 police. She doesn't do any of that.

24 This is not a self defense. This is not self
25 defense. It's a violent, jealous rage against Terrence.

1 Today she's charged with criminal domestic violence
2 of a high and aggravated nature. This is not a case of
3 simple criminal domestic violence.

4 Again, the Judge is going to later instruct you on
5 the law but there are a few different elements for
6 criminal domestic violence cases. They have to be
7 household members. They have to be spouses or former
8 spouses or have children in common. You heard testimony
9 they are actually still married today. They haven't
10 gotten a divorce yet and they have two kids together.
11 They are household members.

12 What elevates criminal domestic violence of a high
13 and aggravated nature above simple criminal domestic
14 violence is that this assault and battery has to be used
15 with a deadly weapon or result in serious bodily injury
16 or it can be an assault with or without the battery which
17 would reasonably cause a person to fear imminent serious
18 bodily injury or death.

19 A baseball bat can be a deadly weapon, and Terrence
20 sustained serious bodily injury. He had to go to the
21 emergency room. He had to have his lips sewn back
22 together, his teeth extracted. He had to receive
23 follow-up care. He had to be given multiple medications
24 for treatment. This is not a simple CDV case.

25 So I ask you, remember all the testimony that you

1 heard from that witness stand. Remember what you heard
2 Alicia say in that interview. Read her written
3 statement, look at these pictures. Go back to April 27th
4 and just ask yourself whose testimony makes sense. What
5 makes sense here? Did this beating happen in a self
6 defense manner in a car? No, that doesn't make sense.
7 Did it happen outside of the car as a violent attack on
8 somebody? Yeah, that's what makes sense.

9 And also I want you to remember Alicia Adderley's
10 words herself. She was talking to Lieutenant Massey when
11 she said this. She told him the big picture is I was
12 wrong. Thank you.

13 THE COURT: Thank you, Ms. Concannon.

14 All right. Ladies and gentlemen, as I told you,
15 we'll take a break. You'll be back there about five
16 minutes, I'll bring you back out, I'll tell you do law.
17 Don't discuss the case.

18 (WHEREUPON, the jury leaves the courtroom at
19 approximately 12:20 p.m.)

20 THE COURT: What is the issue now?

21 MS. CAMPBELL: Just back to the jury charge. Your
22 Honor instructs them on the form, that they must -- we,
23 the jury, unanimously find, and I missed that on your
24 charge and ask that the instruction be given that their
25 verdict must be unanimous in your charge to them.

1 THE COURT: Yes, ma'am.. It will be.

2 MS. CAMPBELL: Okay. Thank you.

3 THE COURT: All right. During the charge, please
4 stay still and stay quiet. Everybody needs to be in the
5 courtroom that wants to be in, out of the courtroom that
6 wants to be out. Everybody in here that needs to be?

7 So absent an emergency don't be moving around,
8 don't distract the jury in any way, don't make any sounds
9 that will distract the jury.

10 Bring them in, please.

11 (WHEREUPON, the jury enters the courtroom at
12 approximately 12:28 p.m.)

13 THE COURT: Members of the jury, all the evidence
14 has been presented. You've heard the arguments of
15 counsel. It's now time for me to instruct you on the law
16 that applies to the case. Please continue to pay close
17 attention during this next stage.

18 First, you need to understand some basic ground
19 rules. You, the jury members, are the sole judges of the
20 facts. You decide all the issues of fact. You alone
21 determine the truth of the evidence, its effect, its
22 value and its weigh. You alone judge the credibility of
23 witnesses; in other words, whether or not a witness's
24 testimony is believable.

25 Now, in evaluating the testimony of the witnesses

1 you may believe all that a witness said or none of it.
2 You may believe part of what a witness said and not
3 believe the balance. You maybe believe one witness
4 against many or many against one.

5 You may consider any interest, bias, or prejudice
6 that you feel that a witness has in the case. You may
7 consider the demeanor and the appearance of the witness
8 and the opportunity for knowledge that the witness had.
9 You may consider the lack of evidence presented by the
10 State. You may consider whether a witness is being
11 consistent or inconsistent.

12 Now, the rules of evidence allow for opinion
13 testimony to be given under certain circumstances, and in
14 one area where that's allowed is where someone by virtue
15 of education, training or experience is qualified as an
16 expert witness.

17 Now, the mere fact that someone is allowed to give
18 opinions under our rules does not require you to accept
19 the opinions given if you choose not to do so. You may
20 accept or reject the opinions of an expert witness or the
21 testimony of an expert witness just as you may any other
22 witness in whole or in part.

23 You are not to evaluate testimony and evidence
24 arbitrarily, however. What you are to do is to use your
25 common sense. Use your sense of logic and reason and

1 your good judgment.

2 It's not proper for me to give you a charge on the
3 facts of the case. I cannot discuss the facts with you.
4 I'm not permitted to convey to you an impression as to
5 what, if any, personal opinions I may develop about the
6 facts of the case. So if during any stage of this trial
7 you develop an impression that I have a personal opinion
8 about the facts you must remove that totally from your
9 mind. You are the sole judges of the facts.

10 Now, I am the judge of the law that applies to the
11 case and under your oath you must accept and apply the
12 law as I give to it you. That means if you have
13 conflicting ideas about what the law is or what it should
14 be you have to abandon those. I give you the law. You
15 apply it to the facts as you determine them to be and in
16 that way you reach your verdict.

17 It's also my job to decide what evidence is
18 admissible. If I have ruled something inadmissible or
19 instructed you to disregard something you are not to
20 consider those things in arriving at your verdict. Base
21 your verdict on the competent evidence before you.
22 Consider the testimony of the witnesses and the exhibits
23 admitted in the trial.

24 Now, the defendant in this case, Ms. Adderley, is
25 presumed innocent. This is no mere legal theory. This

1 is a fundamental and substantial right to which everyone
2 is entitled. It's been described as being like a robe of
3 rightness that's placed around an accused and protects
4 that person, and it remains with her through every stage
5 of the trial. It continues after you go back to your
6 jury room to deliberate to cloak her, to protect her so
7 that she is presumed to be independent unless and until
8 you, the jury, determine that the State has proven her
9 guilty beyond a reasonable doubt.

10 A defendant is not required to prove her innocence.
11 She's not required to prove anything. The burden is on
12 the State to prove the guilt of the defendant, and every
13 essential element of the offense charged must be proven
14 by the State beyond a reasonable doubt. That does not
15 mean that the State has to prove the guilt of the
16 defendant beyond all doubt or beyond every doubt. The
17 appropriate standard is proof beyond a reasonable doubt.

18 Some of you may have served as jurors in civil
19 court and if you have you know the burden of proof in
20 civil court is a lesser standard. It requires proving
21 that something is probable, that it's more likely than
22 not, and we call that the greater weight or preponderance
23 of the evidence. But we are not in civil court. We are
24 in criminal court, and in criminal court the standard is
25 much higher and the proof is much stronger, and it is

1 required that the State prove the guilt of the defendant
2 beyond any reasonable doubt.

3 So what do I mean by that term? Proof beyond a
4 reasonable doubt is proof that leaves you firmly
5 convinced of the defendant's guilt.

6 There are few things in the world that we know with
7 absolute certainty and in criminal cases the law does not
8 require proof that overcomes every possible doubt. If
9 based on your consideration of the evidence you are
10 firmly convinced that the defendant is guilty of a crime
11 charged then you are to find her guilty of that crime.
12 If on the other hand you think there is a real
13 possibility that she is not guilty you must give her the
14 benefit of the doubt and you must find her not guilty.

15 There is no obligation on the part of the defense
16 to raise any doubt or any other possibility.
17 Ms. Adderley is presumed to be innocent and the State has
18 the entire burden of proof, and the State has to prove to
19 you that she is guilty to the exclusion of any other real
20 possibility.

21 I need to explain to you that there are two types
22 of evidence generally presented during a trial. There's
23 direct evidence and there's circumstantial evidence.
24 Direct evidence directly proves the existence of a fact
25 and does not require deduction.

1 Circumstantial evidence is proof of a chain. It's
2 proof of a chain of facts and circumstances indicating
3 the existence of a fact. Crimes may be proven by
4 circumstantial evidence.

5 The law makes no distinction between the weight or
6 the value to be given to either direct or circumstantial
7 evidence; however, to the extent that the State relies on
8 circumstantial evidence all of the circumstances must be
9 consistent with each other and when taken together they
10 must point conclusively to the guilt of the accused
11 beyond a reasonable doubt.

12 If the circumstances merely portray the defendant's
13 behavior as suspicious then the proof has failed. The
14 State has the burden of proving the defendant's guilt
15 beyond a reasonable doubt. That burden rests with the
16 State regardless of whether the State relies on direct
17 evidence, circumstantial evidence or some combination of
18 the two.

19 I need to explain to you that testimony has been
20 given about statements and evidence has been produced
21 about statements allegedly made by the defendant. In
22 evaluating the alleged statements you first need to
23 determine if the State has proven that the defendant in
24 fact made the statement. If not, then you cannot
25 consider that alleged statement in any way against the

1 defendant.

2 If the defendant made the statement in question you
3 must then determine whether the defendant was properly
4 notified of her basic constitutional rights prior to
5 police questioning.

6 You probably heard about Miranda warning. The
7 Miranda warnings are that you have the right to remain
8 silent, that any statement made can and will be used
9 against you in court; that you have the right to an
10 attorney, and if you do not have resources to hire a
11 lawyer the Court will appoint one at no expense, that you
12 have the right to consult a lawyer before answering any
13 questions or making any statements, and that you have the
14 right to have a lawyer present at all times during all
15 interviews and all interrogations...

16 Now, those exact words do not have to be used but
17 the substantial equivalent must be communicated in order
18 to constitute valid Miranda warnings. Miranda warnings
19 are required before the police may interrogate a person
20 whom they have in custody. Police interrogation means
21 that the police are questioning the person or engaging in
22 the substantial equivalent of questioning.

23 If the defendant made a statement while in custody
24 and in response to police interrogation you cannot
25 consider the statement against the defendant unless the

1 State has proven beyond a reasonable doubt that the
2 defendant was properly advised of her Miranda rights
3 before giving the statement.

4 The next thing the State has to prove regarding
5 statements is that the defendant knowingly and
6 intelligently waived her constitutional rights and made
7 the statement to police.

8 And finally, the statement must have been given
9 freely and voluntarily. The State must prove that the
10 statement was the expression of the defendant's own free
11 will and was not improperly induced by compulsion,
12 duress, force or fear or by the promise of some reward or
13 hope of reward. Unless the State proves that the
14 statement was given freely and voluntarily you may not
15 consider it against the defendant.

16 Okay. So now we're going to turn to the specific
17 charge that's alleged in this case. Alicia Adderley is
18 charged with criminal domestic violence of a high and
19 aggravated nature.

20 It is alleged that on or about April 27, 2013 in
21 Beaufort County, South Carolina Ms. Adderley willfully
22 and unlawfully committed an assault and battery against a
23 household member that involved the use of a deadly weapon
24 or resulted in serious bodily injury to Terrence Adderley
25 or that she offered or attempted to cause physical harm

1 or injury to Terrence Adderley under circumstances that
2 reasonably created fear of imminent peril to him.

3 Now, this is alleged to be in violation of a
4 statute regarding criminal domestic violence of a high
5 and aggravated nature. I caution you again, ladies and
6 gentlemen, at the outset of the trial that an indictment
7 is not evidence. It is merely the formal means by which
8 someone is charged and brought to trial.

9 Now, there are different levels of criminal
10 domestic violence. They are tiered so I must explain to
11 you the lowest level of domestic violence, which I'm
12 going to refer to as simple criminal domestic violence,
13 and then I'm going to explain to you the enhanced level
14 of being high and aggravated nature.

15 But before I do that I need to cover some more
16 basic legal terms with you. You will hear the term
17 assault and you will hear the term battery. And most
18 people think of an assault as a striking or a hitting of
19 someone. Well, actually, the unlawful touching of
20 another person is called a battery. A battery is an
21 unlawful touching of another person in a rude, insulant
22 or angry manner.

23 Now, the touching does not have to be flesh to
24 flesh. It may be by some object put in motion by a
25 perpetrator. So if the battery is the striking, the

1 battery is the unlawful touching then what is an assault?

2 The term assault refers to the threat to commit the

3 battery.

4 Now, the threat does not have to be spoken. It
5 does not have to be written. No words have to be used.

6 The threat may be communicated through actions or through
7 posturing but there has to be the present ability to
8 carry forth with the unlawful contact. In other words,
9 the perpetrator has to be sufficiently close to the
10 victim to carry out the battery. The victim must have
11 been placed in fear of bodily injury and it must be
12 reasonable on the part of the victim to have such fear.

13 Now, simple criminal domestic violence occurs when
14 someone offers or attempts to cause physical harm or
15 injury to a member of her household with the apparent
16 present ability to carry forth with the harm or injury
17 under the circumstances and reasonably creating a fear of
18 imminent danger. Now, a household member is a defined
19 term. It includes a person's spouse or a person of the
20 opposite sex with whom the defendant is living or has
21 lived in the past.

22 The State has to prove to you that the incident
23 occurred in Beaufort County, South Carolina. That's
24 necessary. If the State has failed to prove to you
25 beyond a reasonable doubt that this alleged offense

1 occurred in Beaufort County, South Carolina then you must
2 find the defendant not guilty because you have no
3 jurisdiction over her. So the State has to first prove
4 that the incident occurred in Beaufort County.

5 Now, to prove a defendant guilty of simple criminal
6 domestic violence the State has to prove to you beyond a
7 reasonable doubt that on the date and at the time and
8 place alleged in the indictment Ms. Adderley willfully
9 and unlawfully did the following things: First, that she
10 offered or attempted to cause physical harm or injury to
11 Terrence Adderley. Second, that Terrence Adderley was a
12 member of her household as defined in the statute.
13 Third, that Ms. Adderley reasonably appeared to have the
14 ability to carry out the threat of physical harm or
15 injury to Mr. Adderley; and forth, that the circumstances
16 were such that she created a reasonable fear of imminent
17 harm or injury to Mr. Adderley.

18 To prove the defendant guilty of the greater degree
19 of wrongdoing, the one with which she's charged known as
20 criminal domestic violence of a high and aggravated
21 nature, the State has to prove to you all the elements of
22 simple criminal domestic violence plus there's an added
23 requirement. The State has to prove to you beyond a
24 reasonable doubt that the defendant committed an assault
25 and battery that involved the use of a deadly weapon or

1 resulted in serious bodily injury to Mr. Adderley or that
2 she committed an assault with or without an accompanying
3 battery that would reasonably cause a person to fear
4 imminent serious bodily injury or death.

5 So the difference between the greater crime and the
6 lesser is that greater crime has all the elements of
7 simple criminal domestic violence, plus the assault and
8 battery involved the use of a deadly weapon or resulted
9 in serious bodily injury to Mr. Adderley.

10 Now, criminal domestic violence of a high and
11 aggravated nature requires either the infliction of
12 serious bodily injury or putting the household member in
13 reasonable fear, fear that a reasonable person would have
14 felt of imminent infliction of serious bodily injury or
15 death.

16 Now, if you were to find that the State has proven
17 that the defendant is guilty of criminal domestic
18 violence, simple criminal domestic violence, but you have
19 a reasonable doubt as to whether she is guilty of the
20 greater crime charged, criminal domestic violence of a
21 high and aggravated nature, or the lesser offense of
22 simple criminal domestic violence, you must resolve that
23 doubt in her favor and you must write a verdict of guilty
24 only as to the lesser charge. But you cannot find her
25 guilty of anything, greater or lesser, unless you find

1 that all the elements of that offense have been proven by
2 the State beyond a reasonable doubt.

3 To prove the defendant guilty of a crime the State
4 has to prove to you beyond a reasonable doubt that she
5 acted with the necessary criminal intent. The criminal
6 intent required in this case is that the State must prove
7 that she acted knowingly. To act knowingly means to act
8 with knowledge, to act consciously, not accidentally. It
9 is an intentional act. It is a willful act.

10 Intent is a mental state. It may be shown by acts
11 and conduct of the defendant and other circumstances from
12 which you may naturally and reasonably infer intent but
13 the State has to prove that Ms. Adderley had the
14 necessary criminal intent in order for you to convict her
15 of any crime, and proof is required, again, by beyond a
16 reasonable doubt.

17 Now, one of the issues that you need to consider is
18 whether the defendant was acting in self defense. Self
19 defense is a complete defense. If a defendant was acting
20 in self defense her conduct was lawful. It's not
21 unlawful to act in self defense and you must find her not
22 guilty if you find that self defense applied.

23 Now, a defendant does not have any burden of proof
24 so a defendant does not have to prove self defense,
25 rather the State had the burden of proving beyond a

1 reasonable doubt that the defendant did not act in self
2 defense. So if you have a reasonable doubt of a
3 defendant's guilt after considering all the evidence
4 including the evidence of self defense then you must find
5 her not guilty.

6 On the other hand, if you have no reasonable doubt
7 of the defendant's guilt after considering all the
8 evidence including the evidence of self defense then you
9 are to find her guilty.

10 All of the following elements are required for self
11 defense: First, the defendant must be without fault in
12 bringing on the difficulty. If her conduct was the type
13 that was reasonably calculated to and did provoke an
14 assault then the defendant would be at fault for bringing
15 on the difficulty and would not be entitled to an
16 acquittal based on self defense.

17 The second element of self defense is that
18 Ms. Adderley must have actually been in imminent danger
19 of death or serious bodily injury or that she actually
20 believed that she was in imminent danger of death or
21 serious bodily injury.

22 If she was actually in imminent danger it must be
23 shown that the circumstances would have warranted a
24 person of ordinary firmness and courage to strike as she
25 did to prevent death or serious bodily harm to her.

1 If the defendant believed that she was in imminent
2 danger of death or serious bodily injury it must be shown
3 that a reasonably prudent person of ordinary firmness and
4 courage would have had the same belief under the
5 circumstances.

6 Now, in deciding whether the defendant actually was
7 or whether she believed that she was in imminent danger
8 of serious bodily injury or death you consider all the
9 facts and the circumstances surrounding the incident and
10 the relationship between the parties. So in assessing
11 the defendant's belief you may consider whether there was
12 any history of prior difficulties between the individuals
13 involved and what those were.

14 A defendant has the right to act on appearances
15 even if her assessment was incorrect. It is not
16 necessary that a defendant actually have been in danger.
17 It is enough if she believed that she was in imminent
18 danger and that a reasonable prudent person of ordinary
19 firmness and courage in her position and with her
20 knowledge would have held the same belief.

21 It is for you to decide whether the defendant had a
22 reasonable fear of imminent danger or death or serious
23 bodily -- imminent danger of death or serious bodily
24 injury and that it would have been felt by a person of
25 ordinary firmness and courage in the same situation.

1 Words that are accompanied by hostile acts may,
2 depending on the circumstances, create an appearance that
3 would permit a defendant to act in self defense.

4 Now, the final element of self defense is that the
5 defendant had no other probable way to avoid the danger
6 of death or serious bodily injury than to act as she did
7 in this particular incident.

8 Now, this is generally referred to as a duty to
9 retreat but the obligation of retreat is limited. A
10 defendant does not have to wait until an assailant has
11 the drop on her before acting in self defense. A
12 defendant has no duty to the retreat if by doing so the
13 danger of being killed or suffering serious bodily injury
14 would increase.

15 A person who is confronted with a self defense
16 situation is not required to make an exact calculation of
17 the amount of force needed to avoid death or serious
18 bodily harm but she is permitted to use the degree of
19 force in self defense that a person of ordinary reason
20 and firmness would have believed to be needed to prevent
21 her own death or serious bodily injury to herself.

22 Now, the degree of force that's used in self
23 defense does not have to be limited to the degree or the
24 amount of force that the opposing party use. A defendant
25 has the right to use so much force as appeared to be

1 necessary for a complete self protection in which a
2 person of ordinary reason and firmness would have
3 believed to be needed to prevent death or serious bodily
4 harm to the defendant.

5 Now, if a defendant is justified in defending
6 herself then she is justified in continuing to strike
7 until it is apparent that the danger of death or serious
8 bodily injury has completely ended. If a defendant is
9 justified in defending herself she is not required to
10 wait until her adversary is on equal terms with her.

11 All right. The last thing I have to tell you about
12 the law is this. The defendant is entitled to every
13 reasonable doubt that arises in an entire case or any
14 defenses. If based on your consideration of the evidence
15 on any issue of fact essential to a conviction you have a
16 reasonable doubt as to how that issue should be resolved
17 you must resolve that doubt in the defendant's favor.

18 If upon reviewing the whole case you have a
19 reasonable doubt as to the guilt of the defendant she is
20 entitled to that doubt and a verdict of not guilty. On
21 the other hand, if upon reviewing the entire case you
22 think that the State -- you find that the State has
23 proven every element of the offense charged beyond a
24 reasonable doubt it is equally your duty to find the
25 defendant guilty.

1 If you have a reasonable doubt as to whether the
2 State has proven the defendant guilty of a greater crime
3 charged or a lesser included offense you must resolve
4 that doubt in favor of the defendant and write a verdict
5 of guilty only as to the lesser charge. But again, you
6 cannot find the defendant guilty of any charge greater or
7 lesser unless you find that all of the elements of that
8 offense have been proven by the State beyond a reasonable
9 doubt. And that's the law.

10 Folks, when you go back to the jury room to decide
11 the case you are going to have with you all the exhibits
12 that have been admitted in the trial. They should
13 provide you with a means by which to play that interview
14 if you wish to watch some or all of it again. Hopefully,
15 they've got that. If they don't we'll try to make sure
16 they get something for you to play it.

17 You are also going to have with you this verdict
18 form and on this form you are going to tell us your
19 decision. Now, I'm supposed to tell you that you are not
20 to infer from the order in which I say these things that
21 I'm suggesting one option over another. I've got to list
22 one thing first, one thing second, one thing third. You
23 have three options here.

24 So the verdict form has the caption at the top, it
25 has the case number. It reads, As to the charge of

1 criminal domestic violence of a high and aggravated
2 nature we, the jury, unanimously find the defendant --
3 you have three options. You may find her not guilty, you
4 may find her guilty of the lesser included offense of
5 criminal domestic violence, or what I refer to as simple
6 criminal domestic violence, or you may find her guilty as
7 charged, which is criminal domestic violence of a high
8 and aggravated nature.

9 Now, Mr. Foreman, part of your job is to record the
10 verdict. I think you'll find the form self explanatory.
11 Just check the option chosen by the jury and sign your
12 name on the signature line, please.

13 Now, ladies and gentlemen, how you go about taking
14 your votes, how you go about your deliberations, that's
15 entirely in your discretion, subject to this requirement.
16 The verdict must be unanimous. All 12 must agree in
17 order for it to constitute a verdict. When you have
18 reached your verdict if you'll knock on the door the
19 bailiff will respond to your knock.

20 You all don't have a light system, do you?

21 There's a few counties where they have switches
22 back there and the jury can flip one switch for verdict
23 and one switch for a question, and so on -- or one for
24 deliberate. Where I'm from we knock on the door, so that
25 I'm familiar with.

1 I've told you now probably a dozen or more times
2 not to discuss the case and believe it or not it's not
3 time to do it yet. The law says that I have to go over
4 with the attorneys what I just discussed with you, and
5 that's just common sense. We don't want you back there
6 deciding the case using the wrong law. So if I said
7 something wrong I need to correct it and they have to be
8 given a chance to point it out to me, and they don't get
9 to stand up and object when I'm taking. They have to
10 wait until I ask them.

11 So the reality is that during that last long break
12 you had I printed this out, I gave this to the attorneys.
13 We've already been over it but as you probably noticed I
14 don't read these things verbatim. A lot of it is from
15 memory and sometimes I say things I don't even know I
16 said. So they have to be given a chance to point out to
17 me what they may disagree with me on.

18 Here is the signal you need to look for. If I'm
19 satisfied with what I've told you I will send the verdict
20 form and the exhibits in by the bailiff. The alternate
21 will be brought out of the room. The door will be
22 closed. When it's just the 12 of you in there and you
23 have the verdict form and the exhibits you can start
24 talking about the case. You don't have to wait one more
25 second. But don't talk ability it until then.

1 If your food is here they will bring your food in
2 for you. I told them to have it here at one so I guess
3 they are good this time, but it should be here soon.

4 You may take your notepads in, subject to those
5 conditions I told you about earlier. And I do need the
6 alternate to go in right now. Thank you so much for your
7 attention. You may retire to the jury room.

8 (WHEREUPON, the jury leaves the courtroom at
9 approximately 12:57 p.m.)

10 THE COURT: Please state for the record exceptions,
11 additions or objections to the charge, from the State.

12 MS. CONCANNON: None, Your Honor.

13 THE COURT: Do you want to preserve this issue?

14 MS. CONCANNON: I don't think so, Your Honor. We
15 changed it how I asked.

16 THE COURT: Okay. All right. From the defense?

17 MS. CAMPBELL: No, Your Honor.

18 THE COURT: You want to preserve this?

19 MS. CAMPBELL: We are going to mark it and put it
20 in evidence.

21 THE COURT: The defense has provided a written
22 request of charge which we'll mark as a court's exhibit
23 and I think the concepts are adequately covered.

24 Well, folks, it's been a great pleasure trying the
25 case with you. I really appreciate the respect everybody

1 has shown the Court. I know the jury has the most
2 difficult job in the courtroom. We'll put it in their
3 hands and wait on them to decide.

4 Check the verdict form, check the exhibits. When
5 you are satisfied give those to the bailiff. They do
6 need some means to play that CD, DVD if you can do it.

7 MS. CAMPBELL: Your Honor, normally we would bring
8 them back into the courtroom to watch it. Here they
9 don't have any means to do that in the jury deliberation
10 room.

11 THE COURT: I'm a visitor in a foreign land but I
12 don't agree with that. To me you don't -- I mean, that's
13 what they tell me in my home circuit and I disagree with
14 them, too. If I bring the jury back in the jury room
15 they can't talk about what they are looking at. They
16 can't talk about what they are listening to. They need
17 it back there so they can stop it, talk about it, search,
18 look for it. They don't need all of us in here.

19 If you're taking about leaving the courtroom and
20 letting them come in here I guess we can do that but I
21 don't know what kind of cameras they got in here. I
22 don't know what -- I'm just uncomfortable with that. You
23 all can find a computer somewhere and play that thing on.
24 And I apologize but I think I said that last time I was
25 down here but different lawyers.

1 We are at ease pending a verdict.

2 Oh, I'm sorry. I got to discharge the alternate.

3 (WHEREUPON, Court's Exhibit Number 6, Defendant's
4 Request to Charge, was marked and made a part of the
5 record.)

6 THE COURT: You all satisfied?

7 MS. CONCANNON: Yes, Your Honor.

8 THE COURT: Bring the alternate back out. Take
9 that in and bring the alternate out, please.

10 (WHEREUPON, the alternate enters the courtroom.)

11 THE COURT: Mr. Gunter?

12 ALTERNATE JUROR: Yes.

13 THE COURT: We made it through the case without
14 losing any of the jurors so I do not need the alternate.
15 You are free to go in just a moment. You have an
16 exemption from jury service in state court for 2015, 16,
17 and 17. You are disqualified for a year in state court,
18 civil or criminal because you were seated on the jury.
19 If you need anything -- you are self employed, right?

20 ALTERNATE JUROR: I am.

21 THE COURT: You don't need anything for work then
22 except money, and they'll mail a tiny little check to you
23 for your service.

24 ALTERNATE JUROR: Well, that's all right.

25 THE COURT: You're welcome to stay if you'd like to

1 stay, you're free to go if you wish to go. Thank you so
2 much for your service. I do have to use the alternate
3 about half the cases, so I appreciate you being here.

4 ALTERNATE JUROR: No problem.

5 THE COURT: Thank you, sir.

6 We are at ease pending a verdict.

7 (WHEREUPON, the jury began deliberations at
8 approximately 1:02 p.m., and court was in recess while
9 awaiting a verdict from the jury.)

10 (WHEREUPON, Court's Exhibit Numbers 7 and 8 were
11 marked and made a part of the record.)

12 THE COURT: I received a note from the jury. It
13 reads, Requirements of self defense that were read by the
14 judge. And then, It creates difference by definition of
15 two guilty charges.

16 My law clerk showed this to the attorneys and my
17 understanding is that the attorneys are in agreement that
18 I can send the charge, the written charge back to the
19 jury. So I've marked a version of the charge that will
20 go back to the jury as a court's exhibit, and I'll bring
21 the jury in and tell them what we are doing. And if you
22 all have any comments after I do that I'll be happy to
23 hear them. Anything else I need to put on the record
24 before I bring the jury in?

25 MS. CONCANNON: No, Your Honor.

1 MS. CAMPBELL: Your Honor, when you said a version
2 would that be the 13 or so pages that you read to them,
3 the entire charge is going back to them?

4 THE COURT: You are welcome to look at this. It
5 has the expert witness charge, and what I usually do,
6 which I think I did here, is if you see it go from all
7 capital letters to regular case that's when I made the
8 change.

9 (PAUSE.)

10 THE COURT: The first version you all had would not
11 have had the expert witness charge that you asked for on
12 the second page, and I think the only other change I made
13 was on page 13 in response to the solicitor's request on
14 self defense. It's not the paragraph at the very bottom
15 but right above that where I had all of the following
16 elements. I changed and added all of. I think those
17 were the only changes from the version you had
18 previously, and I noticed when I was reading this I had
19 not changed pronouns I should have changed. I'm going to
20 tell them that.

21 Okay. Bring the jury in.

22 (WHEREUPON, the jury enters the courtroom at
23 approximately 2:24 p.m.)

24 THE COURT: Mr. Foreman, I received a note from the
25 jury that reads, Requirements of self defense that were

1 read by the Judge. Difference by definition of two
2 guilty charges. Those are the questions of the jury?

3 THE FOREMAN: That's correct.

4 THE COURT: All right. Ladies and gentlemen, I
5 conferred with the attorneys and they have agreed that I
6 just send back to you a copy of the whole charge, and it
7 has everything in there.

8 I think you'll see the headings. I told you we go
9 over some basic ground rules at the beginning and I go
10 through about seven pages of that, then on page eight I
11 start talking about criminal domestic violence, assault
12 and battery, criminal domestic violence high and
13 aggravated. Then self defense starts on page 13 and
14 there's a heading at the top that reads self defense, so
15 you can follow that all the way through.

16 Now, I want to tell you about a few things about
17 how I put charges together. This may be overkill but
18 people in my business tend to engage in that. The way I
19 put charges together is typically I will take one I have
20 done in the past and I will copy it and then I will work
21 off of that as a skeleton, and as the case goes on and I
22 hear what issues come up I'll make changes as it goes
23 along. We also have an electronic version of a charge
24 book that Court Administration in Columbia gives us, and
25 I'll take their stuff and I'll merge it altogether.

1 So the reason I'm telling you that is the one
2 charge I chose to start at the very beginning was a
3 charge from Pickens County I did earlier this year, and
4 the defendant in that case was a man. I noticed when I
5 was reading this that I did not change the pronouns
6 everywhere I should have. So there are going to be some
7 hims that should be hers, but I think they are easy to
8 follow.

9 Also, sometimes when I cut and paste, particularly
10 from that other charge book, they have a lot of things in
11 bold, and they have things italicized. I think I've
12 taken all the italics out but some of the bold stayed in.
13 The fact that it's bold doesn't mean it's more important.
14 It just means that their version of the charge they put
15 their headings in bold.

16 And you're also going to see that some of this --
17 most of this is uppercase for me to read easy and some of
18 it is lowercase. The lowercase is just a way I tell
19 myself when I have made changes at a certain point in the
20 trial. It's no significance to you. The fact that
21 something is all caps is not more important than things
22 that are in regular case.

23 So with those understandings I'll sent 12 copies
24 back to you with the bailiff and hopefully that will
25 answer your questions, but if you have any other

1 questions you let me know. All right. Thank you.

2 (WHEREUPON, the jury leaves the courtroom at
3 approximately 2:27 p.m. to resume their deliberations.)

4 THE COURT: Any exceptions, additions or objections
5 to my instructions from the State?

6 MS. CONCANNON: No, Your Honor.

7 THE COURT: The defense?

8 MS. CAMPBELL: No, Your Honor.

9 THE COURT: We are at ease pending a verdict.
10 Thank you.

11 (WHEREUPON, court was in recess while awaiting a
12 verdict from the jury.)

13 THE COURT: Bring the jury.

14 (WHEREUPON, the jury enters the courtroom at
15 approximately 2:44 p.m.)

16 (WHEREUPON, Court's Exhibit Number 9, a Note from
17 the Jury, was marked and made a part of the record.)

18 THE COURT: All right. Mr. Foreman, I received a
19 note, Can we review the testimony of Terrence? That's
20 the jury's question?

21 THE FOREMAN: That's correct.

22 THE COURT: All right. Ladies and gentlemen, what
23 we do during a trial if a jury asks to hear the testimony
24 again is we play the back-up system. So the court
25 reporter can play back the digital recording of his

1 testimony, and typically we play all of it unless the
2 jury is very specific in what they tell us they want and
3 that usually puts us in a little bit of a bind because
4 sometimes that topic may be discussed at different parts
5 of the testimony, so then it's preferable to me if you
6 just listen to the whole thing.

7 THE FOREMAN: That's fine.

8 THE COURT: Okay. All right. Madam court
9 reporter, whenever you are ready.

10 There was one section where I told you to disregard
11 something. She is going to try to skip it but you were
12 sitting there. So if it gets played you disregard it
13 again.

14 (WHEREUPON, the requested testimony was played for
15 the jury.)

16 THE COURT: All right, ladies and gentlemen. Thank
17 you.

18 (WHEREUPON, the jury leaves the courtroom at
19 approximately 3:30 p.m. to resume their deliberations.)

20 THE COURT: We are at ease pending a verdict.

21 (WHEREUPON, court was in recess while a waiting a
22 verdict from the jury.)

23 THE COURT: I've been advised the jury has a
24 verdict. Obviously, I have no way of knowing what the
25 jury decided. Please stay still and stay quiet when the

1 jury verdict is read and thereafter. Don't show any sign
2 of approval or disapproval with the jury's verdict.
3 Don't shake your head in agreement or disagreement.
4 Don't make any sounds. We'll get through this just fine.

5 Bring the jury.

6 (WHEREUPON, the jury enters the courtroom at
7 approximately 4:33 p.m.)

8 THE COURT: Madam clerk, you want to do this?

9 THE CLERK: Ladies and gentlemen, do you have a
10 verdict?

11 THE FOREMAN: We do.

12 THE CLERK: Please pass it up to them.

13 THE COURT: The State of South Carolina, County of
14 Beaufort, the State vs. Alicia Adderley, case number
15 2013-GS-07-00788. As to the charge of criminal domestic
16 violence of a high and aggravated nature we, the jury,
17 unanimously find the defendant guilty of the lesser
18 included offense of criminal domestic violence. Signed
19 by the foreman.

20 Ladies and gentlemen, if I've accurately stated
21 your verdict, please signify by raising your right hand.

22 All 12 hands are raised.

23 Any matters to take up prior to the jury being
24 discharged from the State?

25 MS. CONCANNON: No, Your Honor.

1 THE COURT: From the defense?

2 MS. CAMPBELL: No, Your Honor.

3 THE COURT: Thank you very much..

4 Ladies and gentlemen, that concludes your jury
5 service. Thank you very much. You have an exemption
6 from jury service at the state level, civil or criminal
7 for 2015, 16, and 17. You have a disqualification for
8 one year since you actually sat on a trial jury.

9 They will mail you a little check, and back home I
10 call it happy meal money but that's about all it will be.
11 But I really appreciate your service. If you need any
12 kind of slip for work if you'll check with these folks
13 they will direct you properly.

14 Mr. Foreman, I need you to stay in the jury room
15 because I have to have the original indictment signed. I
16 don't usually send it back to the jury.

17 Okay. Now, those charges that I gave you all
18 copies of the law, did you leave them back there?

19 THE FOREMAN: Yes.

20 THE COURT: Okay. Because some of that is
21 copyrighted material from some colleagues and I don't
22 want to be accused of distributing it improperly.

23 All right. If you'll follow the bailiff, please.
24 Thank you.

25 (WHEREUPON, the jury leaves the courtroom at

1 approximately 4:35 p.m.)

2 THE COURT: You all have a sentence sheet prepared
3 yet?

4 MS. CONCANNON: It is coming right now, Your Honor.

5 THE COURT: We'll be at ease for a few minutes.

6 (WHEREUPON, a brief recess was taken.)

7 THE COURT: Do you all have any motions for
8 posttrial?

9 MS. CAMPBELL: Not at this moment, Your Honor.

10 THE COURT: Ms. Adderley, your lawyer indicates
11 she's not going to make any posttrial motions. I'm not
12 in any way implying that she should or she should not. I
13 just want to always make sure that the defendant knows
14 that if you make no posttrial motions and if you appeal
15 the case it's going to foreclose a lot of the avenues of
16 appeal because there was no posttrial motions made. So
17 if you want to talk to her about that any more you talk
18 to her. All right.

19 MS. CAMPBELL: Your Honor, perhaps I'm mistaken but
20 would I not have a 10-day timeframe in which to make
21 those motions before Your Honor?

22 THE COURT: No, ma'am. You make them now.

23 MS. CAMPBELL: Well, Your Honor, at this time if
24 that is not the case then I would renew all the motions
25 that I made during the trial, my motions for directed

1 verdict and make a motion for a new trial, that the
2 evidence as presented and as considered by the jury does
3 not support the verdict. Thank you, Your Honor.

4 THE COURT: Motion is respectfully denied.

5 Okay. As soon as we got the verdict form -- I'll
6 be happy to complete it but if you all want to go ahead
7 in the interest of time and make your presentations I'll
8 be happy to hear those.

9 MS. CONCANNON: We can certainly do that, Your
10 Honor. The sentencing sheet should be up here any
11 minute. We are having technical difficulties downstairs.

12 THE COURT: All right.

13 MS. CONCANNON: Your Honor, you heard all the
14 evidence in this case. You heard Mr. Adderley testify,
15 you heard the doctor testify to his injuries. You heard
16 the allegations of self defense. Obviously, the jury
17 thought less though that did not apply those in this
18 case. They did find her guilty of the lesser included.

19 To this date, Mr. Adderley is still suffering from
20 those injuries that came at the hands of the defendant.
21 She severely injured him. She caused him to have
22 stitches. He has to have further dental work. His
23 sinuses were ruptured. To this day, he's still suffering
24 with the pain and the trauma of those injuries.

25 This is a jealous attack. It was rage. She was

1 jealous that he was cleaning some other woman's car and
2 she took it into her own hands to act upon that jealousy.
3 We feel that she needs the full 30 days that this
4 carries.

5 She did no time in the detention center. She was
6 granted and O. R. Bond. When she was arrested she did
7 turn herself in and that morning she was granted an O. R.
8 bond. We feel that the full 30 days would be
9 appropriate.

10 Mr. Adderley does not wish to be heard on
11 sentencing; however, he has asked me to speak on his
12 behalf and he has asked for Ms. Adderley to receive the
13 full 30 days as well. And I do have the sentencing
14 sheet, Your Honor.

15 THE COURT: I want to make sure that I didn't
16 mislead anyone. I understand the rule of criminal
17 procedure that allows 10 days for posttrial motions. I'm
18 not saying you can't make them.

19 MS. CAMPBELL: All right.

20 THE COURT: But normally in criminal court I hear
21 them immediately. So I'm not saying the rule is not
22 applicable or not possible to make motions. And what
23 would you like to tell me about the sentencing?

24 MS. CAMPBELL: I can speak to the sentencing, Your
25 Honor, and then I just had a question for the State about

1 the statutory numbers and the CDR codes on the sentencing
2 sheet.

3 Your Honor, Alicia Adderley, as you have heard, is
4 a mother and she has a job and she supports her children,
5 five of whom are minor children in her home. She is the
6 sole provider not just financially but supervisory for
7 those five children.

8 The Court is permitted to consider the 40 some
9 years now that Ms. Adderley has given to this community
10 of good conduct of behavior that demonstrates a respect
11 for the law, a respect for others. And we would ask Your
12 Honor to sentence Ms. Adderley to a sentence of time
13 served.

14 If Your Honor were inclined to sentence her to some
15 period of time in the detention center we would ask that
16 it be some number of days that she could serve on the Day
17 Watch Program which is part of our detention center on
18 the weekends when she might be able to secure the
19 assistance, as Your Honor can see, of friends and family
20 to come into that home and to supervise and to watch the
21 five children who are still under the age of 18. As you
22 are aware, two of those children are very minor children,
23 the ages of eight and five.

24 And so I don't see the real, you know, criminal
25 procedure, you know, criminalological purpose in locking

1 her up. She's shown herself to be of good character and
2 has no criminal record whatsoever.

3 As Your Honor is aware, the turmoil and the trauma
4 of the disillusion and disillusionment when a marriage
5 begins to disintegrate takes its toll on everyone and I'd
6 ask Your Honor for mercy and compassion not just for
7 Alicia but for the children that are her wards. Thank
8 you, Your Honor.

9 THE COURT: Thank you.

10 Do you want to say anything, Ms. Adderley?

11 THE DEFENDANT: No, sir.

12 THE COURT: You did not spend any time in jail?

13 THE DEFENDANT: I turned myself in that morning at
14 4:00 and I think I was out by 11:00.

15 THE COURT: Okay. What days of the week do you
16 work?

17 THE DEFENDANT: I work six days a week. I'm only
18 off on Saturdays.

19 THE COURT: What did you say about Saturdays?

20 THE DEFENDANT: I'm off on Saturdays.

21 THE COURT: So you work Sunday through Friday then
22 you're off Saturday?

23 THE DEFENDANT: Yes, sir.

24 (PAUSE.)

25 THE COURT: If there's nothing further, the

1 sentence of the Court is that you be committed to
2 Beaufort County Jail for 30 days, plus costs and
3 assessments. You may serve your time on weekends or on
4 the Day Watch Program around your work schedule beginning
5 March the 28th, 2015. Pay your court costs at the rate
6 of \$10 a month beginning May the 1st, 2015. You're given
7 credit for one day time served.

8 You are prohibited under federal law from
9 possessing, shipping, transporting or receiving any type
10 of firearm or ammunition. Pay your court costs at \$10 a
11 month beginning May 1st, 2015, if I didn't already say
12 that. You understand the sentence, ma'am?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Good luck to you.

15 (WHEREUPON, the trial was concluded.)

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C E R T I F I C A T E

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I, Sharon L. Vizer, Official Court Reporter for the
14th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete transcript of record of all the proceedings had
and the evidence introduced in the trial of the captioned
case in Circuit Court on the 17th, 18th, and 19th day of
March 2015.

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

July 10, 2015

s/Sharon L. Vizer

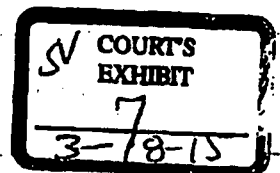
SHARON L. VIZER

CIRCUIT COURT REPORTER

Requirements for self defense
that were read by Judge

Difference by definition of
two guilty charges

Daval Omante



STATE OF SOUTH CAROLINA	)	FOURTEENTH JUDICIAL CIRCUIT
	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF BEAUFORT	)	2013GS0700788 CDVHAN
STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	DEFENDANT'S REQUEST TO CHARGE
	)	SELF DEFENSE and DEFENSE OF OTHERS
ALICIA ADDERLEY,	)	
Defendant.	)	
_____	)	

Now comes the defendant and hereby requests that the Honorable Court charge the jury as follows:

SELF DEFENSE AND DEFENSE OF OTHERS

The defendant has raised the defense of self-defense and defense of others.

The State of South Carolina has the burden of disproving self-defense beyond a reasonable doubt.

I charge you that the Defendant is presumed innocent and never has to prove herself innocent. In the case of **Self-Defense**, the State must prove to you that the Defendant did, in fact, not act in self-defense and the State of South Carolina must prove this to you beyond a reasonable doubt.

I charge you that a person in South Carolina is justified in using force which is intended or likely to cause death or great bodily harm if she reasonably believes that such force is necessary to prevent death or great bodily injury to herself or a third person.

Self-defense is a complete defense.

If you have a reasonable doubt as to the defendant's guilt after considering all the evidence including the evidence of self-defense, then you must find her not guilty.

On the other hand, if you have no reasonable doubt of the defendant's guilt after considering all the evidence including the evidence of self-defense then you must find her guilty.

I further charge you that in making your determination as to whether the State of South Carolina has disproved that the defendant acted in self defense and disproved this beyond a reasonable doubt you may consider the following laws on self defense and defense of others. Remember, I charge you that the defendant never has the burden of proof in a criminal case.

First, the defendant must be without fault in bringing on the difficulty.

Second, the defendant was actually in imminent danger of death or serious bodily injury

or

The defendant actually believed she was in imminent danger of death or serious bodily injury.

If the defendant was actually in imminent danger, it must be shown that the circumstances would have warranted a person of ordinary firmness and courage to strike the fatal blow to prevent death or serious bodily injury.

If the defendant believed she was in imminent danger of death or serious bodily injury, it must be shown that a reasonably prudent person of ordinary firmness and courage would have had the same belief.

In deciding whether the defendant actually was, or believed she was, in imminent danger of death or serious bodily injury, you should consider all the facts and circumstances surrounding the event.

The defendant does not have to show that she was actually in danger.

It is enough if the defendant believed she was in imminent danger and a reasonably prudent person of ordinary firmness and courage would have had the same belief.

The defendant has the right to act on appearances even though the defendant's beliefs may have been mistaken.

It is for you to decide whether the defendant's fear of immediate danger of death or serious bodily injury was reasonable and would have been felt by an ordinary person in the same situation.

I further charge you that:

If the defendant is justified in defending herself or others and in striking the first blow to do so, then the defendant is also justified in continuing to strike until it is apparent that the danger of death or serious bodily injury has completely ended.

Additionally, once the defendant's right to strike in self-defense arises, she is not required to wait until her adversary is on equal terms or until her adversary has fired or aimed a weapon or struck a blow.

The law of self-defense and defense of others in South Carolina does not require that the defendant wait until her assailant gets the drop on her and the defendant has the right to act under the law of self-preservation and prevent her assailant getting the drop on her.

Evidence of prior difficulties between Mrs. Adderley and Mr. Adderley may be considered in deciding whether a threat existed, whether Mrs. Adderley had a reason to believe a threat existed, and how serious that threat was.

Threats made by Mr. Adderley may be considered in determining whether Mrs. Adderley actually was, or believed she was, in imminent danger.

Additionally, the defendant had no duty to retreat if, by doing so, the danger of being killed or suffering serious bodily injury would increase.

Also, in South Carolina, a person cannot be required to make an exact calculation as to the degree or amount of force which may be needed to avoid death or serious bodily harm.

Therefore, in self-defense, the defendant has the right to use the force needed to avoid death or serious bodily harm. The force used in self-defense does not have to be limited to the degree or amount of force used by the victim. The defendant has the right to use so much force as appeared to be necessary for complete self-protection, and which a person of ordinary reason and firmness would have believed to be needed to prevent death or serious bodily harm.

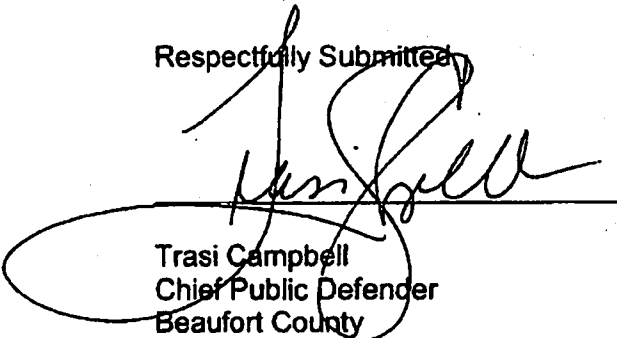
Words accompanied by hostile acts may, depending on the circumstances, establish self-defense.

Additionally, I charge you that in South Carolina the defendant is entitled to the protections afforded by the "castle doctrine" and "the protection of person's and property act"

thus,

1. if the defendant is not engaged in an unlawful activity
2. and the defendant is in a place that he has a right to be
3. then he has no duty to retreat and
4. the defendant has the right to stand his ground and
5. meet force with force, including deadly force,
6. if he reasonably believes it is necessary to prevent death or great bodily injury to himself or another person".

Respectfully Submitted,


 Trasi Campbell
 Chief Public Defender
 Beaufort County
 Attorney for the Defendant

3-16, 2015
 Beaufort, SC

State v. Davis, 282 S.C. 45, 317 S.E.2d 452 (1984).
State v. Burkhardt, 350 S.C. 252, 565 S.E.2d 298 (2002).
State v. Fuller, 297 S.C. 440, 377 S.E.2d 328 (1989).
State v. Hendrix, 270 S. C. 653, 244 S.E.2d 503 (1978).
State v. Burriss, 334 S.C. 256, 513 S. E.2d 104 (1999).
State v. Jackson, 227 S.C. 271, 87 S.E.2d 681 (1955).
State v. Gandy, 113 S.C. 147, 101 S.E.2d 644 (1919).
State v. Rash, 182 S.C. 42, 188 S.E. 435 (1936).
State v. Harvey 220 S.S. 506, 68 S.E.2d 409 (1951).
State v. Mason, 115 S.S. 214, 105 S.E. 286 (1920).
Douglas v. State, 332 S.C. 67, 504 S.E.2d 310 (1998).
 16-11-410-450 SC Code of Laws

WITNESSES

A. Massey- PRPD

DOCKET NO. 2013GS0700788

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

August Term 2013

ARREST WARRANT NUMBER

2013A0720400099

RECEIVED

MAR 31 2015

SC Court of Appeals

THE STATE

vs.

Alicia Adderley

ACTION OF GRAND JURY

True Bill

Rod C

Foreperson of Grand Jury
Date:

VERDICT

GUILTY OF CRIMINAL DOMESTIC
VIOLENCE (1ST OFFENSE)

(SIMPLE) / (LESSER INCLUDED)

Foreperson of Petit Jury
Date:

INDICT

3/18/15

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

Indictment for

Criminal Domestic Violence of a High and Aggravated Nature

SC Code: 16-25-0065
CDR Code:2988

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2013GS0700788

At a Court of General Sessions, convened on August 22, 2013 the Grand Jurors of Beaufort County present upon their oath:

Criminal Domestic Violence of a High and Aggravated Nature

That in Beaufort County, South Carolina, on or about April 27th, 2013, the Defendant, Alicia Adderley, did cause physical harm or injury to the victim, Terrence Adderley, a household member of the Defendant, or did offer or attempt to cause physical harm or injury with apparent present ability under circumstances reasonably creating fear of imminent peril to Terrence Adderley. Said assault or battery involved the use of a deadly weapon, resulted in serious bodily injury to the victim or would reasonably have caused a person to fear imminent serious bodily injury or death; all in violation of Section 16-25-65, Code of Laws of South Carolina (1976 as amended).

RECEIVED
MAR 31 2015
SC Court of Appeals

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Lucas M. Shivers

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

January 13, 2016


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