

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM MARLBORO COUNTY

Michael G. Nettles, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ROEMAIN JAMAIL BRUNSON,

APPELLANT

APPELLATE CASE NO. 2014-002665

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE'S EXHIBIT #26 (DVD)**

1 STATE OF SOUTH CAROLINA
2 COUNTY OF MARLBORO

COURT OF GENERAL SESSIONS

4 STATE OF SOUTH CAROLINA,
5 PLAINTIFF,
6 vs.
7 ROEMAIN JAMAIL BRUNSON,
8 DEFENDANT.

TRANSCRIPT
OF
RECORD

2013-GS-34-626-628
2013-GS-34-630

November 18th, 2014
Bennettsville, South Carolina

B E F O R E:

THE HONORABLE MICHAEL G. NETTLES, Judge.

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Transcribed by Pamela E. Green, Circuit Court Reporter

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Doctor Jeffrey Musick - Direct examination
by Solicitor David

P R O C E E D I N G S

SOLICITOR DAVID: This is Roemain J. Brunson. Docket Number 2013-GS-34-0626 for an attempted murder, 2013-GS-34-0627 for a second attempted murder, 2013-GS-34-0628 for possession of a weapon during a violent, violent crime, 0629 for burglary in the first degree, and 0630 for kidnapping.

THE COURT: All right. I'm ready to go when you are.

SOLICITOR DAVID: The State would like to begin by calling our witness, Doctor Musick.

DOCTOR JEFFREY MUSICK, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY SOLICITOR DAVID:

Q Good morning.

would you please state your full name for the record?

A Jeffrey Earl Musick.

Q And where do you live?

A Columbia, South Carolina.

Q Okay. And can you please tell the Court about any education you have?

A I have a Bachelor's Degree in Psychology from Miami University. I have a Master's Degree in Clinical Psychology from the University of Florida, and I have a Doctorate in

Doctor Jeffrey Musick - Direct examination
by Solicitor David

1 Clinical Psychology from the University of Florida.

2 I'm also board certified as a forensic psychologist by
3 the American Board of Professional Psychology and licensed
4 as a psychologist in the State of South Carolina.

5 Q All right. Thank you.

6 And where are you currently employed?

7 A I'm employed in, in Columbia by the South Carolina
8 Department of Mental Health in their forensic evaluation
9 service.

10 Q And how long have you been employed there?

11 A Approximately 14 and a half years.

12 Q Now, in your employment, do you conduct mental
13 evaluations?

14 A Yes, on a regular basis.

15 Q And have you ever had to testify in Court regarding a
16 mental evaluation?

17 A Yes.

18 Q About how many times?

19 A Approximately 50 to 60 times.

20 SOLICITOR DAVID: At this time, Your Honor, the State
21 would like to have Doctor Musick qualified as an expert in
22 forensic psychology.

23 THE COURT: Any objections?

24 MS. SWILLEY: No, Your Honor.

25 THE COURT: All right. The motion is granted.

Doctor Jeffrey Musick - Direct examination
by Solicitor David

1 Q Now, Doctor Musick, did you receive an order from the
2 Court to examine the defendant, Mr. Brunson?

3 A I did.

4 Q And what information did you obtain prior to this
5 examination?

6 A Prior to interviewing Mr. Brunson I reviewed several
7 sets of records including the Court order for the competency
8 to stand trial evaluation, an incident and supplemental
9 incident report from the Marlboro County Sheriff's Office.
10 I reviewed affidavits, arrest warrants, and indictments
11 related to the alleged offenses. I reviewed a rights form
12 for Mr. Brunson. I reviewed a CD of photographs from the
13 incident location. I reviewed DVDs of a statement from
14 Mr. Brunson as well as statements from Mr. Fred David and
15 Ms. Wanda Johnson.

16 I reviewed a Marlboro County Sheriff's Office case
17 summary, a -- I reviewed some Marlboro County Court of
18 General Sessions transcripts. I reviewed some handwritten
19 letters and Court filings by Mr. Brunson. I reviewed Mr.
20 Brunson's criminal history record. I reviewed records on
21 Mr. Brunson from Marlboro Park Hospital and from Tri-County
22 Community Mental Health Center. I reviewed records on
23 Mr. Brunson from the Marlboro County Sheriff's Office
24 Detention Facility.

25 I reviewed a social work assessment conducted by the

Doctor Jeffrey Musick - Direct examination
by Solicitor David

1 Department of Mental Health, and those are the records I
2 reviewed prior to interviewing Mr. Brunson.

3 Q Was all of that sent together to you as one packet?

4 A No, I think that the, the legal and investigative
5 records were one packet, but I think we obtained records
6 from Marlboro Park Hospital and Tri-County Mental Health
7 Center and the detention facility separately.

8 Q Thank you.

9 Now, when was this examination done?

10 A I interviewed Mr. Brunson on August 29th of this year
11 and I also interviewed him again this morning.

12 Q And on each occasion how much time did you spend with
13 him?

14 A On August 29th I spent approximately three hours with
15 him, and this morning I spent approximately 40 minutes with
16 him.

17 Q Now, Doctor Musick, are you familiar with the legal
18 standards for competency to stand trial?

19 A Yes.

20 Q And what was done to determine whether or not this
21 defendant, Mr. Brunson, was competent to stand trial?

22 A I, I reviewed his records and I interviewed him in
23 regard to his understanding of the proceedings against him
24 and his ability to assist an attorney in his own defense.

25 Q Did you discuss the charges against him?

Doctor Jeffrey Musick - Direct examination
by Solicitor David

1 A With him?

2 Q Yes.

3 A Yes.

4 Q Were you guys able to define the charges against him?

5 A Yes, he was aware of the charges against him.

6 Q Did he know the possible penalties?

7 A This morning he said that he is facing up to 30 years
8 in prison or approximately 30 years in prison. But it came
9 to my understanding later, through Ms. Swilley, that he's
10 actually facing up to life in prison. But I don't think
11 there's anything that precludes him from understanding that
12 his maximum possible sentence would be life rather than 30
13 years.

14 Q Yes, sir.

15 Does he know the duties of the judge, the duties of the
16 solicitor, and the duties of his attorney?

17 A Yes.

18 Q Did he know the difference between a plea of guilty and
19 a plea of not guilty?

20 A Yes.

21 Q Do you think he was able to appreciate the seriousness
22 of his charges?

23 A Yes.

24 Q Do you think he knows how to control his behavior in
25 court?

Doctor Jeffrey Musick - Direct examination
by Solicitor David

1 A Yes.

2 Q The second set of questions kind of goes along the
3 lines of whether or not you think he's able to assist in his
4 own defense.

5 Do you think he has the ability to disclose relevant
6 case facts to his attorney?

7 A Yes, I think he has the ability to do so.

8 Q Do you think he accepts and trusts his attorney's case
9 preparation?

10 A Yes, he, he indicated that he trusts his attorney and
11 believes that she is trying to help him.

12 Q Do you think he has the ability to follow trial
13 testimony?

14 A Yes.

15 Q Do you think he has the ability to testify in court?

16 A Yes, if he so chooses.

17 Q Do you think that he's aware that his attorney wants
18 the best possible outcome for his case?

19 A Yes.

20 Q Now, I do have one other question -- well, I have a few
21 other questions.

22 Do you see any evidence or is there any need to send
23 the defendant to the Department of Disability and Special
24 Needs?

25 A No, I saw no indication that he may have an

Doctor Jeffrey Musick - Direct examination
by Solicitor David

1 intellectual disability or related disorder.

2 Q Any mental retardation present?

3 A No.

4 Q What is your opinion about the defendant's competency
5 to a medical degree of reasonable certainty?

6 A My opinion is that Mr. Brunson is competent to stand
7 trial.

8 Q And, in this examination, did you create a report?

9 A Yes, I did.

10 Q I show you what will be marked as State's Exhibit No.
11 1.

12 Do you recognize it?

13 A Yes, this is the report that I wrote based on my
14 evaluation of Mr. Brunson on August 29th, 2014.

15 Q Is it in the same form as originally done by you?

16 A Yes.

17 Q Has it been altered or changed in anyway?

18 A Not based on my, my quick glance of it.

19 SOLICITOR DAVID: Your Honor, at this time the State
20 would move to have the competency report done by Doctor
21 Musick admitted into evidence.

22 THE COURT: Any objections?

23 MS. SWILLEY: No objection.

24 THE COURT: The report is into evidence as State's No.

25 1.

Doctor Jeffrey Musick - Direct examination
by Solicitor David

1 (WHEREUPON, the report was marked as State's Exhibit
2 No. 1 and received into evidence at this time.)

3 Q And, at this time, Doctor Musick, the State would move
4 that you answer any questions the defense may have for you.

5 THE COURT: Okay. You may cross-examine.

6 MS. SWILLEY: Thank you very much.

7 CROSS-EXAMINATION

8 BY MS. SWILLEY:

9 Q Good morning, Doctor Musick.
10 How are you?

11 A Good morning. Great. Thank you.

12 Q You and I have actually spoken before, isn't that true?

13 A Yes.

14 Q About Mr. Brunson?

15 A Yes, on more than one occasion.

16 Q And when you were having your discussions with
17 Mr. Brunson, you said that he understands the charges
18 against him.

19 Is that correct?

20 A Yes.

21 Q Okay. And you said that he did tell you the penalties
22 associated with it was mistaken initially?

23 A Right, and he initially said he was, he was facing
24 approximately 30 years, and you later indicated to me that
25 he was actually facing up to life in prison.

Doctor Jeffrey Musick - Cross-examination
by Ms. Swilley

1 Q I'd like to focus mainly on his, his communications
2 with you concerning his attorney, both Mr. Steen, who is my
3 predecessor, and also myself.

4 When you were talking to Mr. Brunson, did he express
5 concerns of ever talking to his attorneys?

6 A I'm sorry, did he express --?

7 Q Concerns or hesitation over speaking with his attorney
8 about the facts of the case.

9 A Yes, he, he indicated that he, he did not want to go
10 over his account of the case with you.

11 Q It's your understanding that Mr. Brunson does not want
12 to talk about the facts of this, his trial with his
13 attorney?

14 A That's, that's correct.

15 Q Okay. However, Mr. Brunson told you that he does trust
16 me, correct?

17 A He did say that today, yes.

18 Q Okay. When Mr. Brunson -- when you went over his
19 rights with him at trial, he understood the roles of the
20 members of the Court correctly, correct?

21 A Yes.

22 Q However I'd like to turn your attention to Page 7 of
23 your report specifically where he's talking about
24 testifying.

25 Could you please tell the Court what his understanding

Doctor Jeffrey Musick - Cross-examination
by Ms. Swilley

1 of his testimony will be?

2 A where, where on Page 7 are you?

3 Q The last full paragraph at the bottom of Page 7.

4 A Should I just read what's --?

5 Q How -- I'm sorry. Paraphrase or read.

6 A I'll read. Mr. Brunson said that he will not testify
7 because he is quote -- he is "the wrong suspect." However,
8 he indicated that he wants to take the stand to verbally
9 exercise his Fifth Amendment right to remain silent because
10 he believes that if he does not say anything in Court he
11 would appear "arrogant" and "sympathetic -- "unsympathetic."

12 Q Okay. So, it's your understanding that he wishes to
13 take the witness stand, but not testify?

14 A That's my understanding that he wishes to take the
15 witness stand in order to basically tell the Court that
16 he---

17 Q wishes to plead the Fifth?

18 A wishes to plead the Fifth and not testify.

19 Q Speaking about the facts of the case, were you able to
20 talk to Mr. Brunson about the underlying facts of the
21 allegation?

22 A No, he didn't -- he, he told me that he did not want to
23 discuss that. In August he said that the reason was because
24 Mr. Steen, his former public defender, told him not to
25 discuss the case with anyone.

Doctor Jeffrey Musick - Cross-examination
by Ms. Swilley

1 Q So he would not discuss the case with you at all?

2 A No.

3 Q The facts?

4 A Not the facts of the case.

5 Q And Mr. Brunson, in your opinion, understands procedure
6 of Court correctly?

7 A Yes, sufficiently.

8 Q Okay. His demeanor with you, could you describe it?

9 A Mr. Brunson's demeanor with me was, was appropriate.
10 He was -- none of his expressed emotions were unusual for
11 the topics of discussion. He was on topic when answering
12 questions. He was polite. He was cooperative.

13 Q Thank you.

14 Did the issue of his indictments come up during your
15 conversation?

16 A Yes, I asked him something about his indictments.

17 Q Because he alleged that they were falsified, correct?

18 A Yes, that was something that was listed I believe in
19 the Court order for the evaluation, and I followed up on --
20 followed up on that in my interview with him on
21 August 29th.

22 Q And how did he explain to you that the indictments were
23 falsified?

24 A And I'll refer to my report again in answering.

25 Q Yes, sir.

Doctor Jeffrey Musick - Cross-examination
by Ms. Swilley

1 A He explained that he regards the indictments as false
2 because the evidence for them is inadequate, that they are
3 based on "he said she said" evidence. Not "hard evidence."

4 Q Also do you recall having discussions with him about
5 transcripts which were altered?

6 A Yes.

7 Q Could you refer to that please?

8 A Sure. Yeah, the -- this is also from the Court order.
9 He, he accused his former attorney, Mr. Steen, and the court
10 reporter of altering his Court transcript. During the
11 evaluation of August, of August 29th, Mr. Brunson said
12 that the transcript was not properly stamped, had omissions,
13 and reworded his statements. He indicated, however, that
14 these could merely be mistakes, that he is not making an
15 "issue" out of these concerns and that he just wants to have
16 his trial.

17 Q Isn't it true that Mr. Brunson believed that Ms. Mia
18 David was the daughter of one of the victims?

19 A Well, he had a concern about that. Let me refer to my
20 report to see if that was an actual belief or not.

21 Yeah, the Court order for the evaluation indicates that
22 Mr. Brunson accused the solicitor on his case of being the
23 daughter of one of the victims apparently because they have
24 the same last name. During the current evaluations, as the
25 August 29th evaluation, he says that he does not know

Doctor Jeffrey Musick - Cross-examination
by Ms. Swilley

1 whether the solicitor is the victim, is a victim's daughter.
2 He indicated that if she is his daughter, he wants her off
3 the case, but it is "no big deal" if she is not.

4 Q Thank you.

5 Finally, you examined the records from Tri-County
6 Mental Health Center from 2011 and also Marlboro Park
7 Hospital from 2011.

8 In those reports I read that he was given antipsychotic
9 drugs and also was diagnosed with reactive psychosis.

10 Did you notice any of the same behaviors which would
11 lead one to diagnose Mr. Brunson with these currently?

12 A No, I didn't see any indications of psychotic symptoms
13 in Mr. Brunson, and, in fact, the Marlboro Park Hospital
14 records seem to indicate that the psychosis was related to
15 marijuana or some adulterant that had been put in marijuana
16 in that marijuana was detected in his system at the time of
17 his hospitalization.

18 Q So, it's likely that his psychosis was just temporary
19 and not continues today -- would not continue today?

20 A Yes, based on those records.

21 Q Okay. Those are all the questions I have. Thank you
22 very much.

23 A Thank you.

24 THE COURT: Any redirect?

25 SOLICITOR DAVID: Nothing further, Your Honor.

Doctor Jeffrey Musick - Cross-examination
by Ms. Swilley

1 THE COURT: All right. You may step down. Thank you
2 for coming. Appreciate you testifying.

3 THE WITNESS: Thank you, Your Honor.

4 THE COURT: Have a good day.

5 THE WITNESS: You too.

6 THE COURT: Any other witnesses?

7 SOLICITOR DAVID: None from---

8 THE COURT: Anything from the defense?

9 MS. SWILLEY: Yes, Your Honor.

10 I'd like to call Mr. Roemain Brunson.

11 THE COURT: All right.

12 ROEMAIN BRUNSON, being first duly sworn,
13 testified as follows:

14 THE CLERK: Be seated in the witness box.

15 (Witness complies.)

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

17 DIRECT EXAMINATION

18 BY MS. SWILLEY:

19 Q would you state your full name please?

20 A Roemain Jamail Brunson.

21 Q Thank you very much.

22 Mr. Brunson, how are you today?

23 A Doing fine.

24 You?

25 Q I'm very well.

Roemain Brunson - Direct examination
by Ms. Swilley

1 what do you have in your hand there, sir?

2 A Oh, my, my legal documents.

3 Q Your legal documents?

4 A Yes, ma'am.

5 Q Mr. Brunson, how many times would you say that you and
6 I have seen each other?

7 A Approximately four times.

8 Q Four times.

9 We're -- you're currently at the Marlboro County
10 Detention Center, is that correct?

11 A Correct.

12 Q Has there been an opportunity when I've come to see you
13 at the detention center where you would not come out of your
14 cell?

15 A Correct.

16 Q When you and I have had our meetings, have you decided
17 to talk to me about any of the facts of the case?

18 A Negative.

19 Q You have not talked to me about any of the facts of
20 your case, is that right?

21 A Correct.

22 Q Okay. I want to ask you a few questions from this
23 evaluation.

24 A Okay.

25 Q Originally, before I became your attorney, you alleged

Roemain Brunson - Direct examination
by Ms. Swilley

1 that the transcripts had been altered.

2 Do you remember that?

3 A Correct.

4 Q would you like to explain how the transcripts were
5 altered?

6 A Yes, I will.

7 Q Okay.

8 A It just -- I, I know what, I know what I stated
9 verbatim and when I read the transcript it wasn't what I
10 stated verbatim.

11 Q So it was different than what you had said in court?

12 A Correct, and also what Judge Cunningham had said in
13 court also.

14 Q So, you have problems with what was taken down in
15 court, is that right?

16 A Negative. I have problems with the transcript I was
17 given.

18 Q Okay. Do you remember filing several motions to the
19 clerk of court before I became your attorney?

20 Like do you remember writing out motions and filing
21 them with the clerk of court?

22 A Yes.

23 Q Why were you filing motions with the clerk of court
24 when you had an attorney?

25 A Because I know I -- how, how to write to be able to do

Roemain Brunson - Direct examination
by Ms. Swilley

1 something cause I'm, I'm also a part of my defense attorney,
2 my defense team.

3 Q Okay. Mr. Brunson, in the report you talked about your
4 right to testify in Court at trial.

5 Do you understand that you have a right to testify at
6 trial in your own defense?

7 A Yes.

8 Q Do you understand that you do not have to testify in
9 your own defense?

10 A Yes.

11 Q And you understand that this wouldn't be held against
12 you, right?

13 A Yes.

14 Q So, would you please explain to the judge your idea of
15 testifying, what that means?

16 A I just want to -- I wanted to address the members of
17 the jury and let them know that, in my defense, I, I,
18 Roemain J. Brunson, exercise my Fifth Amendment right to, to
19 remain silent. The reason doing so is I want to let them
20 know that, during the trial, they gonna hear allegations and
21 accusations brought up against me, and I don't want them to
22 look at me not stand up looking arrogant, looking arrogant
23 and unsympathetic.

24 So, I want to go and let them know that they gonna hear
25 this, and, in my defense, I'm gonna go ahead and plead the

Roemain Brunson - Direct examination
by Ms. Swilley

1 Fifth. So --.

2 Q Do you understand that if you take the Fifth Amendment,
3 which is your right to do, you will not testify?

4 Do you understand that?

5 A Yes.

6 Q So, you understand that you will not be sitting in that
7 witness chair at trial and you will not be saying that you
8 take the Fifth Amendment?

9 Do you understand that?

10 A No, no, no, no. I have -- no. It say you have to
11 exercise your Fifth Amendment right. Sitting at the defense
12 table is not exercising your Fifth Amendment right.

13 Q Okay. Do you know Ms. Mia David?

14 A Yes, I do.

15 Q Do you think that she's related to the victim?

16 A It was just a concern of mine.

17 Q But you don't believe that now?

18 A I haven't been prove -- I haven't been proven -- I
19 haven't seen any credentials or anything stating that she's
20 not. So, I'm still concerned about it.

21 Q You're still concerned about it.

22 Okay. Mr. Brunson, do you know what the maximum
23 penalty is for your charges?

24 A I was told today life.

25 Q Life. Yes.

Roemain Brunson - Direct examination
by Ms. Swilley

1 Do you understand that you had a plea agreement offered
2 to you?

3 A Yes.

4 Q And you chose not to take it, correct?

5 A Correct.

6 Q Okay. So without talking specifically -- oh, one more
7 thing. I'm sorry.

8 You, you do know that there is a body of evidence
9 against you also known as your Rule 5?

10 Do you know that?

11 A Yes.

12 Q Part of your Rule 5 is statements from the alleged
13 victims.

14 Do you know that?

15 A Yes.

16 Q Isn't it true, Mr. Brunson, that you have refused to
17 look at or hear in anyway that evidence with your attorney?

18 A Yes.

19 Q Okay. Isn't it also true, Mr. Brunson, that you said
20 that you didn't want to see me until our trial date and I
21 didn't need to come see you at the detention center?

22 A Negative. You asked me -- well, not verbatim. But you
23 asked me when do you, when do you want me to come back and I
24 say come back to me whenever they get ready to drop the
25 charges.

Roemain Brunson - Direct examination
by Ms. Swilley

1 Q Right.

2 So, you -- do you remember telling me, at the detention
3 center, that you didn't want to -- you didn't need to talk
4 to me anymore until your trial?

5 A Yes.

6 Q Okay. I think that's all the questions I have.

7 A Oh, wait.

8 Q Wait.

9 A Excuse me.

10 Q Wait.

11 Ms. David is gonna ask you some questions. I know that
12 you want to talk to the judge, and the judge is gonna let
13 you talk to him at the end.

14 A No, I need to ask -- I need, I need -- I want to
15 comment on a previous question you asked me about the
16 transcript.

17 Q Yes, sir.

18 Go ahead.

19 A In the transcript, what was also altered was the
20 Honorable Judge Cunningham granted me 90 days to be tried in
21 a lawful court by the State of South Carolina, and that was
22 on Thursday, January the 30th, 2014, and those 90 days was
23 exhausted on Wednesday, April 30th, 2014. So, I have, I
24 have exhausted those 90 days to be tried in lawful court by
25 the State, and then there was no legal complexity brought up

Roemain Brunson - Direct examination
by Ms. Swilley

1 against me within those 90 days for a mental evaluation.

2 Also, Doctor, Doctor, Doctor Musick was asked by
3 Solicitor Mia David what -- did he receive the, the, the
4 motion, the motion for the, the mental evaluation. However,
5 that motion was not, was not executed on the minutes brought
6 before any, before any judge. So I can't even appeal those
7 minutes.

8 So, they saying that the motion for the, for the
9 speedy, for the mental evaluation is -- was brought up, but
10 I wasn't brung -- I wasn't summoned before no Court and it
11 is not on the minutes. So, I can't plead -- appeal it.

12 Q Thank you. Answer any questions Ms. David might have.
13 okay?

14 A All right. Thank you.

15 THE COURT: Solicitor.

16 SOLICITOR DAVID: Yes, sir.

17 CROSS-EXAMINATION

18 BY SOLICITOR DAVID:

19 Q Good morning, Mr. Brunson.

20 Do you understand the proceedings that are taking place
21 right now?

22 A Yes, ma'am.

23 Q And do you understand what charges the State has
24 presented against you?

25 A Yes, I do.

Romain Brunson - Cross-examination
by Solicitor David

1 Q And, finally, do you think you're able to assist Ms.
2 Swilley in preparing for your trial?

3 A Yes, I do.

4 Q Thank you.

5 No further questions at this time.

6 THE COURT: All right. Anything further?

7 MS. SWILLEY: No, Your Honor.

8 THE COURT: You may step down. Thank you.

9 Do you have any other witnesses?

10 You can call them at this time.

11 MS. SWILLEY: I don't have any, any further witnesses,
12 but I would like to address the Court in summary if Your
13 Honor please.

14 THE COURT: Now will be fine.

15 Anything you want to say, solicitor?

16 SOLICITOR DAVID: Your Honor, at this time the State
17 does think that the defendant is competent to stand trial.
18 He appears to articulate a reasonable intelligent reason
19 for, for exercising his Fifth Amendment right. The State
20 does think there may be some confusion as to whether or not
21 that right is exercised from the table or from the stand,
22 but he does understand that the Fifth Amendment is his right
23 to remain silent.

24 Your Honor, I would like to address the issue as to
25 whether or not I'm related to the victim. The victim's name

1 is Mr. Fred David and he is present in the courtroom. My
2 father's name is Mr. Freddie David. I can guarantee you
3 this man is not my father.

4 I, I did -- it was addressed with the attorney general,
5 Mr. Brunson sent the letter to the attorney general, and my
6 boss, Mr. Will Rogers, did have me respond, and so that is
7 cleared up for our record.

8 Doctor Musick spoke on temporary psychosis, but nothing
9 that would be a permanent problem, and so as far as the
10 State is concerned, we did ask Mr. Brunson whether or not he
11 would be able to assist Ms. Swilley in preparing for his
12 defense and he did just say yes.

13 THE COURT: All right. Thank you.

14 Ms. Swilley.

15 MS. SWILLEY: Thank you very much, Your Honor.

16 I would first like to say, on behalf of my client, that
17 he did not ultimately move without a motion. He expressed
18 to his previous attorney that he wanted to move the Court
19 for his trial as soon as possible.

20 That being said, I still have serious reservations
21 about his capacity to understand and to cooperate with his
22 attorney. I understand that Doctor Musick's report reflects
23 his opinion, but it's this Court's ultimate opinion which
24 decides whether or not he goes forward with a trial.

25 The concerns I have lie mostly with his communications

1 with his attorney in that we have -- I have met with him
2 several times as he indicated, and he will not discuss
3 anything relating to his trial with me. He's not rude about
4 it. He's very polite about it, very respectful about it.
5 But he will not discuss anything. He refuses to see any
6 kind of evidence in the Rule 5 against him, and most -- and
7 it is often, more often than not, that he does not want to
8 come out of his cell at all from the Marlboro County
9 Detention Center to come meet with me. He has told me that
10 he will see me on the trial date, and essentially I am
11 forced to try to prepare for this trial without any
12 assistance from him whatsoever.

13 I would ask this Court offer some kind of relief or
14 discussions with my client to try and prompt him into
15 cooperations with that as my objection is that he's not
16 cooperating with his attorney. I'm not entirely sure
17 whether or not that's because of internal paranoia or what
18 else he may have, but that is my concern at this time, Your
19 Honor.

20 THE COURT: All right. Based on the evidence presented
21 at this hearing, this Court hereby finds that the defendant
22 is competent to stand trial, and whether he wants to help
23 himself is another issue. Just like any student out there
24 in the class, if they have a test tomorrow that they don't
25 want to study for the test, obviously, probably they're not

1 gonna do well. But if they study hard, that might make an
2 A. That's his choice as to if he wants to help himself and
3 help you, but I appreciate what you're doing and understand
4 what you're saying.

5 All right. That concludes this hearing.

6 SOLICITOR DAVID: Thank you, Your Honor.

7 THE COURT: Thank you.

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10 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

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State of South Carolina	)	In the Court of General Sessions
	)	Fourth Judicial Circuit
County of Marlboro	)	2013-GS-34-0626
		2013-GS-34-0627
		2013-GS-34-0628
		2013-GS-34-0629
		2013-GS-34-0630

State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Transcript of Record
	)	
Roemain Brunson,	)	
	)	
Defendant.	)	
	)	
	)	

December 8, 2014
Bennetttsville, South Carolina

B E F O R E:

The Honorable Michael G. Nettles, Judge

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

Mia B. David, Assistant Solicitor
Mary Thomas Johnson-Lee, Assistant Solicitor
Attorneys for Plaintiff

Julie R. Swilley, Esquire
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Circuit Court Reporter

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVID.</u>
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TRANSCRIPT OF RECORD

(Whereupon, the proceeding was commenced at 9:33 a.m.)

THE COURT: Ms. Davis, you are recognized. You may call your first case.

MS. DAVIS: May it please the Court: Your Honor, the state would now like to call the *State v. Roemain J. Brunson*, Docket No. 2013-GS-34-0627 for an attempted murder; 2013-GS-34-0626 for a second count of attempted murder; 2013-GS-34-0628 for possession of a weapon during the commission of a violent crime; 2013-GS-34-0629 for burglary in the first degree; and 2013-GS-34-0630 for kidnapping.

THE COURT: Thank you, Ms. David. Ladies and gentlemen of the jury, I hold in my hand the original indictments, which accuse Mr. Brunson of violating the criminal codes for the offenses that Ms. David has reviewed for you. And these particular indictments are essentially pieces of paper that start the criminal process.

As we sit here right here today, Mr. Brunson is presumed to be just as innocent as me or you. The fact that he has been indicted has absolutely no evidentiary value whatsoever. As he's sitted here at the -- seated here at the table, he is presumed to be innocent.

Each of you have been qualified. And I'm going to ask you a number of questions to determine whether or not you

1 could be fair and impartial with regard to the trial of
2 this particular case.

3 Ms. Swilley, I'm going to ask if Mr. Brunson could
4 stand and face the jury panel.

5 THE DEFENDANT: (Complied.)

6 THE COURT: Very good. All right. You may be seated.

7 THE DEFENDANT: (Complied.)

8 THE COURT: This is Mr. Roemain Brunson. He is the
9 defendant in this case. Is anyone related by blood or
10 marriage? Do you have a close, social, business, or
11 personal relationship with Mr. Brunson? If so, please
12 stand. No response.

13 Pay very close attention as I list the witnesses who
14 are going to testify: Jamie Seales, Marlboro County
15 Sheriff's Office; LaShawn Wheeler, Marlboro County
16 Sheriff's Office; Amanda Hill, Marlboro County Sheriff's
17 Office; Wanda Jenkins, also known as Wanda Johnson; Fred
18 David; Jessica Freeman; Tommy Johnson; Ashley McManus; Erik
19 Stopa, S-t-o-p-a, Stopa; Curtis Walls; 911 dispatcher; and
20 -- I can't read the writing. Something ---

21 MS. DAVID: Avis Turner.

22 THE COURT: Say it again?

23 MS. DAVID: Avis Turner.

24 THE COURT: Avis Turner. All right. Additional
25 witnesses -- potential witnesses are: Shanta Malachi;

1 Donald "Day Day" Gurley; James Altman; Ashley McManus;
2 Kenneth Spencer.

3 Is anyone related by blood or marriage? Do you have a
4 close, social, business, or personal relationship with any
5 of these potential witnesses? If so, please stand. No
6 response.

7 Ms. David, I'm going to ask if you could stand,
8 identify yourself and the members of your office.

9 MS. DAVID: May it please the Court: I am Mia David.
10 I am an assistant solicitor here in Marlboro County, where
11 I work across the street with Will Rogers. We also have
12 present with us this week Mary Thomas Johnson-Lee, and she
13 is an assistant solicitor as well.

14 THE COURT: Is anyone related by blood or marriage?
15 Do you have a close, social, business, or personal
16 relationship with any of these lawyers? Have they ever
17 represented you in the past? If so, please stand.

18 (Whereupon, one potential juror stood.)

19 THE COURT: Yes, ma'am. If you could please come
20 forward.

21 POTENTIAL JUROR: (Complied.)

22 THE COURT: Yes, ma'am. Your name and number?

23 POTENTIAL JUROR: Audrey Moore, 146.

24 THE COURT REPORTER: Ma'am, I'm sorry. I'm going to
25 need you to stand right here, please.

1 THE COURT: All right. She can -- all right.

2 POTENTIAL JUROR: Okay.

3 THE COURT: All right. Your full name?

4 POTENTIAL JUROR: Audrey Inez Moore.

5 THE COURT: Audrey Inez Moore. And your number?

6 POTENTIAL JUROR: 146.

7 THE COURT: All right. Tell me how -- how you have a
8 relationship with Ms. David.

9 POTENTIAL JUROR: She did my father's case in 2012.

10 THE COURT: Right.

11 POTENTIAL JUROR: And she is -- she did when my father
12 was murdered.

13 THE COURT: Okay. Well, in view of -- and she doesn't
14 have anything ongoing that involves you right now?

15 POTENTIAL JUROR: Unh-unh.

16 THE COURT: All right. And do you think it would be
17 difficult for you to be fair and impartial with regard to
18 the trial of this case if she was the lawyer involved in
19 this case?

20 POTENTIAL JUROR: No, sir.

21 THE COURT: You think that, in view of the fact that
22 you were a victim in this case, it might make you lean more
23 towards prosecution?

24 POTENTIAL JUROR: Yes, sir.

25 THE COURT: All right. Well, based on that, I'm going

1 to excuse you for the purpose of this trial. You can have
2 a seat out there. Thank you so much.

3 POTENTIAL JUROR: Thank you.

4 THE COURT: All right. Ms. Swilley, if you could
5 stand, identify yourself and the members of your office.

6 MS. SWILLEY: Thank you very much, Your Honor. My
7 name is Julie Swilley. I work for Michael Stephens as a
8 public defender here in Marlboro County. I previously
9 worked in Darlington. I will be defending Mr. Roemain
10 Brunson in this case. Tomorrow you will see another
11 attorney at this table whose name is Matt Swilley. He's
12 from Chesterfield.

13 THE COURT: Very good. Is anyone related by blood or
14 marriage? Do you have a close, social, business, or
15 personal relationship with any of these lawyers? Have they
16 ever represented you in the past? If so, please stand. No
17 response.

18 Has any member of the jury panel formed or expressed
19 an opinion about any issue or matter involved in this case?
20 If so, please stand.

21 (Whereupon, no potential juror stood.)

22 THE COURT: I want to tell you a little bit about the
23 basic facts or -- or not necessarily the facts, but the
24 allegations in this matter. They allege that this criminal
25 offense took place in a trailer -- in a mobile home park

1 known as Altman's Mobile Home Park. It's off of Salem
2 Road. And it's in Marlboro County. It's not in the city
3 limits. And I think there are about eight manufactured
4 homes on this particular tract of land.

5 And the allegations are that it took place on or about
6 August 9th, 2013. Having been armed with these basic
7 allegations, does anyone know anything about this incident?
8 Did you witness any events which gave rise to these
9 allegations? If so, please stand. No response.

10 Is any member of the jury panel aware of any bias or
11 prejudice towards either the state or the defendant in this
12 case? If so, please stand. No response.

13 Is there any member of the grand -- is there any
14 member of the jury panel who served as a member of the
15 grand jury that indicted this case? If so, please stand.
16 No response.

17 Has any member of the jury panel heard, seen, or read
18 anything about this case? If so, please stand. No
19 response.

20 Has any member of the jury panel been a victim of a
21 violent crime? If so, please stand. No response.

22 Is there any member of the jury panel who is a member
23 or contributor to any group whose primary concern is the
24 promotion of law enforcement? There are a number of such
25 groups like Mothers Against Drunk Driving; Students Against

1 Drunk Driving; CAVE, Citizens Against Violent Crime. There
2 are a number of -- just about every sheriff's department,
3 the highway patrol, they have various associations that are
4 engaged in -- in the promotion of law enforcement. Is
5 there any member of the jury panel who is a member of any
6 of these groups, or do you contribute to any of these
7 groups? If so, please stand. No response.

8 Does any member of the jury panel know of any reason
9 whatsoever why you could not serve as a juror in this case,
10 with particular emphasis being placed on your ability to be
11 fair and impartial to both the state and the defendant?
12 All right.

13 Any additional questions from the state?

14 MS. DAVID: No additional questions, Your Honor.

15 THE COURT: Any additional questions from the defense?

16 MS. SWILLEY: Yes, Your Honor.

17 THE COURT: All right. Yes, ma'am. I've got -- which
18 particular ones do you want? We've asked a number of
19 those.

20 MS. SWILLEY: Two, seven, eight, and nine. And six,
21 too, Your Honor. I'm sorry.

22 THE COURT: All of those have been adequately covered
23 by the -- by the voir dire that's been presented. However,
24 you're protected on the record.

25 MS. SWILLEY: Thank you, Your Honor.

1 THE COURT: All right. All right. The strikes are
2 five and ten.

3 (Off the record briefly.)

4 THE COURT: Ladies and gentlemen of the jury panel, if
5 your name is called, we're going to ask that you come
6 forward, stand in front of the bench, and face the back of
7 the courtroom. Bring all your personal belongings with
8 you.

9 DEPUTY CLERK OF COURT: As I call your name, please
10 come forward, stand right here in front of the microphone,
11 and turn around and face the back door.

12 Number 45, Rebecca Curcie -- Curcie, come forward.

13 (Whereupon, the potential juror came forward.)

14 DEPUTY CLERK OF COURT: Stand right here. Turn around
15 and face the jury.

16 POTENTIAL JUROR: (Complied.)

17 DEPUTY CLERK OF COURT: What says the state?

18 MS. DAVID: Please present the juror.

19 DEPUTY CLERK OF COURT: What says the defendant?

20 MS. SWILLEY: Please seat this juror.

21 DEPUTY CLERK OF COURT: Okay. Ms. Curcie, go have a
22 seat in the jury box.

23 (Whereupon, the potential juror was seated on the
24 jury.)

25 DEPUTY CLERK OF COURT: Number 208, Alan Wallace, Jr.

1 (Whereupon, the potential juror came forward.)

2 MS. DAVID: Please present the juror.

3 DEPUTY CLERK OF COURT: What says the defendant?

4 MS. SWILLEY: Please seat this juror.

5 DEPUTY CLERK OF COURT: Mr. Wallace, have a seat in
6 the jury box.

7 (Whereupon, the potential juror was seated on the
8 jury.)

9 DEPUTY CLERK OF COURT: Number 6, Christy Barfield.

10 (Whereupon, the potential juror came forward.)

11 DEPUTY CLERK OF COURT: What says the state?

12 MS. DAVID: Please present the juror.

13 DEPUTY CLERK OF COURT: And the defendant?

14 MS. SWILLEY: Please seat this juror.

15 DEPUTY CLERK OF COURT: Have a seat in the jury box.

16 (Whereupon, the potential juror was seated on the
17 jury.)

18 DEPUTY CLERK OF COURT: Number 30, Christopher Britt.

19 (Whereupon, the potential juror came forward.)

20 DEPUTY CLERK OF COURT: What says the state?

21 MS. DAVID: Please present the juror.

22 DEPUTY CLERK OF COURT: And what says the defendant?

23 MS. SWILLEY: Please excuse this juror.

24 DEPUTY CLERK OF COURT: Okay. Please return to your
25 seat.

1 (Whereupon, the potential juror returned to the jury
2 panel.)

3 DEPUTY CLERK OF COURT: Number 200, Jennifer Thompson.

4 MS. SWILLEY: Which number?

5 DEPUTY CLERK OF COURT: 200.

6 THE COURT: 200.

7 MS. SWILLEY: Thank you.

8 (Whereupon, the potential juror came forward.)

9 DEPUTY CLERK OF COURT: What says the state?

10 MS. DAVID: Please present the juror.

11 DEPUTY CLERK OF COURT: What says the defendant?

12 MS. SWILLEY: Please seat this juror.

13 DEPUTY CLERK OF COURT: Ms. Thompson, have a seat.

14 (Whereupon, the potential juror was seated on the
15 jury.)

16 DEPUTY CLERK OF COURT: Number 88, Mechele Harvey.

17 (Whereupon, the potential juror came forward.)

18 DEPUTY CLERK OF COURT: What says the state?

19 MS. DAVID: Please present the juror.

20 DEPUTY CLERK OF COURT: What says the defendant?

21 MS. SWILLEY: Please excuse this juror.

22 DEPUTY CLERK OF COURT: Okay. Please return to your
23 seat.

24 (Whereupon, the potential juror returned to the jury
25 panel.)

1 DEPUTY CLERK OF COURT: 107, Eddie Jones.

2 (Whereupon, the potential juror came forward.)

3 DEPUTY CLERK OF COURT: What says the state?

4 MS. JOHNSON-LEE: Beg the Court's indulgence.

5 MS. DAVID: Please present the juror.

6 DEPUTY CLERK OF COURT: What says the defendant?

7 MS. SWILLEY: Please excuse this juror.

8 DEPUTY CLERK OF COURT: Please return to your seat,
9 Mr. Jones.

10 (Whereupon, the potential juror returned to the jury
11 panel.)

12 DEPUTY CLERK OF COURT: Number 53, Helen Douglas.

13 (Whereupon, the potential juror came forward.)

14 DEPUTY CLERK OF COURT: What says the state?

15 MS. DAVID: Please present the juror.

16 DEPUTY CLERK OF COURT: What says the defendant?

17 MS. SWILLEY: Please excuse this juror.

18 DEPUTY CLERK OF COURT: You can return to your seat.

19 (Whereupon, the potential juror returned to the jury
20 panel.)

21 DEPUTY CLERK OF COURT: 155, Doris Outlaw.

22 (Whereupon, the potential juror came forward.)

23 DEPUTY CLERK OF COURT: What says the state?

24 MS. DAVID: Please strike the juror.

25 DEPUTY CLERK OF COURT: Okay. You can return to your

1 seat. Ms. Outlaw, you can return to your seat.

2 (Whereupon, the potential juror returned to the jury
3 panel.)

4 DEPUTY CLERK OF COURT: 191, Jeannie Souther.

5 (Whereupon, the potential juror came forward.)

6 DEPUTY CLERK OF COURT: What says the state?

7 MS. DAVID: Please present the juror.

8 DEPUTY CLERK OF COURT: What says the defense --
9 defendant?

10 MS. SWILLEY: Please seat this juror.

11 DEPUTY CLERK OF COURT: Ms. Souther, have a seat in
12 the jury box.

13 (Whereupon, the potential juror was seated on the
14 jury.)

15 DEPUTY CLERK OF COURT: 119, Maggie Littlejohn.

16 (Whereupon, the potential juror came forward.)

17 DEPUTY CLERK OF COURT: What says the state?

18 MS. DAVID: Please strike the juror.

19 DEPUTY CLERK OF COURT: Ma'am, you can return to your
20 seat.

21 (Whereupon, the potential juror returned to the jury
22 panel.)

23 DEPUTY CLERK OF COURT: 193, Norris Squires.

24 (Whereupon, the potential juror came forward.)

25 DEPUTY CLERK OF COURT: What says the state? ?

1 MS. DAVID: Please present the juror.

2 DEPUTY CLERK OF COURT: What says the defendant?

3 MS. SWILLEY: Please seat this juror.

4 DEPUTY CLERK OF COURT: Have a seat in the jury box,
5 please.

6 (Whereupon, the potential juror was seated on the
7 jury.)

8 DEPUTY CLERK OF COURT: 37, Clayton Coble.

9 (Whereupon, the potential juror came forward.)

10 DEPUTY CLERK OF COURT: What says the state?

11 MS. DAVID: Please present the juror.

12 DEPUTY CLERK OF COURT: What says the defendant?

13 MS. SWILLEY: Please seat the juror.

14 DEPUTY CLERK OF COURT: Have a seat in the jury box,
15 please.

16 (Whereupon, the potential juror was seated on the
17 jury.)

18 DEPUTY CLERK OF COURT: 111, Shelby Kimrey.

19 (Whereupon, the potential juror came forward.)

20 DEPUTY CLERK OF COURT: What says the state?

21 MS. DAVID: Please present the juror.

22 DEPUTY CLERK OF COURT: What says the defendant?

23 MS. SWILLEY: Please excuse this juror.

24 DEPUTY CLERK OF COURT: Please return to your seat.

25 (Whereupon, the potential juror returned to the jury

1 panel.)

2 DEPUTY CLERK OF COURT: 128, Mark McCollough.

3 (Whereupon, the potential juror came forward.)

4 DEPUTY CLERK OF COURT: What says the state?

5 MS. DAVID: Please present the juror.

6 DEPUTY CLERK OF COURT: What says the defendant?

7 MS. SWILLEY: Please excuse this juror.

8 DEPUTY CLERK OF COURT: Please return to your seat.

9 (Whereupon, the potential juror returned to the jury

10 panel.)

11 DEPUTY CLERK OF COURT: 129, Cindy McCormick.

12 (Whereupon, the potential juror came forward.)

13 DEPUTY CLERK OF COURT: What says the state?

14 MS. DAVID: Please present the juror.

15 DEPUTY CLERK OF COURT: What says the defendant?

16 MS. SWILLEY: Please seat this juror.

17 DEPUTY CLERK OF COURT: Have a seat in the jury box.

18 (Whereupon, the potential juror was seated on the

19 jury.)

20 DEPUTY CLERK OF COURT: 169, Cynthia Redick.

21 (Whereupon, the potential juror came forward.)

22 DEPUTY CLERK OF COURT: What says the state?

23 MS. DAVID: Please present the juror.

24 DEPUTY CLERK OF COURT: What says the defendant?

25 MS. SWILLEY: Please seat this juror.

1 DEPUTY CLERK OF COURT: Have a seat in the jury box.

2 (Whereupon, the potential juror was seated on the
3 jury.)

4 DEPUTY CLERK OF COURT: 72, Corey Graham.

5 (Whereupon, the potential juror came forward.)

6 DEPUTY CLERK OF COURT: What says the state?

7 MS. DAVID: Please present the juror.

8 DEPUTY CLERK OF COURT: What says the defendant?

9 MS. SWILLEY: Please seat this juror.

10 DEPUTY CLERK OF COURT: Please have a seat in the jury
11 -- no. Mr. Graham.

12 (Whereupon, the potential juror was seated on the
13 jury.)

14 DEPUTY CLERK OF COURT: 24, Carrie Breeden.

15 (Whereupon, the potential juror came forward.)

16 DEPUTY CLERK OF COURT: What says the state?

17 MS. DAVID: Please present the juror.

18 DEPUTY CLERK OF COURT: What says the defendant?

19 MS. SWILLEY: Please seat this juror.

20 DEPUTY CLERK OF COURT: Please have a seat in the jury
21 box.

22 DEPUTY CLERK OF COURT: 187, Virginia Sloan.

23 (Whereupon, the potential juror came forward.)

24 DEPUTY CLERK OF COURT: What says the state?

25 MS. DAVID: Please present the juror.

1 DEPUTY CLERK OF COURT: What says the defendant?

2 MS. SWILLEY: Please seat this juror.

3 DEPUTY CLERK OF COURT: Please have a seat in the jury
4 box.

5 (Whereupon, the potential juror was seated on the
6 jury.)

7 DEPUTY CLERK OF COURT: (To the Court) Two
8 alternates?

9 THE COURT: The strikes are one and two on each
10 alternate, one and two on each alternate.

11 DEPUTY CLERK OF COURT: 96, Teresa Hooks.

12 (Whereupon, the potential juror came forward.)

13 DEPUTY CLERK OF COURT: What says the state?

14 MS. DAVID: Please present the juror.

15 DEPUTY CLERK OF COURT: What says the defendant?

16 MS. SWILLEY: Please seat this juror.

17 DEPUTY CLERK OF COURT: Okay. Please have a seat
18 right there in the jury box, right there with Mr. Luther.

19 (Whereupon, the potential juror was seated on the
20 jury.)

21 DEPUTY CLERK OF COURT: 168, Debra K. Redbrook.

22 (Whereupon, the potential juror came forward.)

23 DEPUTY CLERK OF COURT: What says the state?

24 MS. DAVID: Please present the juror.

25 DEPUTY CLERK OF COURT: What says the defendant?

1 MS. SWILLEY: Please excuse this juror.

2 (Whereupon, the potential juror returned to the jury
3 panel.)

4 DEPUTY CLERK OF COURT: 81, Ruth Hailey.

5 (Whereupon, the potential juror came forward.)

6 DEPUTY CLERK OF COURT: What says the state?

7 MS. DAVID: Please present the juror.

8 DEPUTY CLERK OF COURT: What says the defendant?

9 MS. SWILLEY: Please excuse this juror.

10 DEPUTY CLERK OF COURT: Return to your seat, please.

11 (Whereupon, the potential juror returned to the jury
12 panel.)

13 DEPUTY CLERK OF COURT: 39, Sheila R. Cook.

14 (Whereupon, the potential juror came forward.)

15 DEPUTY CLERK OF COURT: What says the state?

16 MS. DAVID: Please present the juror.

17 DEPUTY CLERK OF COURT: What says the defendant?

18 MS. SWILLEY: There are no objections for cause.

19 Please seat this juror.

20 (Whereupon, the potential juror was seated on the
21 jury.)

22 THE COURT: Ladies and gentlemen that remain in the
23 jury pool, you are excused for the week. You have
24 completed your jury service. You'll have earned a three-
25 year exemption. If called upon to serve in this Court

1 within the next three years, you'll be paid handsomely for
2 your services. Madam clerk, how much is that?

3 DEPUTY CLERK OF COURT: Ten dollars a day.

4 THE COURT: Ten dollars a day, that's a small token of
5 our appreciation on behalf of the State of South Carolina.
6 You're free to leave at this time.

7 (Whereupon, the unselected jury panel exited the
8 courtroom at 11:52 a.m.)

9 (Off the record from 11:52 a.m. until 11:55 a.m.)

10 THE COURT: Ms. Redick, I'm going to ask, if you
11 could, to serve as the forelady of this jury. I'm going to
12 ask if you'd change chairs with this gentleman right here.
13 Yes, ma'am. If you could come forward.

14 JUROR: (Complied.)

15 THE COURT: Ms. Redick, you, like everyone else when
16 it comes time to deliberate, will have one vote. But
17 you're going to have additional responsibilities, one of
18 which is if there any questions or concerns that develop
19 during the trial of this case, during deliberations, I'm
20 going to ask that these members of the jurors communicate
21 those questions or concerns to you. You can reduce them to
22 writing; give it to the bailiff. If it's something I can
23 help you with, I'll be happy to do that.

24 In addition to that, you're going to be required to
25 preside over the deliberation process. And essentially,

1 that means that you -- you are to ensure that everybody's
2 voice is heard.

3 I'm going to ask each of you to stand and raise your
4 right hands as the clerk administers the oath.

5 (Whereupon, the jury was duly sworn at 11:56 a.m.)

6 THE COURT: Madam Forelady and ladies and gentlemen of
7 the jury, we are going to excuse you for the balance of the
8 day and ask that you be back at ten o'clock tomorrow, ten
9 o'clock sharp tomorrow. And you'll report back. The
10 bailiff will take you to the jury room.

11 There are a number of things I want to talk with you
12 about, one of which is do not discuss the case. You don't
13 know anything about it, other than what the charges are and
14 who the lawyers are. But do not discuss the case with
15 anybody.

16 It might be that someone like your spouse or coworkers
17 might know something about this case. They might have an
18 opinion about this-type litigation. And for that reason,
19 do not discuss the case.

20 I bet you, when you go back home tonight, they're
21 going to say, "Well, tell me what happened on jury duty."
22 But tell them that I've ordered and -- and instructed and
23 demanded that you not talk about it. Because you need to
24 base your decision on what transpires here in this
25 courtroom. You'll be the only 12 people who ultimately

1 resolve this case. So do not discuss the case.

2 There's not anything in the entire world that you
3 can't put on what they call the Google now and do research.
4 Don't do that. Don't get on there and look at -- do
5 research on the personalities involved in this case. Do
6 not try to do any legal research. All the information that
7 you need is going to be presented to you here today. Do
8 not do any independent investigation.

9 I'm going to ask all of you to have those very
10 handsome juror badges on. And the reason why that is, is
11 that we need to be able to identify you as a juror. If --
12 when you come in -- when you leave the courtroom today,
13 people need to be able to see that you're a juror. And
14 that way we'll avoid anyone from inadvertently discussing
15 the case in your presence. That could cause a problem.

16 If anyone were to try to contact you throughout the
17 trial of this case and talk to you about this case, you
18 need to try to identify them as best you can, because
19 that's improper. No one is to discuss this case with you
20 whatsoever. If they do, your obligation is to report that
21 to me, identify them as best you can, and I will deal with
22 them accordingly.

23 I'm going to ask that you be back at ten o'clock, ten
24 o'clock sharp. I've told you about where these allegations
25 allegedly took place. Do not go by there and do any kind

1 of independent investigation. Base your decision on what
2 transpires in this courtroom.

3 I'm going to ask, if you could, to -- everyone remain
4 seated as the jury exits the courtroom. Ten o'clock, ten
5 o'clock sharp.

6 All right. You may -- you may leave the courtroom at
7 this time.

8 (Whereupon, the jury exited the courtroom at 11:59
9 a.m.)

10 (Off the record briefly.)

11 THE COURT: Ms. David, I assume there's no objection
12 with regard to the jury-selection process?

13 MS. DAVID: None from the state ---

14 THE COURT: Ms. ---

15 MS. DAVID: --- Your Honor.

16 THE COURT: --- Swilley?

17 MS. SWILLEY: No, Your Honor.

18 THE COURT: All right. Anything from the state before
19 we recess for lunch?

20 MS. DAVID: Nothing further ---

21 THE COURT: Anything from ---

22 MS. DAVID: --- Your Honor.

23 THE COURT: --- the defense?

24 MS. SWILLEY: No, Your Honor.

25 THE COURT: All right. Well, we will come back at

1 1:30, 1:30 sharp. We'll stand at ease.

2 (Off the record from 12:01 p.m. until 2:01 p.m.)

3 THE COURT: Be glad to hear any motions at this time.

4 MS. SWILLEY: Thank you very much, Your Honor.. I have
5 a very small housekeeping measure to address. For the
6 voir-dire questions this morning that I wanted listed -- 2,
7 6, 7, 8, and 9 -- I did not enter this in as a Court's
8 exhibit. And I'd like to ---

9 THE COURT: You may ---

10 MS. SWILLEY: --- do that at this time.

11 THE COURT: You may do so.

12 (Whereupon, Court's Exhibit 1 was marked for
13 identification.)

14 MS. SWILLEY: Defense also has a few follow-up motions
15 to make.

16 THE COURT: I'm going to ask if you could speak up a
17 little bit. It's ---

18 MS. SWILLEY:

19 THE COURT: --- kind of cavernous in here. Very good.

20 MS. SWILLEY: At this time defense would like to offer
21 a few other motions for the case. First, as to Mr.
22 Brunson's statement, the defense is not asking for a
23 *Jackson v. Denno* hearing at this time. But what we would
24 ask: There are two segments in this statement which we
25 believe should be redacted. It's a discussion of a -- a

1 prior conviction and prison time. I have the times noted
2 here. But we would like to move to have those redacted out
3 of his statement.

4 THE COURT: All right. And what is the state's
5 position in that regard?

6 MS. DAVID: Your Honor, we would need to receive the
7 times that the defense has so that the state can have a
8 opportunity to review those times on the video. And then,
9 if we're okay with it, we can ---

10 THE COURT: That's what ---

11 MS. DAVID: --- consent ---

12 THE COURT: --- we're asking ---

13 MS. DAVID: --- stipulate ---

14 THE COURT: --- are you -- well, I mean, we're asking
15 if you're okay with it ---

16 MS. DAVID: Well, I ---

17 THE COURT: --- right now.

18 MS. DAVID: --- don't know which times she has right
19 now to agree to it. If we -- if the state could be given a
20 moment to go and review these times to see what is actually
21 played during these minutes, then.

22 THE COURT: Well, I think she's told you. What --
23 what is going to be played in those minutes?

24 MS. SWILLEY: Specifically, at Minute 19:08 through
25 21:18, there's a discussion of prison and the defendant's

1 prior conviction. He has two prior convictions: one for
2 assault and battery-second; the other for a malicious
3 injury to personal property. He speaks of them at 19:08
4 through 21:18, is the first discussion. Lt. Jamie Seales
5 asks him about his time in prison, and he discusses that.

6 There's a second mention. It starts at 21:54 and
7 continues through 23:10, where he discusses being on
8 probation and his prior conviction.

9 THE COURT: Well, certainly, those are inadmissible.
10 And I'm going to order that they be redacted. And I'm
11 going to ask direct that solicitor's office redact those
12 portions. And if there is disagreement with regard to
13 what's to be redacted, bring it before me in the morning.

14 MS. DAVID: Yes, Your Honor. I do want to put one
15 thing on the record in that the solicitor's office here, we
16 do not have the equipment to take the entire statement out
17 of the video. What we typically do here is press pause.
18 Julie Wooten, I believe, she does have equipment to redact
19 the actual video so that it's not shown at all. It is up
20 to Your Honor how you would like us to proceed.

21 THE COURT: Well, do you want to try to redact the
22 video?

23 MS. SWILLEY: Yes, Your Honor. I would be happy to do
24 so. The software I use is the state's software, which is
25 Liberty Interview Player. And it has the capacity to

1 redact.

2 THE COURT: Well, apparently, she doesn't know how to
3 do it. Will you ---

4 MS. SWILLEY: Yes, sir.

5 THE COURT: --- do it?

6 MS. SWILLEY: Yes, sir. I will be happy to do so.

7 THE COURT: Okay. Very good. All right. And I
8 notice that Ms. Swilley has indicated that she's waiving
9 the *Jackson v. Denno* hearing. But if there's a statement
10 that's going to be entered into in -- into evidence, it's
11 necessary to do that. So I'm going to -- we're going to
12 have go forward in that regard.

13 MS. DAVID: Yes, Your Honor.

14 THE COURT: Okay. So you're recognized.

15 MS. DAVID: Yes, Your Honor. State would like to call
16 as first witness Investigator Jamie Seales.

17 THE COURT: Yes, sir. If you could come forward and
18 place your left hand on the Bible and raise your right hand
19 as the clerk administers the oath.

20 (Whereupon, the witness came forward.)

21 THE COURT: Yes, sir. Please come forward. I'm going
22 to ask, if you could, to pull up real close to that
23 microphone and speak loudly, clearly, and slowly in order
24 to for me to hear everything that you've got to say. And
25 let's start with your full name, please, sir.

DIRECT EXAMINATION BY MS. DAVID - JAMIE SEALES

29

1 THE WITNESS: Jamie Seales, S-e-a-l-e-s.

2 JAMIE SEALES, having been first duly sworn,
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MS. DAVID:

6 Q And, Mr. Seales, what is your current occupation?

7 A I am a lieutenant over investigations at Marlboro
8 County Sheriff's Office.

9 Q And how long have you been employed with the Marlboro
10 County Sheriff's Office?

11 A I've been back -- I was employed prior. But I was --
12 I've been back since 2007.

13 Q Okay. And do you have any previous law enforcement
14 experience?

15 A Yes. I started law enforcement in 1997 with probation
16 and parole. I worked briefly for the sheriff's office.
17 And I was employed by State Law Enforcement Division for a
18 few years. Then I've been back at the sheriff's office
19 since -- since 2007.

20 Q Okay. What are your present duties?

21 A I supervise investigations at the sheriff's office and
22 have -- I also have my own cases and assist with other
23 investigations also.

24 Q Were you employed in your present capacity on August
25 9th of 2013?

1 A I was.

2 Q And did you assist in this investigation?

3 A I did.

4 Q And did you have the opportunity to work with Mr.
5 Brunson on that evening?

6 A Yes. The morning of the 9th.

7 Q Okay. Are you familiar with so-called *Miranda*
8 warnings?

9 A I am.

10 Q Did you ever have the opportunity to advise the
11 suspect of his *Miranda* warnings?

12 A I did.

13 Q And how was the suspect advised?

14 A I read the -- the standard *Miranda* warnings to him off
15 of the *Miranda* sheet that we use at the sheriff's office on
16 the recorded interview.

17 Q Okay. So you used a printed form?

18 A That's correct.

19 Q All right. I show what will be marked as State's
20 Exhibit No. 1. Do you recognize this?

21 (Whereupon, Ms. David and Ms. Swilley conferred.)

22 (Whereupon, State's Exhibit 1 was marked for
23 identification.)

24 Q Do you recognize it?

25 A Yes, I do.

DIRECT EXAMINATION BY MS. DAVID - JAMIE SEALES

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1 Q And what is it?

2 A It is a *Miranda* form that I reviewed and was signed by
3 Mr. Brunson.

4 Q Does this document appear to be in the same condition
5 as it was when you first drafted it?

6 A It does.

7 Q Has it been changed or altered in any way?

8 A Doesn't appear so.

9 MS. DAVID: Your Honor, the state would move to have
10 the *Miranda* form admitted into evidence for purposes of
11 *Jackson v. Denno*.

12 THE COURT: Any objection from defense?

13 MS. SWILLEY: No objections, Your Honor.

14 THE COURT: It's into evidence without objection ---

15 MS. DAVID: Thank you.

16 THE COURT: --- for purposes of this hearing.

17 (Whereupon, State's Exhibit 1 was entered into
18 evidence.)

19 Q Now, Mr. Seales, at the time that you advised the
20 defendant of his *Miranda* rights, did he have any trouble
21 understanding these rights?

22 A He didn't appear so.

23 Q Okay. Did he appear to understand English?

24 A Yes.

25 Q Did he appear to be affected by drugs or alcohol in

1 any way?

2 A He didn't appear to.

3 Q Did you have the opportunity to ask the defendant any
4 questions?

5 A Yes. I asked him several questions.

6 Q Did the answer to the questions appear to be rational
7 and responsive?

8 A Yes. He -- he seemed to be coherent in his responses.

9 Q Did he appear too emotional to understand?

10 A No. He didn't really show a whole lot of emotion.

11 Q Okay. At this time did anyone -- did you or anyone in
12 your presence threaten or coerce the defendant in any way?

13 A Absolutely not.

14 Q Did you offer him any reward?

15 A No.

16 Q How did the defendant respond when asked whether or
17 not he wanted an attorney?

18 A He went forward without an attorney. The only thing
19 he ever asked me to just apply to a public defender and I
20 told him that yeah, and that if he -- if he didn't want to
21 speak with us, he didn't have to.

22 Q Okay. Did the defendant agree to talk to you without
23 an attorney?

24 A He did.

25 Q He did?

CROSS-EXAMINATION BY MS. SWILLEY - JAMIE SEALES

33

1 A (No audible response.)

2 Q Okay. Did he ever change his mind and ask to speak
3 with police without an attorney?

4 A No.

5 Q To the best of your knowledge, was the defendant's
6 statement freely and voluntarily given?

7 A Yes.

8 MS. DAVID: Your Honor, at this time the state would
9 move to have the interview with Roemain Brunson published.

10 THE COURT: Let's let -- let's let the defendant ask
11 some questions first.

12 MS. DAVID: Oh, okay. Please answer any questions
13 that the defense ---

14 THE COURT: Ms. Swilley ---

15 MS. DAVID: --- might have for you.

16 THE COURT: --- you're recognized.

17 THE WITNESS: Okay.

18 MS. SWILLEY: Thank you very much. I'll stand near a
19 microphone.

20 CROSS-EXAMINATION

21 BY MS. SWILLEY:

22 Q Lt. Seales, what time approximately did Mr. Brunson
23 get taken into custody?

24 A I think I was called around 3:40 a.m. So I would
25 think probably about the same time. But I think they took

1 -- I think they called me right about the same time he was
2 taken into custody. I got to the detention center, I
3 think, about 4:15 a.m.

4 Q And the interview began with him around 8:45 that
5 morning?

6 A Yes, ma'am.

7 Q It's your understanding that Mr. Brunson was under the
8 influence of at least one, if not multiple, drugs that
9 evening; is that correct?

10 A That's correct. He told me at 4:15, he tried to speak
11 with me at the detention center. And I had went to
12 photograph him. And I told him that I was not going to
13 speak to him until I Mirandized him later. And he -- he
14 did tell me at the time that he was under the influence.

15 Q Make sure I heard you correctly. It was at 4:15 you
16 were taking photographs of him?

17 A Uh-huh. Of his ---

18 Q Okay.

19 A --- his injuries. I hadn't even -- I -- I had went
20 there before I went to the crime scene.

21 Q So you waited approximately five hours after he was
22 taken into custody to ask him any questions; is that
23 correct?

24 A That's correct.

25 Q Okay. Did he hesitate when he spoke to you about any

1 of the questions?

2 A At the sheriff's office? No, ma'am.

3 Q Did he answer all the questions you asked him?

4 A He did.

5 Q He did not appear to be under the influence of drugs
6 or alcohol when you had this discussion with him?

7 A Not at -- not at 8:45. I mean, he seemed more calm
8 and seemed to understand everything.

9 (Whereupon, Ms. Swilley and Mr. Swilley conferred.)

10 Q Those are all the questions I have. Thank you.

11 A Uh-huh.

12 THE COURT: Any redirect?

13 MS. DAVID: Nothing further, Your Honor.

14 THE COURT: Do you have anything to offer with regard
15 to admissibility of the statement; and particularly, with
16 regard to the voluntariness of it?

17 MS. SWILLEY: No, Your Honor, we do not.

18 THE COURT: Okay. Based on -- on the testimony, I do
19 indeed find that he was in custody and that he was given
20 his *Miranda* warnings. There's a written waiver of rights
21 that's been introduced into evidence. The testimony of the
22 arresting officer seems to indicate that he understood the
23 questions and the answers were given coherently. Moreover,
24 there -- he did appear to be under -- under the influence
25 of some intoxicant earlier, but his demeanor changed some

1 five hours later; he was able to give a coherent statement.

2 I understand that the defense has had an opportunity
3 to review the -- the video and has no further objections
4 and is actually agreeing to the admissibility of the
5 statement; is that correct, Ms. Swilley?

6 MS. SWILLEY: Yes, Your Honor.

7 THE COURT: All right. Based on that and the evidence
8 that's been presented, I do indeed find that it is
9 admissible and that he was given his *Miranda* rights and he
10 did not exercise his right to request a lawyer and that his
11 statement was given freely and voluntarily.

12 You're recognized. Anything further of this witness?

13 MS. SWILLEY: Nothing further from the state, Your
14 Honor.

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

16 THE WITNESS: Okay.

17 (Whereupon, the witness exited the witness stand.)

18 THE COURT: Be happy to entertain any further motions.

19 MS. SWILLEY: Thank you, Your Honor. At this time we
20 would like to move to sequester the witnesses in this case;
21 specifically, the two victims, which are present in the
22 courtroom today. We would ask that they be sequestered
23 during their testimony until they -- excuse me -- we ask
24 that they be sequestered before their testimony so that
25 they may not be able to conform each other's stories with

1 the other's testimony. I have in my possession a statement
2 from law enforcement from each of the two victims, which
3 seem to contradict each other. My concern and the
4 defense's concern is that, listening and sitting in the
5 courtroom, they would have the ability to alter their
6 testimony.

7 THE COURT: All right. What do you think about the
8 stated law that says that even if they do have that
9 ability, it doesn't necessarily mean that they ought to be
10 sequestered? Is that your understanding of the law and
11 that it's purely discretionary?

12 (Whereupon, Ms. Swilley and Mr. Swilley conferred.)

13 MS. SWILLEY: Your Honor, yes, it is discretionary.
14 However, in the interest of justice and fairness to my
15 client, especially after we have seen the two statements
16 already given to law enforcement, which do have
17 contradictions, we would ask Your Honor to please consider
18 sequestering them, specifically because in this case, the
19 evidence which is being presented to the jurors is the
20 eyewitness testimony of the two victims and the statement
21 of Mr. Brunson. We ask that they not be able to be able to
22 remain to hear the testimony of the others so that they can
23 tailor their testimony.

24 THE COURT: All right. What is the state's position?

25 MS. DAVID: Your Honor, it is the state's position

1 that an investigator or the lead law enforcement officer
2 and the victims to a crime are allowed to be present in the
3 courtroom. Each of these of these victims here, they have
4 their own separate indictment for attempted murder. And of
5 course, their stories would slightly contradict or not
6 exactly match each other because there were two separate
7 incidents, even though they occurred at the same time.
8 Fred David did leave before the incident was finished with
9 Wanda Johnson. So she may know or say things from a
10 different perspective than what ---

11 THE COURT: Okay.

12 MS. DAVID: --- Fred David ---

13 THE COURT: Very good.

14 MS. DAVID: --- saw occur.

15 THE COURT: I'll tell you what I'm going to do, is I'm
16 going to allow the victims to be present throughout the
17 trial. However, I'm going to ask that both of them be
18 sequestered prior to the trial. And you can bring in the
19 first witness and she can testify; and after she testifies,
20 she can have a seat. And then the second victim can come
21 in and testify, and then he can have a seat and be here for
22 the entire trial. Does that make sense?

23 MS. SWILLEY: Thank you, Your Honor.

24 MS. DAVID: Yes, Your Honor.

25 THE COURT: Okay. Very good. All right.

1 MS. SWILLEY: And lastly, Your Honor, I would just
2 like to address -- it's an evidentiary issue. There are
3 medical records here, which I do believe the state wishes
4 to introduce. We have, if the state is in agreement,
5 stipulated to the admissibility of these. And I would just
6 like for the state to address the Court as to their
7 position.

8 THE COURT: Yes, ma'am.

9 MS. DAVID: The state does agree to, I guess, the
10 stipulation on the admissibility of the medical records.
11 We have Dr. Erik Stopa, who actually treated Wanda Johnson.
12 He will be here to testify tomorrow, as well as we have
13 Avis Turner under -- she's under subpoena to come and
14 testify tomorrow. But that's slightly based on this
15 stipulation. If we're okay with everything, then we may
16 not need her to take the stand.

17 THE COURT: Okay. So essentially, let me -- the
18 medical records that you're stipulating to are what?

19 MS. SWILLEY: The full medical records from McLeod
20 Florence. Mr. Fred David has one set, and Ms. Wanda
21 Johnson has a separate set.

22 THE COURT: And they are medical records of what?

23 MS. SWILLEY: Of their injuries that they sustained at
24 ---

25 THE COURT: When you ---

1 MS. SWILLEY: --- the hospital.

2 THE COURT: --- say "they," you mean both victims?

3 MS. SWILLEY: Each -- each victim was seen separately.

4 Each victim has a separate set of medical records. It
5 talks about their treatment; it talks about their
6 admission. And we would ask that this be admitted into
7 evidence and that we have an agreement with the state to
8 stipulate ---

9 THE COURT: All right. Well ---

10 MS. SWILLEY: --- to that.

11 THE COURT: --- they are stipulated into evidence
12 based on that. And they'll be denominated as State's
13 Exhibit -- or whose exhibit are they going to be: the
14 State's Exhibit 1 and 2?

15 MS. SWILLEY: (Gestured.)

16 MS. DAVID: Yes.

17 THE COURT: All right. We will -- 1, 2, 3, and 4
18 perhaps.

19 MS. DAVID: Yes. And -- and, Your Honor, just to be
20 clear, once Dr. Erik Stopa gets here tomorrow, we may not
21 enter an entire stack of 50 pages of medical records. We
22 may only enter the one ---

23 THE COURT: Well, I ---

24 MS. DAVID: --- page that ---

25 THE COURT: --- think what she's saying is that she

1 wants to enter all of them. Is ---

2 MS. SWILLEY: Yes ---

3 THE COURT: --- that correct?

4 MS. SWILLEY: --- Yes, Your Honor. And that's what --
5 the discussion I thought that we had.

6 THE COURT: All right. That's why we're having this
7 discussion. What are y'all stipulating to?

8 MS. DAVID: I guess, in that case, Your Honor, we will
9 enter the entire set of medical records.

10 THE COURT: Okay. Very good. Well, they're in as
11 State's Exhibit 1, 2, 3, and 4. And y'all -- no need to
12 further address that. You can publish them to the jury if
13 -- if you see fit and whenever you see fit. But they're in
14 now. All right. Very good.

15 MS. SWILLEY: And, Your Honor, I believe that is all
16 the motions the defense has at this time.

17 THE COURT: All right. Anything from the state?

18 MS. DAVID: Nothing further from the state. We do ask
19 that any witnesses the defense intends to call, that they
20 all be sequestered until that time.

21 THE COURT: All right. What is the defense's position
22 in that regard?

23 MS. SWILLEY: We have no objections to that, Your
24 Honor.

25 THE COURT: All right. Well, I'm going to ask that

1 everybody -- and it's really -- how many -- okay. We --
2 we've established what the procedure is with regard to the
3 victims. And if you elect to call them first, then they
4 can come in one right behind the other. But they are to be
5 sequestered. Do you intend on calling them first?

6 MS. DAVID: I was going to try to call them second and
7 third. I have an officer with the Marlboro County
8 Sheriff's Office who has a doctor's appointment tomorrow.
9 She was recently in a car accident while on duty.

10 THE COURT: Okay.

11 MS. DAVID: And she has to get to that appointment, so
12 I needed to bring her in first ---

13 THE COURT: Well, that's ---

14 MS. DAVID: --- and get her out.

15 THE COURT: That's not a problem.

16 MS. DAVID: And ---

17 THE COURT: All right. With regard to all of the
18 state's witnesses, we're going sequester all of them. So
19 the -- you need to inform all of your witnesses that they
20 are not to discuss their testimony in court here today -- I
21 mean, here tomorrow with other witnesses and they -- and
22 you're to enforce the sequestration order. For instance,
23 if one testifies and goes back out, they're not to be
24 mingling with and talking to the other witnesses.

25 MS. DAVID: Your Honor ---

1 THE COURT: And you --- yes.

2 MS. DAVID: I don't mean to cut you off. I do have a
3 question. Does that sequestration include the lead
4 investigator?

5 THE COURT: Not -- the lead investigator ---

6 MS. DAVID: Okay.

7 THE COURT: --- can be here throughout the trial of
8 the case.

9 MS. DAVID: Okay.

10 THE COURT: All right. And -- but there will be no
11 discussion among the witnesses about what their testimony
12 was in court. And that applies for the defense as well.
13 You're to instruct all of your witnesses not to discuss the
14 substance of their testimony with other witnesses, and they
15 will be sequestered from this courtroom.

16 MS. SWILLEY: Yes, Your Honor.

17 THE COURT: Okay. Can y'all think of anything else?

18 MS. DAVID: Nothing further from the state, Your
19 Honor.

20 THE COURT: All right. Might counsel approach the
21 bench for one moment?

22 (Whereupon, a bench conference was held off the
23 record.)

24 MS. SWILLEY: Your Honor, I just have one more issue I
25 would like to take up with the Court. Mr. Brunson was

1 scheduled for a mental health evaluation, ordered by Judge
2 Cottingham, I believe, during the May term of court. He
3 attended his DMH-ordered evaluation with a Dr. Musick. And
4 he was found to be competent by Dr. Musick.

5 Last term of court in November, before Judge Seals, we
6 had a *Blair* hearing, in which Dr. Musick testified as to
7 Mr. Brunson's competency. Mr. Brunson himself also
8 testified. And it was determined by Judge Seals that he
9 was competent to stand trial.

10 However, I would like to address this Court and let it
11 be known that Mr. Brunson has not cooperated with me, in
12 terms of preparing his defense. He has refused to talk to
13 me about the facts of the case. He refuses to view certain
14 portions of evidence. I go out to see him at the detention
15 center. And there have been times when I've gone to see
16 him that he refuses to come out of his cell to see me.

17 I've made myself available to him. I've explained to
18 him the purposes of my visit. I've tried to talk to him
19 about his charges. But his hesitancy to help me has
20 hindered in the preparation of his defense.

21 I have prepared without his assistance, and I am
22 prepared to go forward with this trial tomorrow. But I
23 wanted it to be noted for the record my difficulties in
24 dealing with him in preparation of his defense.

25 THE COURT: Very good. We will -- let's go ahead and

1 -- I understand that there is a report that's been
2 submitted with regard to his competency. Do you have the
3 -- who has that report?

4 MS. SWILLEY: Your Honor, I can provide the Court with
5 a copy of it ---

6 THE COURT: Okay.

7 MS. SWILLEY: --- momentarily.

8 THE COURT: Okay. Well, I'll -- I'm waiting, whenever
9 you're ready.

10 MS. JOHNSON-LEE: If I may, Your Honor, I believe the
11 state's copy was actually put into evidence during the last
12 hearing by Ms. David and should be in the file -- the
13 original file ---

14 THE COURT: Okay.

15 MS. JOHNSON-LEE: --- from the ---

16 THE COURT: Very good.

17 MS. JOHNSON-LEE: --- clerk of court.

18 (Off the record briefly.)

19 THE COURT: Okay. All right. It's already been
20 introduced into evidence. It's been made a part of the
21 file as State's Exhibit No. A. Do you have any objection
22 to the admission of this particular report, as it relates
23 to competency and this *Blair* hearing, here today?

24 MS. SWILLEY: I do not have objections, Your Honor.

25 THE COURT: Okay. Do you have anything that you would

1 like to offer with regard to the issue of competency that
2 -- in addition to this report that's dated 9/9/14?

3 MS. SWILLEY: Yes, Your Honor, I would. I would like
4 to add to it, based upon my interactions with Mr. Brunson
5 before 9/9 and since. I first met Mr. Brunson at the
6 Marlboro County Detention Center in June of this year when
7 I was assigned his case. He had a previous public defender
8 named Brandon Steen, with whom he was working. And since
9 my coming onto the case, Mr. Brunson has been extremely
10 polite, very nice to me but, again, refuses to talk to me
11 about the charges.

12 He, in my visits with him, is sometimes concerned that
13 I may be recording our conversations, even though I assure
14 him repeatedly I'm not. He asks to see my identification
15 when I go to see him to prove I am who I say I am. He asks
16 about my relationship with my husband to determine whether
17 or not he might working for law enforcement as well. He
18 believes that my assistant works for law enforcement.

19 THE COURT: And your husband works with the public
20 defender's office?

21 MS. SWILLEY: Mr. Matt Swilley works for the public
22 defender's office in Chesterfield.

23 THE COURT: All right.

24 MS. SWILLEY: He ---

25 THE COURT: Very good.

1 MS. SWILLEY: He -- he believes that the guards at the
2 detention center go through his cell and search it whenever
3 he comes out to meet with his attorney

4 THE COURT: They ---

5 MS. SWILLEY: --- to take ---

6 THE COURT: --- very -- they very well might do that.

7 MS. SWILLEY: --- for the purposes of taking his law
8 work and taking it away from him. He has written numerous
9 letters to the solicitor and to myself and to the clerk of
10 court. He expresses concern over fraudulent papers which
11 bring him to court and the system itself.

12 I have serious concerns about his interactions with
13 me. But respectfully, I understand that the Court has
14 found him competent to stand trial.

15 THE COURT: All right. Anything else you'd like to
16 offer in that regard?

17 MS. SWILLEY: Just one second, please.

18 (Whereupon, Ms. Swilley and Mr. Swilley conferred.)

19 MS. SWILLEY: Mr. Brunson's -- his -- his entire hope
20 has been to come to court and come to trial. He does not
21 listen to -- he does not entertain any notion of a plea
22 offer, which, of course, is his right. He told me on
23 Friday that if they offered him time served, he would not
24 take it.

25 And I oppose the findings of this Court. And I

1 personally object to the findings of DMH. And I do not
2 think personally that he is competent.

3 THE COURT: All right. All right. Do you have any
4 expert testimony that would refute the -- the report of
5 DMH, which is dated 9/9/14?

6 MS. SWILLEY: No, Your Honor, I do not.

7 THE COURT: All right. Based on the evidence before
8 me, I do indeed find that he is competent to stand trial.
9 And the state's Exhibit 1 that was introduced previously is
10 incorporated into this trial transcript and introduced into
11 evidence for purposes of this hearing.

12 Bear with me just one moment. Ms. Swilley, you had
13 indicated that there had been plea -- a plea offer that had
14 been extended to the defendant. And that plea offer was
15 what?

16 MS. SWILLEY: Fifteen years, Your Honor.

17 THE COURT: All right. And have you discussed that
18 matter with your client?

19 MS. SWILLEY: I have. I have explained the -- the
20 charges which he is facing, the penalties associated with
21 them, the elements of each, the evidence that the state --
22 I've tried to talk about the evidence the state has to
23 convict him potentially. And he understands all of that,
24 but does not wish to accept the fifteen-year ---

25 THE COURT: Okay.

1 MS. SWILLEY: --- offer.

2 THE COURT: Does he understand the nature of the
3 charges that are against him, the potential penalties, and
4 the collateral consequences of being convicted of all of
5 the -- all or a portion of these crimes?

6 MS. SWILLEY: I can -- I can say that I have explained
7 this to him. As to whether or not he understands it, I
8 believe that he does.

9 THE COURT: Okay. You've at least explained it to
10 him?

11 MS. SWILLEY: Yes, Your Honor, I have.

12 THE COURT: And then, based on the -- the records
13 that's been submitted into this Court with regard to his
14 competency, based on that you would -- it would seem to
15 indicate that he does understand it and is capable of
16 assimilating that information in making his decisions?

17 MS. SWILLEY: Yes, Your Honor.

18 THE COURT: All right. Anything further from the
19 state?

20 MS. DAVID: Nothing further from the state, Your
21 Honor.

22 THE COURT: All right. Anything further from the
23 defense?

24 MS. SWILLEY: No, Your Honor.

25 THE COURT: All right. All right. Well, we will

1 stand at ease until ten o'clock in the morning. It might
2 be a good idea, if y'all have exhibits, to -- to lay those
3 out and let the defendant have an opportunity to review
4 those, and let's premark them. And then, the ones that
5 y'all can agree on will be fine; those that you can't, that
6 -- just make a note of that as well. That will expedite
7 matters.

8 Can -- is there anything else that we could do to
9 expedite the trial tomorrow?

10 MS. DAVID: Your Honor, I believe that would be
11 everything. The state does not have a lot of exhibits. We
12 do have some photos that we could go ahead and get marked
13 and, I think, maybe roughly about four diagrams and maybe
14 three pieces of evidence that will come over from the
15 sheriff's office. And that's about it.

16 THE COURT: Okay. And I want y'all -- before y'all
17 leave today, I want y'all -- I want you to redact the --
18 the taped statement. And I want you to have an opportunity
19 to review it. But I want that to be done and y'all to
20 agree on that before you leave here today.

21 MS. SWILLEY: Yes, sir.

22 THE COURT: All right. Is there anything else that we
23 can do?

24 (No audible response.)

25 THE COURT: All right. Well, we will ---

1 MS. SWILLEY: Nothing from the defense, Your Honor.

2 THE COURT: All right. We'll stand at ease until ten
3 o'clock in the morning. I'm going to ask Ms. Swilley and
4 Ms. David, if she could -- if y'all could stay here and --
5 and complete the matters that we've discussed.

6 MS. SWILLEY: Yes, Your Honor.

7 THE COURT: Very good. All right.

8 (Whereupon, the proceeding was adjourned at 2:33 p.m.)

9 --- END OF TRANSCRIPT OF RECORD ---
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1 State of South Carolina

2 County of Marlboro

3

4 The State of South Carolina,
5 Plaintiffs

6

7 2013-GS-34-00626, 00628 and 00630

8 vs.

9 Roemain J. Brunson,
10 Defendants

December 9, 2014
Bennettsville, S.C.

11

12

13

14 BEFORE THE HONORABLE Michael G. Nettles, Judge.

15

16

17

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

19 Ms. Mia David,
20 Assistant Solicitor for the State

21

22 Ms. Julie Swilley,
23 Attorney for the Defendant

24 Mr. Mathew Sherrod Swilley,
25 Attorney for the Defendant

26

Margaret T. Sullivan,
Court Reporter

27

28

29

30

	Witnesses	Direct	Cross	Redirect	Recross
1	Preliminary Remarks	3			
2	Opening Statements				
	by Ms. David	12			
3	by Ms. Swilley	15			
	Amanda Hill				
4	by Ms. David	18			
	by Ms. Swilley		24		
5	Fred David				
	by Ms. David	27		43	
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7	Jessica Freeman				
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11	Mavis Turner				
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1		E-X-H-I-B-I-T-S		
2	No.	Description	Id.	Ev.
	S-1	Medical Records		
3	S-2	Medical Records		
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4	S-4-17	Photos		23, 94
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5	S-26	DVD redacted		102
	S-27	Knife		107
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	S-29	Knife handle		108
7	S-30	DVD 911 call		61
	S-31	Miranda Rights		100
8	S-32	Search Warrant		93
	S-33	Photo Romaine Brunson		110
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1 THE COURT: Yes, ma'am.

2 MS. DAVID: Your Honor, I do need to let
3 you know that Sandy Wilkes which is the Marlboro
4 County Sheriff's Office, was not listed as a
5 witness on the witness list, but she may be called
6 as a record's custodian for the chain of custody
7 with the sheriff's office.

8 THE COURT: Any objection from the
9 defense?

10 MS. SWILLEY: I would ask that Your Honor
11 question the jurors as to whether or not they know
12 her, or have any relationship with her.

13 THE COURT: What is her name?

14 MR. DAVID: Sandy Wilkes. W-I-L-K-E-S.

15 THE COURT: You may bring the jury,
16 please.

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

19 THE COURT: Madam forelady and Ladies and
20 gentlemen of the jury, we are about to begin the
21 trial of the State of South Carolina versus
22 Romaine Brunson. I want to talk with you a little
23 bit about what to expect. Many of you perhaps
24 have never served on a jury before, but obviously
25 the form which you are taking part in is criminal

1 court. The State of South Carolina has accused
2 Romaine Brunson of committing a crime.

3 Anytime an individual, an american
4 citizen, is accused of a crime, certain
5 constitutional safeguards come in to play. The
6 first of which is, as Mr. Brunson sits at the
7 defense table, he is presumed to be just as an
8 innocent as me or you or the solicitor's office
9 for that matter. That's the frame of reference we
10 start on. That's a constitutional protection that
11 belongs to all of us as american citizens. The
12 second safeguard is that the State is the one that
13 is required to prove their case. Defendant need
14 not prove a thing. He need not testify. He need
15 not present any witnesses, because after all, many
16 of us in our every day lives have been accused of
17 something that's absolutely impossible to prove
18 your innocence.

19 In the United States of America, an
20 individual is not required to prove his innocence.
21 The State bears the burden of proving each and
22 every element of the crimes that have been
23 charged. The third safeguard is, that in order
24 for their to be conviction the State not only has
25 to prove their case, but they have to meet the

1 highest burden of proof known to man. It's proof
2 beyond a reasonable doubt. Imagine with me if you
3 will, the scales of justice, where the lady is
4 blindfolded from all bias and all prejudice. When
5 the trial starts, the scales are even. In a
6 civil case if it's just a wreck case and we're
7 talking about money, the plaintiff would only have
8 to tip the scales ever so slightly in their favor
9 and they would prevail. Because after all, in a
10 civil case all you're talking about is money. In
11 criminal cases a lot more important things are at
12 stake versus liberty.

13 In view of that, our forefathers found it
14 appropriate in a criminal court for there to be,
15 the State be required to meet the highest burden
16 of proof known in our judicial system, prove
17 beyond a reasonable doubt. And I envision that as
18 locking up the scales in that their favor. I'll
19 define proof beyond a reasonable doubt in greater
20 detail at the conclusion of the case. The way we
21 are going to proceed is, the State, Ms. David, is
22 going to have an opportunity to make an opening
23 statement. She's going to get up before you and
24 tell you perhaps a little bit about the law and
25 what evidence she intends to present and what she

1 intends to prove.

2 The defendant, Ms. Swilley, is going to
3 have an opportunity to give an opening statement,
4 but she is not required to. Because after all
5 once again, the defendant is not required to do
6 anything. Not required to give an opening
7 statement, present any witnesses or to testify.
8 She is going be given an opportunity to, and
9 perhaps she will. After the opening statements
10 the -- we will begin the talking of evidence in
11 this case. The evidence takes a number of
12 different forms. But the primary form of evidence
13 is oral testimony that is going to be taken from
14 this witness stand.

15 The witnesses will come forward, have a
16 seat in this witness chair. Put their hand on the
17 bible and swear to tell the truth. And the State
18 gets to go first. They present their witnesses.
19 Evidence takes the form of oral testimony. It can
20 take the form of stipulations of counsel. In some
21 instances, depositions. There is documentary
22 evidence that will be introduced through witnesses
23 for your consideration. After the State has
24 presented their case, the defendant will be given
25 the opportunity to present their case, and put up

1 any evidence forward that would support any
2 defense they might have. And once again, they are
3 not required to do that.

4 Ladies and gentlemen of the jury, you and
5 I have certain roles to follow. I am the arbiter
6 of the law, which means that I preside over this
7 proceeding. I determine what evidence you get to
8 hear. At the conclusion of the case, I charge you
9 what the law is in the State of South Carolina.
10 You have -- you also are judges in this case, but
11 your job is different. You're going to be
12 required to listen to the evidence that's
13 presented in this case. In every case that's
14 tried in this courtroom or any other courtroom in
15 the United States of America, there's always a
16 dispute with regard to the facts. It's a very
17 rare occasion where everybody agrees on the facts,
18 but there is a difference with regard to the
19 inference to be drawn from the facts. But in both
20 instances, you as jurors are going to be called
21 upon to make the findings of fact. The law
22 doesn't allow me to have an opinion about the
23 facts and the evidence. That's completely your
24 province. You all are the ones that are the sole
25 and exclusive triers of the facts.

1 Ladies and gentlemen of the jury, in your
2 role as the triers of fact, you are necessarily
3 going to called upon to determine the
4 believability of witnesses and their credibility.
5 One thing that the law says in that regard is
6 that, you are not to leave your common sense at
7 the door. We all in our every day lives know how
8 to evaluate what an individual says and whether or
9 not they're telling the truth. Ask yourselves
10 what opportunity this witness had to observe the
11 things to which they are testifying. Ask yourself
12 whether they have any interest or bias with regard
13 to their testimony, whether they have anything to
14 gain by their testimony.

15 You can believe one witness against many,
16 many against one. You can believe all of what a
17 witness says. None of what a witness says or a
18 part thereof. That's completely within your job
19 and you collective wisdom to make those decisions.
20 In addition to that, it's important for you to pay
21 attention to what the witness says. Whether or
22 not it was corroborated by other evidence,
23 whether it was contradicted by other evidence.
24 And pay attention to what the witnesses say. But
25 in addition to that, the law says that you can pay

1 attention to their demeanor.

2 All of us who have teenage children
3 sometimes when we are talking about matters, it's
4 important to listen to what they have got to say,
5 but also the way they say it. And the law says
6 that you take that into consideration. So pay
7 attention to the witnesses. Watch them when they
8 testify. Use your good common sense and evaluate
9 whether or not what they are saying is true.

10 During the trial of this case, you will
11 quite often hear the lawyers say, I have an
12 objection. I have a matter of law I would like to
13 take up outside the presence of the jury. There's
14 a reason for that. Because this proceeding is
15 governed by rules of evidence and the South
16 Carolina rules of criminal procedure. And when
17 they say they have an objection, that's my job as
18 the arbiter of law is determine what evidence you
19 get to hear. A lot of times, those conversations
20 will take place outside of your presence, because
21 sometimes the ruling on those objections, it
22 requires that I comment on certain factual issues.
23 And the law doesn't allow me to have an opinion
24 about the facts. So it would inappropriate for me
25 to talk about those in your presence, because

1 that's your job, is to determine what the facts
2 are.

3 At the conclusion of the case, if there is
4 a particular point of law that you had an interest
5 in, and I can remember what we were talking about,
6 I'll share it with you after you have you've
7 rendered the verdict. It would be inappropriate
8 for us to talk about those things until such time
9 as you've heard all the evidence without any
10 corrupting influences and you've made a decision.
11 Pay very close attention as the witnesses testify.
12 At the conclusion of the presentation of the
13 evidence, the lawyers will have an opportunity to
14 give closing statements or closing arguments. And
15 they're very similar in form to the opening
16 statements. The lawyers will have an opportunity
17 to stand up before you and talk about the case.
18 But this is different from the opening statement,
19 because at that point and time you will have heard
20 all of the evidence. They can point to the
21 evidence that supports their relative position.
22 What they have to say is not evidence, but it will
23 aid you immensely in your deliberation process,
24 because these lawyers have been preparing this
25 case for a long period time. And it's important

1 for you to listen to what they have to say and
2 will aid you immensely.

3 Ladies and gentlemen of the jury,
4 throughout the trial of this case, it's
5 inappropriate for you all to discuss the case in
6 any way, shape or form until I give you
7 instructions to begin deliberations. Madam
8 forelady, throughout the trial of this case, if I
9 excuse you to the jury room or if we take a break
10 at lunch and you all come back together and gather
11 in the jury room, do not discuss the case. Don't
12 talk about lawyers. Don't about the witnesses.
13 You can talk about Carolina, Clemson football or
14 you can talk about the weather. You can talk
15 about Santa Claus. Whatever you want to talk
16 about, but you can't talk about this case.

17 There will come a time when you all are
18 asked and directed and ordered to discuss the
19 case, but until that time, it would be
20 inappropriate to do that. Madam forelady, I am
21 going ask that there be no discussions about the
22 case until I gave you instructions to begin
23 deliberations. I am going to ask that you all not
24 take notes. Some people take notes, some people
25 don't. Some people take good notes, some people

1 take bad notes. And for that reason, given the
2 nature of the case, the length of the case, I am
3 going to direct that you all not take notes. And
4 that's going call upon you to pay close attention
5 as the witnesses testify. I will tell you
6 something from the very outset, that if I may an
7 error with regard to the law, that's something
8 that's easily corrected. However, if you make a
9 mistake with regard to the findings of fact, quite
10 often that never can be corrected. So it's
11 important for you to pay very close attention to
12 the evidence that comes from this witness stand.

13 Ladies and gentlemen of the jury, this is
14 an important case. It's an important case to the
15 State of South Carolina. It's an important case
16 to Mr. Brunson. It's an important case to you.
17 You have taken a solemn oath that you will listen
18 to the evidence, determine what the truth is and
19 apply it to the law. You are participating in a
20 time tested system. You have taken a very solemn
21 oath and I am convinced that you will do that.
22 Ms. David, you are recognized in opening
23 statements.

24 MS. DAVID: Thank you, Your Honor. May It
25 Please the Court, one, 2, 3, 4, 5, 6, 7, 8, 9, 10,

1 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,
2 23, 24, 25, 26, 27. Twenty-seven times. At least
3 27 times is the numerous times that Ms. Wanda
4 Johnson was stabbed in her home on James Street in
5 Bennettsville, South Carolina, around 3 o'clock in
6 the morning by the defendant, Mr. Romaine Brunson.

7 Prior to Ms. Wanda Johnson being stab 27
8 times, or shall I say, at least 27 times, it is up
9 for debate. It could be 28. It could 29. But
10 at least 27 times, Mr. Fred David, her boyfriend,
11 had been stabbed multiple times. Multiple as in
12 more than one or two. Closer to 9 or 10. And
13 again, in his home on James Street in
14 Bennettsville, South Carolina, around in the 3
15 o'clock in the morning, where he fled mercilessly
16 for his life. Running to his neighbors for help
17 while drenched in blood and only wearing his
18 underwear.

19 Ladies and gentlemen of the jury, I am Mia
20 David and this is Mary Thomas Johnson Lee, and we
21 both represent the State of South Carolina. You,
22 you are the jury, and you are going to be
23 presented with a lot of facts and a lot of
24 evidence in this case this week. You will hear
25 testimony from the two victims who almost lost

1 their lives in this incident. You will hear
2 testimony from law enforcement, that actually eye
3 witnessed, saw with their own eyes, the defendant,
4 on top of Ms. Wanda Johnson with a knife in his
5 hand. You will also hear testimony from Dr. Erin
6 Stopa at McLeod Hospital, who treated Ms. Wanda
7 Johnson.

8 As a member of this jury, I ask that you
9 pay close attention to these facts and the
10 evidence that will be presented as the State will
11 go beyond a reasonable doubt to prove to you, each
12 and every element of the crimes charge. Over the
13 next day or so, the State will proof to you, that
14 the defendant is guilty of attempted murder on
15 Ms. Wanda Johnson. The State will prove that the
16 defendant is guilty of attempted murder on
17 Mr. Fred David.

18 The State will also prove that the
19 defendant is guilty of possession of a weapon
20 during the commission of a violent crime. As well
21 as, that the defendant is guilty of burglary in
22 the first degree. And finally, the State will
23 prove that the defendant is guilty of kidnapping.
24 I just ask that you pay close attention of the
25 facts and the evidence. And at the end of this

1 trial, I hope that you will find the defendant
2 guilty. Thank you.

3 THE COURT: Ms. Swilley, you are
4 recognized.

5 MS. SWILLEY: Thank you, Your Honor. This
6 case is about drugs. The night of August
7 9th 2013, Mr. Romaine Brunson and his girlfriend
8 were living side by side with Wanda Johnson and
9 Fred David. They lived in the trailer side by
10 side. You will see that in the evidence. On the
11 evening August 8th, the early morning hours of
12 August 9th, Mr. Romaine Brunson's girlfriend went
13 to bed early. Romaine Brunson however, went to
14 the store to get some cigarettes. When he came
15 back to the house that night, he was sitting in
16 his honda, outside his trailer, and he was
17 snorting cocaine. Because Mr. Brunson has a drug
18 problem.

19 About 3:30 or 3 o'clock in the morning,
20 Ms. Wanda Johnson, who lives next to Mr. Romaine
21 Brunson, sees him out there in his car, and she
22 motions him over. Come on over, because she wants
23 a bump of cocaine. Ms. Wanda Johnson also has a
24 longstanding problem with crack cocaine and powder
25 cocaine, as the evidence will show. She calls him

1 over to her house. Come on over. Let's hang out.
2 Mr. Romaine Brunson, goes over to her house.
3 It's about 3:30 in the morning. He there with
4 Mr. Fred David and Ms. Wanda Johnson, after
5 everything is fine. They get along great. They
6 don't have any history of violence between them.
7 He calls her mom. You're going to hear evidence
8 of that.

9 Ten minutes go by, and Fred David attacks
10 Romaine Brunson with a knife. You're going to see
11 that in the evidence as well. Romaine Brunson
12 does what any of us would have done in that
13 situation, and he defends himself. He gets the
14 knife away from Fred David and he stabs him. The
15 State has told you the number of times he stabbed
16 each of these two individuals and that's correct.
17 What the State didn't bother to mention to you is
18 that Mr. Romaine Brunson himself was stabbed. You
19 will see this also in the evidence.

20 The main point to take away from this as
21 you are listening to this case is that Mr. Romaine
22 Brunson was not the aggressor here. He is not the
23 person that started this fight. He is the person
24 however who got the better of the victims and took
25 the knife away from them and managed to protect

1 himself. You all were picked yesterday because
2 you share one very important thing, all of you
3 have common sense and you have life experience,
4 and probably some of you know people like Fred
5 David, Wanda Johnson and Romaine Brunson.
6 Probably some of you know people who have drug
7 addiction problems. I ask that as you listen to
8 the testimony that comes from that witness stand
9 and you compare it to the physical evidence which
10 you will see, you ask yourself, which story makes
11 more sense to you. Which story lines up with the
12 evidence that you have.

13 Mr. Romaine Brunson is going to tell his
14 story. You're going to hear it from him what
15 happened. You're also going to hear from Wanda
16 Johnson and Fred David. Ask yourselves what makes
17 more sense. This case is about drugs. At the end
18 of this case, there is only one verdict that you
19 can, and that is not guilty. Thank you.

20 THE COURT: Thank you, Ms. Swilley. The
21 State is recognized, you may call your first
22 witness.

23 MS. DAVID: Amanda Gill.

24 Amanda Hill, being first duly sworn,
25 testified as follows:

Amanda Hill-Direct by avid

1 THE COURT: Let's start with your full
2 name, please, ma'am.

3 A Yes, sir. Amanda Nicole Hill.

4 THE COURT: Thank you, Ms. Hill.

5 Direct Examination by Ms. David:

6 Q And how old are you Ms. Hill?

7 A 26.

8 Q And where do you live?

9 A Here in Bennettsville.

10 Q And what is your current occupation?

11 A I am a deputy sheriff.

12 Q Where at?

13 A Marlboro County Sheriff's Office.

14 Q How long have you been employed there?

15 A February will be 3 years.

16 Q Is it one of your job duties to assist and
17 respond to emergency calls?

18 A Yes, ma'am.

19 Q And were you employed in the present
20 capacity of August 9th of 2013?

21 A Yes, ma'am.

22 Q Are you familiar with this case against
23 Mr. Brunson?

24 A Yes, ma'am.

25 Q Would you please explain to the court your

Amanda Hill-Direct by avid

1 involvement in this case?

2 A Yes, ma'am. On the earlier morning of
3 Friday, August 9th 2013, we received a call for
4 assistance from a female victim stating that---

5 MS. SWILLEY: Objection. Hearsay.

6 THE COURT: Sustained.

7 Q Please only say what you heard, and what
8 you saw.

9 A We received a call for assistance. And
10 Sergeant Wheeler was the first officer to respond.
11 He arrived on the scene, and was there for a few
12 moments, and then requested assistance from other
13 officers. Once myself and Deputy McCall arrived
14 on the scene, we were advised that we needed to
15 make entry into the residence. It was believed
16 that there was danger to the occupants inside the
17 residence.

18 Also while we were there, we were able to
19 make entry into the home. The male victim walked
20 up and was covered in blood. And he was unable to
21 explain to us what was going on. He was in pretty
22 bad shape. We located a brick. Or myself and
23 Sergeant Wheeler located a brick on the ground,
24 and were able to pick it up and break the window
25 out of the door. That's the only way we could get

Amanda Hill-Direct by avid

1 into the residence. The door opened out, not
2 inward, so we couldn't kick it in. Once we broke
3 the glass out, we saw or I saw the female victim
4 on the ground with Mr. Brunson over her. He had
5 the blade in one hand, and the butt of the knife
6 in the other. And I immediately told him to put
7 the knife down. And he stopped, and backed up.
8 We were able to unlock the door, go into the home
9 and arrest Mr. Brunson and place him in handcuffs.

10 Q Now when you first arrived on the scene,
11 where were you located?

12 A My vehicle was parked on Salem Road. The
13 house is located at the corner of Salem Road and
14 James street. I parked on Salem Road and walked
15 up to the residence.

16 MS. DAVID: At this time, I beg the
17 court's indulgence one moment. Are you able to
18 see this?

19 A Yes, ma'am.

20 MS. DAVID: Your Honor, if she may stand
21 if she needs to---

22 THE COURT: Certainly.

23 MS. DAVID: ---in order to point to the
24 photo.

25 (Whereupon, witness steps down from the

Amanda Hill-Direct by avid

1 witness stand.)

2 Q I show you what has been marked for
3 purposes of identification as State's Exhibit
4 No. 4. Can you use that diagram to show us and
5 explain to us, where you arrived on the scene and
6 where you went upon arrival.

7 A I parked over here. This here is Stable
8 Road and this James Street. This is the victim's
9 residence. This is the residence of Mr. Brunson.

10 Q And where did you go once you arrived?

11 A I walked from here to the front of the
12 residence.

13 Q And once you got to the front of the
14 residence what did you do?

15 A We could hear the cries for help inside
16 the residence. Or myself. I could hear the
17 female victim crying for help. And the brick was
18 located right here beside the steps that I used to
19 break the glass out of the the door.

20 Q And once the glass was broken and the door
21 was opened, what did you do next?

22 A We went into the residence and placed
23 handcuffs on Mr. Brunson, and brought him out of
24 the residence, and tried to assist the female
25 victim.

Amanda Hill-Direct by avid

1 Q Now did you see the victim when you walked
2 into the residence?

3 A Yes, she was covered in blood and her
4 shirt was ripped and torn, her grown.

5 Q And where was she located in the home?

6 A On the floor, parallel to the front of the
7 home. She was laying sideways.

8 Q I am going to show you what's been marked
9 as State's Exhibit No. 9 and State's Exhibit
10 No. 16 for purposes of identification. These two
11 exhibits were both stipulated to by the defense on
12 yesterday. Please explain to the jury what the
13 photo is of Exhibit 9.

14 A This is the living room where the victim
15 was located. She was laying -- this is living
16 room where the victim was located. She was
17 laying this way where you can see the blood here
18 on the floor.

19 Q And please explain to the jury what photo
20 No. 16 is.

21 A This is a male victim. He was sitting on
22 the ground outside the residence. This is where
23 he was covered in blood, and the wrist he first
24 noted and bandaged his arm. They were in the
25 process of trying of help him.

Amanda Hill-Direct by avid

1 THE COURT: Which exhibits have been
2 stipulated as to being introduced into evidence?

3 MS. DAVID: Your Honor, go through each
4 one?

5 THE COURT: Yes.

6 MS. DAVID: Your Honor, Nos. 9, 16, 7, 8,
7 12, 13, 14, 15, 17, 10 and 11 have been stipulated
8 to on yesterday.

9 THE COURT: Ms. Swilley, do you agree that
10 these are to be introduced into evidence?

11 MS. SWILLEY: Yes, Your Honor.

12 THE COURT: Each of these items are in to
13 evidence. You may proceed.

14 (Photographs marked State's Exhibit Nos.
15 9-17 introduced into evidence.)

16 MS. DAVID: Your Honor, the State would
17 like to publish the photos to the jury.

18 THE COURT: You may.

19 Q Ms. Amanda Hill, I have one last question.

20 A Yes, ma'am.

21 Q After entering the home and leaving the
22 home, did you do anything further with this
23 investigation?

24 A No, ma'am, I did not.

25 MS. DAVID: I beg the court's indulgence

Amanda Hill-Cross by Swilley

1 one moment. A few extra questions for you. What
2 address did you respond to on this day?

3 A [REDACTED]

4 Q And is that in Marlboro County?

5 A Yes, ma'am.

6 Q And what is the name of the victim that
7 you saw Mr. Brunson attacking?

8 A Ms. Wanda Johnson.

9 Q And do you know who the male victim was
10 that you saw?

11 A Mr. Fred David.

12 MS. DAVID: Thank you. No further
13 questions at this time. Please answer any
14 questions the defense may have for you.

15 THE COURT: Cross Examination Ms. Swilley.

16 MS. SWILLEY: Thank Your Honor.

17 Cross Examination by Ms. Swilley:

18 Q Good morning, Ms. Hill. Should I call you
19 Deputy Hill? What's your title?

20 A That's fine.

21 Q Deputy Hill, you said when you arrived on
22 the scene, you are one of the first responders,
23 correct?

24 A I was -- Sergeant Wheeler was the first
25 responder, and he called for assistance, and I was

Amanda Hill-Cross by Swilley

1 second.

2 Q So you were second to the scene?

3 A Yes, ma'am.

4 Q Do you operate a dashboard camera inside
5 your vehicle when you respond to incidents?

6 A No, ma'am.

7 Q You said that you busted open the window
8 of the trailer to get in entry, is that correct?

9 A The window of the door, yes, ma'am.

10 Q And you said as soon as you went in there,
11 you told him to stop and he did, is that correct?

12 A Well I could see him through the glass
13 door in the home, yes.

14 Q And you said, stop. And he stopped, and
15 you put handcuffs on him and took him out.

16 A Stop and drop the knife.

17 Q And he complied with your request?

18 A Yes, ma'am.

19 Q Were you there from the beginning of the
20 altercation to see how all this got started?

21 A No, ma'am.

22 Q And do you know who took those photographs
23 of Fred David outside?

24 A Yes, ma'am, those were myself.

25 Q You took the photograph, correct. Did you

Amanda Hill-Cross by Swilley

1 happen to take any photographs of Ms. Wanda
2 Johnson?

3 A No, ma'am. She was -- the rescue squad
4 was trying to help her, and we were unable to get
5 those from her, because she was -- she needed
6 medical help.

7 Q But you took the photo of Fred.

8 A Yes, ma'am.

9 Q How long was he sitting outside before he
10 got taken off to get medical attention, would you
11 say?

12 A Only a few moments before the rescue squad
13 got there and took him.

14 MS. SWILLEY: That's all the questions, I
15 have. Thank you very much.

16 THE COURT: Any redirect, Ms. David?

17 MS. DAVID: I beg the court's indulgence
18 one moment. No further questions at this time.
19 Thank you.

20 THE COURT: You may step down. Any
21 objection to this witness being excused?

22 MS. DAVID: None from the State.

23 MS. SWILLEY: None from the defense, Your
24 Honor.

25 THE COURT: Ms. Hill, you are free to

Fred David-Direct by David

1 leave. You may call your next witness.

2 MS. DAVID: The State would now like to
3 call Mr. Fred David.

4 Fred David, being first duly sworn,
5 testified as follows:

6 THE COURT: Mr. David, come forward. Have
7 a seat in the witness chair. I am going to ask
8 that you pull up real close to the microphone.
9 Speak loudly and clearly and slowly in order for
10 us to hear everything you have got to say. Let's
11 start with your full name, please, sir.

12 A Fred David.

13 THE COURT: Thank you, Mr. David.

14 Ms. David, you are recognized.

15 DIRECT EXAMINATION by Mr. David:

16 Q Mr. David, how old are you?

17 A 65.

18 Q And where do you live?

19 A [REDACTED]

20 Q Okay. Are you married?

21 A Sep -- divorced.

22 Q Do you have any children?

23 A 2.

24 Q Now you say you live at Rogers Lane in
25 Bennettsville, South Carolina.

Fred David-Direct by David

1 A Right.

2 Q Is that where you were living in August of
3 2013?

4 A No.

5 Q Do you recall the night of August 9th,
6 2013?

7 A Yes.

8 Q First, can you tell me where you living
9 then?

10 A I was living I forgot the apartment now.
11 I'm so nervous um...

12 Q Don't be nervous. It's okay. Just relax.
13 I show you what's already been marked for
14 evidence. I cannot see the number from where I'm
15 standing. I show you what's been marked as
16 State's Exhibit No. 4. Is that where you were
17 living?

18 A Yes.

19 Q Okay. May the record reflect that
20 Mr. David has identified [REDACTED] as his
21 location of residence. Do you remember this night
22 of August 9th, 2013?

23 A Yes, ma'am.

24 Q Okay. Well just relax and talk to me
25 about it. Can you tell me what happened?

Fred David-Direct by David

1 A Well, we was -- I was laying on the chair
2 because I was asleep. And the defendant, he came
3 in and knocked on -- he had kicked the door real
4 hard on the side of the trailer. And he said,
5 mama, like that. And I thought it was her son.
6 So as I got up to open the door, I noticed it was
7 him. And as he jerked the door, I jerked it back.
8 And he jerked it, and opened it and forced his way
9 in. And when he forced his way, he hit me in the
10 face, in the forehead. And he asked, where is
11 Wanda. I said Wanda is back there. And he said
12 well you ain't got nothing to do with this. What
13 I am fixing to do. I said what do you mean, just
14 like that.

15 So he was fixing to go back in the back
16 room. And he had a little knife. And I grabbed
17 him, and was went to tussling. And that's when he
18 pinched me and stuck me in the side.

19 Q He struck you in the side with what?

20 A He stabbed me in the side with the knife.

21 Q Did you see this knife?

22 A Yes.

23 Q What did it look like?

24 A It looked lit a little small kitchen
25 knife.

Fred David-Direct by David

1 Q And then what happened next after he stuck
2 you on the side?

3 A And then what happened next after he stuck
4 me with the knife, stabbed with me the knife, me
5 and him tussled. We tussled. And he ran over to
6 the kitchen and got -- to the sink, and got the
7 other butcher knife. And when I grabbed it, it
8 just -- he pulled it, and it busted my finger out.
9 And we started, kept on tussling. After I was
10 bleeding so much, I got, I was already had short
11 breath. And I just got tired and I ran. And I
12 ran across the street to a neighbor. And I
13 knocked on the door, and never get no response and
14 left.

15 And the next house I went, I knocked, and
16 I told him, and he answered. And I asked him
17 could he call the police. He said, I am not
18 calling the police. Just that like. When I come
19 back, the police was there. The officer was
20 there.

21 Q Let's clarify something. What did you
22 have on while you were running around to your
23 neighbor's house?

24 A My boxers.

25 Q Your boxer shorts and underwear.

Fred David-Direct by David

1 A Yes, ma'am.

2 Q Let's keep moving forward. What happens
3 when you get back to the home?

4 A Well when I got back to the home, the
5 officer was standing there. And well I was fixing
6 to go in, and she told me to back up. So I backed
7 back up and was standing up beside the truck. And
8 I said the only way you are going to get in there,
9 I said, you are going to have to bust the window
10 to get in. So after awhile, she bust the window
11 and she told him to come out. And he said he was
12 coming out.

13 And as he came out, she handed and
14 handcuffed him on the ground. And they sat me
15 down on the ground. And after the rescue squad
16 came, and I had them took her. And then they were
17 working on me. And that's the way it happened.
18 That's what was done.

19 Q At that time, did you know how many times
20 you had been stabbed?

21 A Approximately about 11 or 12.

22 Q Did you seek medical treatment?

23 A Yes.

24 Q Where at?

25 A McLeod Hospital.

Fred David-Direct by David

1 Q And how are you doing today?

2 A Well I'm doing, okay but sometimes I still
3 have nightmares, you know, of the things that
4 happened. And it's pretty scary. Other than
5 that, I am doing okay.

6 Q We are going to take a moment for you to
7 identify some diagrams and photos for me. I show
8 you the diagram to your right. Can you identify
9 to me which trailer you were in?

10 A It's---

11 Q You can stand up.

12 A Well this is my trailer right here.

13 Q And where did the defendant live?

14 A He lived in this one.

15 Q Now did you know him?

16 A Not really. But I just only knew him
17 since I moved over there with Wanda. I knew him
18 then.

19 Q Did yo know his name?

20 A Well no, not really. But after he had
21 told me his name, I used to take his trash off for
22 him, and take him and his girl to the grocery
23 store and stuff like that. I just knowing -- just
24 knowing -- I never know him.

25 Q On this particular night, who did you

Fred David-Direct by David

1 think was at that door?

2 A I thought that was her son. Wanda's son.

3 Q Why did you think it was Wanda's son?

4 A Well because you see, it was like -- it
5 was early in the morning. He calls Wanda mama
6 too. And I thought maybe something had happened
7 that time of morning. And he knocked on the door
8 and said mama, just like that. And when I got up
9 and opened the door, and I noticed it wasn't him,
10 I tried to close it back, he snatched it back
11 open. And that's where he, I opened it -- the
12 door had opened and he forced his way in.

13 MS. DAVID: I beg the court's indulgence
14 one moment.

15 Q For purposes of identification, and I
16 don't know if you can see it. You will need to
17 get close to it, if it's okay with Your Honor. I
18 show you State's Exhibit No. 3. Do you know what
19 this is?

20 A This is the trailer park.

21 Q Okay. And can you see the trailer park?

22 A Yes.

23 Q Can you show it to me? You may have to
24 step outside of the jury box.

25 (Whereupon, witness steps down from the

Fred David-Direct by David

1 witness stand.)

2 Q And can you show the jury the trailer
3 park?

4 A This is the trailer park here.

5 Q Now when you left the home, where did you
6 go?

7 A I came over across the street over here.

8 Q Are you sure? Are you having a hard time
9 seeing it?

10 A Yes, ma'am.

11 Q Okay. Well while I have you standing
12 there, I'll show you for purposes of
13 identification, what's been marked as State's
14 Exhibit No. 16. Do you know this man?

15 A Yes, ma'am.

16 Q Who is this?

17 A That's me.

18 Q What you wearing?

19 A My boxers.

20 Q And is that what you had on that evening?

21 A Yes, ma'am.

22 Q Thank you. Now when you left the
23 residence and went home, were you being chased by
24 anyone?

25 A No.

Fred David-Direct by David

1 Q Why were you running around?

2 A I was running to get some help. Call the
3 police. Call the officers.

4 MR. DAVID: I beg the court's indulgence
5 one moment.

6 Q Mr. Fred David, is the person who stabbed
7 you in this courtroom today?

8 A Yes, ma'am.

9 Q Do you see him?

10 A Yes, ma'am.

11 Q And what is he wearing?

12 A He's wearing a white shirt and black khaki
13 pants.

14 Q If it's okay with you, do you mind
15 pointing at him for us?

16 A Yes, ma'am.

17 Q By Ms. David) May the record reflect that
18 Mr. Fred David has identified Mr. Romaine Brunson as
19 the individual that stabbed him multiple times on
20 August 9th 2013.

21 A Yes, ma'am.

22 Q By Ms. David) At this time, I will say thank
23 you. And please answer any questions the defense
24 may have for you.

25 Cross Examination by Ms. Swilley:

Fred David-Cross by Swilley

1 MS. SWILLEY: Thank you, Your Honor.

2 THE COURT: Cross Examination,

3 Ms. Swilley.

4 Cross Examination by Ms. Swilley:

5 Q Good morning, Ms. David.

6 A Good morning.

7 Q Do you remember going to the sheriff's
8 department and giving a statement to Lieutenant
9 Jamie Seals after this incident?

10 A Yes.

11 Q It was about 10 days later on August 19th,
12 do you remember that?

13 A Yes.

14 Q Do you remember in your conversation with
15 Mr. Jamie Seals, you never mentioned Romaine
16 hitting you in the face. Do you remember that?

17 A Excuse me now?

18 Q When you talked to Lieutenant Jamie Seals
19 on that day, you never mentioned him punching you
20 in the face.

21 A Not at that time, no, I didn't.

22 Q But you remembered now?

23 A Yes.

24 Q So 10 days after the event happened, you
25 weren't really sure, but know you know.

Fred David-Cross by Swilley

1 A Well I was sure then, but I never did---

2 Q But you didn't tell him that.

3 A No, I forgot to mention it.

4 Q Did you think it was important to tell
5 them everything that happened that night.

6 A Yes, ma'am, it was very important.

7 Q So you mentioned that Mr. Romaine Brunson
8 called Wanda mama.

9 A Yes.

10 Q How long had you been living with Wanda?

11 A About probably 5 or 6 months.

12 Q And Mr. Romaine Brunson had been living
13 next door before you got there?

14 A Right.

15 Q And you said that you used to took out his
16 trash for him, and you would go to the grocery
17 store with him and his girlfriend, is that right?

18 A Yes.

19 Q Had he ever been violent to you in the
20 past at all?

21 A No.

22 Q Have you ever seen him be violent towards
23 Wanda at all before that night?

24 A No.

25 Q So let's talk about your statement again.

Fred David-Cross by Swilley

1 You said that when he came in, he was carrying a
2 knife.

3 A Right.

4 Q And it was a small kitchen knife.

5 A Right.

6 Q Do you remember when you talked to
7 Lieutenant Jamie Seals you told it was a large
8 knife?

9 A I told him it was a knife, yes.

10 Q Did you identify which knife it was to
11 Lieutenant Jamie Seals?

12 A Well at that time, I didn't really see it.
13 But when we was tussling, and when he stabbed me
14 with it, and then I noticed it was a little short
15 kitchen knife.

16 Q But there were two knives you said that
17 night, correct?

18 A Yes.

19 Q So the first knife you say he came in
20 with.

21 A Right.

22 Q And then there was a second knife. And
23 the second knife you said he went to your kitchen,
24 got it out on your kitchen sink and used it. Is
25 that right?

Fred David-Cross by Swilley

1 A Yes.

2 Q What were you doing while he was going to
3 go get a second knife?

4 A I was trying to -- I followed him and
5 tried to catch him, but he was a little -- he was
6 too strong for me.

7 Q So you weren't---

8 A He was too fast.

9 Q ---holding on to him at the time?

10 A Yes, I was holding him. But he grabbed a
11 knife still.

12 Q Let me make sure I got this straight.

13 Because when you talked to Lieutenant Jamie Seals,
14 you told him that when you came -- when he broke
15 the first knife and he went to get the second
16 knife, you were holding on to him the whole time.
17 Do you remember that?

18 A I didn't say I was holding on to him the
19 whole time. I said I was holding on to him. Then
20 when he got the knife, I grabbed it. And that's
21 when he jerked it and pulled the -- cut the finger
22 and I had to turn it loose.

23 Q So as far as you know, there were two
24 knives used that night.

25 A Yes.

Fred David-Cross by Swilley

1 Q Any more?

2 A No, I didn't see anymore.

3 Q So it's your testimony that at 3:30 in the
4 morning, Romaine Brunson comes to your trailer,
5 beats on the door looking for mom. Is that right?

6 A Right.

7 Q Okay. Let's talk a little bit about Wanda.
8 You've lived with her -- are you still living with
9 her now?

10 A Yes.

11 Q So you've lived with her now, for how
12 long? Two years?

13 A Just about -- going about 2 years.

14 Q Two years. Would you say that you know
15 her pretty well?

16 A Yes, I know her pretty well.

17 Q How often do you see Wanda do drugs?

18 A I never see her do drugs.

19 Q You've never seen her do drugs. You've
20 never seen her---

21 A She has smoked a little weed, but that's
22 it. I never got -- I've never seen nothing else.

23 Q You don't know -- did you see her smoke
24 marijuana? Have you see her?

25 A She have. I have.

Fred David-Cross by Swilley

1 Q Where does she smoke marijuana?

2 A I don't know about now, but I know she
3 have in the past.

4 Q When is the last time you saw her do
5 drugs?

6 A She did drugs I believe, it was last week
7 sometime.

8 Q I didn't hear you.

9 A Last week.

10 Q Oh, the two of you together?

11 A Yes.

12 Q What kind of drugs did you do?

13 A Marijuana.

14 Q Do you do crack also?

15 A No.

16 Q So you don't touch crack. That's just
17 Wanda.

18 A No, I don't.

19 Q You didn't like it when Romaine would
20 bring drugs to the house, did you?

21 A Romaine, he never did bring no drugs to
22 the house.

23 Q Did you know about Romaine's drug use?

24 A I have heard about it.

25 Q But you never witnessed him do drugs

Fred David-Cross by Swilley

1 either, is that right?

2 A No, I never know.

3 Q And it's your testimony you've never seen
4 Wanda do crack or powder cocaine.

5 A No.

6 Q So the night that this happened, Wanda
7 wasn't doing powder or crack cocaine.

8 A No.

9 Q Had you been with her whole day?

10 A Yes.

11 Q Did she ever leave your sight other than
12 when she went to bed?

13 A No.

14 MS. SWILLEY: Just one second. I'll be
15 right back.

16 Q And when you were taken to the hospital,
17 you were released 3 hours later, is that right?
18 The same day?

19 A Yes, ma'am.

20 MS. SWILLEY: I don't think I have any
21 other questions for you right now. Thank you.

22 THE COURT: Any redirect?

23 MR. DAVID: Yes, Your Honor.

24 Redirect Examination Ms. David:

25 Q When the defendant entered your home, what

Fred David-Redirect by David

1 did he have in his hand?

2 A He had a kitchen knife.

3 Q He had a knife.

4 A Yes.

5 Q In his hand. I just wanted to clear that
6 up.

7 Ms. DAVID: I beg the court's indulgence
8 one moment.

9 Q I am going to try to rephrase this
10 question for you. When he entered your home, you
11 said that he had a knife. Would you have been
12 holding him for any other remember?

13 A No.

14 Q And is it your testimony that the
15 defendant hit you first?

16 A Yes.

17 Q And where were you located when the
18 defendant hit you?

19 A Well I was getting -- I was back to the
20 door when he walked in.

21 Q But were you inside the door.

22 A Inside.

23 Q You were inside your house.

24 A Inside.

25 MS. DAVID: Thank you. No further

Fred David-Redirect by David

1 questions.

2 MS. SWILLEY: I have one follow up.

3 THE COURT: The rules of procedure are
4 very clear. There's direct, cross and redirect.
5 It is incumbent upon you to object to any any new
6 material brought out on redirect. And that's the
7 rule that applies for all witnesses. You may step
8 down. Anybody objection to this witness being
9 excused?

10 MS. DAVID: None from the State.

11 MS. SWILLEY: None for the defense, Your
12 Honor.

13 THE COURT: You are free to leave. You
14 are welcome to stay, but free to leave. You may
15 call your next witness.

16 MS. DAVID: Jessica Freeman.

17 Jessica Freeman, being first duly
18 sworn, testified as follows:

19 THE COURT: Pull up real close in that
20 witness chair. Pull up real close to the that
21 microphone and speak loudly, clearly and slowly in
22 order we can hear everything you have got to say.
23 Let's start with your full name.

24 A Jessica Carol Freeman.

25 THE COURT: You can pull that microphone

Jessica Freeman-Direct by David

1 down. One more time.

2 A Jessica Carol Freeman.

3 THE COURT: Ms. David, you are recognized.

4 Direct Examination by Ms. David:

5 Q Good morning. Your name is Jessica

6 Freeman, I guess. And how long are you, Ms.

7 Freeman?

8 A 26.

9 Q 26. And where do you leave?

10 A Rockingham, North Carolina.

11 Q Are you employed?

12 A Uh-uh. (Negative.)

13 Q Are you married?

14 A No.

15 Q Got any children?

16 A No.

17 Q Do you recall this evening, or this night,

18 earlier morning of August 9th 2013?

19 A Yes, ma'am.

20 Q And why do you recall this particular day?

21 A Because me and my grandmother was home,

22 and we got a knock on the door. And we didn't

23 know who it was. And when I opened it, there was

24 blood everywhere.

25 Q Now when you say home, at your

Jessica Freeman-Direct by David

1 grandmother's house?

2 A Yes, ma'am.

3 Q Where does your grandmother live?

4 A On Salem Road.

5 Q On Salem Road. And you got a knock at the
6 door.

7 A About 3:30 in the morning.

8 Q About 3:30 in the morning, you got a knock
9 on the door. Did you answer it?

10 A Uh-uh. (Negative.)

11 Q Do you know who it was?

12 A Uh-uh. (Negative.)

13 Q Well then what did you do?

14 A I called 911 whenever I opened the door
15 and I seen the blood everywhere.

16 Q And what did you tell 911?

17 MS. SWILLEY: Objection.

18 THE COURT: She can say what she told 911.
19 What's your objection?

20 MS. SWILLEY: Hearsay, Your Honor. She's
21 testifying as the truth of the matter asserted as
22 an out of court statement.

23 MS. DAVID: Out of court statement made by
24 one other than the declarant.

25 MS. SWILLEY: Out of court.

Jessica Freeman-Direct by David

1 THE COURT: Pardon?

2 MS. SWILLEY: Out of court, Your Honor.

3 That is my objection.

4 THE COURT: Well, that's -- you're
5 overruled. You may ask it.

6 Q What did you, thank you, Your Honor.

7 What did you tell the -- what did you 911?

8 A That me and my grandmother was home alone,
9 and we heard somebody beating on the door. And
10 she told me not to open it. And when we got
11 there, we seen blood everywhere. On the porch and
12 the door and everywhere.

13 Q And about what time was this call made?

14 A About 3:30.

15 Q I show you for purposes of identification,
16 what's been marked as State's Exhibit No. 3. Do
17 you recognize this?

18 A Uh-huh. (Affirmative.)

19 Q Can you tell me what it is?

20 A It's a map of where I stay.

21 Q Can you stand up and get close to the map,
22 and please explain and show the jury where you
23 stay.

24 A About, there is the trailer park. It's
25 about right here.

Jessica Freeman-Direct by David

1 Q Okay. And at the time you received that
2 knock on your door, did you hear anything?

3 A Uh-uh. (Negative.)

4 Q Did you see anyone?

5 A No.

6 Q You just heard a knock at the door.

7 A I just heard a knock, and they were
8 beating. Whoever it was, was beating on the door.

9 Q Could you hear anything else?

10 A No.

11 Q No. Is there any additional information
12 you would like to share with the court?

13 A That's it.

14 Q By Ms. David) I beg the court's indulgence
15 just one moment. Thank you. Please answer any
16 questions the defense may have for you.

17 THE COURT: Ms. Swilley, you are
18 recognized. Cross examination.

19 MS. SWILLEY: I have no questions for this
20 witness, Your Honor.

21 THE COURT: You may be excused. You may
22 step down. Madam Forelady and ladies and
23 gentlemen, we are going to take a brief recess.
24 And I'm going to ask that you return to the jury
25 room and refresh yourselves. But do not discuss

Jessica Freeman-Direct by David

1 the case. Everyone will remain seated as the jury
2 exits the courtroom.

3 (Whereupon, the following takes place
4 outside the presence of the jury.)

5 THE COURT: Anything from the State before
6 we recess for a moment?

7 MS. DAVID: Nothing from the State?

8 THE COURT: Anything from defense?

9 MS. SWILLEY: No, Your Honor.

10 THE COURT: Counsel, approach this bench
11 one moment.

12 (Whereupon, the attorneys approach the
13 bench and confer with judge.)

14 THE COURT: Stand at ease for 5 minutes.

15 (Whereupon, the court takes a short
16 recess.)

17 THE COURT: You may bring in the jury.

18 (Whereupon, the following takes place
19 within the presence of the jury.)

20 THE COURT: Ms. David, you are recognized.
21 You may call your next witness.

22 MS. DAVID: The State would now like to
23 call, Ms. Wanda Johnson.

24 THE COURT: Ms. Johnson, please, come
25 forward.

Wanda Johnson-Direct by David

1 Wanda Johnson, Being first duly sworn,
2 testified as follows.

3 THE COURT: I am going to ask you if you
4 could, watch your step. Have a seat in the
5 witness chair. Pull up real close to that
6 microphone. Speak loudly, clearly and slowly in
7 order for me to hear everything that you've got to
8 say. And let's start with your full name.

9 A Wanda Jean Johnson.

10 THE COURT: Thank you, Ms. Johnson.

11 A You are welcome.

12 THE COURT: Ms. David, you are recognized.

13 Direct Examination by Ms. David:

14 Q Ms. Johnson, how old are you?

15 A I am 57.

16 Q And are you married?

17 A No, ma'am, I am a widow.

18 Q And do you have any children?

19 A I have four.

20 Q How old are they?

21 A 40, 38, 27 and 21.

22 Q And, Ms. Johnson, do you recall the
23 evening, well early morning of August 9th 2013?

24 A Yes, ma'am.

25 Q And where were you living at this time?

Wanda Johnson-Direct by David

1 A I was living at [REDACTED] [REDACTED]

2 Q And why do you recall this morning?

3 A Because that's the morning that

4 Mr. Brunson approached our house.

5 Q Please take a moment as much time as you
6 would like, and explain to the jury what happened.

7 A On that morning Mr. Brunson approached our
8 house. At that time I was back in my bedroom, but
9 Mr. David was up front. So at that time, he was
10 knocking so hard on my door that it scared me so
11 bad. So I ran to my front door. I ran to the
12 front of the house. When he walked in the door,
13 this is what I seen when I got through. He hit
14 Mr. David in the face. And hit me in my face.

15 That's when I ran back, back into my
16 bedroom. Propped my feet up against my door and
17 called 911. After he found out -- after he left
18 Mr. David, came back to bedroom. Kicked my door
19 in. That must be when he stabbed me in the knee.
20 Because he -- when he got, when I -- he caught me
21 back there with my phone. He broke my phone up
22 and said, oh, you tried to call the police on me.
23 That's when he broke my phone. And he must have
24 stabbed me in my knee at the time. He went back
25 up towards where Mr. David was. At that time, I

Wanda Johnson-Direct by David

1 am thinking I can run, but I didn't know he had
2 stabbed me in my knee, so I fell.

3 After he got back through there, he
4 started talking to me. Talking about, if I can't
5 get to your son, I can kill you. I said well what
6 did me or my son do to you. He said, you brought
7 your son here to see my girlfriend. I said no, I
8 didn't. He said, look at me while I am talking to
9 you. As I was covering my face, he said, look up
10 at me. As I looked up at him, he cut me across my
11 face with the knife. So that's when I just
12 started hollering some more.

13 At that time, he walked back. I guess, he
14 had Mr. David got it again. He came back and
15 stabbed several times in my back. That's when he
16 hit my lungs, and I like, started breathing real
17 fast. And he stuck me in my back. And when he
18 stuck me in my back, I really couldn't breath
19 then. So at that point, he kept talking to me and
20 kept talking to me, and just stabbing me. And if
21 I didn't answer a question, he stabbed me several
22 times in my head, my ear, under my neck.

23 And after he finished, you know, torturing
24 me, he drug me. He tore my gown off. He drug me
25 through my front room. He drug me from bedroom to

Wanda Johnson-Direct by David

1 my front room. And he drug me in there. He drug
2 me close enough to my door, to my front door,
3 where I can touch the knob and try to let the
4 polices in. But at that time, when I tried, he
5 had his knee in my back again. As I reached to
6 open the door, he cut me across my arm right
7 there. So then he drug me from the door, and
8 rested his self on my back until the police got in
9 there to help me. He stabbed me several times.

10 Q Do you know how many times you were
11 stabbed?

12 A At least 29.

13 Q At least 29?

14 A Yes, ma'am.

15 Q Do you recall what happened once the
16 police got there?

17 A When the polices got there, at the time we
18 was in the kitchen on my floor with my face down.
19 He was still in my back. The police was, you
20 know, was trying to get in there. And knocked the
21 window out or whatever. At that time when they
22 got in there and the ambulance came, I don't
23 really quite remember after I got on the ambulance
24 and left.

25 Q Now this Mr. Brunson that we're talking

Wanda Johnson-Direct by David

1 about, did you know?

2 A I only knew him as my neighbor. I knew
3 nothing about him. He used to come and we would
4 take him to the grocery store. You know, he
5 called me mom. Just like my son would or other
6 guys that be around. And that day me and my son,
7 I had some movies, and me and my son, I say well
8 come on go next door with me, because I know he
9 got a lot of nephews and play games. So I figured
10 I would take some of the games over there and
11 started, you know, sell them to the kids. Because
12 they were Xbox games. When I approached there, me
13 and my son, as we approached there, he was in the
14 back. But the kids was up front. I said, do you
15 all want to get some games. They said no, we
16 ain't got no money. But I think one of the kids
17 did buy a game. I am not real sure.

18 He walked through and he said, you know
19 D. well, I ain't got no Xbox. Okay then I'm
20 sorry. And then he said something to my son, and
21 then I left. And no more that day, you know, I
22 didn't pay no mind. I was getting in my swimming
23 pool. And he said, mom, you are cooling out ain't
24 you. I said, yeah, you know, that's what I am
25 doing. It's a nice, hot day. You know, I was

Wanda Johnson-Direct by David

1 minding my own business. So later on that night,
2 I don't know what happened. But he wanted to kill
3 me and Mr. Fred that night for some reason. I
4 don't know.

5 Q So when he first knocked on the trailer,
6 why did you think he was knocking?

7 A When he first knocked on my bedroom
8 window, he asked me for a cigarette.

9 MS. SWILLEY: Objection, Your Honor.

10 THE COURT: That being.

11 MS. SWILLEY: Speculation.

12 THE COURT: Rephrase the question.

13 Q What did you hear when he first knocked on
14 your home?

15 A When he first knocked on my door, he
16 knocked on my bedroom window first, and said mom,
17 give me a cigarette. I said; I don't have any.
18 And he left. He must have came around to the
19 front and knocked again, real hard, and said mom
20 open the door. But Mr. Fred opened the door and,
21 you know, I didn't -- I was coming down the hall
22 at the time that I heard all that.

23 Q At the time when the knock happened, where
24 were you?

25 A I was coming out of my bedroom. I was

Wanda Johnson-Direct by David

1 coming down my hallway out of my bedroom.

2 Q So prior to the knock, you were in your
3 bedroom.

4 A I was in my bedroom.

5 Q Were you in the bed?

6 A I was, well, yeah, he had done woke up
7 when he knocked on the window. But I was laying
8 in my bed, but I didn't know he was going to come
9 around to the front. But he knocked so hard, it
10 scared me. So I jumped up. And by the time I
11 could get through, I could hear him say, mom, open
12 the door. And when he opened the door, he tried
13 to, you know, Bogart his way in. And he hit me
14 and hit Mr. Fred. And I ran back towards my
15 bedroom.

16 Q And what were you wearing?

17 A I was a wearing a little gown, a pink
18 gown. A little tinnie little gown that I had on.

19 Q And what time of morning is this?

20 A This is about maybe 3:30 something to 4,
21 something like that. I know it was in the wee
22 hours of the morning, I know that.

23 Q Did you ever try to hide from Mr. Brunson
24 or anything?

25 A I just board myself up so he couldn't get

Wanda Johnson-Direct by David

1 in there to get me. I tried to block him out of
2 my bedroom, but he kicked the door down and just
3 started at me.

4 Q I want to cover your injuries for a
5 moment. You say you feel like you were stabbed
6 about 29 times. How long were in the hospital?

7 A Two weeks. About two weeks.

8 Q And how are you today?

9 A I am doing good today. I am going to
10 physical therapy for my wrist and my knee. And
11 other than that I am okay. I am doing physical
12 therapy now.

13 Q Now I really want to talk for a moment
14 about you.

15 A Okay.

16 Q Tell me about your past, the good and the
17 bad. Indicating any criminal history or drug
18 usage.

19 A Yes, ma'am. I have a drug history,
20 prostitution and cocaine. I was addicted to
21 cocaine. And I made some wrong choices in life,
22 you know. And, you know, I am paying for that
23 now. Because I am living a life, a nice clean
24 now. I don't do cocaine no more. You know, and I
25 trying to stay on the right track. Just, I want

Wanda Johnson-Direct by David

1 to live. You know, I want to be around my
2 grandbaby that I am about to have. Yeah, I made
3 some bad choices in life, I did. I went down the
4 wrong path. But I'm not -- I don't know do that
5 anymore. And I am not going to do that anymore.

6 Q Yes, ma'am. Now on this particular night,
7 had you done any drugs?

8 A That particular night, I had done no
9 drugs. I had two drinks, you know, but I had did
10 no drugs that night. Probably up early in the
11 week part, I might have did something. But that
12 night it was just me and Mr. Fred. We sat there
13 and had a couple of drinks. Or I did. And I
14 went, you know, went on about my business and went
15 and got in the bed.

16 Q Now when you say up earlier in the week
17 you may have done something. Were you doing drugs
18 regularly then?

19 A No, ma'am. I was doing like on the
20 weekends. But I was doing drugs, but I was mostly
21 doing them like on the weekend, and something like
22 that.

23 Q Yes, ma'am. Let's go over some diagrams
24 and some photos.

25 A Okay.

Wanda Johnson-Direct by David

1 Q The jury has had the opportunity to see
2 this same diagram about 5 times now. But I just
3 need for you to -- I just for you to identify it.
4 I show you what's been marked as State's Exhibit
5 No. 3, can you point to me which home you were
6 living in, and which home Mr. Brunson was living?

7 A I was staying in this first trailer here
8 on my right. And Mr. Brunson was staying in that
9 blue trailer right there on your left.

10 Q Thank you. I show you for purposes of
11 identification, what has been marked as State's
12 Exhibit No. 10. Do you recognize this?

13 A Yes, ma'am.

14 Q Can you tell me what it is?

15 A That's a picture of my bedroom, my gown,
16 my pocketbook. Well that's a picture of the stuff
17 that was in my bedroom.

18 Q Why is this picture important?

19 A Because that's where the incident all
20 started right there in that room.

21 Q I show you what's been marked as State
22 Exhibit No. 11. Do you recognize this?

23 A Yes, ma'am. That is my living room area
24 and my kitchen.

25 Q And why is this photo important?

Wanda Johnson-Direct by David

1 A Because that's where the last incident
2 happened at when I was drug through my front room.
3 That's my blood and....

4 Q Where is your blood here?

5 A That's where I was laying on right there.

6 Q Right there.

7 A Yes, ma'am.

8 Q You were laying there when what happened?

9 A When Mr. Brunson was repeatedly stabbing
10 me.

11 Q Is that where you were when the police
12 came in?

13 A Yes, ma'am.

14 MS. DAVID: I am going to publish these to
15 the jury. One moment.

16 Q Is the individual that stabbed you in this
17 courtroom today?

18 A Yes, ma'am.

19 Q And what is he wearing?

20 A He is wearing a creme colored shirt. A
21 real red tie. I don't know what kind of pants he
22 have on this morning.

23 Q Do you mind pointing at him for me?

24 A There he is right there. The gentleman
25 right there to my left.

Wanda Johnson-Direct by David

1 MS. DAVID: May the record reflect that
2 Ms. Wanda Johnson has identified Mr. Romaine
3 Brunson as the individual that stabbed her
4 numerous times on August 9th of 2013.

5 Q Now, Ms. Wanda, I have a question for you.
6 Did you call 911?

7 A Yes, ma'am, I did.

8 Q You did. And what did you tell 911 when
9 you called them?

10 A I told them that my neighbor was trying to
11 kill me and my boyfriend, and I needed somebody
12 out there right away.

13 MS. DAVID: Your Honor, and defense, I
14 show you what has marked as State's Exhibit No.
15 30. And the State would now like to have the 911
16 tape published into evidence.

17 THE COURT: Any objection from the
18 defense.

19 MS. SWILLEY: No, Your Honor.

20 (911 DVD marked State's Exhibit No. 30
21 into evidence.)

22 MS. DAVID: I beg the court's indulgence
23 one moment to get the computer.

24 Q Can you step down and play it for the
25 jury. It's not coming through the speakers.

Wanda Johnson-Direct by David

1 THE COURT: Yes, you may.

2 (Whereupon, the 911 DVD is played to the
3 court.)

4 MS. DAVID: Thank you, Your Honor. And I
5 apologize to the jury and the judge for our
6 technical difficulty just now.

7 Q Is there anything further that you would
8 like to share with the court about this early
9 morning of August 9th 2013?

10 A I would just really want to know---

11 MS. SWILLEY: Objection.

12 THE COURT: I sustain. It's an
13 inappropriate question. Ask her a question.

14 MS. DAVID: Your Honor, it -- I am sorry.

15 Q Ms. Wanda Johnson, are there any
16 additional facts about what happened in the
17 altercation between you and Mr. Brunson that you
18 need to share with the court?

19 A No, ma'am. I can't think of nothing at
20 the moment.

21 Q By Ms. David) Thank you please answer me
22 questions the defense may have for.

23 A Thank you, ma'am.

24 THE COURT: Cross examination, Ms.
25 Swilley.

Wanda Johnson-Cross by Swilley

1 MS. SWILLEY: Thank you, Your Honor.

2 Cross Examination by Ms. Swilley:

3 Q Ms. Johnson, in listening to that 911
4 tape, it was kind of quiet. But it sounded like
5 you said, he's beating my boyfriend and me up.
6 Does that sound right?

7 A He started beating. Yeah, he hit him
8 first and hit me.

9 Q So you've known Romaine for a while as a
10 neighbor, correct?

11 A About 4 or 5 months, yes, ma'am. I didn't
12 know him, but I know he moved next to me. I
13 didn't know him personally. But I knew him, he
14 seemed like an all right fellow.

15 Q Enough for him to call you mom.

16 A Yes, ma'am.

17 Q Enough for you to take out his trash, and
18 take him to the grocery store.

19 A Yes, ma'am.

20 Q Enough for him to come to your house and
21 ask for a cigarette.

22 A Yeah.

23 Q You told law enforcement that you've never
24 seen him display any kind of violence before,
25 towards you, before this night.

Wanda Johnson-Cross by Swilley

1 A No, ma'am.

2 Q It's also true that you do have a cocaine
3 problem, isn't that right?

4 A I did.

5 Q You did.

6 A Yes, ma'am. I used to do cocaine.

7 Q When did that cocaine problem stop?

8 A It's almost a year now it's been stopped.

9 Q After this incident?

10 A Yes, ma'am.

11 Q Let's talk a little bit about, you brought
12 up your record, let's talk a little bit about
13 that.

14 A Uh-huh. (Affirmative.)

15 Q You do have a conviction for prostitution,
16 isn't that correct?

17 A That's what is stated on my police report,
18 ma'am.

19 Q Yes, ma'am. Let's talk specifically about
20 your drug convictions.

21 A Uh-huh. (Affirmative.)

22 Q In 2005, you were convicted of possession
23 powder cocaine, is that right?

24 A Yes, ma'am.

25 Q In 2006, you were convicted of possession

Wanda Johnson-Cross by Swilley

1 with intent to distribute crack cocaine, is that
2 correct?

3 A Yes, ma'am.

4 Q And you got probation for that?

5 A I sure did. Yes, ma'am.

6 Q You violated your probation.

7 A Yes, ma'am.

8 Q And you went to prison.

9 A Yes, ma'am.

10 Q Originally this possession with intent to
11 distribute crack cocaine, was a distribution, was
12 it not?

13 A Ma'am?

14 Q You were charged with distribution of
15 crack cocaine, but you pled to a possession. Is
16 that correct?

17 A Yes, ma'am. If it's on record, yes,
18 ma'am.

19 Q You don't remember being charged with
20 distributing crack cocaine?

21 A I ain't going to say I never distributed
22 it, but I never did -- I didn't never -- they did
23 never catch no cocaine on me or nothing, you know,
24 like that.

25 Q So you did some time in prison.

Wanda Johnson-Cross by Swilley

1 A Yes, ma'am, two and a half years.

2 Q Let's talk a little bit about the night
3 this happened. You testified earlier that you had
4 not been doing drugs that night, is that correct?

5 A That's correct, ma'am.

6 Q Would it surprise you to learn that you
7 tested positive for cocaine and marijuana at the
8 hospital?

9 A That was the night before I did it, yeah.
10 I did it -- I did drugs the night before. I
11 didn't do no drugs the night that it happened.

12 Q So you testified earlier that you only did
13 drugs on the weekend. And that would have put you
14 doing drugs Wednesday night, is that right?

15 A Yes, ma'am.

16 Q So you say that you did crack, or was it
17 powder Wednesday?

18 A Crack.

19 Q You did crack Wednesday night. And then
20 this happened Thursday night, is that right?

21 A Thursday morning. Earlier Friday morning,
22 yes, ma'am.

23 Q You also told the doctor in your medical
24 reports that you do cocaine at least twice a
25 month. Do you remember that?

Wanda Johnson-Cross by Swilley

1 A No, ma'am, I don't remember that. I
2 don't recall that. I Might have, but I don't
3 recall that.

4 Q Did Fred know about your drug usage?
5 Fred?

6 A Mr. David?

7 Q Mr. David.

8 A Yes, ma'am.

9 Q He did?

10 A He knew I was getting -- he might not knew
11 at that time, because I was sneaking around with
12 it. But he eventually found out about it.

13 Q How about marijuana? Does he know about
14 your marijuana usage?

15 A Yes, ma'am.

16 Q So you testified earlier that now you were
17 living a good clean life?

18 A I am.

19 Q When is the last time you did drugs?

20 A The last time I did drugs was right before
21 November of last year.

22 Q You didn't do marijuana last week.

23 A No, ma'am, I didn't.

24 Q So it would surprise you if you knew that
25 Mr. David testified that the two of you smoked

Wanda Johnson-Cross by Swilley

1 marijuana last week.

2 MS. DAVID: Objection, Your Honor.

3 THE COURT: Sustained. You can't pit
4 witnesses.

5 Q Okay, I will move on. Are you aware that
6 Mr. Romaine Brunson also did cocaine.

7 A I was aware of it.

8 Q And you had seen him do drugs before,
9 right?

10 A I have never seen him do nothing, but I
11 was aware of it.

12 Q In your statement -- do you remember
13 giving a statement to Lieutenant Jamie Seals on
14 August 19th 2013, 10 days after this incident?

15 A I remember me giving Mr. Seals a little
16 statement.

17 Q Do you remember telling Mr. Seals on that
18 day that you saw Mr. Romaine Brunson doing powder
19 cocaine?

20 A No, ma'am, I don't remember saying that.

21 Q Okay.

22 A But I know the night of something, he was
23 on something, you know. The night of the
24 incident---

25 Q Okay.

Wanda Johnson-Cross by Swilley

1 A ---it seemed like to me he was on
2 something. I don't know what it was, because I
3 was in my bed, ma'am.

4 Q You're familiar with drug use and
5 addiction though.

6 A Yes, ma'am.

7 Q You know what it looks like. You know
8 what it makes you do.

9 A Yeah.

10 Q Because you experienced that too, didn't
11 you.

12 A Cocaine, crack cocaine.

13 Q Yes, ma'am. So that night you say you
14 were hanging out with Fred, and the two of you
15 were just drinking. No drugs.

16 A Yes, ma'am. In my own house. Yes, ma'am.

17 Q The night before is when you did crack.

18 A I did the crack way before this incident
19 happened with me and Mr. Romaine.

20 Q You just said the day before.

21 A The day before. It was early that
22 morning. I mean, the day before was...

23 Q Okay. Just one second please. Just a few
24 more questions. You said you stayed in the
25 hospital 2 weeks. You gave a statement to law

Wanda Johnson-Cross by Swilley

1 enforcement 10 days after the incident. Were you
2 still in the hospital when you gave them a
3 statement?

4 A I don't know, ma'am. See I was all this,
5 I don't know. I don't even remember talking to
6 Mr. Jamie in the hospital, but I might have did,
7 because I might have been on medication. I don't
8 really remember.

9 Q So the night that this happened you saw
10 Romaine doing cocaine, didn't you?

11 A No, ma'am, I did not.

12 Q You never saw him doing cocaine.

13 A I didn't see Romaine doing anything that
14 night.

15 Q You never asked him to come over to your
16 house.

17 A No, ma'am, I did not.

18 Q You didn't want to do cocaine that night.

19 A I never asked Mr. Romaine. I never did
20 ask him nothing about no cocaine that night,
21 ma'am.

22 MS. SWILLEY: That's all the questions I
23 have. Thank you.

24 A Thank you, ma'am.

25 THE COURT: Any redirect?

Wanda Johnson-Redirect by David

1 MS. DAVID: Yes, Your Honor. I have one
2 question.

3 Redirect Examination by Ms. David:

4 Q Where were you when this incident
5 occurred?

6 A In my bed, in my house. Minding my own
7 business, ma'am.

8 MS. DAVID: Thank you.

9 A You are welcome.

10 THE COURT: You can have a seat if you
11 would like. Madam forelady, and Ladies and
12 gentlemen of the jury, we are going to break for
13 lunch. And I am going to ask that you back at
14 1:30. 1:30 sharp. Do not discuss the case. Do
15 not do any any independent investigation. And we
16 will stand at ease until 1:30.

17 (Whereupon at 11:52 a.m. jury goes to lunch.)

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

20 THE COURT: Anything from the State before
21 we recess for lunch?

22 MS. DAVID: Nothing from the State, Your
23 Honor.

24 THE COURT: Anything from the defense?

25 MS. SWILLEY: No, Your Honor.

Wanda Johnson-Redirect by David

1 THE COURT: How many more witnesses do you
2 have?

3 MS. DAVID: Four. Two doctors, two law
4 enforcement. The longest one is going to be Jamie
5 Seals. He may take close to 45 minutes to an
6 hour, because we are going to play the statement.

7 THE COURT: Might counsel approach the
8 bench one moment.

9 (Whereupon, attorneys approach the bench
10 and confer with judge.)

11 THE COURT: We will stand at ease until
12 1:30.

13 (Whereupon court breaks for lunch.)

14 (Whereupon, the following takes place outside
15 the presence of the jury.)

16 MS. DAVID: Your Honor, we need to address
17 the last four exhibits that were brought over from
18 the sheriff's office. I don't think that they
19 have been marked yet, because of the issue of
20 opening the exhibits. The evidence was given
21 directly to Jamie Seals and never sent to sled.
22 So it could have blood product or whatever type of
23 product on it. And we didn't know how you want to
24 handle opening that.

25 THE COURT: Well we will probably handle

1 it with gloves and we will deal with it when the
2 time comes up.

3 MS. DAVID: Okay.

4 THE COURT: We will mark it when you move
5 to introduce it.

6 MR. LEE: Okay. Well I beg the court's
7 indulgence. We just didn't know whether Your
8 Honor wanted them to go ahead and put the exhibit
9 stickers on the outside of the bag, or wait until
10 the bags were open if they are open during trial,
11 and put the exhibit directly on the items.

12 THE COURT: Probably the bag would be
13 best.

14 MS. LEE: Okay.

15 THE COURT: Anything from the defense?

16 MS. SWILLEY: No, Your Honor.

17 THE COURT: We are ready for the jury.

18 (Whereupon, the following takes place
19 within the presence of the jury.)

20 THE COURT: Ms. David, you may call your
21 next witness.

22 MS. DAVID: Yes, Your Honor. The State
23 would not like to call Dr. Erik Stopa.

24 Erik Stopa, being first duly sworn,
25 testified as follows:

1 THE COURT: I am going to ask if you
2 could, have a seat in this witness chair. Get
3 real close to that microphone. Speak loudly,
4 clearly and slowly in order for us to hear
5 everything you have got to say. And let's start
6 with your full name, please, sir.

7 A Erik Roberto Stopa.

8 THE COURT: Ms. David, you are recognized.
9 Direct Examination by Ms. David:

10 Q Mr. Stopa, where do you live?

11 A Florence, South Carolina.

12 Q And are you currently employed?

13 A Yes.

14 Q Where are you employed?

15 A McLeod Medical Center.

16 Q And how long have you been employed there?

17 A Three and a half years.

18 Q And what do you do at McLeod?

19 A Emergency medicine physician.

20 Q Emergency medicine physician. What is
21 educational experience do you have?

22 A Bachelor of Science, undergrad. Doctor of
23 Osteopathy Medicine, emergency medicine and
24 residency training.

25 Q And what do those job duties typically

Dr. Stopa-Direct by David

1 include?

2 A Excuse Me?

3 Q What do your job duties typically include?

4 A Seeing and treating patients that come
5 through the emergency room at McLeod Regional
6 Medical Center.

7 Q Thank you. Have you ever testified in
8 court before?

9 A Yes.

10 Q About how many times?

11 A Twice I believe.

12 Q Twice. At this time, well have you ever
13 treated a person with stab wounds?

14 A Yes.

15 MS. DAVID: Yes. At this time, the State
16 would move to have Dr. Stopa admitted as an expert
17 in the area of emergency medical physician.

18 THE COURT: And any query with regard to
19 this qualifications.

20 MR. SWILLEY: There is not, Your Honor.

21 THE COURT: Very good. Madam Forelady and
22 Ladies and gentlemen of the jury, normally a
23 person cannot offer opinion testimony. Normally
24 when a person testifies, they must testify as to
25 what they saw, heard, or sensed by smell or

Dr. Stopa-Direct by David

1 something of that nature. However, there is an
2 exception when someone is qualified because of
3 education or experience. They're permitted to
4 give their opinion in certain areas if the court
5 qualifies them that way. This witness will be
6 qualified in the area of medicine and in
7 particular, emergency room medicine, to give
8 testimony in that area. That does not mean that
9 you must accept the opinion. But it is evidence
10 for you to use in any way you see fit. And give
11 it the weight and credibility you believe is
12 appropriate.

13 Ms. David.

14 MS. DAVID: Thank you, Your Honor.

15 Q Do remember the night, early morning of
16 August 9th 2013?

17 A No, not in particular.

18 Q No. Do you remember treating a Ms. Wanda
19 Johnson?

20 A Yes.

21 Q Yes. And is there anything particular
22 about this treatment that stands out? What did
23 you treat her for? Why do you remember this?

24 A Oh, the trauma that came in. She came in
25 with multiple stab wounds at the time.

Dr. Stopa-Direct by David

1 Q Do you recall how many stab wounds she
2 had?

3 A Oh, I mean it was more than 20.

4 Q More than 20. Before we go into detail
5 with Ms. Wanda Johnson's medical record, can you
6 explain to the court what would be considered a
7 life threatening injury?

8 A Well I mean a number of things could be a
9 life threatening injury. Certainly any sort of
10 penetrating wound. Really almost anywhere on the
11 body could potentially be life threatening.

12 Q And is that the same as a most serious
13 injury?

14 A As a serious injury or?

15 Q Yes, can you explain to the court what you
16 would consider a serious, or is a stab wound
17 considered a serious injury?

18 A Oh, yes.

19 Q Yes. Now when you treated Ms. Wanda
20 Johnson, do you recall off the top of your head,
21 without looking at the medical records, how many
22 times she had been stabbed?

23 MR. SWILLEY: Objection, Your Honor. That
24 question has already been asked.

25 THE COURT: Sustained.

Dr. Stopa-Direct by David

1 Q Do you recall where these stab wounds were
2 located?

3 A Numerous locations. I mean, to the chest,
4 to the back, to all extremities, the face. All
5 different locations.

6 Q Okay. Did you get the opportunity to take
7 any photos of Ms. Wanda Johnson?

8 A No.

9 Q No. I show you what's been marked as
10 State's Exhibit No. 2. Do you recognize that?

11 A Yes, Wanda Johnson's medical record.

12 Q Yes. And did you work on that medical
13 record?

14 A Yes, the emergency medicine visit.

15 Q Yes. And did you treat Ms. Wanda Johnson?

16 A Yes.

17 Q How did you treat her?

18 A Initial evaluation stabilization.

19 Basically initially resuscitated with IV fluid.

20 She came in with low blood pressure. Pulse rate
21 was fast. Initial resuscitation with IV fluids.

22 Get the basic lab tests started. And already

23 obvious studies once we determined her traumatic

24 injuries and was consulting with trauma surgeon on

25 call, to the really definitive treatment for the

Dr. Stopa-Direct by David

1 patient.

2 Q Are you only the doctor who treated Ms.
3 Wanda Johnson?

4 A In the emergency department, but not
5 throughout her hospital stay.

6 Q Did you send her for any further
7 treatment?

8 A Yes. She went from the emergency room to
9 the operating room, where the surgeon took care of
10 her from there.

11 Q I am going to show you two diagrams that
12 have been marked for identification as State's
13 Exhibit No. 6 and State's Exhibit No. 5. You
14 may -- I may need you to step down, if you can
15 step outside of the jury box. Are you able to
16 recognize these two diagrams?

17 A Yes.

18 Q Do you know what these are?

19 A These are diagrams showing the number and
20 the locations of the lacerations that were treated
21 by the surgeon. The surgeon, the trauma surgeon
22 that was on the case completed that.

23 Q The trauma surgeon completed this. And
24 how many stab wounds does the trauma surgeon
25 indicate that he treated her for?

Dr. Stopa-Cross by Swilley

1 A Approximately 28.

2 Q Can you show me where you see that?

3 A (Whereupon, the witness points.)

4 Q In your opinion could any of these stab
5 wounds have killed Ms. Wanda Johnson?

6 A They could.

7 Q They could have? I beg the court's
8 indulgence one moment. Now I do have an
9 additional question, did you treat Mr. Fred David
10 at all?

11 A No, I did not.

12 Q Just Ms. Wanda Johnson.

13 A Yes.

14 MS. DAVID: Thank you. Please answer any
15 questions the defense may have for you.

16 THE COURT: Any cross examination?

17 MR. SWILLEY: Thank you, Your Honor.

18 THE COURT: Mr. Swilley.

19 Cross Examination Mr. Swilley:

20 Q Dr. Steadman -- Dr. Stopa, I am sorry.
21 You ordered a drug test to be a urinalysis for
22 Ms. Wanda Jean Johnson, is that correct?

23 A Yes.

24 Q And that was on your own accord. You
25 weren't -- that's what you ordered, correct?

Dr. Stopa-Cross by Swilley

1 A Yes. It's typically part of the trauma
2 panel that we get on patients that come in with
3 traumas.

4 Q And based on your recollection and feel
5 free to revert to the records. Those tests did
6 indicate she was -- she did test positive for
7 cocaine and marijuana, is that correct, sir? I
8 believe State's 17 of 18 at the bottom? I
9 apologize, 12 of 18. Cocaine and marijuana.

10 A Yes, sir, that's correct.

11 Q And also you did note in the records, Page
12 17 of 18, isn't it true that you noted that there
13 was a continuous use of mixed drugs based on your
14 diagnosis or based on your treatment of
15 Ms. Johnson, is that correct?

16 A Yes, that is a diagnosis.

17 Q And based on your treatment of
18 Ms. Johnson, you were able to figure out that she
19 had in fact used cocaine on Friday of August the
20 9th of 2013, is that correct? I would ask you to
21 take a look at page 4 on top of McLeod's
22 Psychiatric Associates consultation.

23 A The psychiatrist note?

24 Q Is this part of your record, sir?

25 A No, that is not.

Dr. Stopa-Cross by Swilley

1 Q I won't ask you about it then. Is it
2 true, Dr. Stopa, that Ms. Johnson, she was an
3 inpatient. She received inpatient care in the
4 hospital for six days?

5 A I know she was an inpatient. I would have
6 to look at the surgeon's discharge summary to see
7 when she left the hospital.

8 Q Take your time, please, sir.

9 A It should be a discharge summary in here.

10 Q If you are unable to find it, it's okay.

11 A It would have been from a Dr. Reynolds.

12 Q Okay. And, Dr. Stopa, one last question.
13 You didn't treat Mr. Romaine Brunson that night,
14 did you, for any stab wounds?

15 A No.

16 MR. SWILLEY I Beg the court indulgence
17 one moment. No further questions Your Honor.

18 MS. DAVID: Nothing further are this
19 state.

20 THE COURT: You are free to leave, sir.
21 Thank you. You may call your next witness. While
22 they are getting the next witness, there has been
23 another witness that has been disclosed. And I'll
24 ask you the same questions that were asked during
25 the qualification. And the witness' name is

Mavis Turner-Direct by David

1 Sandy Wilkes. Is anyone related by blood or
2 marriage or have a close, social, business or
3 personal relationship with Ms. Wilkes?

4 (Whereupon, No Response.)

5 THE COURT: No response. Any further
6 query from the State or the defense?

7 MS. DAVID: None from the State.

8 MS. SWILLEY: None from the defense.

9 MS. DAVID: Our next witness is Ms. Mavis
10 Turner.

11 Mavis Turner being first duly
12 sworn, testified as follows:

13 THE COURT: Please come forward and have a
14 seat in the witness chair. Watch your step. Pull
15 up real close to that microphone and speak loudly,
16 clearly and slowly so we can hear everything you
17 have got to say. State your full name.

18 A Mavis Mabel Turner.

19 THE COURT: Thank you, Ms. Turner.

20 Ms. David, you are recognized.

21 Direct Examination by Ms. David:

22 Q Ms. Turner, where do you live?

23 A Florence, South Carolina.

24 Q And where are you currently employed?

25 A McLeod Regional Medical Center.

Mavis Turner-Direct by David

1 Q And how long have you been employed there?

2 A 40 years.

3 Q And what's your job duties? What are your
4 job duties with McLeod Regional Medical Center.

5 A I am the corporate director of medical
6 records for our 5 hospitals, and we maintain
7 medical records.

8 Q Good. Have you ever testified in court
9 before?

10 A Yes.

11 Q About how many times?

12 A Numerous, I don't know. Over the years
13 it's been numerous.

14 Q Numerous times. I have a question for
15 you. I show you, I am going to show you what's
16 been marked as State's Exhibit No. 1. Do you
17 recognize this?

18 A Yes, ma'am.

19 Q And what is it?

20 A It's an emergency record -- emergency room
21 record from Mcleod Hospital.

22 Q And who is that record for?

23 A Fred David.

24 Q Mr. Fred David?

25 A Uh-huh. (Affirmative.)

Mavis Turner-Direct by David

1 Q And are you able to tell us or read from
2 that record, what Mr. David was treated for at
3 Mcleod Hospital?

4 A Lacerations 38.1 one centimeter. Left
5 palm or hand laceration 3.8 centimeter. Anterior
6 head and neck laceration 7.9 centimeter. Anterior
7 shoulder and upper arm puncture laceration,
8 anterior chest laceration 5.0 centimeter. Right
9 posterior forearm laceration 2.3 centimeter. Left
10 posterior shoulder and upper arm laceration 9.1
11 centimeter. Left anterior upper leg laceration
12 3.4 centimeter. Mid-posterior, mid left upper arm
13 laceration 4.8 centimeter. Mid-posterior, mid
14 left upper arm posterior medial, mid left upper
15 arm laceration 4.2 centimeter. Mid posterior
16 lower left upper arm, mid posterior mid left upper
17 arm, posterior lower left arm, upper arm. Note,
18 puncture RUQ, abdomen laceration, left upper lip,
19 medial right upper arm, right lower arm, left hand
20 between thumb and first finger, left upper arm
21 times three, left upper leg.

22 Q And will you tell us where you read that
23 from?

24 A It's on the second page of the ER medical
25 chart.

Mavis Turner-Direct by David

1 Q So the ER, that's the medical record from
2 the ER showing what Fred David was treated for.

3 A Yes, ma'am.

4 Q Are you -- were you able to treat Fred
5 David in any way possible?

6 A No, ma'am.

7 Q Are you able to give an opinion on those
8 records?

9 A No, ma'am.

10 Q What is your job duty once again?

11 A Present the record, and I do publish if
12 you asked me to read.

13 Q Thank you. On what date was that record
14 done?

15 A On 8/9/2013.

16 MS. DAVID: Thank you. Please answer any
17 questions the defense may have for you.

18 THE COURT: Cross examination, Ms.
19 Swilley.

20 MS. SWILLEY: Thank you very much, Your
21 Honor.

22 Cross Examination Ms. Swilley.

23 Q I am going to direct your attention to the
24 medical record that you have in your hand. And I
25 would like for you look at specifically---

Mavis Turner-Cross by Swilley

1 A I'm sorry.

2 Q ---the discharge time for Mr. David. I
3 believe it's page 17 of 19. If you could tell me
4 what time that was.

5 A The diagnosis?

6 Q The discharge time. That's the page 17 of
7 19, I believe.

8 A Depart time is 8/9/13 of 7:56.

9 Q 8/13 of 7:56 a.m.?

10 A Yes.

11 Q Secondly, I would like to draw your
12 attention to, there is lab results in your packet
13 for Mr. David. A laboratory report for Mr. David.

14 A I see some at glances.

15 Q And I believe we have four pages of lab
16 reports. Could you scan through there and see if
17 a drug screening test was done?

18 A I don't see one that talks about alcohol.

19 Q Thank you very much. That's all the
20 questions I have about that particular one. I am
21 going to show what's been marked State's Exhibit
22 No. 2. If you don't mind keeping your finger
23 there, because I am going to have you reference
24 that page. Do you recognize what that report is
25 in your hand, or could you identify it for us?

Mavis Turner-Cross by Swilley

1 A It's McLeod Psychiatric Associates
2 Consultation.

3 Q For which patient?

4 A Wanda Johnson.

5 Q Could you please tell me based upon what
6 you are reading right there about Ms. Johnson's
7 alcohol usage? How much does she claim to do?
8 It's at the very top.

9 A Alcohol, rarely.

10 Q How much?

11 A Rarely.

12 Q The amount used. The line below that.

13 A Oh, a half a pint.

14 Q And when is the last time she used it?

15 A Last Friday.

16 Q The next line down is cocaine. How much
17 there? How often?

18 A Two times monthly.

19 Q How much did she spend does it say?

20 A \$50.

21 Q And when was the last time she used it?

22 A Last Friday.

23 Q The third thing is marijuana. Can you me
24 how often the frequency on that?

25 A Rarely.

Mavis Turner-Cross by Swilley

1 Q And what does she say that she used?
2 Amount used?

3 A A blunt. B-L-U-N-T.

4 Q Yes, ma'am. And when is the last time she
5 said she used it.

6 A Well the last 3 days.

7 MS. SWILLEY: Thank you very much. Let me
8 get that from you. Just one second. No further
9 questions, Your Honor.

10 THE COURT: Any redirect?

11 MS. DAVID: I beg the the court's
12 indulgence one moment. Nothing from the State.
13 Thank you.

14 THE COURT: You are free to go. You may
15 call your next witness.

16 MS. DAVID: The State would now like to
17 now call Investigator Jamie Seals.

18 Investigator Jamie Seals, Being first
19 duly sworn, testified as follows:

20 THE COURT: Mr. Seals, please come forward
21 and have a seat in the witness chair. Speak into
22 that microphone, loudly and clearly. And start by
23 stating your first name.

24 A Jamie Seals.

25 THE COURT: You are recognized, Ms. David.

Lieutenant Jamie Seals-Direct by David

1 Direct Examination by Ms. David:

2 Q Mr. Seals, what is your occupation?

3 A I am a lieutenant over investigations at
4 the Marlboro County Sheriff's Office.

5 Q And how long have you been employed there?

6 A I've been back over there since 2007.

7 Q Did you have any previous law enforcement
8 experience?

9 A Yes, I started my career in 1997, with
10 Probation and Parole. I worked for a short amount
11 of time as an investigator for the sheriff's
12 office. And then I worked for a few years in the
13 State Law Enforcement Division as an agent in the
14 crime scene. Then I came back to the sheriff's
15 office in 2007.

16 Q And what are your current duties with the
17 sheriff's office?

18 A I supervise investigations.

19 Q Were you employed in your present capacity
20 on August 9th of 2013?

21 A Yes, I was.

22 Q And did you become involved in the
23 investigation against Mr. Romaine Brunson?

24 A Yes. I was on call, and I answered the
25 call from the deputies, and it was my case.

Lieutenant Jamie Seals-Direct by David

1 Q Okay. Can you briefly explain to the
2 jury before we move into the evidence, can you
3 just briefly explain to the jury your involvement
4 in that case?

5 A Yes. Sometime early morning of the 9th,
6 3:30 or so, I got a phone call from I don't
7 remember if it was 911 or the responding deputies,
8 saying they needed an investigator. They had a
9 stabbing. I then, before I left for the crime
10 scene, I went to the Marlboro County Detention
11 Center, because they had told me that
12 Mr. Brunson, the suspect, was in custody. And I
13 think they had told me he had also been cut too.
14 So I went there and photographed his injuries.

15 After photographing his injuries, I left
16 and went to the scene briefly and secured a search
17 warrant for the records, so that any evidence we
18 found would be admissible in court. And then came
19 back after I got the search warrant. Again, I
20 processed the crime scene. And after that, the
21 crime scene was finished. At that point, the
22 victims had been taken by ambulance prior to that,
23 to McLeod Regional Medical Center. Later that
24 morning, I went over and talked to them after
25 interviewing Mr. Brunson. We did -- I interviewed

Lieutenant Jamie Seals-Direct by David

1 Mr. Brunson I think before I went to McLeod later
2 that morning. Later in the day, just
3 miscellaneous paperwork and things in the case.

4 Q So first I will show you what has been
5 marked as State's Exhibit No. 32, which is the
6 search warrant. Do you recognize this?

7 A Yes, I do.

8 Q And can you tell us what it is?

9 A It is the search warrant for [REDACTED]
10 [REDACTED].

11 Q Has that search warrant, does it appear to
12 be altered or changed in any way?

13 A No, it doesn't.

14 Q Is it in the same form as it originally
15 was?

16 A It appears so.

17 MS. DAVID: At this time, the State would
18 move to have Exhibit No. 32 entered into evidence.

19 MS. SWILLEY: No objections, Your Honor.

20 THE COURT: It's into evidence, and that
21 denominated as State's Exhibit?

22 MS. DAVID: I didn't understand you. I
23 didn't hear you.

24 THE COURT: It's denominated State's
25 Exhibit what?

Lieutenant Jamie Seals-Direct by David

1 MS. DAVID: State's Exhibit No. 32.

2 THE COURT: It's in to evidence.

3 (Search warrant marked State's Exhibit No.
4 32 into evidence.)

5 Q Mr. Jamie Seals, can you explain to the
6 the court what this search warrant says?

7 A All search warrants basically have two,
8 have three to four places on them. The place to
9 be searched, the property that you're looking for,
10 and the affidavit. The affidavit being my
11 affidavit, a law enforcement officer's affidavit,
12 a sworn statement to a magistrate or judge
13 explaining your probable cause why you think you
14 have enough probable cause to search.

15 The first part, the description of
16 premises. The residence located at 156 James
17 Street, Bennettsville, South Carolina at the
18 corner of Lot 2. This being a single story
19 dwelling. A single wide mobile home. White in
20 color and burgundy trim. Home has No. 2, next to
21 the front door. It has silver underpinning and a
22 grill in the front along with various plants.

23 The next part of the property, weapons to
24 include but not limited to knives, spears, sharp
25 objects, scissors, guns of any make, hammers, etc.

Lieutenant Jamie Seals-Direct by David

1 To also include any forensic evidence, to include
2 but not limited to, blood, DNA, hair fibers,
3 fingerprints and footwear impressions.

4 The affidavit reads, I, Lieutenant Jamie
5 Seals with employed with the Marlboro County
6 Sheriff's Office, have been in law enforcement for
7 16 years. I have investigated numerous crimes to
8 include narcotic cases, violent crimes, death
9 investigations and property crimes.

10 On this date, I was called to this address
11 listed here to investigate a stabbing that
12 resulted in hospitalization of two victims. Law
13 enforcement officers had to break the glass to
14 forcibly enter the residence to arrest the subject
15 when they arrived on the scene. Upon my arrival,
16 I could see the inside of the home was bloody, and
17 the officers on the scene advised the crime did in
18 fact occur inside the residence.

19 It is my belief and my training
20 experience, that a search of this residence 403
21 evidence will help facilitate the criminal
22 investigation.

23 Q I am not sure if they heard you. On what
24 date and time was this search warrant taken?

25 A On August 9th. Some magistrate will list

Lieutenant Jamie Seals-Direct by David

1 the time they sign it. This was in the middle of
2 the night. And this magistrate I went to his
3 home, and he did not list the exact time.

4 Q And what items were taken from the home
5 during your search?

6 A From marker A, a black handle of a knife
7 near the door. For marker B, a black handle of a
8 knife at the kitchen table. And marker C, a black
9 handle knife on the floor in the kitchen near the
10 sink. And the crime scene photographs.

11 Q Mr. Seals, if you would, would you please
12 step down, and come around in front of the jury.

13 (Whereupon the witness steps down from the
14 witness stand.)

15 Q These to all photographs they have
16 previously stipulated to enter into evidence, 17,
17 15, 14, 13, 12, 8 and 7.

18 Would you please just walk through and
19 explain to the jury what each photo is and its
20 importance.

21 A This is a shot from the road from James
22 Street facing the defendant's home, which is next
23 door to the crime scene. This is a photograph
24 from James street facing the crime scene, the
25 victim's home before the incident occurred. This

Lieutenant Jamie Seals-Direct by David

1 is marker A, which is obviously the handle, the
2 black handle from a knife inside the residence.

3 Q And did you place that marker there?

4 A I did. This is a photograph inside the
5 crime scene of the victim's residence again, in
6 the dining room/kitchen area. Markers B and C as
7 on the search warrant. C is the actual a knife
8 with the blade still attached to the handle. And
9 B, which would be a knife handle. There's an up
10 close photograph of B.

11 Q Now at this time, did you know what he was
12 searching for?

13 A No. I just knew that I was searching for
14 sharp items as listed on the search warrant. C
15 also being an up close shot of the maker C in the
16 other photograph. This is a photograph of
17 Mr. Brunson at the detention center as I testified
18 to earlier, when I went and saw him before he went
19 to the crime scene.

20 Q And what are those?

21 A Cuts on his hands.

22 Q Did he appear to have cuts any place else
23 on his body?

24 A I don't remember. I would have to look.

25 I may have took more photographs of him, I don't

Lieutenant Jamie Seals-Direct by David

1 remember.

2 Q You can return to the jury box.

3 (Whereupon, the witness resumes the
4 witness stand.)

5 Q I now show you what is State's Exhibit No.
6 31. Do you recognize this?

7 A Yes, I do.

8 Q What is it?

9 A This is our standard miranda form that we
10 use in the sheriff's office. When we interview
11 somebody that's in custody or someone that is a --
12 we're treating a suspect interrogation, or an
13 interview where we're trying to list the
14 confessions sometime.

15 Q And can you please tell us what miranda
16 form says?

17 A Yes. At the top right hand corner it has,
18 place, and it has MCSO. Date 8/9/2013. Time
19 8:45 a.m. And then it has up at the top paragraph
20 it has your rights. And it says: Before we ask
21 you any questions, you must understand your
22 rights. You have the right to remain silent.
23 Number one. Anything you say can and will be used
24 against you in court. That's No. 2. No. 3, you
25 have a right to talk to you a lawyer for advice

Lieutenant Jamie Seals-Direct by David

1 before we ask you any questions, and to have him
2 with you during questioning. No. 4, if cannot a
3 lawyer, the court will appoint one for you for any
4 questioning if you wish.

5 No. 5, if you decide to answer questions
6 now without a lawyer present, you will still have
7 the right to stop answering at any time until you
8 talk to a lawyer. And the next part is the waiver
9 of rights. It says, I have read this statement of
10 my rights, and I understand what my rights are. I
11 am willing to make a statement and answer
12 questions. I do not want a lawyer at this time.
13 And I understand and know what I am doing. No
14 promises or threats have been made to me and no
15 pressure or coercion of any kind has been used
16 against me by anyone.

17 And then what we do is, if they agree with
18 all this, and they waive their rights, we have
19 them sign here. And it has his signature Romaine,
20 it appears to be J. Brunson. And we have them put
21 their initials beside each one of these numbers.
22 His initials are beside each one of these, and the
23 waiver. And then my signature next to the
24 witness. And the next signature was the
25 investigator that was accompanying me in the

Lieutenant Jamie Seals-Direct by David

1 interview, which was Brittany English. At the
2 bottom it says instructions. Officer must read
3 the entire contents of the document. Officer must
4 ask subject if he understands what is read to him.
5 And officer must allow subject time to read and
6 inspect this document before he was asked to sign
7 it.

8 And then the bottom part is information
9 about Mr. Brunson, his name, Romaine Jermel
10 Brunson. A phone number. His address, 156 James
11 Street Lot 1, Bennettsville. His height 5'11.
12 His weight 192. His eyes brown. Hair black.
13 Driver's license number, he did not know. And
14 years of school, he was a high school graduate.
15 He has 2 kids. He was employed then at Carolina
16 Tobacco. He attended Chesterfield Marlboro
17 Technical College, and he was in the Marine Corps
18 from 2003 to 2008. And he told me he was released
19 with an honorable discharge.

20 Q Has this document been altered or changed
21 in any way from when you first completed it?

22 A It doesn't appear so.

23 Q Now when you, Your Honor, I apologize.
24 Your Honor, at this time the State would move to
25 have the miranda form admitted into evidence.

Lieutenant Jamie Seals-Direct by David

1 THE COURT: Any objection?

2 MS. SWILLEY: No, objections, Your Honor.

3 THE COURT: It's in to evidence.

4 MS. DAVID: Thank Your Honor.

5 (Miranda Forms marked State's Exhibit No.
6 31 into evidence.)

7 Q At the time you read the defendant his
8 miranda rights, and at the time you interacted
9 with him taking a statement, did he appear to have
10 any trouble understanding his rights?

11 A No, he didn't.

12 Q Did he understand English?

13 A Yes.

14 Q Did he appear to be affected by drugs or
15 alcohol in to any way?

16 A No.

17 Q Did he understand your questions?

18 A It appeared he did.

19 Q Did you threaten him or coerce him in any
20 way---

21 A Absolutely not.

22 Q ---to talk with you? Did he ever ask for
23 an attorney?

24 A No.

25 Q And can you just clarify at what time do

Lieutenant Jamie Seals-Direct by David

1 you speak with the defendant?

2 A 8:45 a.m.

3 Q And about what time did this incident
4 occur?

5 A I was called about 3:30, 3:40. So I guess
6 it occurred 3:20, 3:25, if I had to guess.

7 Q And at that time you spoke with him, did
8 the defendant appear to be injured? Did he appear
9 to be in need of any medical treatment?

10 A No, when I spoke to him on this interview,
11 he had received some medical treatment. When I
12 saw him at the detention center at 3 or 4 o'clock
13 in the morning, I don't think he did receive much
14 medical treatment. Because you can see in the
15 photographs, he tried to speak with me then. And
16 I told him I wasn't going to speak to him. I was
17 there to photograph him. And that I would speak
18 to him later after I mirandized him. But he had,
19 I think you can see on the video, he had some
20 bandages on his hands when I spoke with him at the
21 sheriff's office.

22 Q Did you see bandaging anyplace else?

23 A I don't remember. I think he may have
24 had -- I think he may have had a cut on his elbow.
25 I can't remember.

Lieutenant Jamie Seals-Direct by David

1 Q By Ms. David) Your Honor, at this time, the
2 State would move to have the statement published to
3 the jury.

4 THE COURT: Any objection?

5 MS. SWILLEY: No objections, Your Honor.

6 THE COURT: It's in to evidence. You may
7 publish it.

8 (Whereupon, Playing DVD State's No. 26 of
9 interview.)

10 Q Thank you for the interview, Mr. Seals. I
11 am going to show you some of bags of evidence
12 along with these gloves. Please identify this for
13 us.

14 A Do you want me to open it?

15 Q Yes. The judge said it was okay.

16 MS. SWILLEY: I have an objection, Your
17 Honor.

18 THE COURT: Very good. Madam Forelady and
19 Ladies and gentlemen of the jury, I am going to
20 ask you that you retire to the jury room. Do not
21 discuss this case. Everyone remain seated as the
22 jury exits the courtroom.

23 (Whereupon, the following takes place
24 outside the presence of the jury.)

25 THE COURT: Yes, ma'am, I will be glad to

Lieutenant Jamie Seals-Direct by David

1 hear from you.

2 MS. SWILLEY: Your Honor, it's my
3 understanding that the contents of those bags
4 contain knife fragments, which were provided to
5 the officer by lay persons 10 days after the
6 event. I would like to make objection under Rule
7 6 for chain of custody and chemical analysis.
8 Also my guess is they are going to say it is
9 purportedly to be blood on those knives. No
10 analysis has been done. And also I do not have a
11 chain of custody for these products which were
12 taken from lay persons.

13 THE COURT: What is the State's position?

14 MS. DAVID: Your Honor, it is not the
15 State's position to indicate whether or not there
16 is blood on those knives. We just want to
17 indicate the evidence that was found at the scene.
18 That evidence was found, I think some it may have
19 been within 2 to 3 days later. There was another
20 piece found within 10 days later once the family
21 did return home. We do have our record's
22 custodian, Ms. Sandy Wilkes, to testify after
23 Jamie Seals. And we can move -- we can move to
24 have the evidence entered at that time. But Jamie
25 was the initial person to accept the evidence. So

Lieutenant Jamie Seals-Direct by David

1 I need him to testify as to what he accepted.

2 THE COURT: How long a period of time
3 transpired between the crime and when it was taken
4 in to custody?

5 MS. DAVID: I beg the court's indulgence
6 one moment. Your Honor, I have a property receipt
7 for a knife blade with blood on it taken 8/19.
8 Taken 8/19. I have pieces of a bloody knife taken
9 8/9. And I have another one for pieces of a
10 bloody knife taken 8/19.

11 THE COURT: As far as the dates, I am
12 saying how long a period of time after the crime,
13 did he get possession of it?

14 MS. DAVID: It is ten days. The crime
15 happened on August 9th.

16 THE COURT: I am not going to allow that.

17 MS. DAVID: Thank you, Your Honor.

18 A Some of it is 8/9.

19 MS. DAVID: The handles on the knife where
20 we show the photos for A, B and C, and the search
21 warrant, those were taken on that day. The pieces
22 of the knife blade, that was taken on 8/19 when
23 the family returned home.

24 A One piece of the blade was received also
25 on 8/9, just later in the day.

Lieutenant Jamie Seals-Direct by David

1 MS. DAVID: By James Altman.

2 MS. SWILLEY: The position of the defense
3 is that we have no objection to the items which
4 were collected as a result of the search warrant,
5 which include 2 knife blades and a full knife. We
6 have no objection to those. We continue to have
7 our objection to the knife pieces brought in after
8 the event by lay persons. We have a further
9 objection as to authenticity. There is nobody to
10 verify the authenticity of these items received.
11 The one on 8/9 was allegedly received by the
12 landlord, which was turned in. The one on 8/19 is
13 from the daughter 10 days after the event. We
14 object to the ones by lay persons.

15 THE COURT: Well 10 days, the ones 10
16 days, are not going to come in. Where did you
17 receive the ones on the date of the crime? Who
18 gave them to you that day?

19 A The handles, the two handles and a blade,
20 I received conducting the search warrant at 6:30
21 that morning.

22 THE COURT: So you found them from the
23 scene crime.

24 A I found those, a piece of a blade at about
25 3:25 that afternoon. The landlord was there

Lieutenant Jamie Seals-Direct by David

1 cleaning the trailer up. The whole carpet was
2 bloody. He pulled all the carpet out of the
3 living room.

4 THE COURT: I will allow him to introduce
5 the ones that he got from the crime scene.

6 MS. DAVID: Thank you, Your Honor.

7 THE COURT: Not the one from the landlord.
8 Anything further?

9 MS. DAVID: Can we look at the bag, and
10 open them possibly so he can see what he -- which
11 ones he took? Or which ones he received, do you
12 have them?

13 A I have it marked.

14 MS. DAVIE: Thank you, I apologize.

15 A That's from the landlord.

16 MS. DAVID: The one from the landlord
17 comes off.

18 A This has got 6:25. That's what I
19 collected.

20 MS. SWILLEY: This is the one you
21 collected.

22 A That's got 6:25. And that is 6:25 a.m.

23 MS. SWILLEY: Where is the other knife
24 pieces? That's the landlord's, but what about the
25 other one? See what I am saying.

Lieutenant Jamie Seals-Direct by David

1 MS. DAVID: The knife blade by the
2 landlord.

3 A There should be the ones of the two
4 victims brought in. There it is.

5 MS. SWILLEY: I ask that they be taken out
6 of the courtroom, because it is in plain view
7 of....

8 MS. DAVID: Your Honor, we do have
9 procedural questions. Yesterday we had some
10 photographs that were marked. No stipulation, and
11 we are unable to locate them.

12 MS. SWILLEY: They were on the table.
13 Remember you saw them.

14 MS. DAVID: Yes, they were right here.

15 Ms. SWILLEY: I believe they are here.

16 THE COURT: Ms. David, have you all been
17 able to resolve the evidentiary matters?

18 MS. DAVID: Yes, Your Honor, we do have
19 three pieces of evidence that will be admitted
20 into evidence.

21 THE COURT: By stipulation, is that
22 correct, Ms. Swilley?

23 MS. SWILLEY: Yes, Your Honor.

24 (Knife and knife handles marked 27, 28 and
25 29 into evidence.)

Lieutenant Jamie Seals-Direct by David

1 THE COURT: Well let's bring the jury in.

2 (Whereupon, the following takes place

3 within the presence of the jury.)

4 THE COURT: Ms. David, you are recognized.

5 Q Mr. Jamie Seals, you have before you
6 what's been marked as State's Exhibit 27, 28, and
7 29. Can you tell us what that is?

8 A State's Exhibit No. 27 is a knife from
9 Marker C that I collected at approximately
10 6:25 a.m on 8/9/2013 on [REDACTED]
11 State's Exhibit No. 28 is marker B, a knife handle
12 that I collected approximately 6:25 a.m. on
13 August 9th 2013, from [REDACTED]. And
14 State's Exhibit No. 29 is from marker A, a knife
15 handle that was collected also approximately 6:25
16 a.m. on August 9th 2013, or 6:22 a.m. at [REDACTED]
[REDACTED].

18 Q Do you mind opening those?

19 A 27 knife, 28 knife handle, No. 29 knife
20 handle.

21 Q Now were these items ever sent to sled?

22 A No. No, they were not.

23 Q Can you tell us why not?

24 A They were inside the crime scene and they
25 were -- there could have been blood on them. They

Lieutenant Jamie Seals-Direct by David

1 would have tested the blood. There were 3 people
2 in the crime in the home. All three were cut.
3 All three were bloody. So blood and the
4 identification of whose blood was on these was of
5 no probative value.

6 Q Did you know what you were looking for
7 specifically, or were you just collecting as much
8 evidence as possible?

9 A I was collecting anything that I thought
10 could be related to an assault or stab or cut from
11 just looking at the crime scene, and trying to
12 figure out what happened.

13 Q We're about to wrap up here. On this
14 particular night, did you ever go see Ms. Wanda
15 Johnson or Mr. Fred David at the hospital?

16 A I did. I went to McLeod Regional Center
17 sometime Friday morning, noon. Around lunch time
18 maybe, after I got through with the interview with
19 Mr. Brunson and a few other things at the office.

20 MS. DAVID: I beg the court's indulgence
21 one moment.

22 Q Mr. Jamie Seals, I am going to show you
23 this photo. It has not been marked for
24 identification. Do you the recognize it?

25 A Yes, I do.

Lieutenant Jamie Seals-Direct by David

1 Q Who is this?

2 A Mr. Brunson, the defendant.

3 Q Has this photo been changed or altered in
4 anyway since you took it?

5 A It doesn't appear so.

6 Q And who took this photo?

7 A I did.

8 Q I apologize for that. At this time the
9 State would move to have this photo of Romaine
10 Brunson admitted into evidence.

11 THE COURT: Any objection from the
12 defense?

13 MS. SWILLEY: No objections.

14 THE COURT: It is into evidence and we
15 will mark it as.

16 THE REPORTER: 33.

17 THE COURT: 33.

18 (Photo marked as State's Exhibit No. 33
19 into evidence.)

20 Q Can you tell us when this photo was taken?

21 A Sometime around 4 a.m. or shortly after,
22 when I arrived at the detention center.

23 Q The photo taken directly after the crime.
24 Did you discuss in your statement with Mr. Romaine
25 Brunson about any special trainings or techniques

Lieutenant Jamie Seals-Cross by Swilley

1 or skills he may have had?

2 A I don't remember. I just remember, you
3 know, briefly discussing he was in the Marine
4 Corps. Not any specific skills. You know, just
5 cardinal knowledge of the Marine Corps. I know
6 what they're trained at.

7 Q So you did discuss that he was a trained
8 marine.

9 A That he was a marine for 5 years, and
10 received an honorable discharge. So I assume he
11 was trained.

12 MS. DAVID: Thank you. At this the State
13 has no further questions. Please answer any
14 questions the defense may have for you.

15 THE COURT: Ms. Swilley, cross
16 examination.

17 MS. SWILLEY: Thank you very much, Your
18 Honor.

19 Cross Examination by Ms. Swilley:

20 Q Lieutenant Seals, how are you this
21 afternoon?

22 A Good, ma'am.

23 Q You testified earlier that you have been
24 in law enforcement since 1997.

25 A That's correct.

Lieutenant Jamie Seals-Cross by Swilley

1 Q That's almost 20 years.

2 A Yes, ma'am, close.

3 Q How old are you?

4 A How old? 41.

5 Q So pretty much your whole life, your adult
6 life, you have been in some form of law
7 enforcement.

8 A Yes, ma'am.

9 Q You testified also briefly, that you
10 worked at sled.

11 A Yes, ma'am.

12 Q What is sled?

13 A The State Law Enforcement Division.

14 Q And what did you do for sled, briefly?

15 A Just an agent for the crime scene
16 division.

17 Q So your speciality was crime scenes?

18 A Yes, ma'am.

19 Q And now you are a lieutenant, is that
20 correct?

21 A Yes, ma'am.

22 Q That means you are over a lot of other
23 people in rank.

24 A Yes, ma'am. Four other investigators.

25 Q And your job is to supervise

Lieutenant Jamie Seals-Cross by Swilley

1 investigations?

2 A That's correct.

3 Q Is it fair to say you were lead

4 investigator in this case?

5 A Yes, it was. At the time I was also

6 called to take the case myself.

7 Q So let's talk a little bit about your

8 training and experience. Were you trained on how

9 to preserve a crime scene?

10 A Yes.

11 Q Where were you trained?

12 A Well some on the job training at the

13 sheriff's office. But the majority of the

14 training at the crime scene was received at sled.

15 Q At sled?

16 A Yes, ma'am.

17 Q And you were trained on how to take

18 photographs of a crime scene?

19 A Yes.

20 Q What's the purpose of taking photographs?

21 A To depict an accurate representation to a

22 jury or anyone else who is going to examine it

23 later.

24 Q And all of these photos with the exception

25 of the one of Mr. David, were taken by yourself.

Lieutenant Jamie Seals-Cross by Swilley

1 A Yes.

2 Q You were also trained in how to properly
3 get a search warrant and execute it?

4 A Yes.

5 Q And you executed a search warrant in this
6 case.

7 A Yes.

8 Q And the purpose of the search warrant,
9 what were you trying to do briefly?

10 A To recover any evidence to be used in the
11 prosecution of the case.

12 Q Okay. You testified briefly about the
13 search warrant.

14 A It's up here.

15 Q And this is State's Exhibit No. 32. I
16 will have you reference it. On the second to the
17 last page with the affidavit No. 3, you stated
18 it's your believe from your training and
19 experience that a search of this residence will
20 reveal more evidence to help facilitate this
21 criminal investigation, correct?

22 A Correct.

23 Q And you did find items at the crime scene
24 which you just testified to.

25 A Yes, ma'am.

Lieutenant Jamie Seals-Cross by Swilley

1 Q You found knife handle. A knife handle
2 and a knife.

3 A Correct.

4 Q If I may, I am going to use gloves and
5 handle this evidence. You testified earlier that
6 you did not send any of this sled, is that
7 correct?

8 A That is correct.

9 Q And sled would be able to analyze
10 fingerprints on knife handles, wouldn't they?

11 A Yes.

12 Q Did you, because at this point, you hadn't
13 already made up your mind about who started this
14 altercation, did you, before you heard from both
15 sides?

16 A No.

17 Q So did you think it would be important to
18 find out what out fingerprints might by these
19 knife handles?

20 A Well the three people that were involved
21 it in, were inside. And I knew that all three had
22 access to the knives. You can't age fingerprints
23 so.....

24 Q So you didn't know -- you didn't think it
25 was important to find out whose fingerprints might

Lieutenant Jamie Seals-Cross by Swilley

1 be on these knives.

2 A No, not on the fingerprints of the three
3 inside.

4 Q So we have knife handle.

5 A Yes, ma'am.

6 Q Knife handle. And this knife, I didn't
7 get a clear view of it. Because this is the first
8 time this has been opened since today, right?

9 A It is.

10 Q So nobody has been able to look at this,
11 or mess with it in any way?

12 A It's still got my seal on it.

13 Q So this knife itself, just to the naked
14 eye, it wasn't sent to sled in any fashion to
15 examine it for blood or fingerprints, is that
16 correct?

17 A That's correct.

18 Q Let's talk a little bit about your
19 interview with Mr. Brunson. So when you first --
20 what time was Mr. Brunson detained, roughly?

21 A I got to the detention center shortly
22 after four, so I don't know exact time on the
23 booking report. I would say 3:30 or so.

24 Q And when you got to the detention center,
25 you took photographs of Mr. Brunson.

Lieutenant Jamie Seals-Cross by Swilley

1 A I did.

2 Q Two of which have been entered into
3 evidence.

4 A I did.

5 Q We have State's Exhibit No. 33. And we
6 have State's Exhibit 17.

7 A And there are more. I have a disk full of
8 photographs.

9 Q And did you give all these photos to the
10 solicitor?

11 A Yes.

12 Q The State?

13 A Yes.

14 Q So State's Exhibit---

15 MS. DAVID: Objection, Your Honor.

16 THE COURT: That being what?

17 MS. DAVID: By, it was fine.

18 Q State's Exhibit No. 33. I am going have
19 you took to look at it. Tell me what kind of
20 injury you see. Or do you see an injury?

21 A The left, back of his left bicep, near his
22 tricep.

23 Q Back of the left bicep -- tricep.

24 A Tricep he has a pretty bad cut. Has cuts
25 on both hands in here.

Lieutenant Jamie Seals-Cross by Swilley

1 Q Thank you. And then on, this is a little
2 hard to see. On No. 17, what injuries can you
3 see?

4 A He has a bad cut on his left hand. A
5 couple of places. And it looks like cuts on the
6 right hand. It's just hard to tell. The
7 photograph would be clearer.

8 Q So when you took photos of Mr. Romaine
9 Brunson, your purpose for this was to try to
10 preserve the evidence, correct?

11 A Yes.

12 Q He didn't have any opportunity to wash off
13 or change anything?

14 A No, that's why I did that, to try to get
15 their before any first aid was administered.

16 Q Evidence preservation is so important.

17 A Yes.

18 Q So when you did your statement with
19 Mr. Romaine Brunson, that was at 8:45 in the
20 morning, approximately.

21 A Yes, ma'am.

22 Q And that would have been about if my math
23 is right, 5 hours after he was taken into custody?

24 A Yes, ma'am.

25 Q Because you understood that he was under

Lieutenant Jamie Seals-Cross by Swilley

1 the influence that night earlier.

2 A I did.

3 Q But during your conversation with him, you
4 thought that he was not intoxicated.

5 A He seemed to be more coherent of what was
6 going on. I've had that situation happen before.
7 And several hours later I could meet with them
8 personally; was not in a state of mind to do an
9 interview, and I stopped the interview. But he
10 seemed very well to understand everything that was
11 going on.

12 Q You didn't have concerns about his ability
13 to understand you?

14 A No, ma'am.

15 Q And when you read him his rights, he
16 waived his right to an attorney.

17 A He did. He even went as far as asking me
18 about a public defender, and I explained that.

19 Q And he understood that he had the right to
20 speak to you, and the right not to speak to you.

21 A Yes, ma'am.

22 Q And he wanted to speak to you, isn't that
23 correct?

24 A He did.

25 Q Didn't he want to speak to you at

Lieutenant Jamie Seals-Cross by Swilley

1 4 o'clock in the morning when you were taking
2 photographs?

3 A He did.

4 Q So during your interview with him, there
5 is one thing I wrote down in particular I wanted
6 to ask you about. It's roughly about 9 o'clock on
7 that video, 9 o'clock in the morning. And you
8 said, you were talking about Fred. And you said,
9 that's not what he said. He said you got into it
10 with her and he, Fred, was trying to get you off
11 of her and you took the knife from Fred. Romaine
12 said, he had the knife first. And you said yes,
13 he did. Let me ask you about that statement.
14 When did Fred give you that statement?

15 A He didn't give me that statement. I got
16 that from one of the responding deputies. I think
17 we spoke to him briefly before he transported him
18 into custody.

19 Q So Fred didn't give you that statement?

20 A Not at the time that I spoke to him,
21 that's correct.

22 Q Okay, so maybe you were just misinformed.

23 A Yes.

24 Q It didn't come from Fred. And despite
25 telling him that, Romaine still didn't change his

Lieutenant Jamie Seals-Cross by Swilley

1 story about who had the first knife first.

2 A He didn't.

3 Q Okay. You said that you went to McLeod
4 Hospital after your interview with Mr. Brunson.

5 A Uh-huh. (Affirmative.)

6 Q And did you see Ms. Wanda Johnson then?

7 A I did.

8 Q Did you happen to take any photographs of
9 her injuries?

10 A I did not. I assumed that McLeod Regional
11 Medical Center would. She was in -- she had a
12 family around her and she highly medicated, and
13 she had bandages all over here. So I just kind --
14 I kind of spoke to the family mainly and left.

15 Q And with your 20 years of training and
16 experience, and you are the lead investigator, and
17 this is a serious crime, you didn't think it was
18 important to take photos of her?

19 A No, because there's a -- a lot of the
20 hospitals now you run into have a private policy
21 where they don't want you taking photographs of
22 patients who are in a trauma center, or in a
23 trauma -- a state of trauma at that point. And I
24 just assumed that the trauma center like McLeod
25 Regional would obviously took photographs of the

Lieutenant Jamie Seals-Cross by Swilley

1 injuries when they got to a point where they could
2 clean her up.

3 Q And they did not.

4 A They did not. Apparently, they didn't. I
5 thought they were coming with the medical records.
6 I never got any.

7 Q I am going to pass up something up to you
8 to review. Do you know what this is I am handing
9 you, without saying what it is?

10 A Yes, I know what it is.

11 Q And you can use that for reference if you
12 need to. Do you know approximately what time you
13 arrived at the crime scene?

14 A It looks like 4:30.

15 Q 4:30 in the morning. And what time did
16 you leave the crime scene?

17 A I left the first time at 4 o'clock. She
18 put down 5.

19 Q Did you come back?

20 A Came back.

21 Q What time?

22 A She put 6:00 a.m.

23 Q Until what time?

24 A 6:43.

25 Q So you roughly had over an hour, close to

Lieutenant Jamie Seals-Cross by Swilley

1 an hour and a half at the crime scene, correct?

2 A Uh-huh. (affirmative.)

3 Q And as a lead investigator, 20 years
4 experience in law enforcement, you're going to
5 collect as much evidence as you can to figure out
6 what happened.

7 A Uh-huh. (Affirmative.)

8 Q You personally collected two knife handles
9 and a knife, is that correct?

10 A Uh-huh. (affirmative.)

11 MS. SWILLEY: Thank you. Just one moment,
12 please.

13 Q You also had an opportunity to speak
14 Ms. Wanda Johnson and Mr. Fred David on 8/19, is
15 that correct?

16 A Yes, ma'am.

17 Q So that's 10 days after the incident took
18 place.

19 A Yes, ma'am.

20 Q You'd already spoken to Mr. Romaine
21 Brunson hours after it happened.

22 A Correct.

23 Q But you didn't confront Wanda about drug
24 use, did you?

25 A I don't remember exactly what was said in

Lieutenant Jamie Seals-Redirect by David

1 the interview. I have some notes from a summary I
2 typed on the interview. But it's all on the video
3 interview.

4 Q You didn't confront Fred about drug use
5 either, did you?

6 A I don't recall whether I did or not.

7 MS. SWILLEY: Thank you. I have no
8 further questions.

9 THE COURT: Any redirect?

10 MS. DAVID: Yes, Your Honor.

11 Redirect Examination by Ms. David:

12 Q Since Ms. Swilley asked you about the
13 defendant's injuries, let me ask you about your
14 27 years of experience with law enforcement. Is
15 it uncommon for a defendant to have cut wounds or
16 to be bloody during while the defendant does the
17 cutting or stabbing? Is it uncommon for the
18 aggressor or the individual who causes the crime,
19 to have wounds to their body?

20 A No, that's not uncommon at all.

21 Q Ms. Swilley also questioned you about
22 evidence retrieved. Is it possible that you may
23 have missed something?

24 A Yes. We miss stuff all the time at crime
25 scenes. And you do the best you can trying to

Lieutenant Jamie Seals-Redirect by David

1 examine the crime scene. And if you see all the
2 crime scene photos, you would see the disarray the
3 home was in. The amount of bloodshed inside the
4 home. The amount of hours inside the home. And
5 it's just natural. It's just human nature you
6 miss things sometimes.

7 Q Finally, Ms. Swilley asked you about the
8 photos that you turned over to the solicitor's
9 office. Is this the disk that you turned over to
10 us?

11 A It appears so.

12 Q And what's contained on this disk?

13 A Every photograph I took.

14 Q Every photograph. Are these, I'll pass
15 them up to you.

16 MS. SWILLEY: Your Honor.

17 MS. DAVID: Your Honor.

18 MS. SWILLEY: We have an issue we need to
19 address.

20 THE COURT: Approach the bench.

21 (Whereupon, the attorneys approach the
22 bench and confer with judge.)

23 Q Mr. Seals, did you do anything each
24 additional in this investigation?

25 A After---

Lieutenant Jamie Seals-Redirect by David

1 MS. SWILLEY: Your Honor, I believe she is
2 delving in to new testimony.

3 THE COURT: Not only that, when you ask a
4 question, you need to ask a specific question
5 about, is there anything else to add. Because she
6 needs to be able to object to it and it's
7 improper. You can't ask is there anything else
8 that you could have done or should have done or
9 did do. So, I sustain the objection.

10 Q Your Honor, for Mr. Jamie Seals, after
11 completing the search warrant, after removing the
12 evidence from the home, after having a statement
13 with Mr. Romaine Brunson on that morning following
14 the incident, was there anything additional? Did
15 you do anything else with the investigation that
16 day, or does that complete your investigation on
17 this case?

18 A On that day after the interview, I spoke
19 with the landlord---

20 MS. SWILLEY: Objection.

21 THE COURT: Sustained. Sustained means
22 that he---

23 MR. DAVID: I didn't ask him the question,
24 Your Honor. I didn't say anything.

25 THE COURT: Okay. It sounded like you

Officer Lashawn Wheeler-Direct by David

1 were asking him to answer. I didn't know what you
2 were doing. But it's sustained.

3 MS. DAVID: I didn't say anything. At
4 this time, we have no further questions.

5 THE COURT: Very good. You may step down.
6 You may call your next witness.

7 MS. DAVID: The State would like to call
8 Officer Wheeler.

9 THE COURT: Officer Wheeler, you may come
10 forward.

11 Officer Lashawn Wheeler, being first
12 duly sworn, testified as follows:

13 THE COURT: Come around and have a seat in
14 the witness chair and pull up real close to that
15 microphone. Speak loudly and clearly. First,
16 state your full name.

17 A My name is Lashawn Wheeler.

18 THE COURT: Say that again.

19 A My name is Lashawn Wheeler.

20 Direct Examination by Ms. David:

21 Q And where do you live, Mr. Wheeler?

22 A I stay in Marlboro County.

23 Q And where are employed?

24 A Marlboro County Sheriff's Department.

25 Q How long have you been employed there?

Officer Lashawn Wheeler-Direct by David

1 A 13 years.

2 Q 13 years. And what are your job duties
3 with the Marlboro County Sheriff's Office?

4 A My job duties, I'm a shift supervisor.

5 Q Shift supervisor. And on night of -- do
6 you recall the night of August 9th 2013?

7 A Yes, I do.

8 Q And what took place on this night or this
9 early morning?

10 A I received a call on James Street in
11 reference to some kind of assistance regarding
12 somebody getting assaulted.

13 Q And did you respond to this call?

14 A Yes, I did.

15 Q Okay. And did -- about what time did you
16 arrive on the scene?

17 A I arrived on the scene maybe approximately
18 3:16 according to my incident report.

19 Q And what did you do when you arrived on
20 the scene?

21 A When I arrived on the scene, I notified a
22 gold maybe a Honda maybe, was parked in the yard
23 of the residence with the music playing loud. So
24 I walked around and went to that residence, and
25 asked to see was everything all right in the

Officer Lashawn Wheeler-Direct by David

1 residence where the car was at. Which I spoke
2 with. Which was later identified as the
3 defendant's girlfriend. I asked her was
4 everything all right. She said that everything
5 was all right.

6 At that time I thought maybe there was
7 nothing going on, so I got back in my car and was
8 fixing to leave. As I got ready to leave,
9 something just told me to go ahead and get out and
10 just walk around the residence, and make sure that
11 I am not missing anything. By that time, I
12 proceeded and I noticed a gentleman kept walking
13 around the area, which was also later identified
14 as the defendant's brother. So I spoke with him,
15 and asked him what kind of was going on.

16 MS. SWILLEY: Objection.

17 THE COURT: Sustained.

18 A I asked him---

19 MS. SWILLEY: Object.

20 MS. DAVID: You need to talk about -- you
21 can only talk about your---

22 A Okay.

23 Q ---involvement. What you heard, what you
24 saw, what you did.

25 A All right. After I walked around the

Officer Lashawn Wheeler-Direct by David

1 trailer park, I came to the resident of the
2 victims. Which I got around to the back and I
3 heard like some screaming. And I heard him say,
4 heard the gentleman inside say that, you are going
5 to die tonight. So at that time, I approached
6 around the front of the residence. So I knocked
7 on the door, but nobody would come to the door.
8 But I still heard her screaming. So I called for
9 back up at that time.

10 By that time, I was kind of tried to force
11 my way in the house to see what was actually going
12 on, because the way she was yelling and stuff. I
13 thought maybe something was going to happen. And
14 about that time, I'd think about, I'd say probably
15 about 5 or 6 minutes, my other deputies arrived.
16 At that time, myself and Amanda Hill got to the
17 door. I punched the door. I knocked on the
18 door, as I said, I heard a lot of fumbling in the
19 back part of the room. So at that time, I looked
20 through the window and started noticed, you know,
21 that I seen him dragging her into the living room.
22 That's when I ordered, told Amanda, well the other
23 deputy to go ahead the bust the window out, so we
24 can go ahead and try make entries in.

25 As he was pulling her in, into the living

Officer Lashawn Wheeler-Cross by Swilley

1 room area, I noticed he got down on his knees, and
2 in his one hand carried a, it looked like a blade
3 of a knife. In the other hand he had a handle,
4 and was getting ready to stab her again. So at
5 that time, I pulled my weapon out, and advised him
6 not to, you know, put his hands up. And he
7 obliged. That's when we made entry and made the
8 arrest on the defendant.

9 MR. DAVID: Thank you. Please answer any
10 questions the defense might have for you.

11 THE COURT: Cross Examination, Ms.
12 Swilley.

13 MS. SWILLEY: Thank you very much, Your
14 Honor.

15 Cross Examination by Ms. Swilley:

16 Q Is it Officer Wheeler, or how should I
17 address you?

18 A Sergeant Wheeler?

19 Q Sergeant Wheeler. You were the first
20 person to respond to this location.

21 A Yes, ma'am.

22 Q And in your testimony just a moment ago,
23 you said that you heard screaming from the inside.

24 A Yes, ma'am.

25 Q And your thought it was a female.

Officer Lashawn Wheeler-Cross by Swilley

1 A Yes, ma'am.

2 Q And you called for back up.

3 A Yes, ma'am.

4 Q And you waited, your testimony was about
5 6 minutes before you approached the door.

6 A No, that was 6 minutes before my other
7 deputies arrived.

8 Q So you heard screaming inside.

9 A Uh-huh. (Affirmative.)

10 Q How long did you wait before you
11 approached the door? That wasn't clear. I
12 thought you said---

13 A I approached the door immediately.

14 Q Immediately.

15 A Yes, ma'am.

16 Q But you waited outside 6 minutes before
17 you busted in.

18 A No, I attempted to bust, but I couldn't
19 make my way inside.

20 Q So you waited 6 minutes before you busted
21 in.

22 A Yes.

23 Q Were you there for the beginning of this
24 altercation? Did you see how any of it started?

25 A I didn't see how any of it started.

Officer Lashawn Wheeler-Redirect by David

1 THE COURT: Any redirect?

2 Redirect Examination by Ms. David:

3 Q Were you able to look at your watch and
4 measure the time all this was happening?

5 A No, I wasn't.

6 Q And it's my understanding that you did
7 wait for back up before you entered this home?

8 A Yes, ma'am.

9 MS. DAVID: Thank you. No further
10 questions at this time.

11 THE COURT: You may step down. You may
12 call your next witness.

13 MS. DAVID: At this time, Your Honor, the
14 State has called all of it's witnesses, and the
15 State would rest its case.

16 THE COURT: Madam Forelady and Ladies and
17 gentlemen of the jury, at this juncture, we will
18 required to take up matters of law outside of your
19 presence. I'm going to ask that you return to
20 the jury room, but do not discuss the case in any
21 way, shape or form. Everyone will remain seated,
22 as the jury exits the courtroom.

23 (Whereupon, the following takes place
24 outside the presence of the jury.)

25 THE COURT: I will be happy to entertain

Officer Lashawn Wheeler-Redirect by David

1 motions at this time.

2 MS. SWILLEY: At this time, Your Honor,
3 the defense would like to make a directed verdict
4 as to all indictments under Rule 19. With
5 specifically to the kidnapping, burglary first,
6 attempted murder, two counts, possession of a
7 weapon during the commission of a violent crime.

8 We would ask for this court to grant a
9 directed verdict as there is no competent evidence
10 on the record as to each element of each charge.

11 THE COURT: I will be glad to hear from
12 you, Ms. David.

13 MS. DAVID: Your Honor, can I get her to
14 repeat that last part, I did not.

15 THE COURT: She's saying that you -- all
16 of the charges be dismissed, because in other
17 words, there is no competent evidence. I will be
18 glad to hear from you.

19 MS. DAVID: Yes, Your Honor. As far as to
20 the two attempted murder goes, we presented ample
21 evidence for that case. We presented the two
22 victims themselves who testified. We had the
23 records custodian testify to the injuries the stab
24 wounds caused. There was the doctor who testified
25 to that. As far as the burglary first, the

1 breaking and entering of a dwelling at nighttime
2 with an intent to commit a crime therein, into
3 their home, with the knife. And, Your Honor, as
4 far as the kidnapping, our last witness, Officer
5 Wheeler just testified that she was kidnapped in
6 her home. He was over her with the knife, and law
7 enforcement had to break in, in order to save her
8 life. We presented the evidence.

9 MS. SWILLEY: And I assume the weapon's
10 charge.

11 MS. DAVID: Oh, the possession of a weapon
12 during the commission of a violent crime. Law
13 enforcement did testify that they saw him holding
14 the knife.

15 MS. SWILLEY: Specifically as to burglary
16 first, it was testified to by the only person who
17 can gave testimony as to this entrance, Mr. Fred
18 David; that he opened the door for him and allowed
19 him in.

20 THE COURT: I think the testimony was that
21 he opened the door thinking that it was the son,
22 and when he saw it was someone else, he tried to
23 keep him out.

24 MS. SWILLEY: And we're saying that the
25 entry was initially lawful and was consented to.

1 THE COURT: What do you have to say about
2 that, Ms. David?

3 MS. DAVID: Your Honor, under burglary
4 first, with the breaking and entering, it is not a
5 lawful entry if the entry is done by false
6 pretenses. Mr. Fred David did testify that he
7 felt that it was her son; that he thought it was
8 an emergency; that it happened at 3:00 o'clock in
9 the morning.

10 THE COURT: I do think that's a factual
11 question, because it can forcible entry or by
12 artifice. Or there's another word they use in the
13 statute. It means that you trick your way in. I
14 think the jury, I am not saying that's what
15 happened. Or I am not saying that's what the jury
16 is going to conclude. I think there is ample
17 evidence that, inveigle is the word. By
18 inveigling, inveigle, or tricking your way in.
19 And the statute is very clear in that regard. So
20 your motion is denied in all respects. But you
21 are protected on the record.

22 MS. DAVID: Thank you, Your Honor.

23 THE COURT: We are ready for the jury.
24 Wait a minute, before we bring the jury back.
25 Mr. Brunson, I am going to ask if you could stand

1 at this time. I am going to explain certain of
2 your rights, Mr. Brunson. If you do understand
3 anything I say, please let me know. If you want
4 me to explain anything in more detail, please let
5 me know. Do you understand what I am saying?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: We have now reached the stage
8 in the trial where you may present your defense.
9 You have the right to claim the protections given
10 to you by the 5th amendment to the constitution of
11 the United States of America, which states in
12 relevant part: No person shall be compelled in
13 any criminal case to be witness against himself.
14 This means that you cannot be required to testify
15 in this case. You have the right to testify on
16 your own behalf, however no one can make you
17 testify. This is a personal right and no one can
18 waive this right except you, Mr. Brunson.

19 If you decide to testify, you will be
20 subject to the same rules that govern other
21 witnesses, and you may be examined and cross
22 examined on any relevant issue in this case.

23 In addition, if you have any convictions
24 involving dishonesty or false statements or for
25 crimes punishable by imprisonment for more than

1 one year, this court determines if the probative
2 value of admitting this evidence outweighs its
3 prejudicial effect to you. The solicitor will be
4 able to introduce your record and attack your
5 credibility.

6 If you decide to testify, this decision on
7 your part must be freely, voluntarily and
8 intelligently made with the knowledge of your
9 protections given to you by the 5th amendment and
10 the consequences of your decision to testify. If
11 you decide not to testify, I will instruct the
12 jurors that they cannot give the fact that you did
13 not testify any consideration whatsoever; that
14 there is to be absolutely no prejudice to you
15 because you did not testify. It is left entirely
16 up to you whether or not to testify. You may talk
17 with your attorney, your family, friends or anyone
18 else. But the final decision would be left
19 entirely up to you.

20 Mr. Brunson, do you understand what I have
21 explained to you?

22 THE DEFENDANT: Yes, sir, I do.

23 THE COURT: Do you have any questions
24 about what I have explained to you?

25 THE DEFENDANT: No, sir.

1 THE COURT: Have you discussed these
2 matters with your lawyers?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you wish to talk with your
5 lawyers anymore about this issue?

6 THE DEFENDANT: Briefly.

7 THE COURT: Yes, have a seat. Do you wish
8 to testify, Mr. Brunson?

9 THE DEFENDANT: Well, Your Honor, I wish
10 to exercise my 5th amendment rights, sir, to
11 remain silent.

12 THE COURT: Very good. You understand
13 that's your decision. It's not lawyers. You can
14 talk to them and get advice from them. That's
15 your decision. You understand that, don't you?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Very good. You may be seated.
18 We are ready for the jury.

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

21 THE COURT: Madam Forelady and Ladies and
22 gentlemen of the jury, the State has concluded
23 their presentation of evidence. And at this time,
24 the defense would be recognized if they intend on
25 introducing any evidence, they're entitled to do

1 that at this time, however, they're not required
2 to do so. Ms. Swilley, you are recognized.

3 MS. SWILLEY: Thank you very much, Your
4 Honor. At this time the defense would like to
5 rest.

6 THE COURT: Madam forelady and Ladies and
7 gentlemen of the jury, once again we are required
8 to take up matters of law outside of your
9 presence. I am going to ask you to retire to the
10 jury room and do not discuss the case in any way,
11 shape or form.

12 (Whereupon, the following takes place
13 outside the presence of the jury.)

14 THE COURT: Motions at this time.

15 MR. SWILLEY: Your Honor, I think we made
16 a motion for a directed verdict. And the defense
17 is not going to put up any testimony or evidence
18 into the record. Judge, if you want to discuss
19 jury charges now, the defense would argue for a
20 charge of self defense. Do you want talk about
21 that now?

22 THE COURT: We can. Bear with me just
23 one moment. I am going to charge the general law
24 that an arrest and indictment is not evidence. I
25 am going to charge the law saying that multiple

1 charges can have varying results, and can be found
2 guilty of all, or not guilty of all of them or
3 some combination thereof.

4 I am going to talk about the presumption
5 of innocence, reasonable doubt. I am going to
6 explain the differing duties of a judge in a trial
7 jury. Direct and circumstantial evidence.
8 Credibility of witnesses. Failure of the
9 defendant to testify. I am going to charge the
10 law with regard to attempted murder. Aggravated
11 assault pursuant to the statute. Assault and
12 battery in the first degree.

13 I am going to charge kidnapping. The
14 weapons charge. Burglary in the first degree.
15 And I am going to charge with separate verdicts
16 with regard to each victim. And I am going to
17 have attempted murder in Roman Numeral. But I am
18 going to let you all look at the -- I don't have
19 the verdict form prepared yet.

20 And the way I envision it, is just going
21 to be attempted murder. It's going to have guilty
22 or not guilty. Not a lot of language on there.
23 It's guilty or not guilty. And then if you are
24 found not guilty of attempted murder, then you can
25 come contemplate a lesser included offense of

1 assault and battery of a high and aggravated
2 nature. And then if you are found not guilty of
3 that, you can consider the lesser included offense
4 of assault and battery in the first degree. And I
5 will be glad to hear from the State with regard to
6 a self defense. First of all, do you all have any
7 additions to what I proposed, from the State?

8 MS. DAVID: Your Honor, the State does ask
9 that you include that voluntary intoxication is
10 not a defense in South Carolina.

11 THE COURT: Well I will be happy to
12 entertain any proposed charge in that regard. So
13 you need to submit one in writing if you want me
14 to do that.

15 MS. DAVID: Thank you, Your Honor. And as
16 far as the self defense goes, Your Honor, the
17 State doesn't see where any evidence has been
18 presented in this trial indicating that the
19 defendant was actually in threat of his life, or
20 that even a reasonable person would think that
21 they were in threat of losing their life or their
22 limb. And for self defense that there was no
23 other way to avoid this danger. I mean there is
24 just no evidence in the record that allows a
25 self-defense claim.

1 THE COURT: I will be glad to hear from
2 the defense in that regard. And it was very
3 difficult for me to hear all that statement. But
4 I will be glad to hear from Mr. Swilley in that
5 regard.

6 MR. SWILLEY: Thank you, Your Honor. The
7 statement to which we refer was given by
8 Mr. Brunson to Jamie Seals is in evidence. Judge,
9 during that statement he does state that he was
10 asked to come -- based on what Mr. Brunson said,
11 he was asked to come over. He left cocaine in the
12 car. He informed Investigator Seals, Fred David
13 attacked him. And he did not -- and he was not
14 able to proffer a reason for Fred doing so. He
15 testified that Fred attacked me, and stabbed him
16 with a, "big butcher knife." He said that he also
17 went on to say that he never knew what -- he never
18 knew what for. And all of a sudden, he just came
19 at me with a knife.

20 Your Honor, there is four elements to self
21 defense. And I am quoting out of the State---

22 THE COURT: What do you -- you think I
23 assume you are going to say that in order to avail
24 yourself of self defense, you have to be without
25 fault. And I assume what you're saying is, that's

1 a question of fact for the jury?

2 MR. SWILLEY: It is, Your Honor. Based on
3 his statement to Jamie Seals alone if the jury if
4 believed, that would create evidence of the first
5 prong of self defense; the defendant is without
6 fault in bringing on the difficulty. As to the
7 second prong, the defendant actually believed he
8 was in imminent danger of losing his life or
9 sustaining serious bodily injury. He did testify
10 or he did give a statement, that Fred attacked me
11 without any kind of provocation on the part of Mr.
12 Brunson.

13 The third prong is that the defense is
14 based upon defendant's actually noted danger or
15 reasonable prudent man of ordinary firmness and
16 courage would have entertained the same belief.
17 Again, based upon just what he said, I think that
18 the jury could find if believed, that an ordinary
19 person of ordinary firmness and courage would have
20 entertained the same belief. And, Your Honor, at
21 the time, the fourth prong, the defendant had no
22 other probably means of avoiding the danger of
23 losing his life or sustaining seriously bodily
24 injury than to act as he did. In the particular
25 instance, he testified that he stated to

1 Investigator Seals that he was in the home. Came
2 out with a knife without any kind of forewarning.
3 And that there was based on again what Mr. Brunson
4 stated to Investigator Seals, there was no way
5 for him avoid that danger without reciprocating.

6 Your Honor, I have the case of the State
7 vs. Wendell Williams. I don't have it printed
8 out, but I just pulled it. It's 400 S.C. 308. Or
9 I believe 733, S.C. 2nd, 605. That's from the
10 Court of Appeals in 2012.

11 Your Honor, in that case basically, and
12 the court even acknowledged and Judge Lockemy's
13 concurrent opinion, they even make reference to
14 defendant, some of the duties claiming self
15 defense, but taking if it believed would
16 constitute evidence of self defense, that the
17 defendant did act in self defense and the charge
18 is proper. Albeit, maybe not believable by the
19 average person. But if believed would constitute
20 evidence of self defense. And I think that's what
21 we have in this case based upon that disk and his
22 interview with Investigator Seals about the
23 incident.

24 THE COURT: Ms. David, explain to me why
25 it would not to be reversible error for me not to

1 charge self defense. We don't want this to be a
2 preliminary hearing, do we?

3 MS. DAVID: No, Your Honor, we don't want
4 it to be a preliminary hearing. But In this
5 instance, I don't see any self defense against---

6 THE COURT: Well did -- go ahead, I am
7 sorry.

8 MS. DAVID: Oh, the State still has -- I
9 mean, the defense still hasn't presented any
10 evidence of self defense against Ms. Wanda
11 Johnson.

12 THE COURT: Well, you know, don't you
13 think that very well could be a factual question
14 for the jury? Suppose with me if you will, that
15 an individual is smoking crack in a trailer park,
16 and was invited into a mobile home. And if there
17 are two people in there that have a propensity to
18 smoke crack and they want crack. And one of them
19 attacks them with a knife, do you think it's
20 reasonably -- reasonable for him to think that's
21 he's being ambushed, and it's time for him to do
22 whatever he needs to do. I am not saying that's
23 what happened. But I think given the facts in
24 this case, I think it's a factual question.

25 I think the jury needs to pass on that. I

1 understand what you're saying, but you heard what
2 the defendant's statement was. The statement was
3 that he was attacked with the knife first. You
4 recall that, don't you?

5 MS. DAVID: I do, in regards to Mr. Fred
6 David.

7 THE COURT: Now what do you think about
8 the fact that if there are two people in the
9 house, and you're going to invite them in. There
10 is propensity to smoke crack. And attacked by one
11 of them, you don't think that it's reasonable to
12 conclude that there could have been an ambush?

13 MS. DAVID: Your Honor, it is not position
14 that these two victims ever---

15 THE COURT: I know that's not your
16 position. And I know that's not all the evidence.
17 But you would agree that there was a scintilla of
18 evidence that a self defense charge is necessary?

19 MS. DAVID: Your Honor, I just can't
20 agree, because I don't see any of the elements --
21 any of the elements here. But if that is how you
22 charge, then I mean the State will argue against
23 it fully and completely on tomorrow morning,
24 hopefully. But and the State does not see any
25 evidence for a self defense charge at all. I

1 don't see where.

2 THE COURT: Well, if I didn't charge it,
3 and he was convicted, it would be explained to all
4 us in great detail, I believe. So I understand
5 and I appreciate your approach. And being an
6 advocate, it is a matter of law, that I would be
7 reversible error for me not to do that. It
8 wouldn't of service to you or to the victims if I
9 didn't charge that.

10 So therefore, I am going to charge self
11 defense. But that doesn't mean necessarily that
12 the jury is going to believe a self defense.
13 That's your job is to convince them that it
14 doesn't apply for whatever reason.

15 MS. DAVID: Thank you.

16 THE COURT: And it's always been my rule
17 that I've never submit a case to -- for
18 deliberation after four. I think that just causes
19 a miscarriage of justice for everybody. So, we
20 are going to recess for the evening. And we are
21 going to begin in the morning with closing
22 arguments and charge in the morning. And we will
23 start at 10:00 o'clock and 10 o'clock sharp.

24 Anything from the State before we---

25 MS. DAVID: Nothing further from the

1 State, Your Honor.

2 THE COURT: Anything from the defense?

3 MS. SWILLEY: Nothing from the defense.

4 THE COURT: And we will bring the jury
5 back.

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

8 THE COURT: Madam Forelady, and Ladies and
9 gentlemen of the jury, you have heard all the
10 evidence. And you will recall when I gave the
11 opening remarks the way the trial progresses. And
12 we heard all the evidence. And now it's time for
13 the lawyers to give closing arguments. And they
14 will be very similar in form to opening
15 statements. But they will truly argumentative,
16 because you all have heard all of the evidence in
17 this case. And they're going to be able to point
18 to the evidence that's come forth from this
19 courtroom or the lack thereof that supports their
20 relative positions.

21 It is 4 o'clock now. I anticipate the
22 arguments will be somewhere around an hour a
23 piece. And of course the State has an opportunity
24 to reply, so that would put us on into the
25 evening. Then you have to listen to the charge on

1 the law which is -- and it's very important.

2 You've heard all the evidence. And in
3 order for you fulfill your duty, you have to find
4 what the true facts are and apply them to the law.
5 So we're going to let you go home and get a good
6 night's rest. Don't stay up. I know you all
7 aren't going to have to work tomorrow. There's a
8 natural tendency to maybe want to stay up late and
9 watch David Letterman or one of the some the
10 younger comedians that are up late at night, don't
11 do that, because these are important matters.
12 It's important to the State of South Carolina.
13 And it's important to the defendant. So we want
14 you bright eyed and ready to listen to the
15 closing arguments and the law. And then at the
16 appropriate time, I will tell you to begin
17 deliberations.

18 Do not discuss the case amongst
19 yourselves. Don't discuss it with family members,
20 friends. Don't discuss it whatsoever. Do not
21 any independent investigation. I am going to ask
22 you to proudly wear those juror badges out to the
23 car. Don't terry around common areas. Come back,
24 be ready and be here early in the morning. And
25 there was some -- there was one particular juror

1 who had, had difficulty with transportation. Can
2 we make sure that that juror is here well in
3 advance of the 10 o'clock jury and we will start.
4 And we'll do that. And we'll -- we are going to
5 get that lined up. So we will be ready to go at
6 10 o'clock. Everybody be here on time, and we'll
7 be ready to go at 10 o'clock, 10 o'clock sharp.
8 And look forward to seeing you in the morning.
9 Have a good evening. Everyone remain seated as
10 the jury exists the courtroom.

11 (Whereupon, jury is dismissed at 3:56
12 p.m.)

13 THE COURT: Anything from the State before
14 we recess for the evening?

15 MS. DAVID: Nothing from the State.

16 THE COURT: Anything from the defense?

17 MS. SWILLEY: Nothing from the defense.

18 THE COURT: We will stand at ease until
19 10:00 o'clock in the morning.

20 ---End of Requested Transcript of Record--

21

22

23

24

25

STATE OF SOUTH CAROLINA)	IN THE FOURTH JUDICIAL CIRCUIT
COUNTY OF MARLBORO)	THE COURT OF GENERAL SESSIONS
)	2013-GS-34-00626,00627,00628,00630
STATE OF SOUTH CAROLINA)	
)	
PLAINTIFF,)	
)	
VERSUS)	
)	
ROMAINE JAMAIL BRUNSON,)	
)	
DEFENDANT.)	DATE: DECEMBER 10, 2014
	BENNETTSVILLE, SOUTH CAROLINA

TRIAL TRANSCRIPT - THIRD AND LAST DAY

B E F O R E:

THE HONORABLE MICHAEL G. NETTLES

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CLOSING ARGUMENT - MS. DAVID

3

1 THE COURT: Anything from the State before we bring the
2 jury in?

3 MS. DAVID: No, sir.

4 THE COURT: From the Defense?

5 MS. SWILLEY: No, Your Honor.

6 (Jury in at 10:07 AM)

7 THE COURT: Ladies and Gentlemen of the jury, thank you
8 for being here and being here on time. We've concluded all
9 the testimony in this case and, as I mentioned yesterday, we
10 are now going to have closing arguments. What these lawyers
11 have to say is not evidence, but it will aid you immensely in
12 your deliberation process. Pay very close attention. Ms.
13 David, you are recognized.

14 MS. DAVID: Court's indulgence one moment, Your Honor.

15 (Ms. David sets up equipment)

16 CLOSING ARGUMENT - MS. DAVID

17 May it please the Court. Ladies and gentlemen of the
18 jury, I want to thank you all for being here with us over the
19 past two days. I know you are probably tired. I'm tired,
20 myself, but I ask that you hang in there with us for another
21 hour or so as we get through this.

22 On yesterday, the State presented lots of facts and
23 evidence; the witness testimony through video, through
24 photos, through evidence collected at the scene, and shortly
25 after we finish closing arguments the Judge will present you

THE STATE OF SOUTH CAROLINA VERSUS ROMAINE J. BRUNSON

CLOSING ARGUMENT - MS. DAVID

4

1 with a jury instruction that is to be applied to those facts.
2 The Judge is going to tell you that the Defendant is innocent
3 until proven guilty and that the State has the burden to
4 prove each and every element of the crime beyond a reasonable
5 doubt.

6 Now, let's talk about "beyond a reasonable doubt",
7 because that is the burden that the State has to overcome.
8 "Reasonable" is simply what the average person would think.
9 It's what a reasonable person, here in America, would think.
10 It's not what the genius at Harvard University, the professor
11 there would think, and it's not what the man at the mental
12 institution would think. It's just what a reasonable person
13 would think. And it's not beyond all doubt. It simply says,
14 "beyond a reasonable doubt".

15 Now, "doubt" is just a feeling or thought that maybe
16 something didn't happen, the way something didn't happen the
17 way it's told to you or a doubt that maybe things really
18 didn't go that way, but I'm going to take you beyond that
19 doubt of an average person and prove to you each and every
20 element of the crime charged so that you will feel firmly
21 convinced when you go into that jury room, that this
22 Defendant is guilty.

23 We are going to do this through two types of evidence.
24 There is direct evidence and then there is circumstantial
25 evidence. Direct evidence is evidence that comes from

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1 eyewitness testimony. Circumstantial evidence is evidence
2 that you take from the totality of the circumstances and so
3 in this case, the majority of our evidence is direct
4 evidence. It's eyewitness testimony. It's photos that you can
5 see, it's a video that you can hear, it's the 911 call that
6 you can hear. This is direct evidence in this case.

7 Let's try to stay focused as we go through this. I won't
8 pretend to you, life is short, but we have a lot of
9 information that we need to cover, a lot of charges, a lot of
10 evidence, elements, we do have a defense and I stood here and
11 told you in my opening statement, I will prove each and every
12 element of the crime charged and we are going to get started
13 with that today.

14 But first, before we even go into these crimes, before
15 we get started, I want you to keep something in mind.
16 Voluntary intoxication is not a defense in South Carolina. I
17 do not want you thinking about the Defendant was on cocaine.
18 I do not want you thinking about the victim was on cocaine.
19 It's not a defense, it's not an element. It does not matter.
20 We have to stay focused on the facts. We are going to put the
21 facts that happened and match that with the law. It does not
22 apply in the State of South Carolina.

23 The way I would like for you to think about it, when you
24 get back there in that jury room and somebody says, "Well,
25 maybe this person was on cocaine, maybe they were on crack,

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6

1 maybe they were on this. The Defendant already told you he
2 was on cocaine. Wanda has already told you about her past and
3 that she had done cocaine the day before. It's a given. It's
4 known. If it's discussed, just say, "Hey, save that drama for
5 somebody else, mama".

6 Our first crime for today, possession of a weapon during
7 the commission of a violent crime. We have three elements
8 that have to be met here. You have a conviction of a violent
9 crime. At that time, they must possess a weapon and it must
10 be used in furtherance of that crime.

11 A conviction of a violent crime: South Carolina
12 statutory code §16-1-60 has already defined attempted murder,
13 burglary first and kidnapping as all violent crimes. That
14 element is met. The only way that element is not met is if
15 the Defendant is convicted of a lesser included crime of
16 assault and battery in the first degree. But that's not even
17 for you to worry about, because I'm about to prove to you
18 each and every element of the crimes for attempted murder,
19 burglary first, and kidnapping.

20 At the time, the Defendant did possess a weapon. You've
21 heard testimony about multiple steak knives and the Defendant
22 used that weapon in furtherance of the crime. We know that
23 Wanda had at least 27 stab wounds and Fred had close to 15
24 stab wounds or injuries to his body.

25 Now, how do we know this information? Because I don't

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1 want to leave this charge and you are not sure about it. If
2 we look at the evidence, we had five witnesses testify to
3 this. Two of the victims testified to it. Wanda testified to
4 the fact that the Defendant, Mr. Romaine Brunson, was on top
5 of her stabbing her. He stabbed her so hard that he left the
6 knife in his knee.

7 Mr. Fred David, he testified that he had a scuffle in
8 the kitchen with the Defendant, that the Defendant came to
9 his door with a knife and then that the Defendant was going
10 in his kitchen to get another knife. The Defendant, himself,
11 even testifies that he had a knife. He tells you in his video
12 statement that he was walking to the kitchen to get the knife
13 to stab Fred. There is a discussion about whether or not Fred
14 was on his back while he was going to get the knife. So,
15 that's not denied by anybody. Law enforcement tells you,
16 Officer Amanda Hill and Officer Willet, they both saw the
17 Defendant on top of Wanda Johnson with the knife in his hand.
18 Whether or not he had that knife is not an issue. There was
19 possession of that weapon during the commission of a violent
20 crime.

21 Kidnapping. Now, this is something we are going to get
22 through briefly, but this is something that I know you don't
23 typically think of as a kidnapping. Usually, when there is a
24 kidnapping, we think a five-year-old child has been taken
25 away from their home and a big amber alert goes out to

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8

1 everybody's phone that scares everybody when an amber alert
2 happens, but that's not the only way a kidnapping occurs. We
3 have elements here. You have unlawful seizure, confining,
4 inveigling, decoying, abducting, or carrying away of a person
5 without authority of law.

6 Now, let me tell you what unlawful seizing is. Unlawful
7 seizing is deprivation of your freedom through force.
8 Confining is deprivation of your freedom without consent.
9 Those are the two things that Romaine Brunson did to Wanda
10 Johnson in her home.

11 Confinement without consent. He did not allow her to
12 leave her home. He locked the door to her home. The police
13 had to use a brick to force entry. He confined her. She did
14 not want him there. She hid in her room and called 911 for
15 help.

16 Seizure by force. Deprivation of your freedom by force.
17 That is him holding the knife to Wanda Johnson on that floor.
18 To anybody, that would say, "If you move, I'm going to kill
19 you. If you try to leave, I'm going to kill you." That is
20 deprivation of your freedom, deprivation of your freedom by
21 force.

22 If we look at our second element, which is; of a person.
23 Wanda Johnson is a person, she's a lady in her mid-50s. She's
24 a mother. I think that element is met and with that authority
25 of law, which without authority of law, that means she did

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1 not give consent, neither is it lawful, neither did law
2 enforcement give consent. In this case, of course Wanda
3 didn't want him in her home. She's telling him, she's asking
4 him to leave. She is hiding from him. She is calling 911.
5 Fred David has already left the home. I mean, I don't know
6 what more says, "without consent", and then for law
7 enforcement to have to force an entry. Investigator Willard
8 testified that he was walking around the house trying to gain
9 entry and that he waited for Amanda Hill to get there and
10 they found a brick and then they were able to bust through
11 the window to get in. This was a kidnapping. Wanda was
12 trapped in her own home while this man attempted to kill her.
13 You can be kidnapped in more than the way of a five-year-old
14 being snatched from the Wal-mart. She was kidnapped in her
15 home at 3:00 in the morning, which should be one of the
16 safest places in this world for you, in your own home.

17 Are the elements of kidnapping met? Yes, they are. Now,
18 there is one thing I don't want us to get hung up on before I
19 move off that. I'm pretty sure it's going to be mentioned to
20 you on this kidnapping that the Defendant did put his hands
21 up, but he doesn't put his hands up until after law
22 enforcement gets there, after they break the window to enter
23 the home. It's even testified to that he runs outside the
24 home and then runs back in and locks the door continuing the
25 kidnapping and then when law enforcement comes in, he puts

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1 his hands up, but at that point the crime had already been
2 committed, and no, law enforcement did not kill him. I don't
3 want any of that confusion here today. His hands were up, but
4 the crime was still committed.

5 Burglary in the first degree. That's another one of our
6 crimes or charges that might seem a little shaky to you and
7 the reason it might seem a little shaky to you is because
8 typically, people think of a burglary in the form of, oh
9 somebody broke into somebody's house and took their big
10 screen TV before Christmas and that's what they think of as
11 burglary. But these are the elements of burglary: entering a
12 dwelling without consent and with the intent to commit a
13 crime, meaning any crime, with one of the following
14 circumstances: armed with a deadly weapon, caused physical
15 injury to a non-participant, threatens with the use of a
16 dangerous instrument, displays knife or firearm, prior record
17 of two or more burglaries, enters, remains, exists during
18 nighttime. All you have to have is one of those additional
19 circumstances and in this case, we have three additional
20 circumstances. It is known, you've heard the testimony, that
21 he was armed with a deadly weapon. A knife is a sharp object
22 used to pierce, used to penetrate the body, used to kill. I
23 mean, people get killed by knives.

24 Caused physical injury to non-participants. The non-
25 participants in this case would be the two victims. They were

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1 not a part of this crime, they were not a part of the
2 intentional act to cause harm.

3 Threatens with the use of a dangerous instrument. Of
4 course you heard testimony from Amanda Hill and Officer
5 Willard, again, saying they saw this Defendant on top of Ms.
6 Wanda Johnson.

7 Displays a knife or a firearm. We've covered that knife.
8 If we've done it once, we've done it twice and we will
9 probably do it about ten more times before I sit down today.

10 Enters, remains, or exists during nighttime. In South
11 Carolina, nighttime is considered any time between sunrise,
12 sunset and sunrise, which typically goes from about six in
13 the evening to six in the morning, given or taken with the
14 weather changes, with the seasons, rather.

15 The first part of the elements. Entering a dwelling
16 without consent. A dwelling is a home. Ms. Wanda Johnson and
17 Mr. Fred David, they were in their home on that night. There
18 was a bed there, there's a kitchen there, there's a couch
19 there, there's furniture, there's food. That's where they
20 lived. That was their home. He entered their dwelling without
21 consent and with the intent to commit a crime.

22 Let's talk about the "without consent" part. In South
23 Carolina, entry under false pretenses is without consent. If
24 you pretend to be somebody else, if you pretend to have a
25 different cause to enter into somebody's home, that's a false

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12

1 pretense and it's not real. So, if they let you in, even if
2 they open the door for you, you've broken into their home
3 because you are not who they thought you were. In this case,
4 the Defendant -- or if you enter under a false claim or a
5 false cause, you know, a false pretense is just a false
6 reason to enter that house. So, without the consent, the
7 Defendant said that -- sorry. Wanda said the Defendant came
8 knocking on her window and said, "Ma, let me get a
9 cigarette." The Defendant, himself, testifies in his
10 statement, that's something they did. They shared cigarettes
11 back and forth. He called her mom. Wanda didn't think
12 anything different was happening at this moment. The
13 Defendant walks around to the front door where Fred David is
14 laying on the couch and he goes, (knocking) "Ma, (knocking)
15 Ma, it's 3:00 in the morning. Fred gets up to open the door
16 and Wanda testified that she had four children. Fred thinks
17 that this is Wanda's son at the door. He goes to open the
18 door. As soon as he realizes that it's not and that this is
19 an issue, he testified that he jerked to pull the door back,
20 but that was too late. At that point, the Defendant snatched
21 the door away from him. That would be entering without
22 consent under a false pretense.

23 Let's list things that show, without consent. The fact
24 that Wanda hid in her bedroom and closed the door indicated
25 she didn't want him in there. The fact that Wanda called 911,

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13

1 the law enforcement, indicates she didn't want him in there.
2 The fact that Fred David runs from his house only wearing his
3 underwear as a 60-year-old man indicates he didn't want him
4 in there. He didn't want him around him so much so that he
5 had to leave his own house.

6 Let's look at our second element which is, with the
7 intent to commit a crime. Most people feel that burglary has
8 to be a stealing, like I mentioned to you already. That you
9 have to be going in the house to take the TV or to take
10 somebody's cell phone, to take the PlayStation away. Well,
11 that's not what the law says. The law says it just has to be
12 to commit any crime. The Defendant, himself, admitted to you
13 in the video that he was going over there to commit a crime.
14 He tells you that he was going over there to turn Wanda on to
15 cocaine. She does crack cocaine, he does powder cocaine. He
16 didn't have possession on him, the possession was in his car,
17 but he was going, he was going over there to turn her on.

18 Now, I told you, don't focus on the drugs, but that is a
19 crime, participating in the sale of drugs. The Defendant said
20 he was going to hook her up with the guy who she could make
21 the purchase from and if you don't think that's a crime here
22 in South Carolina, I'm pretty sure Investigator Seals, he
23 makes plenty of arrests based on drug investigations with
24 people hooking up drug sales. That's participating, that's
25 assisting in the sale of illegal narcotics.

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1 The second crime that takes place is the crime that
2 Wanda and Fred both testified to. Wanda testified that the
3 Defendant was angry with her for trying to put her son onto
4 his girlfriend. She said the Defendant was angry because she
5 and her son had gone to the house the day before to sell
6 movies, X-Box games, to those kids and that the Defendant was
7 coming back to get her. As the Defendant was stabbing her, he
8 was saying, "If I can't get your son, I'm gonna to get you.
9 If I can't get your son, I'm gonna to get you." But he had
10 the intent to commit a crime. He was going there to get Wanda
11 for Wanda's alleged attempt to hook her son up with his
12 girlfriend. That's why he entered the house.

13 As far as it goes for Fred David. Fred was just in the
14 way. And if you want to think of this in terms of stealing, I
15 want you to look at it like he went to that house with the
16 intent to steal her life. That's your greatest possession
17 here on this earth. I'm sure we've all got other religious
18 beliefs, but here on this earth, your person is your greatest
19 possession and he went into that home to take that away from
20 her, to take her life away.

21 Thus, the State has proven to you each and every element
22 of burglary in the first degree. I told you that I would on
23 yesterday. I did not tell you it would be fun, but I told you
24 we would go through it and that's what we are doing.

25 Next, on the screen, you see assault and battery in the

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15

1 first degree. We have two attempted murders -- beg the
2 Court's indulgence one moment. I've been talking a little
3 bit. (Drinks water) We have two attempted murders in this
4 case. The first attempted murder is against Ms. Wanda
5 Johnson. The second attempted murder is against Mr. Fred
6 David. Assault and battery in the first degree and assault
7 and battery of a high and aggravated nature are lesser
8 included offenses to an attempted murder.

9 A lesser included offense is just what it says. It is a
10 lesser crime charge that is also included in a greater
11 offense. So, let me try to explain this to you. If you have
12 crime "A", that's the lesser offense. If you have charge
13 number two, that includes elements "A" and "B", that's a
14 greater offense. If you have charge three, it includes
15 elements "A", "B", and "C". That's a greater offense of both.
16 But guess what, charge three, which is a greater offense of
17 both, it also includes the "A" and the "B".

18 At this point, you are going to be instructed today that
19 assault and battery in the first degree is a lesser included
20 offense to attempted murder, as well as assault and battery
21 of a high and aggravated nature, as being a lesser included
22 offense to attempted murder.

23 I am going to tell you that the elements to both of
24 those offenses are met, but the elements to the greater
25 offense of attempted murder is also met and that's what I'm

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16

1 asking you to find the Defendant guilty of today, which is
2 the attempted murder. But I'll walk you through the elements
3 of the ABHAN and the A&B first and I'd like to try to explain
4 it to you just a tad bit more.

5 With the assault and batteries, you have assault and
6 battery in the third degree, you have assault and battery in
7 the second degree. You have assault and battery in the first
8 degree, ABHAN, and attempted murder. Assault and battery in
9 the third degree is just causing bodily injury to somebody;
10 that's if two people get into a fight. Assault and battery in
11 the second degree, is moderate bodily injury; two people get
12 into a fight, somebody gets cut on their hand. Assault and
13 battery in the first degree is great bodily injury; two
14 people get in a fight, somebody gets cut on their hand and
15 then they break their arm. Assault and battery of a high and
16 aggravated nature is higher above all three of those; it is,
17 two people get into a fight, somebody gets a scratch,
18 somebody gets their arm broken and in a high and aggravated
19 nature, somebody picks up a chair and they hit someone else.
20 They heightens it to a different level.

21 When you get with attempted murder, you are not just
22 looking at causing bodily harm or great bodily harm or doing
23 something that might seriously hurt the person or possibly
24 cause death. When you are talking about attempted murder, you
25 are dealing with the intentional killing of another with

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17

1 malice aforethought and the reason that it becomes an attempt
2 is because it was incomplete.

3 The elements on the attempted murder. Attempting to kill
4 with malice aforethought. Malice aforethought can be inferred
5 either through an attempt to kill, an attempt to inflict
6 grievous bodily injury, or extreme reckless disregard for
7 human life.

8 Your first element, did he kill them? No. They are
9 alive. They are sitting right there in this courtroom. So,
10 it's not murder, it's an attempt to do it. It didn't happen
11 and I'm sure they thank God for that. I do for them.

12 With malice aforethought. I want you to focus on the
13 fact that there is an extreme reckless disregard for human
14 life. That means you are just doing what you want to do,
15 acting reckless, you could care less about what happens to
16 somebody else. That evidence can be seen through the fact
17 that he just continuously stabbed her over and over and over
18 and over again. I mean, stabbing someone twenty-seven times
19 and you never stop? You intend to kill them. You are not just
20 trying to cause harm. You are trying to take their life away
21 from them.

22 Dr. Erik Stopa also testified to the intent to intent
23 grievous bodily injury. Dr. Stopa testified that these were
24 life-threatening injuries. When I asked him could these stab
25 wounds have killed him, he said, "Yeah." I said, "How many

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18

1 would it have taken?" He said, "One". One stab wound to the
2 wrong location. Because, remember, he's stabbing across the
3 face, the neck area, the body area, and the legs area, and
4 the knees. Just stabbing the most important organs in a
5 person's body. They could bleed out. A wrong wound to the
6 neck would have sent blood shooting from her. He was trying
7 to kill her. And that extreme reckless regard for life also
8 applies to Fred David and that tussle they had in the house.
9 As they were fighting, it wasn't about whether or not who had
10 a hate for Fred David. It wasn't that he was, "I hate Fred
11 David. I've been planning to kill him for two weeks." That
12 wasn't what was going on. Fred was in the way. Fred answered
13 that door. He was in the way. He was going to the kitchen to
14 get that knife. "You can stay here if you want to. Fred, this
15 ain't about you." That's what he told the Defendant
16 [verbatim]. And in his video testimony, he says, "I don't
17 even think Fred drank, I do." He tells you over and over
18 again, "You know, I don't really talk to Fred like that." He
19 just didn't care about Fred's life. He wanted to kill Wanda.
20 Fred was in the way and he was going to do anything he had to
21 do to get rid of Fred to get to Wanda. If that meant killing
22 Fred, then good-bye Fred. And I thank God you are here.

23 (Directed toward Mr. David)

24 Now, I've covered that malice doesn't require hate and a
25 forethought doesn't require intent, but I just want to walk

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19

1 through this incident one more time so that we have a full
2 picture, so that you fully understand that he was trying to
3 kill her of what happened that night.

4 The Defendant goes to the back door. (Knocks) "Ma, let
5 me get a cigarette." He goes around to the front door.
6 (Knocks twice) "Ma." (Knocks) "Ma." (Knocks) "Ma." Fred David
7 goes to the door to open it, to let him in. Defendant, he
8 notices that it is the Defendant, Romaine Brunson. He goes to
9 pull the door back. I don't want him in. He looks like
10 trouble. Romaine Brunson grabs the door, snatches it open,
11 punches him in the face. Wanda hears the commotion in her
12 back room and she comes out of the back room to see what's
13 going on and what happens? (Punches fist) She gets punched in
14 the face.. She takes off and she runs back to her bedroom
15 where she hides and closes the door. During that time, Fred
16 David and Romaine Brunson are in a scuffle in their house.
17 Romaine Brunson is headed towards the kitchen to get a knife.
18 It's testified to that there was an issue of fact as to
19 whether or not Fred David is on Romaine Brunson's back or if
20 they are tussling or Fred can't remember if they were on the
21 floor. If you have ever tussled with somebody, you don't
22 always exactly remember, you know, "Oh, I was on the floor at
23 this moment and then I was up at this moment." You have a
24 basic idea. Fred was trying to protect his home at 3:00 in
25 the morning. He's trying to keep this man from getting a

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20

1 knife, that has already punched him in the face, punched his
2 girlfriend in the face, and presented the knife to him. Let's
3 keep in mind, Fred is 60 years old. This is an elderly man in
4 our community that's being attacked by a man that's still a
5 young adult. He's a trained marine. So, him and Fred tussle.
6 He gets the knife, he stabs Fred. Fred takes so many stabs,
7 so many cuts, until he can't take it anymore, until he runs
8 away from his home in his underwear. He's out there running
9 for his life. This is a 60-year-old man running around at
10 3:00 in the morning drenched in blood and in his underwear.

11 During that time, Romaine Brunson, he was doing what he
12 came there to do. He had already gotten rid of Fred. Either
13 Fred had to die or Fred had to leave, but he had already
14 gotten rid of Fred. Now, he was going for Wanda.

15 You'll hear Wanda on that 911 video in a few minutes,
16 "He's beating up me and my boyfriend." And you can barely
17 understand what she's saying she's got the phone up so close.
18 "He's beating up me and my boyfriend." Finally, she yells it,
19 "He's beating up me and my boyfriend," and the next thing you
20 hear, she goes into screams, because she's being attacked in
21 her home at 3:00 in the morning. That's what took place and
22 as he is stabbing her, he's saying, "If I can't get your son,
23 I'm gonna get you. If I can't get your son, I'm gonna get
24 you." Fifteen, sixteen, seventeen, eighteen, nineteen,
25 twenty, twenty-one, twenty-two, just stabbing her, until he

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21

1 picks her up and drags her into the den. He was attempting,
2 attempting, to kill her. If law enforcement had not arrived
3 when they did, she may not have lived. Again, let's keep in
4 mind, voluntary intoxication is not a defense in the State of
5 South Carolina.

6 Now, I need to cover with you, self defense. I hope you
7 guys are still with me here. Are you looking at me? I hope
8 you're listening to me. I know sometimes, if people are
9 talking a long time and maybe I can look right at them like
10 this and they think like, oh yeah, she really thinks I'm
11 listening, but I'm thinking about what I'm going to have for
12 lunch, but just stay with me on this.

13 Self-defense. This is not a case that involves self-
14 defense. You have four elements here. I would like to read
15 each one of them to you and you can read along with me.

16 (Indicating TV screen) Element number one, Defendant is
17 without fault in bringing on the difficulty. I like that.
18 He's without fault at somebody else's house at 3:00 in the
19 morning. That sounds like we are all about to play cards,
20 we're about to have a cookout. No, the Defendant went over to
21 that house for trouble. That's not self-defense. Even if the
22 Defendant says that when he arrived at the home, if you want
23 to believe it, if you choose to believe it, when he arrived
24 at the home, Fred David had a knife. I don't know about you
25 guys, I have family members. I know people. You know people.

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22

1 You know reasonable people. If you come to their home at 3:00
2 in the morning, they aren't answering the door without a
3 weapon. They've got a knife, they've got a little bat beside
4 the door, they've got a loaded weapon. They want to know why
5 somebody is at my house. So, if he did have a knife, he was
6 protecting himself. Although we don't know that that is the
7 case, but if he did, did the Defendant enter without bringing
8 on the difficulty? No. You are in somebody else's house at
9 this time of the morning.

10 That he believed he was in imminent danger of losing his
11 life. That's Fred David. Fred David knew he was in imminent
12 danger of losing his life because he was running around in
13 his underwear trying to find safety. Does the Defendant
14 believe that? No. Amanda Hill testified and Officer Wheeler
15 testified that he's over this girl stabbing her. He's over
16 Wanda stabbing her. Who is in imminent danger of losing their
17 life? It's not the Defendant. It's Wanda.

18 That a reasonable, prudent person of ordinary firmness
19 and courage would have entertained the same belief. We are
20 back to a reasonable person. It's what the average person
21 would think. You have testimony of two law enforcement
22 officers that tells you he saw them. He saw Romaine Brunson
23 with the knife over her, in her home. You have the testimony
24 of Wanda. I mean, I just -- to me, it's so far fetched that a
25 reasonable person of ordinary firmness and courage would have

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23

1 entertained the same belief or in actual imminent danger the
2 circumstances would have allowed him to strike the blows.

3 Let's say, hypothetically, Wanda and Fred tried to
4 attack him. Well, if Wanda and Fred tried to attack him, why
5 is Fred running away and why is Wanda on the ground almost
6 unconscious? He's not in threat of losing his life where he
7 has to do something to Wanda to save his life. If that be the
8 case, she was already down. He could have just walked on
9 outside and gone home, turned himself into law enforcement.
10 This is not self-defense. These people are running from you
11 and she's almost dead.

12 Finally, my favorite element, well, next to this one.
13 They had no other means of avoiding this danger. The
14 Defendant lived next door. If you'll look at the diagram
15 right there, maybe ten yards, a first down on the football
16 field, he could have gone home. He's at somebody else's
17 house. If I go to somebody else's house and they have a knife
18 and they are trying to attack me, guess what? I'm going
19 home. I'm not staying around for it, especially if I live
20 next door. I'm getting out of there. Now, I don't know what
21 might happen if I meet you in the front yard somewhere, but
22 if I'm at your house, you need to go home. They had no other
23 means of avoiding this danger. You always have the option to
24 leave. You can always go home. He never once tried to leave
25 until law enforcement came into this home.

THE STATE OF SOUTH CAROLINA VERSUS ROMAINE J. BRUNSON

CLOSING ARGUMENT - MS. DAVID

24

1 What I'm going to do is, before I play the 911 video, I
2 want to show you these photos. This is the photo of Romaine
3 Brunson's hand where he received cuts. This is the photo of
4 Romaine Brunson's arm where he received a cut. We don't have
5 photos of Wanda Johnson because everybody was trying to be
6 respectful giving that the condition she was in. They thought
7 she was going to die. They weren't going to snap photos and
8 be disrespectful to her family. This is Fred David, but I
9 want to show you how the Defendant incurred those wounds to
10 his hand and his arm. The Defendant was the aggressor. We
11 will take this knife, that has something on it, but we don't
12 know if it is blood or not. These knives were not sent to
13 SLED. Jamie Seales was in a house trying to collect evidence.
14 He didn't know which knife it was. He wasn't sure about what
15 to collect as he wanted to immediately process the scene, but
16 I want to show you, I want to focus and show you how the
17 Defendant received the cuts to his hand and to his arm.

18 MS. SWILLEY: Objection, Your Honor.

19 THE COURT: Sustained.

20 MS. DAVID: Your Honor?

21 THE COURT: Might counsel approach the bench?

22 (Bench conference off the record)

23 MS. DAVID CONTINUES CLOSING ARGUMENT

24 What I will discuss with you is that if someone, anyone,
25 has a knife in their hand and they go to stab and if they

THE STATE OF SOUTH CAROLINA VERSUS ROMAINÉ J. BRUNSON

CLOSING ARGUMENT - MS. DAVID

25

1 don't have a good grip on that knife or a good grip on that
2 sharp object, it is going to slide and so if you are going to
3 stab and it doesn't exactly go in, it slides (demonstrating
4 with ballpoint pen), it slides, and it cuts your hand.

5 To the back of the arm. You are holding someone down and
6 you are trying to stab as you hold them down and they are
7 moving out of the way, you hit yourself in the process.

8 (Demonstrating) I just wanted to show you that the Defendant
9 was the aggressor in this situation.

10 As I close out, I want you to listen to the 911 tape and
11 the 911 tape will indicate to you, the 911 tape is going to
12 show you that Wanda is being attacked in her home, which is
13 something that we already know. He tried to kill her. You
14 will hear her screams and that doesn't sound like he's in
15 self-defense. It sounds like Wanda is being attacked and
16 needs help.

17 (DVD is played for the jury)

18 That was the victim, Wanda Johnson screaming for her
19 life on that particular evening. I ask that when you go to
20 the jury room to deliberate, that you will find the Defendant
21 guilty of attempted murder on Wanda Johnson, attempted murder
22 on Fred David, possession of a weapon during the commission
23 of this violent crime, burglary in the first degree and
24 kidnapping. Thank you.

25 THE COURT: Ms. Swilley, you are recognized.

THE STATE OF SOUTH CAROLINA VERSUS ROMAINE J. BRUNSON

CLOSING ARGUMENT - MS. SWILLEY

26

1 MS. SWILLEY: Thank you very much, Your Honor. May I
2 move this, please?

3 THE COURT: You may.

4 (Ms. Swilley moves the TV screen)

5 CLOSING ARGUMENT BY MS. SWILLEY

6 This case is about drugs. First, I hate to use notes. I
7 hate to use notes when I'm talking to y'all, but there are so
8 many points I would like to point out and so I'm going to
9 occasionally glance at them.

10 First, let's go through the case in terms of the
11 evidence presented and that you heard yesterday, extensively.
12 I would just like to go through it in chronological order and
13 point out some things to y'all.

14 You heard from the two officers, Wheeler and Hill. They
15 testified that they were not there at the beginning of the
16 altercation. They had no idea how it transpired, but they did
17 arrive on scene. When they came to the scene and they saw the
18 altercation going on inside, they broke a glass and they came
19 in. The first thing that Romaine Brunson did was stop, back
20 up, turn himself in to law enforcement.

21 You heard testimony as to Mr. Fred David left the house
22 during the altercation, ran out across the street. The first
23 house he went to, they wouldn't open the door. The second
24 house he went to, he knocked on the door, "Call the police,
25 call the police," and they said, "No". I find that very odd.

CLOSING ARGUMENT - MS. SWILLEY

27

1 Third, you heard the 911 call and you heard it played for you
2 just now and Wanda, it's hard to hear what she is saying, but
3 Wanda says, "He's beating me and my boyfriend up." She's not
4 talking about a knife. She's not talking about a stabbing.
5 She's not talking about any of that. He's beating me and my
6 boyfriend up.

7 The next thing I'd like to talk about is the injuries.
8 We have just one photograph of Mr. Fred David, which y'all
9 will be able to take this back with you into the jury room
10 with you and examine this. This is a photo of Mr. David with
11 an injury on his arm, but we don't have any photos of the
12 actual wound itself. We certainly don't have any photos of
13 Wanda Johnson's injuries and that would be helpful to have,
14 I'm sure, as y'all are trying to decide what happened this
15 night. We do have two photographs of Mr. Romaine Brunson.
16 Again, y'all will get to take this back with you and look at
17 it up close and personal. He has one on his hand and it
18 appears to be a large injury there and you also have this one
19 to the back of his arm. I want you to look very carefully at
20 that one.

21 Lieutenant Jamie Seales, who is present in the
22 courtroom, was the lead investigator in this case. He
23 testified that he went to get a search warrant so he could
24 take evidence left at the scene, because it's very important
25 to preserve evidence. You want to go to the scene, you want

CLOSING ARGUMENT - MS. SWILLEY

28

1 to collect evidence; you want to make sure you can find out
2 the truth of what happened.

3 The evidence that you have and that you get to take back
4 with you into the jury room, you'll have three pieces. You
5 have two knife handles and you have one full knife that Ms.
6 David pulled out for you earlier. Wouldn't it have been nice
7 to have been able to have fingerprints taken off of these
8 knife blades so that you could get an idea of what happened
9 in the beginning? None of this was sent to SLED, as he told
10 you. He worked for SLED. He knows better. He worked crime
11 scene investigations. Nothing was sent to SLED; no DNA, no
12 blood, no fingerprints on knife handles when there is an
13 altercation where it is alleged that there were two different
14 sides to the same story. Lieutenant Jamie Seales, after he
15 collected evidence at the crime scene, he went to breakfast,
16 and then he went to the detention center to talk to Romaine.
17 He had already taken photographs of Romaine Brunson earlier,
18 which we have here now, about 4:00 in the morning I believe
19 he testified to. At that time, Romaine immediately wanted to
20 talk to police to tell them his story. At 4:00 in the
21 morning, right away, he wanted to tell them what happened.
22 But Lieutenant Seales, out of an abundance of caution, waited
23 to make sure he wasn't intoxicated when he talked and so he
24 waited until 8:45 and interviewed him again, or interviewed
25 him.

CLOSING ARGUMENT - MS. SWILLEY

29

1 During the statement of Romaine Brunson, he's kind of
2 hard to understand, too, when he's talking on the video, so
3 you'll have this at your disposal. (Holds up DVD) You can
4 take it with you in the jury room. You can watch it again,
5 you can listen to what he said, because the first time I
6 heard it, I had a hard time making everything out.

7 Here are some important things he talks about. Romaine's
8 story is this: He had gone to the store to get cigarettes
9 around midnight. He came back to his house about 3:00 in the
10 early morning hours. He was doing cocaine in his car. That is
11 undisputed. Wanda sees him and she calls him over, because
12 she wants a bump. Because we all know, based upon the
13 evidence that we have in the record, she has a drug problem.
14 She admitted she has a drug problem. Out of her own
15 admission, she did drugs Wednesday, the day before it
16 happened. She told the hospital she did it Friday, but we do
17 know that she was under the influence of crack at that time.
18 She called him over. She wanted to do drugs with him and so
19 he goes over to the house and he's hanging out, he's
20 chilling, and you heard testimony from both victims that they
21 never saw him display any kind of violence towards them. He
22 called her, "Ma". They would take out garbage together, they
23 would go to the grocery store together. They never had any
24 issues between them. Romaine says that he had been hanging
25 out there about 10 minutes. He'd left the cocaine in the car.

THE STATE OF SOUTH CAROLINA VERSUS ROMAINE J. BRUNSON

CLOSING ARGUMENT - MS. SWILLEY

30

1 He didn't want to bring it into her house because he knows
2 when you get around somebody who also does drugs, they are
3 going to want some of your drugs. So, he went to her house
4 and didn't take his cocaine. About ten minutes later, Fred
5 jumps up and attacks him with a knife. That's where he gets
6 the cut on the back of his arm. He wrestles the knife away
7 from Fred and that's how he gets the cut on his hand, and
8 then he gets the upper hand. He stabs Fred and Fred runs out
9 of the house. Wanda comes at him and he stabs her.

10 Lieutenant Seales also went to McLeod Hospital after he
11 interviewed Romaine Brunson to check on the two victims. Fred
12 David had already been released from the hospital. Wanda was
13 still there and he didn't take photos of her injuries. He
14 explained why, he respected her privacy, but wouldn't that be
15 helpful for the jury to see, to know, what kind of injuries
16 she had?

17 We have the direct tests of Wanda that were performed at
18 the hospital during the course of her admission, and again,
19 y'all are going to get her full medical record to take back
20 with you so you can look and see for yourselves. She tested
21 positive for cocaine and marijuana when she was at the
22 hospital and she admitted she was doing drugs the day before.
23 We don't have drug tests for Fred. We looked through his
24 records. One was never ordered, so we have no idea what drugs
25 he may or may not have been on. We don't have that evidence.

THE STATE OF SOUTH CAROLINA VERSUS ROMAINÉ J. BRUNSON

CLOSING ARGUMENT - MS. SWILLEY

31

1 Ten days later, Wanda and Fred go to the police, the
2 Sheriff's office, together, and they give a statement. They
3 each give a statement about what happened that night. I want
4 to talk to you about Fred and Wanda and how they lied to you
5 here in the courtroom. They came up here, they put their hand
6 on the Bible and they swore to tell the truth, the whole
7 truth, and nothing but the truth. They took the stand and
8 then they lied to you and I'll tell you how they lied to you.

9 Fred said he had never seen Wanda do crack before. Ever.
10 They've lived together almost two years now. Does that make
11 sense to any of you? She said she did it every weekend. She
12 said she did it the night before she got attacked.

13 Wanda said in her testimony, "I only do drugs on the
14 weekends". And then she turned around and said she smoked
15 crack Wednesday night and then in the medical report which
16 you will have, she told the doctors that she did it Friday.
17 Which version of that is the truth?

18 Wanda says she lives a good clean life now and doesn't
19 do drugs, hasn't done drugs in over a year. The testimony
20 right before hers was Fred David, her boyfriend, who got on
21 the stand and told you that they smoked marijuana together
22 the previous week.

23 She testified she spent two weeks in the hospital.
24 Please look at the medical records. She was discharged after
25 six days. That's just a small, tiny, inconsistency, but my

CLOSING ARGUMENT - MS. SWILLEY

32

1 point is, they both repeatedly lied to you again and again
2 about the events of that night.

3 Wanda testified about calling 911 and saying, "He's
4 killing us." You just listened to the 911 tape. She's says,
5 specifically, "He's beating me and my boyfriend up." No
6 knife, no stabs, she doesn't talk about that at all.

7 Fred testified that he talked to Deputy Hill about he
8 broke the glass to get in the house, to go in there, and
9 Deputy Hill testified that she said that when he came up he
10 didn't say anything at all because he had been injured and so
11 he just sat down.

12 Again, these are small details, but if they lie to you
13 about the small things, what else are they lying about?

14 Cross examining Fred, when I cross examined Fred, I
15 asked him about the statement he had given Jamie Seales and
16 in the statement he gave to Jamie Seales, he didn't say
17 anything about getting punched in the face, but when he comes
18 in here to testify over a year later, now he talks about
19 getting punched and it matches Wanda's story a lot more
20 closely.

21 People can lie. People can lie to you, but physical
22 evidence doesn't. I wish we had more of it to show you. I
23 wish the State had collected more of it, but what we have
24 here matches Romaine's story. What we have here is a cut
25 which matches Romaine saying that Fred attacked him with a

CLOSING ARGUMENT - MS. SWILLEY

33

1 knife and that's why he acted in self-defense. What we have
2 here is a positive drug test for Wanda which tells you she
3 was on drugs. This case is about drugs and I don't want you
4 to focus on the drugs, but that is the whole reason for these
5 evening events of that weekend going down.

6 Jamie Seales, a veteran of law enforcement for seventeen
7 years, he worked at SLED, he does his job, he helps serve our
8 county, he's served here since, I believe, 1997.

9 Unfortunately, he didn't do his job completely. And this is
10 not knocking on Jamie Seales. I think, generally, he's a good
11 investigator and he does good cases, but in this case, he
12 didn't send anything to SLED; no photographs, no DNA, no
13 fingerprints off knife blades. When they say there are two
14 people stabbing each other that night, nothing at all. He
15 went in, collected evidence, talked to Romaine, done. Case
16 closed in his mind and the reason why is, he already had his
17 mind made up about how everything went down. He didn't
18 confront Wanda about her drug use. He didn't ask her about it
19 when he was interviewing her. Why wouldn't you do that if you
20 are trying to get to the truth? Why wouldn't you? Why would
21 you just decide, when you have this bit of evidence, not to
22 follow through? Because the thing about SLED, there is no
23 time limit as to when you can send it in. They didn't have to
24 send it in within the first week or else they wouldn't accept
25 it. You can send it six months later, you can send it a year

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CLOSING ARGUMENT - MS. SWILLEY

34

1 later. It's been now fifteen months since this incident
2 occurred and he could have at any point sent it to SLED, the
3 State Law Enforcement Division, to test it. It wasn't done.

4 So, I ask you again. What makes sense to you? What story
5 makes sense? Which story matches the physical evidence?

6 Romaine was doing cocaine. Wanda see him and calls him in.

7 They are chilling for a little bit. Fred attacks him trying

8 to get the drugs. He fights Fred off. Fred runs out. Wanda is

9 next and then when the police arrive, he stops fighting, he

10 puts the knife down, holds his hands away. He's taken into

11 custody, he asks to speak to law enforcement immediately.

12 When he's giving his interview with Jamie Seales, Jamie

13 Seales does what he always does, which is tell him, "You

14 don't have to say anything. You have the right to an

15 attorney. You don't have to talk to us at all if you don't

16 want to talk to us. Nobody is going to force you to." But he

17 does and he wants to and he doesn't want an attorney there,

18 because he wants to tell them his story.

19 I want to talk to you, also, about self-defense. The

20 Judge, his job as he told you earlier, is to instruct you on

21 the law and so I'm not going to talk to you about the

22 elements of the law, because that's the Judge's job and I'm

23 going to let him do it, but self-defense is very important,

24 because in the State of South Carolina, if you act in self-

25 defense protecting yourself, you cannot be found guilty of

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CLOSING ARGUMENT - MS. SWILLEY

35

1 the crimes for which he is charged. If he is acting in self-
2 defense to protect himself from an attack, he's not guilty of
3 attempted murder, because he is fighting back. Again, the
4 Judge is going to tell you what the law is, so listen
5 carefully to that.

6 Reasonable doubt. Ms. David talked a little bit about
7 reasonable doubt and I won't bore you with all the lawyer's
8 technicalities. Again, the Judge will tell you what that is.
9 I think he will probably say something like, it's the doubt
10 which would cause a reasonable person to hesitate to act. I
11 learned that in law school, but what does it really mean? I
12 believe I didn't really get it back then, but after
13 practicing law, I think I know what it really means. I'll
14 explain it to you in a way that makes sense to me. Reasonable
15 doubt is when you are considering the evidence in its
16 entirety and you are looking at the story and it makes you
17 go, "Hmm". It's that pause, it's that hesitation which makes
18 you think something is not right here. That is reasonable
19 doubt and if you have it today, the only option you can do is
20 say, not guilty, for Romaine Brunson, because the State has
21 the burden of proving him guilty beyond a reasonable doubt
22 and if you have doubts, have them today, because years from
23 now you can't go back and change your decision. If you have
24 doubts, now is the time to have them.

25 Mia talked briefly about Wanda's explanation for the

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CLOSING ARGUMENT - MS. SWILLEY

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1 events. Through Wanda's testimony, she said, if you recall,
2 that she was trying to sell Xbox games to his kids next door.
3 he came out and I think he exactly said, she says, "You know
4 we don't have no damn Xbox." So, she leaves. He sees her
5 later. She's out at the pool hanging out in the backyard and
6 he says, "Hey, ma, you chilling in your pool?" He's not
7 angry. He doesn't have the intention to kill somebody over
8 this. It's the most, well, it's a story, and my question to
9 you is, what makes sense. Romaine's story and Romaine's
10 accounting of events which has never changed and never
11 deviated from his story, which matches the physical evidence
12 or their story which is; a knife-crazed killer comes to your
13 house at 3:00 in the morning, who calls you, "ma", who's
14 never had a history of violence and just starts stabbing.
15 That's their story.

16 One small other detail that I caught while she was
17 talking, she says that the first contact Romaine had with the
18 trailer, he went over to her window and (knocks), "Ma, you
19 got a cigarette?" I remind y'all the thing he did before he
20 went over there, he went to the community store and he bought
21 cigarettes. Does it make sense to you that he would be
22 knocking on the door asking for cigarettes when he just went
23 and bought some?

24 I'm not trying to judge Wanda for her personal choices
25 and whether or not she chooses to do drugs or even Romaine's.

CLOSING ARGUMENT - MS. SWILLEY

37

1 I'm not. I bring up the facts of the drugs because you are
2 trying to be sold a half-truth by the State and I want you to
3 realize that there is more to the story than what they are
4 trying to show you. There's more to it than the evidence they
5 collected. There's more to it. There are two sides. So, when
6 you go back there, ask yourself what makes sense. Crazy
7 killer, no real motive or perhaps someone who has a crack
8 problem who sees somebody else with drugs and wants some?

9 I've never had an addiction, luckily. I don't know what
10 it's like. I don't know what it would make you do or drive
11 you to do, but Wanda does, and that's what happened that
12 night.

13 This case is about drugs. Thank you.

14 THE COURT: Thank you Ms. Swilley. The State is
15 recognized with regard to reply.

16 REPLY CLOSING ARGUMENT BY MS. DAVID

17 The State doesn't point to ---

18 MS. SWILLEY: Your Honor, may we have a bench
19 conference, please?

20 THE COURT: Yes.

21 (Bench conference off the record).

22 THE COURT: Madam Forelady and ladies and gentlemen of
23 the jury, I'm going to ask that you retire to the jury room
24 for a moment. Do not discuss the case.

25 (Jury out at 11:12 AM)

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1 THE COURT: I will ask counsel to come forward and look
2 at the verdict form and see if they are in agreement.

3 (Attorneys comply)

4 Is the State in agreement with the verdict form?

5 MS. DAVID: Yes, Your Honor.

6 THE COURT: Is the Defense?

7 MS. SWILLEY: Yes, Your Honor.

8 THE COURT: We will recess for about five minutes.

9 (Brief Break)

10 THE COURT: Anything from the State before we proceed?

11 MS. DAVID: No, sir.

12 THE COURT: Anything from the Defense?

13 MS. SWILLEY: No, sir, Your Honor.

14 THE COURT: We are ready for the jury.

15 (Jury in at 11:38 AM)

16 CHARGE ON THE LAW

17 THE COURT: Madam forelady, ladies and gentlemen of the
18 jury, you've heard all the closing arguments, you've heard
19 all the evidence. Now it is time for me to fulfill my
20 responsibilities and charge you on the law, the substantive
21 law that covers this case.

22 I wish there was an easy way to do it. I wish there was
23 an entertaining way to do it, but it's just not. It's sort of
24 like taking medicine. I'm telling you this is an important
25 case. It is an important case to the State, it's an important

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1 case to the Defendant, and in order for you to fulfill your
2 very important responsibilities, which you have sworn to do,
3 you've got to pay attention to the law and so I'm going to
4 ask you to perk up. I know it's getting close to lunch time,
5 but I am going to ask for your very close attention.

6 Madam forelady, ladies and gentlemen of the jury, the
7 indictment charges the Defendant with attempted murder,
8 kidnapping, burglary, possession of a weapon during the
9 commission of a violent crime. I remind you of the fact that
10 the Defendant was arrested, charged, and indicted, is not
11 evidence and cannot be considered by you as evidence of
12 guilt, nor does it create any presumption of inference of
13 guilt. This indictment is simply the formal written
14 instrument which contains the charges made against the
15 Defendant. It is the formal document by which this case is
16 brought to court.

17 Each indictment charges a separate and distinct offense.
18 You must decide each indictment separately and on the
19 evidence and law applicable to it uninfluenced by your
20 decision as to other indictments. The Defendant may be
21 convicted or acquitted on any or all offenses charged. You
22 will be asked to write a separate verdict of guilty or not
23 guilty for each indictment.

24 Madam forelady, ladies and gentlemen of the jury, the
25 Defendant has pled not guilty to this indictment and that

1 plea puts the burden on the State to prove the Defendant
2 guilty. A person charged with committing a criminal offense
3 in South Carolina is never required to prove himself
4 innocent. I charge you that is an important rule of law that
5 the Defendant in a criminal trial, no matter what the
6 seriousness of the charge may be, will always be presumed to
7 be innocent of the crime for which the indictment was issued
8 unless guilt has been proven by evidence satisfying you of
9 that guilt beyond a reasonable doubt. This presumption of
10 innocence does not end when you begin your deliberations, but
11 it accompanies the Defendant throughout the trial until you
12 reach a verdict of guilt based on the evidence satisfying you
13 of that guilt beyond a reasonable doubt.

14 The presumption of innocence is like a robe of
15 righteousness placed about the shoulders of the Defendant
16 which remains with the Defendant until it has been stripped
17 from the Defendant by evidence satisfying you of the
18 Defendant's guilt beyond a reasonable doubt.

19 The presumption of innocence is not a mere legal theory.
20 It is not just a legal phrase. It is a substantial right to
21 which every Defendant is entitled unless you, the jury, are
22 satisfied from the evidence of the Defendant's guilt beyond a
23 reasonable doubt.

24 What is reasonable doubt in the eyes of the law? A
25 reasonable doubt is the kind of doubt that would cause a

1 reasonable person to hesitate to act. The State has the
2 burden of proving the Defendant guilty beyond a reasonable
3 doubt. Some of you have served as jurors in civil cases in
4 which case you were told it is only necessary to prove that a
5 fact was more likely true than not true such as by a greater
6 weight or a preponderance of the evidence. In criminal cases,
7 the State's proof must be more powerful than that. It must be
8 beyond a reasonable doubt. Proof beyond a reasonable doubt is
9 proof that leaves you firmly convinced of the Defendant's
10 guilt.

11 There are very few things in the world that we know with
12 absolute certainty. In criminal cases, the State does not
13 require proof that overcome every possible doubt. If, based
14 on your consideration of the evidence, you are firmly
15 convinced that the Defendant is guilty of the crime charged,
16 you must find the Defendant guilty. On the other hand, if you
17 think there is a real possibility that the Defendant is not
18 guilty, you must give the Defendant the benefit of the doubt
19 and find him not guilty.

20 I instruct you and emphasize the fact that the Defendant
21 did not testify is not a factor to be considered by you in
22 any way in your deliberations and in your consideration of
23 the question of the guilt or innocence of the Defendant. It
24 must not be considered by you in any manner, whatsoever. The
25 Defendant has the constitutional right to remain silent. The

1 assertion of this right is not to be considered by you in
2 your deliberations. I repeat, under your oath, you are to
3 draw no conclusion, whatsoever, from the fact that the
4 Defendant in this case did not testify. The fact that the
5 Defendant did not testify should not even be discussed in the
6 jury room. Madam forelady, I'm going to ask that you enforce
7 that rule. That will not be a topic of discussion.

8 The burden of proof, as I have stated to you, is on the
9 State. The Defendant is not required to prove his innocence.
10 The burden of proof remains on the State to prove guilt
11 beyond a reasonable doubt.

12 I remind you that during this trial you and I have
13 certain duties to perform. As a trial judge, it is my
14 responsibility to preside over the trial. I also have the
15 duty to rule on the admissibility of evidence offered during
16 this trial. You are to consider only the competent evidence
17 before you. You are to consider only the testimony that has
18 been presented from this witness stand, any exhibits which
19 have been made a part of the record in this case, and any
20 stipulations of counsel. I have the additional duty to charge
21 you the law applicable to this case.

22 As a presiding judge, I am the sole judge of the law and
23 it is your duty as jurors to accept and apply the law as I
24 now state it to you. If you already have an idea as to what
25 the law is or what the law ought to be and it does not agree

1 with what I now tell you the law is, you must abandon this
2 idea, because you are sworn to accept and apply the law
3 exactly as I state it to you.

4 In every case tried in this court before a jury, the
5 jury becomes the sole and exclusive judges of the facts. A
6 trial judge cannot intimate, state, comment on, or make any
7 statement to a trial jury about the facts. Since you, the
8 jury, are the sole judge of the facts you are not to infer
9 from what I have said during the progress of this trial in
10 ruling upon the admissibility of evidence or otherwise or
11 anything that I say now during the course of this instruction
12 to you, that I have any opinion about the facts in this case.
13 The law simply does not allow me to have an opinion about the
14 facts. This is a matter solely for you, the jury, to
15 determine. As jurors it is your duty to determine the effect,
16 the value, the weight, and the truth of the evidence
17 presented during this trial.

18 Ladies and Gentlemen of the jury, there are two types of
19 evidence which are generally presented during a trial, direct
20 evidence and circumstantial evidence. Direct evidence is the
21 testimony of a person who claims to have actual knowledge of
22 a fact, such as an eyewitness. It is evidence which
23 immediately establishes the main fact to be proved.

24 Circumstantial evidence is proof of a chain of facts or
25 circumstances indicating the existence of a fact. It is

1 evidence which immediately establishes collateral facts which
2 may, in fact, be inferred. Circumstantial evidence is based
3 on inference and not on personal knowledge or observation.
4 The law makes absolutely no distinction between the weight or
5 value to be given to either direct or circumstantial
6 evidence, nor is a greater degree of certainty required of
7 circumstantial evidence than of direct evidence. You should
8 weigh all the evidence in this case. After weighing all the
9 evidence, if you are not convinced of the guilt of the
10 Defendant beyond a reasonable doubt, you must find the
11 Defendant not guilty.

12 Necessarily, you must determine the credibility of
13 witnesses who have testified in this case. Credibility simply
14 means believability. It becomes your duty as jurors to
15 analyze the value of the evidence to determine which evidence
16 convinces you of its truth. To determine the believability of
17 witnesses who have testified, you may believe one witness
18 over several witnesses or several witnesses over one witness.
19 You may believe a part of the testimony of a witness and
20 reject the remaining part of the testimony of that same
21 witness. You may believe the testimony of a witness in its
22 entirety or reject the testimony of a witness in its
23 entirety. You may consider whether any witness has exhibited
24 to you interest, bias, prejudice or other motive in this
25 case. You may also consider the appearance and manner of a

1 witness while on the witness stand.

2 Madam forelady, ladies and gentlemen of the jury, the
3 rules of evidence ordinarily do not permit witnesses to
4 testify as to opinions or conclusions. The exception to this
5 rule exists for witnesses we call expert witnesses. A
6 witness, who by education or experience become experts in
7 some art, science, profession, or calling, may state an
8 opinion as to relevant material or matters in which the
9 witness claims to be an expert. They may also state their
10 reasons for the opinion. You should you consider any expert
11 opinion received into evidence in this case like any other
12 evidence and give it the weight you think it deserves. If you
13 decide the opinion given by the expert witness is not based
14 on sufficient education or experience, if you conclude the
15 reasons to support the opinion are not sound, that their
16 opinion is outweighed by other evidence, you may disregard
17 their opinion entirely. An expert witnesses' testimony is to
18 be given no greater weight than other witnesses simply
19 because a witness is an expert. Further, you are not required
20 to accept an expert's opinion even though it is not
21 contradicted.

22 Ladies and gentlemen of the jury, there has been
23 evidence presented that witnesses have made prior statements
24 which are not consistent with the witnesses' present
25 testimony. You may use this evidence to decide whether to

1 believe the witness. You may also use evidence of the earlier
2 contradictory statements to determine the truth of those
3 statements. It is up to you to decide whether to believe the
4 earlier statements or the testimony given at trial. If a
5 witness has been shown to have knowingly testified
6 untruthfully concerning any material matter, you may consider
7 this in determining whether to trust the witness' testimony
8 as to other matters. You may reject all the testimony of that
9 witness or give all or part of the testimony the weight you
10 think it deserves.

11 A person who has a past criminal record that is
12 competent to testify during a trial, the past record does not
13 affect the ability of that witness to testify. The past
14 record may only be considered by you, if at all, in
15 determining the witnesses' believability. Remember, you are
16 the sole judges of the facts in the case and the
17 believability of any and all of the witnesses.

18 A statement alleged to have been made by the Defendant
19 has been admitted into evidence. While the Court has
20 determined that the statement is admissible, I instruct you
21 that you make the ultimate decision whether or not the
22 Defendant made the statement. If the Defendant did make the
23 statement, you must determine whether the statement was made
24 by the Defendant voluntarily, of his own free will. This
25 means that the statement was not caused by; pressure, force,

1 fear, threat, coercion, intimidation, or by hope or of a
2 promise of leniency or a award of any kind.

3 In determining whether the statement was voluntary, you
4 should consider both the characteristics of the Defendant and
5 the details of the questioning. Some of the factors you may
6 consider are: the age of the Defendant, the Defendant's
7 education or lack of education, the Defendant's mental
8 ability or capacity, the Defendant's I.Q. or intelligence,
9 the Defendant's background and environment, the place and
10 length of detention, the nature of the questioning, the
11 advice or lack thereof to the Defendant of his constitutional
12 rights including, but not limited to; the right to remain
13 silent, that any statements could be used against him in a
14 court of law, the right to have a lawyer present if he could
15 not afford a lawyer, a lawyer would be appointed to represent
16 him without any cost, that he could stop making the statement
17 at any time. You must carefully consider all of the
18 surrounding circumstances before you give any weight to an
19 alleged statement.

20 The State has the burden of proving, beyond a reasonable
21 doubt, the alleged statement was voluntary. If you determine
22 it was, you may give the statement any further consideration
23 you deem proper. You must decide what weight, if any, should
24 be given to the alleged statement. If you determine that the
25 alleged statement was not a free and voluntary statement by

1 the Defendant, you should not consider the statement at all.

2 I will charge you the substantive law with regard to the
3 offense of attempted murder. Pay close attention. The
4 Defendant is charged with attempted murder. In order to prove
5 this crime, the State must prove the Defendant intended to
6 kill another person with malice aforethought, either
7 expressed or implied. Malice is hatred, ill-will, hostility
8 towards another person. It is the intentional doing of a
9 wrongful act without just cause or excuse with an intent to
10 inflict an injury or under circumstances that the law would
11 infer an evil intent.

12 Malice aforethought does not require that malice exists
13 for any particular time before the act was committed, but
14 malice must exist in the mind of the Defendant just before
15 and at the time of the act when it was committed. Therefore,
16 there must be a combination of the previous evil intent and
17 the act.

18 Malice aforethought may be express or inferred. These
19 terms, "express" and "inferred", do not mean different kinds
20 of malice, merely the manner in which malice may be shown to
21 exist. That is, either by direct or by inference from the
22 facts and circumstances which are proved.

23 Express malice is shown when a person speaks words which
24 express hatred or ill-will for another or when a person
25 prepared beforehand to do the act which was later

1 accomplished; for example: lying in wait for a person or any
2 other acts of preparation going to show that the deed was in
3 the Defendant's mind would be express malice. Malice might be
4 inferred from conduct showing a total disregard for human
5 life. Inferred malice may also arise when the deed is done
6 with a deadly weapon. A deadly weapon is any article,
7 instrument, or substance which is likely to cause death or
8 great bodily harm. Whether an instrument has been used as a
9 deadly weapon depends on facts and circumstances of each
10 case.

11 The following are examples of instruments which may be
12 deadly weapons: a pistol, shotgun, rifle, dirk, dagger,
13 knife, slingshot, metal knuckles, a razor, gasoline, a fire
14 bomb, Molotov cocktail, or lighter fluid.

15 If the facts are proved beyond a reasonable doubt
16 sufficient to raise an inference of malice to your
17 satisfaction, the inference would be simply an evidentiary
18 fact to be considered by you, the jury, along with the other
19 evidence in the case and you may give it the weight that you
20 decide it should receive.

21 A specific intent to kill is not an element of attempted
22 murder. There must be a general intent to commit serious
23 bodily injury. Intent means intending the result which
24 actually occurs, not accidentally or involuntarily. Intent
25 may be shown by acts or conduct of the Defendant and other

1 circumstances which you may naturally and reasonably infer
2 intent. Evidence of the character of the act, the character
3 of the instrument used, the manner in which it was used, the
4 purpose to be accomplished, and the resulting wounds or
5 injuries may be considered in determining the intent with
6 which the act was committed. Intent may also be inferred when
7 it is demonstrated the Defendant voluntarily and willfully
8 committed an act, the natural tendency of which is to destroy
9 another's life.

10 I am going to charge you the substantive law of assault
11 and battery in the first degree. A person commits the offense
12 of assault and battery in the first degree if the person
13 unlawfully injures another person and the act occurred during
14 the commission of a robbery, burglary, kidnapping or theft.

15 I'm going to charge you the law with regard to assault
16 and battery of a high and aggravated nature. A person commits
17 the offense of assault and battery of a high and aggravated
18 nature if a person unlawfully injures another person and
19 great bodily injury to another person results, the act is
20 accomplished by means likely to produce death or great bodily
21 injury. Great bodily injury means bodily injury which causes
22 a substantial risk of death or which causes serious permanent
23 disfigurement or protracted loss or impairment of the
24 function of a bodily member or organ.

25 I'm going to charge you the law with regard to

1 possession of a weapon during the commission of a violent
2 crime. The Defendant is charged with possession of a weapon
3 during the commission of a violent crime or intent to commit
4 a violent crime. The State must prove, beyond a reasonable
5 doubt, that the Defendant visibly displayed a knife during
6 the commission of a violent crime. A knife is an instrument
7 or tool with a sharp cutting blade whether or not fastened to
8 a handle which can be used to inflict a cut, slash, or wound.

9 In order to find the Defendant guilty of possession of a
10 weapon during the commission of a violent crime, you must
11 first find the Defendant guilty of either committing a
12 violent crime or attempting to commit a violent crime. For
13 the purposes of the law, the following are violent crimes:
14 Attempted murder is a violent crime. Kidnapping is a violent
15 crime. Burglary, first degree, is a violent crime. Assault
16 and battery of a high and aggravated nature pursuant to
17 statute is a violent crime. The State must prove, beyond a
18 reasonable doubt, whether the weapon further advanced or
19 helped in the commission of the crime.

20 I'm going to charge you the substantive law with regard
21 to burglary first degree. The Defendant is charged with first
22 degree burglary. The State must prove, beyond a reasonable
23 doubt, the Defendant entered a dwelling without consent. A
24 dwelling is any building or portion of a building in which a
25 person ordinarily sleeps. constructed occupancy of a

1 dwelling . A building constructed as a dwelling that has
2 never been occupied cannot be considered a dwelling for
3 purposes of burglary. But, a building is a dwelling even if
4 the residents are temporarily absent from the building.

5 In order to prove the Defendant entered the dwelling,
6 the State does not have to show that the Defendant's entire
7 body entered the dwelling. The smallest entry is sufficient.
8 It may be any part of the body, such as a hand or foot, or
9 even an instrument, such as a hook or other instrument. In
10 addition, the State does not have to prove that force was
11 used to gain entry. If a person enters a building by using
12 deception, artifice, trick, or misrepresentation to get
13 consent to enter, this is an entry without consent.

14 Next, the State must prove, beyond a reasonable doubt,
15 the Defendant intended to commit a crime, either a felony or
16 misdemeanor, at the time of entry. Mere entry into a dwelling
17 without consent is not burglary. If the intent to commit a
18 crime was formed after the entry, it is not burglary. On the
19 other hand, if the Defendant intended to commit a crime at
20 the time of the entry, it is a burglary even if the intent is
21 abandoned after the entry. It does not matter that the
22 intended crime was not completed. Intent may be shown by acts
23 and conduct of the Defendant and other circumstances which
24 you may naturally and reasonably infer intent.

25 Finally, the State must prove, beyond a reasonable

1 doubt, that when entering, while in the dwelling, or when
2 fleeing, the Defendant or an accomplice was armed with a
3 deadly weapon or explosive. I previously defined what a
4 deadly weapon is. Or when entering, while in the dwelling, or
5 when fleeing, the Defendant or an accomplice used or
6 threatened to use a dangerous object. Or when entering, while
7 in the dwelling, or fleeing, the Defendant or an accomplice
8 displayed what was or appeared to be a knife, pistol,
9 revolver, rifle, shotgun or other firearm. Or the Defendant
10 entered or remained in the dwelling in the nighttime.
11 Nighttime is the period between sunset and sunrise during
12 which there is not enough daylight to recognize a person's
13 face by artificial light or moonlight.

14 I'll charge the law with regards to self-defense. Madam
15 forelady, ladies and gentlemen of the jury, the Defendant has
16 raised the defense of self-defense. Self-defense is a
17 complete offense and if it is established, you must find the
18 Defendant not guilty. The State has the burden of disproving
19 self-defense by proof beyond a reasonable doubt. If you have
20 a reasonable doubt of the Defendant's guilt after considering
21 all of the evidence, including the evidence of self-defense,
22 you must find the Defendant not guilty. On the other hand, if
23 you have no reasonable doubt of the Defendant's guilt after
24 considering all the evidence, including the evidence of self-
25 defense, you must find the Defendant guilty.

1 The following elements are required to establish self-
2 defense. 1) Without fault. First the Defendant must be
3 without fault in bringing on the difficulty. If the
4 Defendant's conduct was the type which was reasonably
5 calculated to, and did, provoke a deadly assault, the
6 Defendant would be at fault in bringing on the difficulty and
7 would not be entitled to an acquittal based on self-defense.

8 2) The second element of self defense is that the
9 Defendant was actually in imminent danger of death or serious
10 bodily injury or that the Defendant actually believed he was
11 in imminent danger of death or serious bodily injury. If the
12 Defendant was actually in imminent danger, it must be shown
13 that the circumstances would have warranted a person of
14 ordinary firmness and courage to strike a blow to prevent
15 death or serious bodily injury. If the Defendant believed he
16 was in imminent danger of death or serious bodily injury, it
17 must be shown that a reasonably prudent person of ordinary
18 firmness and courage would have had the same belief.

19 In deciding whether the Defendant actually was or
20 believed he was in imminent danger of death or serious bodily
21 injury, you should consider all the facts and circumstances
22 surrounding the crime, including the physical condition and
23 characteristics of the Defendant and the victim.

24 The final element of self-defense is the Defendant had
25 no other probable way to avoid the danger of death or serious

1 bodily injury than to act as the Defendant did in this
2 particular instance.

3 Insanity caused by the abuse of drugs or alcohol may be
4 a defense if the insanity is permanent and destroyed the
5 Defendant's ability to know right from wrong. However, when
6 the voluntary intoxication does not produce permanent
7 insanity, is not a defense to a crime. A person who becomes
8 voluntarily intoxicated is just as responsible for the acts
9 committed while intoxicated as when that person is not
10 intoxicated.

11 Madam forelady, ladies and gentlemen of the jury, I am
12 going to come forward and share with you the verdict form.

13 (Judge Nettles leaves the bench and stands by the
14 forelady of the jury)

15 THE COURT: Madam forelady, I am going to ask, if you
16 could, to stand while I go over this form with you. Of
17 course, this document is fairly lengthy, but don't be
18 overwhelmed by its length. It's pretty self-explanatory and
19 we are going to go over it.

20 The title of the form is: The State of South Carolina,
21 in the county of Marlboro, The State of South Carolina versus
22 Romaine J. Brunson. It's got all the indictment numbers over
23 here and it's entitled, "Verdict".

24 Of course, there were two victims in this case and two
25 sets of charges that resulted there from. The first one that

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1 you are going to consider is as it relates to Wanda Johnson.

2 The first is attempted murder. It says, "We, the jury,
3 find by unanimous consent, the Defendant, Romaine J. Brunson
4 is guilty or not guilty and if you find him guilty of that
5 offense, you will stop deliberations. However, if you find
6 him not guilty, you will consider the lesser included offense
7 of assault and battery of a high and aggravated nature. I've
8 explained the elements of each of these and, of course, not
9 guilty or guilty, and if you find him guilty of that, you
10 stop deliberations with regard to this particular set of
11 offenses. If not guilty, then you can go on to consider
12 assault and battery of the first degree which is a lesser
13 included offense and find him guilty or not guilty.

14 One of the things that you need to understand is,
15 attempted murder is what he was indicted for. These are
16 lesser included offenses which you are to consider. You can
17 find him not guilty of each of these offenses. You could find
18 him not guilty of attempted murder, assault and battery of a
19 high and aggravated nature and assault and battery in the
20 first degree or you could find him guilty of one of those,
21 but you can't find him guilty of more than one, if, in your
22 deliberations, you find that to be appropriate.

23 If you find him not guilty of all of them or guilty of
24 one with regard to those offenses, with regard to Roman
25 Numeral I. That is explained right here and that applies to

1 attempted murder as previously set forth on the indictment.
2 There is a place for kidnapping, guilty or not guilty.
3 Burglary first degree, guilty or not guilty. Possession of a
4 weapon during the commission of a violent crime, guilty or
5 not guilty. The same issues apply with regard to attempted
6 murder and the lesser included offenses with regard to that
7 that applies to Fred David. There is a place for you to sign
8 and date it. The verdict must be unanimous. When you have
9 reached a verdict, you need to notify the bailiff and we will
10 receive you back in the courtroom. I'll ask that you have a
11 seat and I will speak with you more in just one moment.

12 I'll ask that the alternates remain with us and after
13 the jury goes back to the jury room, I will speak with you
14 momentarily. Madam forelady, you are going to be responsible
15 for insuring that everybody's voice is heard and if someone
16 were to get up to use the restroom during this process, stop
17 deliberations, because everybody has to participate in the
18 deliberation process.

19 There might come an occasion when you might have a
20 question. I don't think there is going to be a question
21 because y'all were paying very close attention to the
22 testimony as it came before the Court. Y'all have the
23 equipment that's necessary to resolve this matter. You paid
24 very close attention to the law. I'll tell you from the very
25 outset that if you have a question about the facts, I can't

1 answer that, because you understand that under the law that's
2 your job, that's the difficult job you are called upon to
3 resolve. If there is a question about the substance of the
4 law, that's something that I can answer. If, in your
5 deliberations you can't decide if it's a question of fact or
6 law, write it down and if it is something I can answer, I'll
7 be happy to do that, but I don't anticipate there are going
8 to be any questions. Y'all paid very close attention and I
9 anticipate that you have all the tools necessary to resolve
10 this matter.

11 Every time I've sent you out of the room I've always
12 told you not to begin deliberations and once again, I'm going
13 to tell you not to begin deliberations because I'm going to
14 have to talk to these very fine lawyers and determine whether
15 or not they have an objection to the manner in which I
16 charged and perhaps I inadvertently left something out or
17 didn't put something in. We are going to make those types of
18 determinations. In addition to that, we are also going to
19 have to get together documentary evidence, the documents that
20 were introduced into evidence, and if it is not necessary for
21 me to call you back in, then I will send all the documentary
22 evidence with the bailiff back and he will tell you to begin
23 deliberations. Do not begin deliberations until we give you
24 instructions to do so. I will ask that you return to the jury
25 room, with the exception of the alternates, and once again,

1 do not begin deliberations until we tell you to do so.
2 Everyone remain seated as the jury exits the courtroom.

3 (Jury out at 12:10 PM)

4 THE COURT: Let me talk to the alternates. Thank y'all
5 so much for being here. You would be surprised at the number
6 of times we have to activate an alternate juror. Sometimes
7 people get sick, sometimes conflicts result when a witness
8 shows up and they don't recognize their name during voir
9 dire, but they know they are the brother of somebody and they
10 go by Theo. Sometimes it happens and you are sort of like our
11 insurance policy. There was a lot of time and resources that
12 went into trying this case and if we didn't have 12 jurors,
13 particularly in a criminal case, we would have to start over
14 again, so I know y'all were kind of getting the sensation
15 that y'all were invited to the dance and didn't get to dance.
16 But y'all are welcome to stay with us. I assume that they
17 ordered y'all something to eat. Y'all can sit and eat with
18 us. This is a public forum. You are invited to stay and see
19 the result. If y'all need to go, you can take your food and
20 head on home or leave the food behind and we will eat it for
21 you. At any rate, thank y'all so much for being here and as I
22 told you from the beginning, if there are any questions, I'll
23 be happy to answer them. Do you have any questions?

24 JUROR: I left my cell phone in there and my tissues are
25 in there and my drink is in there.

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1 THE COURT: All right. Let's see if we can get her
2 tissues, cell phone, and a drink.

3 JUROR: And I'm going to stick around and eat my food.

4 THE COURT: All right. Is this the first time y'all have
5 served on a jury?

6 JUROR: It's the first time I've served on a jury.

7 JUROR: It's not my first time.

8 THE COURT: It's not your first time?

9 JUROR: No.

10 THE COURT: Well, hopefully, it hasn't been too bad of
11 an experience and hopefully it's been a learning experience.
12 I've been practicing law for over 20 years and on the bench
13 for about 10. It's not any case that I'm not involved in that
14 I don't learn something, so hopefully it's been a learning
15 experience. I know y'all have places you'd rather be, but we
16 needed you here and it's kind of reassuring to know that if
17 we were accused of a crime we can be tried by members of our
18 community. So, thank you, and you will be paid handsomely for
19 your services. If you have all your personal belongings, you
20 can leave at this time or you can have a seat on the front
21 row and we will get your stuff for you.

22 JUROR: Thank you. And the paper we take to work, where
23 do we get that from?

24 THE COURT: The clerk can give that to you.

25 Any objections with regard to the charge, Ms. David?

1 MS. DAVID: None from the State, Your Honor.

2 THE COURT: Was it a good charge?

3 MS. DAVID: Yes, sir.

4 THE COURT: Any objections from the Defense?

5 MS. SWILLEY: No, Your Honor.

6 THE COURT: Any additions from either side?

7 MS. DAVID: None from the State.

8 MS. SWILLEY: No, Your Honor.

9 THE COURT: All right. I'll ask that you come forward
10 and I will ask that all evidence be placed on this card table
11 and all in a pile and I'm going to ask you, ask each of you,
12 if that is all the evidence to go back in the case.

13 (Attorneys go through the evidence)

14 THE COURT: Ms. David, is everything that is on the
15 table in evidence?

16 MS. DAVID: Yes, Your Honor.

17 THE COURT: Is there anything that's in that pile that
18 is not in evidence?

19 MS. DAVID: No, Your Honor.

20 THE COURT: Ms. Swilley, is everything on that table in
21 evidence?

22 MS. SWILLEY: Yes, Your Honor.

23 THE COURT: Is there anything on that table that is not
24 in evidence?

25 MS. SWILLEY: No, Your Honor.

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1 THE COURT: I'm going to ask that you take the evidence
2 to the jury room and tell them that they can begin
3 deliberations. Also, give them the instruction that they can
4 deliberate while they are eating or they can take a break,
5 but everyone needs to be present while they deliberate.

6 BAILIFF: Yes, sir.

7 (Evidence back at 12:17 PM)

8 THE COURT: Anything further from the State?

9 MS. DAVID: Nothing further at this time.

10 THE COURT: We will stand at ease.

11 (Break)

12 FIRST QUESTION FROM THE JURY

13 THE COURT: I received a question from the jury. It
14 says, "We need clarification/definition on all charges. I
15 anticipated that on the way over here. I thought, given the
16 number of offenses and lesser included offenses, it was going
17 to be necessary to at least re-charge that and I've never,
18 since I've been on the bench, given jury instructions to the
19 jury. I think this might be the case where it would be
20 helpful to do that. A lot of the judges just give the entire
21 charge to the jury, but what is the State's position in that
22 regard?

23 MS. DAVID: The State does not oppose giving the entire
24 charge to the jury.

25 THE COURT: Well, they haven't asked for the entire

1 charge. They've asked for clarification with regard to the
2 substantive law for the offenses themselves, so what I
3 anticipate giving them is the charge of the substantive law.
4 Do you agree with that?

5 MS. DAVID: Yes.

6 THE COURT: All right. Ms. Swilley?

7 MS. SWILLEY: Yes, Your Honor.

8 THE COURT: All right. This is what I propose to give to
9 them. I will separate each one. I will allow you to take a
10 look at these. They've been separated. That way you can
11 divide them up to look at them and expedite it.

12 (Both attorneys look at documents)

13 THE COURT: The alternative is to bring them back out
14 and read it to them again.

15 MS. DAVID: It's the same thing that you read earlier?

16 THE COURT: It's exactly what I read to them.

17 MS. DAVID: I'll speed up.

18 THE COURT: You don't have to speed up. I'm just telling
19 you it's exactly what I read to them earlier. Do you have an
20 objection to any of it?

21 MS. DAVID: No, Your Honor.

22 THE COURT: Have you had an opportunity to view the
23 documents that I will present to the jury and do you have an
24 objection?

25 MS. DAVID: None from the State.

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1 THE COURT: Ms. Swilley?

2 MS. SWILLEY: None from the Defense.

3 THE COURT: Bring us the jury.

4 (Jury in at 2:16 PM)

5 THE COURT: Madam Forelady, ladies and gentlemen of the
6 jury, you asked for a re-charge with regard to the
7 substantive law of the offenses, which is fine and not
8 surprising to me. Quite often we lawyers that deal with these
9 every day have to go back to look at the elements each time
10 we look at it and so it's not surprising.

11 This is sort of unusual, but given the nature of this
12 case, I think it's appropriate for me to give you the written
13 definitions of the substantive law. I want to do that with
14 regard to assault and battery of a high and aggravated
15 nature, assault and battery in the first degree, first degree
16 burglary, possession of a weapon during the commission of a
17 violent crime. I'll hand that to you. You can review it. If
18 you have any difficulties with it, want an explanation or
19 anything further, please let me know.

20 (Judge Nettles hands documents to the forelady)

21 THE COURT: You may return to the jury room.

22 (Jury out at 2:19 PM)

23 THE COURT: We will stand at ease.

24 (Break)

25 (Whereupon, a note from the jury is marked as Court's

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1 Exhibit #1)

2 THE COURT: We are ready for the jury.

3 (Jury in at 2:29 PM)

4 SECOND QUESTION FROM THE JURY

5 THE COURT: Madam forelady, ladies and gentlemen of the
6 jury, thank you for that last question. It has become
7 apparent to us -- we had several conferences concerning the
8 charge and it's become clear to us that we did not charge the
9 substantive law with regards to kidnapping. I will do that
10 now.

11 The Defendant is charged with kidnapping. The State must
12 prove, beyond a reasonable doubt, that the Defendant
13 knowingly and unlawfully seized, confined, inveigled,
14 decoyed, kidnapped, abducted, or carried away another person
15 without authority of law.

16 To do a thing unlawfully is to do it willfully, against
17 the law. Knowingly means with knowledge, consciously, not
18 accidentally. Seized means to take hold of suddenly or
19 forcibly. Confine means to limit, restrict, or enclose within
20 bounds, imprison, or shut or keep in. Inveigle means to lure,
21 entice, or lead astray by false representation, promises, or
22 other deceitful means. Decoy means to lure by, or as if by
23 decoy. A decoy is something to entice a person into a trap.
24 Kidnap is to remove a person against his will by unlawful
25 force or by fraud. Abduct means to carry off secretly or by

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1 force for an illegal purpose. Carry away means to remove.

2 The State does not have to prove the Defendant did all
3 of these things. Instead, if you find, beyond a reasonable
4 doubt, that the Defendant did any of these things, you may
5 find the Defendant guilty of kidnapping.

6 You may return to the jury room. I will make the
7 necessary modifications to this charge and send that to the
8 jury room.

9 (Jury out at 2:32 PM)

10 THE COURT: Any objections to the charge with regard to
11 kidnapping?

12 MS. DAVID: None from the State, Your Honor.

13 MS. SWILLEY: None from the Defense.

14 THE COURT: Let's have counsel come forward to look at
15 the written form of the charge.

16 (Attorneys comply)

17 THE COURT: Any objection from the State?

18 MS. DAVID: None from the State, Your Honor.

19 THE COURT: Any objection from the Defense?

20 MS. SWILLEY: None from the Defense, Your Honor.

21 THE COURT: All right. I will ask the bailiff if they
22 will deliver the written instructions on kidnapping and tell
23 them to resume deliberations.

24 COURT REPORTER: Was there a note sent or did they just
25 ask for that?

THE STATE OF SOUTH CAROLINA VERSUS ROMAINE J. BRUNSON

1 THE COURT: There was not a note sent. Anything further
2 from the State?

3 MS. DAVID: No, Your Honor.

4 THE COURT: From the Defense?

5 MS. SWILLEY: Nothing, Your Honor.

6 (Break)

7 VERDICT

8 THE COURT: We are ready for the jury. There will be no
9 reaction to the verdict from either side. If there is,
10 obviously, there are a lot of people here to take you into
11 custody. I don't see a lot of people other than the victims
12 themselves. There will be no reaction one way or the other.
13 If there is, you will be taken into custody.

14 (Jury in at 2:50 PM)

15 THE COURT: Madam forelady, have you reached a verdict?

16 MADAM FORELADY: Yes, Your Honor. We have.

17 THE COURT: Is it unanimous?

18 MADAM FORELADY: Yes, sir.

19 THE COURT: I'm going to ask that you give the verdict
20 form to the clerk. (Madam forelady complies. The Clerk of
21 Court hands the verdict form to Judge Nettles who hands it
22 back to the Clerk of Court.)

23 THE COURT: Madam Clerk, I'm going to ask that you
24 publish the verdict for the record.

25 CLERK OF COURT: The Court of General Sessions, fourth

THE STATE OF SOUTH CAROLINA VERSUS ROMAINE J. BRUNSON

1 judicial circuit, indictment numbers: 2013-GS-34-626, 627,
2 628, 629, and 630. The county of Marlboro, State of South
3 Carolina versus Romaine J. Brunson.

4 As to Wanda Johnson, attempted murder: We, the jury,
5 find with unanimous consent, Romaine J. Brunson, guilty.

6 Count Two, kidnapping as to Wanda Johnson, guilty.

7 Count Three, burglary in the first degree, as to Wanda
8 Johnson, not guilty.

9 Possession of a weapon during the commission of a
10 violent crime, as to Wanda Johnson, guilty.

11 As to Fred David, attempted murder: We, the jury, by
12 unanimous consent, find the Defendant, Romaine J. Brunson --
13 correction. As to Fred David, assault and battery of a high
14 and aggravated nature, a lesser included offense, as to Fred
15 David, guilty.

16 Possession of a weapon during the commission of a
17 violent crime, as to Fred David, guilty.

18 Dated 12/10/2014, Cynthia Redick, foreman.

19 THE COURT: Any request for polling from the State?

20 MS. DAVID: None from the State, Your Honor.

21 THE COURT: Any from the Defense?

22 MS. SWILLEY: Yes, Your Honor, please.

23 THE COURT: Madam Clerk, if you would poll the jury.

24 CLERK OF COURT: As I call your name, please stand.

25 Rebecca Curcie, was this your verdict and is it your verdict

THE STATE OF SOUTH CAROLINA VERSUS ROMAINE J. BRUNSON

1 now?

2 MS. CURCIE: Yes.

3 CLERK OF COURT: You may be seated. Alan D. Wallace, was
4 this your verdict and is it your verdict now?

5 MR. WALLACE: Yes, ma'am.

6 CLERK OF COURT: You may be seated. Christy Barfield, was
7 this your verdict and is it your verdict now?

8 MS. BARFIELD: Yes, it is.

9 CLERK OF COURT: Jennifer Thompson, was this your verdict
10 and is it your verdict now?

11 MS. THOMPSON: Yes, ma'am.

12 CLERK OF COURT: Jeannie Souther, was this your verdict
13 and is it your verdict now?

14 MS. SOUTHER: Yes, ma'am.

15 CLERK OF COURT: Norris Squires, was this your verdict
16 and is it your verdict now?

17 MR. SQUIRES: Yes, ma'am.

18 CLERK OF COURT: Clayton Coble, was this your verdict and
19 is it your verdict now?

20 MR. COBLE: Yes, ma'am.

21 CLERK OF COURT: You may be seated. Thank you. Cindy
22 McCormick, was this your verdict and is it your verdict now?

23 MS. MCCORMICK: Yes, ma'am.

24 CLERK OF COURT: Thank you. Cynthia Redick, was this your
25 verdict and is it your verdict now?

THE STATE OF SOUTH CAROLINA VERSUS ROMAINE J. BRUNSON

1 MS. REDICK: Yes, ma'am.

2 CLERK OF COURT: Corey Graham, was this your verdict and
3 is it your verdict now?

4 MR. GRAHAM: Yes, ma'am.

5 CLERK OF COURT: Thank you. Carrie Breeden, was this your
6 verdict and is it your verdict now?

7 MS. BREEDEN: Yes, ma'am.

8 CLERK OF COURT: And Virginia Sloan, was this your
9 verdict and is it your verdict now?

10 MS. SLOAN: Yes, ma'am.

11 THE COURT: Madam forelady, ladies and gentlemen of the
12 jury, I issued an order during this case that you were not to
13 discuss this case with anyone. I release you from that order.
14 You can talk to anyone you want to about this case. If
15 someone were to contact you and want to ask you something
16 about it and you don't want to talk about it, tell them that,
17 and if they insist on talking to you, get their name and
18 address and identify them as best you can and I will deal
19 with them accordingly. You are free to talk to them if you
20 want to, but you don't have to if you don't want to.

21 I want to thank you for your time and your service. I
22 know it's an inconvenience for you to serve. Certainly, short
23 of military service, jury duty is the most important thing
24 that you can do. You know, we all may end up in civil
25 litigation or with criminal charges ourselves and needing

1 twelve members of our community to resolve these things. I
2 think that's better than having a professional jury. I think
3 it's better not to have a judge resolve it. You've all
4 brought some wisdom to this case that nobody else could bring
5 and you've brought closure to it.

6 I told you at the beginning that if there are any
7 questions that you have, I would be happy to answer them. Are
8 there any questions?

9 There is certainly good news. One is, that concludes
10 your service for the week. You've also earned a three-year
11 exemption. If you are called upon to serve in this court in
12 the next three years, you can exercise your exemption. Now,
13 you can serve if you want to, but you will be entitled to an
14 exemption because of your service here today. This does not
15 apply in magistrate's court, municipal court, or federal
16 court. If you are subpoenaed to this courthouse, then you can
17 exercise your exemption.

18 This is a public forum. We will recess here in a moment.
19 Y'all are free to leave. You have discharged your duty. As I
20 explained to you, my job is to preside over this trial and to
21 charge you the law. I have an additional duty which is to
22 sentence the Defendant. This is a public forum. Anybody in
23 the community can sit here and watch sentencing and that's
24 one of the safeguards about our judicial system. It used to
25 be in England, a long time ago, it used to be that people

1 were hauled into a courtroom and everything was done in
2 secret. That's not the way we operate. Everything is in the
3 public, it's a public forum, and you are welcome to stay if
4 you like. If you don't want to, you don't have to. We are
5 going to take a break here in a moment and then the Defendant
6 will be sentence. You are welcome to stay. If you'd like to
7 stay to witness the sentence you can have a seat out there.
8 Otherwise, the bailiff can escort you out. Thank you so much
9 for your kind help, consideration, and patience. You are free
10 to leave at this time.

11 (Jury released at 2:58 PM)

12 THE COURT: Madam Solicitor.

13 MS. DAVID: Yes, Your Honor?

14 THE COURT: Do you have the sentencing sheets?

15 MS. DAVID: I do. I just filled them out.

16 THE COURT: I'll also ask that you note on there the
17 potential sentences on the sentencing sheets.

18 MS. DAVID: I did.

19 THE COURT: We will stand at ease for five minutes.

20 (Brief break)

21 SENTENCING

22 THE COURT: I will be glad to hear from the State
23 regarding sentencing.

24 MS. DAVID: Yes, Your Honor. Do you need me to read the
25 indictments?

1 THE COURT: We will tend to that. Is there anything you
2 want to tell me with regard to the sentencing?

3 MS. DAVID: I will. Your Honor, I will begin with the
4 Defendant's criminal history from December of 2010, there is
5 a wanton injury as well as November of 2010, unlawful
6 carrying of a weapon where he was convicted to one year
7 suspended to 18 months probation. August 9th of 2012, the
8 Defendant was convicted to assault and battery by second
9 degree where he was convicted and sentenced to one year in
10 prison and there was also an unlawful carrying of a weapon
11 where the Defendant was convicted to six months in prison at
12 the very same time. This case right here was also a previous
13 stabbing where I believe the victim in that case was Curtis
14 Walls(phonetic). It was a fight and a stabbing that occurred
15 at the same time.

16 THE COURT: Would the victims like to say anything?

17 MS. JOHNSON: No, sir.

18 THE COURT: Glad to hear from the Defense with regard to
19 mitigation and litigation from the Defendant and your
20 lawyers.

21 MS. SWILLEY: Thank you very much, Your Honor. I will go
22 first. I believe Mr. Brunson would like to speak at the
23 appropriate time. The Defendant has been incarcerated so far
24 for 489 days. The last offer he received from the Solicitor
25 before proceeding to trial was 15 years. Unfortunately, I

1 don't really have a lot of personal knowledge of the
2 Defendant, because as I mentioned previously at previous
3 hearings and this one, he and I have never had a conversation
4 about the facts of this case. He wouldn't speak to me. I have
5 serious and grave concerns about his mental and emotional
6 stability. I do not agree with the MH findings of his
7 competency to stand trial.

8 However, that being said, I was able to garner some
9 information about his personal life and from his aunt and his
10 own statement. I know that he served in the United States
11 Marine Corp from 2003 to 2008 and he was honorably
12 discharged. I know that his mom passed away several years ago
13 and the thing that hit him the hardest, according to his
14 aunt, was because his grandmother died right before this
15 incident we are here in the courtroom for today. He was very
16 close to her and that affected him greatly.

17 We know from testimony that there were drugs involved on
18 both sides, both the Defendant and the victims here. We would
19 ask that you please consider the offer of 15 years. Mr.
20 Brunson was exercising his constitutional rights to a trial.
21 We ask that you take that into consideration. And I think Mr.
22 Brunson would like to make a statement, too.

23 THE COURT: All right. Mr. Brunson, I will be glad to
24 hear from you.

25 MR. BRUNSON: Yes, sir. I'll be brief. Commenting on the

1 unlawful carrying of a weapon, those two are the same charge.
2 It was unlawful carrying of a weapon and he suspended me
3 while taking care of some other charges. When I came back, he
4 ran that concurrent with assault, second degree. So, it was
5 really the same charge, not two separate of unlawful carrying
6 of the weapon.

7 MR. SWILLEY: Beg the Court's indulgence for a moment.
8 (He speaks to Mr. Brunson)

9 THE COURT: Mr. Brunson, it's your time. Tell me what
10 you want to tell me. I've got all the time in the world for
11 you to tell me anything you want to tell me.

12 MR. BRUNSON: Yes, sir. Also, as I mentioned before,
13 Judge Cunningham granted me a speedy trial. This here,
14 January 30th, 2014, this Thursday, and those 90 days exceeded
15 themselves, April 30th, 2014. Five days later, the
16 solicitor, Mia David took me up for, she gave me papers for
17 the mental evaluation, but that's a complexity which was
18 never brought up within the allotted 90 days, so I feel like
19 after my 90 days I'm supposed to be over, all this could have
20 been done within 90 days and even in the mental evaluation, I
21 can't even, I can't even appeal it, because I never stood
22 before, it was never executed on the minutes. I've got a
23 calculator right now, the mental evaluation. They did that,
24 but I know that that was a complexity, I was supposed to be
25 brought up by the solicitor on the case within the allotted

1 90 days and like I said, he granted it on April 30th, I mean,
2 January 30th, 2014 on Thursday and those 90 days exhausted
3 themselves Wednesday, April 30th, 2014. So, I want to say I
4 exercise that. My sixth and fourteenth amendment rights was
5 to a speedy trial got granted, but I feel like my fourth
6 amendment right was abridged because it stated no one has the
7 right to abridge any of my privileges granted to me through
8 the constitution, my personal authority and so I feel like I
9 should be granted an appeal and that's what I'm going to be
10 pushing for.

11 THE COURT: All right. Mr. Brunson, I want to ask you
12 something, specifically. Your lawyer and the solicitor's
13 office have discussed the possibility of your allowing or
14 agreeing for this matter to be categorized as guilty but
15 mentally ill, which would mean you would have an opportunity
16 to go in and get some treatment for any mental illness you
17 might have before you enter the general population. That's
18 something that I want to hear from you. Do you agree with
19 that or do you not want to do that?

20 MR. BRUNSON: There's nothing wrong with me, Your Honor.

21 THE COURT: Okay. So, you do not want to be, you do not
22 want this sentence to be guilty, but mentally ill, so you can
23 get some treatment? Or do you?

24 MS. SWILLEY: Your Honor, could we please just have one
25 moment to speak with him?

1 THE COURT: Certainly.

2 (Mrs. Swilley speak with Mr. Brunson off the record)

3 THE COURT: Ms. Swilley, I'll be glad to hear from you.

4 MS. SWILLEY: Mr. Brunson and I have had a conversation
5 about what this would mean for him. I think he understands
6 what I said to him and I believe he would like to answer your
7 question as to whether or not he agrees to it.

8 THE COURT: All right. Mr. Brunson, it's completely left
9 up to you. If you have some emotional difficulties, then you
10 would be able get treatment for that before you get to the
11 general population. It doesn't reduce your sentence. It
12 doesn't allow you to go home here today. It just means that
13 before you go into the general population, you would go into
14 some mental health facility for a period of time until such
15 time they get you regulated and then you will finish out your
16 sentence in the general population.

17 MR. BRUNSON: I want to ask one more question, Your
18 Honor.

19 THE COURT: Sure.

20 MR. BRUNSON: I'm not going in to say, like, they're not
21 saying I'm crazy, right? They are going to say that they are
22 going to check me, right? Because I'm not going in there to
23 get strapped down or nothing like that, am I?

24 THE COURT: Well, I don't anticipate that you will be
25 strapped down, but they will evaluate you ---

1 MR. BRUNSON: No, Your Honor. No, Your Honor, I'd rather
2 go straight to.

3 THE COURT: Very good. Then, we will handle it in that
4 way. I want you to know and I want the record to reflect that
5 the State agreed to stipulate that this matter could be
6 handled guilty but mentally ill, but you have a say in this
7 as well. Your lawyer seems to think it would be a good idea.
8 The solicitor did not have an objection to it, so we will do
9 it the way you want to.

10 MR. BRUNSON: Your Honor, Your Honor, Your Honor, okay,
11 this right here is a lot, right? So, I guess I'm still trying
12 to process exactly if I'm going, if I'm saying I'm mentally
13 ill. Okay. Yes, Your Honor. If it's okay with you, I will
14 take it. I guess I understand. I understand. I'll do it.

15 THE COURT: So, you want me to sentence you pursuant to
16 guilty, but mentally ill?

17 MR. BRUNSON: Yes.

18 THE COURT: Okay. The State, you are in agreement with
19 that?

20 MS. DAVID: Yes, Your Honor.

21 THE COURT: All right. Very good. Anything else you want
22 to tell me with regard to the sentencing, Mr. Swilley or Mr.
23 Brunson?

24 MR. SWILLEY: Judge, I sat as second chair on this case,
25 but I didn't have a chance to really meet with Mr. Brunson

1 until preparation for trial, but at some point in 2003, when
2 he was 18 was when he joined the marine corp. We don't know
3 much about that, but I think everyone would agree that was
4 probably a good decision for someone in his predicament at
5 the time. Obviously, he came up in a very ingenuous
6 background, and probably, he would have needed some
7 assistance for whatever kind of cognitive disabilities he may
8 suffer from and he probably didn't get it. I don't know if,
9 as a result from his involvement with the marine corp, if
10 that exacerbated whatever issues he may have. We don't know.
11 Your Honor, I would just ask that you take all that into
12 consideration in your sentencing. I'd ask you not to punish
13 him for exercising his right to a trial. I don't think he had
14 any kind of desire to put anybody through anything more, but
15 I'd just ask that you take what you observed today into
16 consideration in sentencing.

17 THE COURT: Anything further from anybody?

18 MS. SWILLEY: No, Your Honor..

19 MS. DAVID: Your Honor, I have a question. I'm not sure
20 if I need to address the 90 days that was ordered by Judge
21 Cottingham. I can, but I'm not sure if I need to.

22 THE COURT: I don't think so, not unless you want to say
23 something.

24 MS. DAVID: No.

25 MR. BRUNSON: Excuse me, Your Honor.

1 THE COURT: Yes?

2 MR. BRUNSON: If it be your willing pleasure, could I at
3 least hear the information about the 90 days?

4 THE COURT: Yes, you may.

5 MS. DAVID: In January, Your Honor, Judge Cottingham did
6 order that the case be tried within 90 days. That 90 days,
7 Mr. Brunson, is correct. I think it ended on April 30th,
8 which was like a Thursday, like, a weekday. He was on the
9 trial list for that very next Monday, and so the 90 days just
10 so happened to be on a day that we weren't having court. In
11 Marlboro County, we only get courtroom time once a month and
12 so we just had to wait two or three days to get the Defendant
13 into court and then once we got into court, there was a
14 mental evaluation that was ordered and that's how we got here
15 in December.

16 MR. BRUNSON: And Your Honor, if it would be your willing
17 pleasure?

18 THE COURT: Yes, sir. I'll be glad to hear from you.

19 MR. BRUNSON: If it be your willing pleasure, I would
20 also like to know, isn't a mental evaluation, that's a
21 motion, that's a, um, that's a, um, that's a complexity and
22 that was supposed to have been brought up within the speedy
23 trial rights of the Defendant, it's supposed to be brought up
24 within the light of the 90 days and the Court, the Judge, is
25 supposed to give weight to that complexity if it's fine and

1 agreeable by the Judge, but she's saying it was never
2 executed on the bench is what I'm saying. I never stood up
3 before any judge on May 5th to do it is what I'm saying. I'm
4 not trying -- I'm just trying to understand where is the
5 discrepancy there? I mean, I understand what she's saying,
6 May 5th was the first day of the grand jury for the general
7 sessions, but I'm saying if that's what the order was, that
8 was okay. I can't appeal it if I wanted to because it's not
9 going to be on any minutes.

10 THE COURT: Well, you are protected on the record. You
11 put your position on the record and you can contact the
12 appellate counsel with that. Does that sound fair?

13 MR. BRUNSON: Thank you, Your Honor.

14 THE COURT: All right. Mr. Brunson, on indictment
15 2013-GS-34-0627, attempted murder, the sentence of the Court
16 is you be committed to the State Department of Corrections
17 for a period of 25 years, the sentence to run concurrent,
18 credit for 489 days.

19 With regard to indictment 2013-GS-34-0626, assault and
20 battery of a high and aggravated nature, the sentence of the
21 Court is you will be committed to the State Department of
22 Corrections for a period of 20 years, sentence to run
23 concurrent, credit for 489 days.

24 With regard to indictment 2013-GS-34-0628, possession of
25 a weapon during the commission of a violent crime, the

THE STATE OF SOUTH CAROLINA VERSUS ROMAINE J. BRUNSON

1 sentence of the Court is that you will be committed to the
2 State Department of Corrections for a period of 5 years,
3 sentence to run concurrent, credit for 489 days.

4 With regard to indictment 2013-GS-34-0630, kidnapping,
5 the sentence of the Court is that you will be committed to
6 the State Department of Corrections for a period of 25 years,
7 sentence to run concurrent, credit for 489 days.

8 Good luck to you.

9 MS. DAVID: Thank you, Your Honor.

10 MS. SWILLEY: Thank you, Your Honor.

WITNESSES

Jamie Seals

Marlboro County Sheriff

Law Enforcement Case #: 2013 4249

347

WAIVER OF PRESENTMENT

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

ARREST WARRANT NUMBER
2013A3410100361

ARRESTED ON: 2013-08-09

ACTION OF GRAND JURY

Grand Jury Foreperson

Date

11/19/13

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2013-GS-34-0626

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:

November 2013

THE STATE

vs.

Roemain J Brunson

INDICTMENT FOR

Murder/Attempted murder

§16-03-0029

CDR Code: 3410

A CERTIFIED
TRUE COPY

William B. Zunderbuck
CLERK OF COURT
MARLBORO COUNTY

William B. Rogers, Jr., Solicitor

WILLIAM B. ZUNDERBUCK
CLERK OF COURT
MARLBORO COUNTY, S.C.

2013 NOV 20 PM 2:41

FILED

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF MARLBORO)

Murder/Attempted murder

§16-03-0029

At a Court of General Sessions, convened on November 19, 2013, the Grand Jurors of Marlboro County present upon their oath:

ATTEMPTED MURDER

CDR: 3410, 16-3-29

That Roemain J Brunson did in Marlboro, on or about 2013-08-09, with specific intent to kill, attempt to kill Wanda Johnson with malice aforethought, either expressed or implied, in violation of Section 16-3-29 of S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

William B. Rogers, Jr.
WILLIAM B. ROGERS, JR.
SOLICITOR

316

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Marlboro
 STATE VS.
Roemain J Brunson
 AKA:
 Race: Sex: M Age: 29
 DOB: SS#:
 Address:
 City, State, Zip:
 DL#: SID#:

INDICTMENT/CASE#: 2013-GS-34-0626
 A/W#: 2013A3410100361
 Date of Offense: 8/9/2013
 S.C. Code § 16-03-0029
 CDR Code #: 3410

0-20

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Assault & Battery of High & Aggravated Nature

in violation of § 16-3-600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Michael David 81112 John Swilly 79314
 David, Mia SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the: ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*, the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code by the State Department of Corrections: 489 days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine: \$

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCA Surcharge) \$5 \$

3% to County (if paid in installments) \$

TOTAL: \$

PTUP days/hours Public Service Employment

Obtain GED: ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge:

Judge Code:

Sentence Date:

2140

12-10-14

FILED
 2014 DEC 10 PM 4
 WILLIAM B. FORD
 CLERK OF COURT
 MARLBORO COUNTY

WITNESSES

Jamie Seals

Marlboro County Sheriff

Law Enforcement Case #: 2013 4249

WAIVER OF PRESENTMENT

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

ARREST WARRANT NUMBER
2013A3410100362

ARRESTED ON: 2013-08-12

ACTION OF GRAND JURY

Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2013-GS-34-0627

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:

November 2013

THE STATE

vs.

Roemain J Brunson

INDICTMENT FOR

Murder/Attempted murder

§16-03-0029

CDR Code: 3410

A CERTIFIED
TRUE COPY

William B. Zunderbush
CLERK OF COURT
MARLBORO COUNTY

William B. Rogers, Jr., Solicitor

MARLBORO COUNTY, S.C.
CLERK OF COURT
WILLIAM B. ZUNDERBUSH

2013 NOV 20 PM 2:41

FILED

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF MARLBORO)

Murder/Attempted murder

§16-03-0029

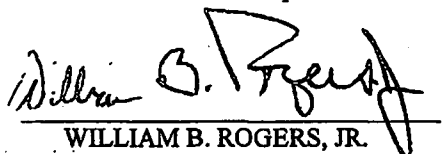
At a Court of General Sessions, convened on November 19, 2013, the Grand Jurors of Marlboro County present upon their oath:

ATTEMPTED MURDER

CDR: 3410, 16-3-29

That Roemain J Brunson did in Marlboro, on or about 2013-08-09, with specific intent to kill, attempt to kill Fred David with malice aforethought, either expressed or implied, in violation of Section 16-3-29 of S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Marlboro
 STATE VS.
Roemain J Brunson

INDICTMENT/CASE#: 2013-GS-34-0627

AKA: _____
 Race: _____ Sex: M Age: 29
 DOB: _____ SS#: _____

A/W#: 2013A3410100362Date of Offense: 8/9/2013S.C. Code §: 16-03-0029CDR Code #: 3410

Address: _____
 City, State, Zip: _____
 DL#: _____ SID#: _____

0-30 SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Murder/Attempted murder Penalty statutes 16-03-0029; Felony Class A - eff date 6-02-2010in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: miaband
David, Mia81112
SC Bar#

Defendant

Julie S. Sully
Attorney for Defendant79319
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 25 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code by the State Department of Corrections. 489 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 14-1-206 (Assessments 107.5%) _____ \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 _____ \$

§ 14-1-211(A)(2) (DUI Surcharge) \$100 _____ \$

§ 56-5-2995 (DUI Assessment) \$12 _____ \$

§ 56-1-286 (DUI Breath Test) \$25 _____ \$

Proviso 47.9 (Public Def/Prob) \$500 _____ \$

§ 14-1-212 (Law Enforce. Funding) \$25 _____ \$

§ 14-1-213 (Drug Court Surcharge) \$150 _____ \$

§ 50-21-114 (BUI Breath Test Fee) \$50 _____ \$

§ 56-5-2942(I) (Vehicle Assessment) \$40/ea _____ \$

Proviso 90.5 (SCCJA Surcharge) \$5 _____ \$

3% to County (if paid in installments) _____ \$

TOTAL _____ \$

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

214012-10-14CLERK OF COURT
MARLBORO COUNTYJAM B. FUND
CLERK OF COURT
MARLBOROFILED
DEC 10 PM 4 17

WITNESSES

Jamie Seals

Marlboro County Sheriff

Law Enforcement Case #: 2013 4249

347

WAIVER OF PRESENTMENT

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

ARREST WARRANT NUMBER
2013A3410100363

ARRESTED ON: 2013-08-12

ACTION OF GRAND JURY

Grand Jury Foreperson

Date

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2013-GS-34-0628

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:

November 2013

THE STATE

vs.

Roemain J Brunson

INDICTMENT FOR

Weapons / Poss. weapon during violent crime, if
not also sentenced to life without parole or
death

§16-23-0490

CDR Code: 0549

A CERTIFIED
TRUE COPY

William B. Funderburk

CLERK OF COURT
MARLBORO COUNTY

William B. Rogers, Jr., Solicitor

FILED

MARLBORO COUNTY, S.C.
CLERK OF COURT
WILLIAM B. FUNDERBURK

2013 NOV 20 PM 2:41

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF MARLBORO)

Weapons / Poss. weapon during violent crime, if not
also sentenced to life without parole or death

§16-23-0490

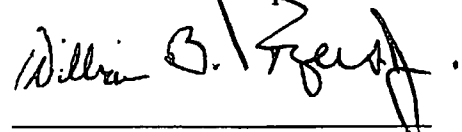
At a Court of General Sessions, convened on November 19, 2013, the Grand Jurors of Marlboro County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Roemain J Brunson did in Marlboro County, on or about August 9, 2013, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILLIAM B. ROGERS, JR.
SOLICITOR

322

STATE OF SOUTH CAROLINA

COUNTY OF

Marlboro

STATE

VS.

Roemain J Brunson

AKA:

Race: Sex: M Age: 29

DOB: SS#

Address:

City, State, Zip:

DL#: SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-34-0628

A/W#: 2013A3410100363

Date of Offense: 8/9/2013

S.C. Code § 16-23-0490

CDR Code #: 0549

0-5

SENTENCE SHEET

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: David, Mia SC Bar# Defendant Julie Swelly 79314
Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed yearsand/or to pay a fine of \$; provided that upon the service of days/months/years and/or paymentof \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services' standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code by the State Department of Corrections. 489 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-105.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPSRecipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

PTUP days/hours Public Service EmploymentObtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning\$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: 2140Sentence Date: 12-10-14

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

CLERK OF COURT
MARLBORO COUNTY2014 DEC 10 PM 4
FILED
WILLIAM B. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY

WITNESSES

Jamie Seals

Marlboro County Sheriff

Law Enforcement Case #: 2013 4249

347

WAIVER OF PRESENTMENT

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

ARREST WARRANT NUMBER
2013A3410100365

ARRESTED ON: 2013-08-12

ACTION OF GRAND JURY

Grand Jury Foreperson:

Date:

11/19/13

VERDICT

Petit Jury Foreperson:

Date:

DOCKET NUMBER:

2013-GS-34-0630

The State of South Carolina

County of Marlboro

COURT OF GENERAL SESSIONS

Term:

November 2013

THE STATE

vs.

Roemain J Brunson

INDICTMENT FOR

Kidnapping / Kidnapping

§16-03-0910

CDR Code: 0095

A CERTIFIED
TRUE COPY

William B. Sunderland

CLERK OF COURT
MARLBORO COUNTY

William B. Rogers, Jr., Solicitor

2013 NOV 20 PM 2 40

FILED

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF MARLBORO)

Kidnapping / Kidnapping

§16-03-0910

At a Court of General Sessions, convened on November 19, 2013, the Grand Jurors of Marlboro County present upon their oath:

KIDNAPPING

CDR: 0095 16-03-0910

That Roemain J Brunson did in Marlboro County on or about August 9, 2013, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Wanda Johnson, without authority of law, in violation of Section 16-03-0910, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Marlboro
 STATE VS.
Roemain J Brunson
 AKA: _____
 Race: _____ Sex: M Age: 29
 DOB: _____ SS#: _____
 Address: _____
 City, State, Zip: _____
 DL#: _____ SID#: _____

INDICTMENT/CASE#: 2013-GS-34-0630
 A/W#: 2013A3410100365
 Date of Offense: 8/9/2013
 S.C. Code §: 16-03-0910
 CDR Code #: 0095

0-30 SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
 In disposition of the said indictment comes now the Defendant who was
 TO: Kidnapping / Kidnapping

in violation of § 16-03-0910 of the S.C. Code of Laws, bearing CDR Code # 0095
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser-Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: David, Mia SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 25 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 489 days

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient: _____

*Fine: _____ \$

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114 (BUI Breath Test Fee) \$.50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCCA Surcharge) \$5 \$

3% to County (if paid in installments) \$

TOTAL \$

PTUP _____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund.

Other:

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

CERTIFIED TRUE COPY

CLERK OF COURT MARLBORO COUNTY

FILED
 2013 DEC 10 PM 4:15
 WILLIAM B. BRIDGES
 CLERK OF COURT
 MARLBORO COUNTY, S.C.

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."

This 29th day of December, 2015.



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

RECEIVED

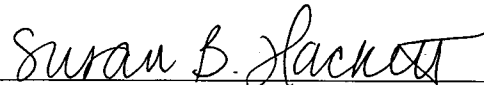
DEC 29 2015

SC Court of Appeals

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."

This 29th day of December, 2015.



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

RECEIVED

DEC 29 2015

SC Court of Appeals