

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

HOLLY JO THOMPSON,

APPELLANT

APPELLATE CASE NO 2016-000340

RECORD ON APPEAL

KATHRINE H. HUDGINS
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

SHERRIE BUTTERBAUGH
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

DANIEL E. JOHNSON
Solicitor, Fifth Judicial Circuit

ATTORNEYS FOR RESPONDENT

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1 A I have no idea.

2 Q Had you done any other drugs?

3 A No.

4 Q Well, you said that your drugs of choice were usually
5 cocaine, crack, marijuana and what was the other one?

6 A Alcohol.

7 Q Had you done any marijuana that day?

8 A No.

9 Q Any cocaine?

10 A No.

11 Q You've done crack?

12 A Yes.

13 Q And you've done so much crack, you don't know how
14 much it was?

15 A It may have been a lot. It may have been a little.
16 I don't remember.

17 Q But you haven't done anything else?

18 A No.

19 Q And what effect does crack have on you?

20 A It makes me bold.

21 Q It makes you bold. And when you say bold, what do
22 you mean by that?

23 A To say things to -- like, for instance, Mike, I could
24 tell him how I really felt about the way he was treating
25 me.

1 Q You would stick up for yourself?

2 A Yeah.

3 Q It made you bold. And you had been smoking a lot of
4 it that day?

5 A I wouldn't say a lot.

6 Q Well, that's what you just said. So was it a lot or
7 not?

8 A No, what I said was I didn't know how much.

9 Q But you'd been smoking all day I believe was your
10 testimony?

11 A Yes.

12 Q And who gave you the actual message to go to --

13 A Mike did.

14 Q Mike did?

15 A Uh-huh.

16 Q And when you got there, you entered through the front
17 door?

18 A Yes, ma'am.

19 Q And once you got inside, you said it was hot?

20 A Yes.

21 Q Ninety degrees hot?

22 A Yes.

23 Q And so you first took off your shoes and your jacket?

24 A Yes.

25 Q What was he wearing?

1 A His t-shirt and shorts.

2 Q And then you smoked some crack?

3 A Uh-huh.

4 Q If I say anything wrong, correct me, okay?

5 A (Nods in the affirmative.)

6 THE COURT: You have to say yes or no, please.

7 THE WITNESS: Yes.

8 THE COURT: Thank you.

9 BY MS. CAMPBELL:

10 Q And after you smoked some crack, I believe you said
11 you tried your first sexual encounter?

12 A Yes, ma'am.

13 Q And this had never been a problem before?

14 A No, ma'am.

15 Q And you said he was acting funny that day?

16 A Yes, ma'am.

17 Q So you were alert enough and aware enough to see that
18 he was acting funny?

19 A Yes, ma'am.

20 Q Did that put you off a little bit?

21 A A little bit, but I really didn't -- I was just
22 trying to have a good time with James like we usually did,
23 but it just -- for some reason, that night was different.

24 Q Because you said he was acting different, like he had
25 been drinking a lot?

1 A Like he had drank or something, I don't know.

2 Q And you noticed it. And today is the first time you
3 ever mentioned that; is that correct? I'll get back to
4 your statement. And then after y'all tried to have sex --
5 where did you try to have sex the first time and what kind
6 of sex were you having?

7 A We tried oral sex the first time.

8 Q Where did that take place?

9 A In the living room.

10 Q And were you -- did you have your clothes on at this
11 point?

12 A No.

13 Q Your clothes were off?

14 A Yes.

15 Q Where did you put your clothes down?

16 A At the end of the couch.

17 Q At the end of which couch?

18 A The long couch against the window.

19 Q Against the window. Is that in front of the coffee
20 table or the other one?

21 A Yeah -- no. When you're -- oh, Lord. When you look
22 at the sketch you have of the trailer, it's the one right
23 there by the hall.

24 Q Nearest the hall?

25 A Yes.

1 Q Okay. And which end of the couch did you put your
2 clothes on?

3 A It would have been the end towards the hall.

4 Q And where was the crack pipe at this point?

5 A It was on the table.

6 Q On the coffee table.

7 A Yes, ma'am.

8 Q And where was the crack being cut?

9 A On the table.

10 Q Was it just being cut straight on the table?

11 A Yeah.

12 Q Like on the table top?

13 A Yeah.

14 Q Because that's what you have to do with crack, is cut
15 it?

16 A Yes.

17 Q And who was doing the cutting of crack?

18 A James was.

19 Q So when you first tried to perform oral sex on him,
20 where is he standing or sitting or lying down?

21 A He is sitting on the other end of the couch where
22 it's his seat.

23 Q That's his seat?

24 A Yes.

25 Q Do y'all always sit in the same place?

1 A Yes.

2 Q You on one end of the couch and him on the other?

3 A Yes, ma'am.

4 Q And the crack in between?

5 A Yes, ma'am.

6 Q At this point, does he have his clothes on?

7 A Yes.

8 Q So he's kept his clothes on at this point?

9 A Yes, ma'am.

10 Q So had you pulled down his shorts to have sex with

11 him or just opened up the front or what?

12 A Just opened the fly.

13 Q And at this point, nothing happens?

14 A No.

15 Q So at that point, does he become enraged?

16 A He becomes a little upset.

17 Q So what did y'all do?

18 A We hit another piece of crack, went to the bedroom

19 and tried to get it -- tried to have vaginal sex, and that

20 didn't work either.

21 Q And was this before or after -- and I'm mixed up on

22 this, before or after y'all call the dope boy to come

23 deliver --

24 A Just after the drug boy had came to the house.

25 Q So you smoked some, tried to have oral sex, the drug

1 boy came, you smoked some more?

2 A Yeah -- no -- yeah.

3 Q I don't mean to mix you up. You good?

4 A Yeah, I'm good.

5 Q So then you go back in the bedroom and try to have
6 vaginal sex?

7 A Yes.

8 Q At that point, what do you have on?

9 A I have nothing on.

10 Q What does he have on?

11 A He has on his shorts and his t-shirt.

12 Q So he has sex with you with his shorts and his
13 t-shirt on?

14 A He just pulls out his penis.

15 Q Okay. And then y'all attempt to have that and it
16 doesn't work?

17 A No, it doesn't work either.

18 Q At that point when you're in the bedroom, has anybody
19 been cut?

20 A No.

21 Q Have you been cut?

22 A No.

23 Q Has he been cut?

24 A No.

25 Q So how long were y'all in the bedroom, do you

1 remember?

2 A I couldn't tell you.

3 Q But when you left the bedroom, where did you go?

4 A I went to the end of the couch where my clothes was,
5 I put my underwear and my pants on.

6 Q So you're at which end of the couch again?

7 A The end near the --

8 Q Near the hallway or the other end?

9 A Yes, the end near the hallway.

10 Q So you're right there as you first walk into the
11 living room from the hallway?

12 A Yes.

13 Q And you're putting on your pants?

14 A I've done put my pants on.

15 Q No question, these jeans?

16 A Yes.

17 Q And then you put on your shoes?

18 A Yes.

19 Q Do you have socks?

20 A They were already on.

21 Q You left your socks on?

22 A Yeah. I don't take them off.

23 Q So you've got your shoes, your pants on and then
24 you're ready to put on the rest of your clothing?

25 A Yes, ma'am.

1 Q And when you came out of the bedroom, was he in front
2 of you or behind you?

3 A Behind me.

4 Q So he's behind you and you're stopped right there at
5 the couch. So he's coming up behind you?

6 A Uh-huh.

7 Q And what happens then --

8 A Well, I'm sitting down on the couch.

9 Q So you're now sitting down on the couch?

10 A I had done put my shoes on.

11 Q Uh-huh.

12 A So he comes around the edge of the coffee table and
13 picked -- he got the knife some time, I don't know exactly
14 when. But he swung it and when he did, he caught me in my
15 hand.

16 Q Where on your hand did you get cut the first time?

17 A I got cut right here on my little finger and on my --
18 right here.

19 Q And you got cut pretty good?

20 A It was bleeding.

21 Q It was bleeding pretty good, wasn't it?

22 A Yeah.

23 Q Right there on the couch?

24 A It wasn't -- I didn't put my hand on the couch.

25 Q I'm just not following. So he comes and he comes

1 around you?

2 A Uh-huh.

3 Q And he's on which side of the coffee table?

4 A The end towards the kitchen.

5 Q So just to be sure -- I want to make sure I'm right
6 about this. This is the living room. You're sitting
7 here?

8 A Yes.

9 Q And then he comes around and the coffee table is
10 right here?

11 A Uh-huh.

12 Q And then he's swinging at you?

13 A Yes, he swings the knife at me.

14 Q Are you standing or sitting down?

15 A I'm sitting down when he swings it.

16 Q He swings it at you?

17 A Uh-huh.

18 Q And at that point, you put up your left hand?

19 A I put up my right hand.

20 Q I'm sorry, your right hand, and it cuts it?

21 A Uh-huh.

22 Q Pretty good?

23 A Well, enough to bleed.

24 Q At this point, you still have on your jeans?

25 A Uh-huh.

1 Q And what happens next?

2 A After that, I come around the coffee table.

3 Q You come around?

4 A I come around and get the glass vase.

5 Q Where is the glass vase?

6 A It's sitting at the end of the bar in the kitchen.

7 Q The end of this bar?

8 A Yeah.

9 Q So you have to -- you've gone from sitting here, he's
10 come around the coffee table, confronted you right here?

11 A Yeah.

12 Q And you were able to go around him?

13 A No, he was on -- by that time, he was moving around
14 the coffee table.

15 Q So he's moving away from you at that point --

16 A Well --

17 Q To allow you passage?

18 A Trying to follow me around the coffee table.

19 Q So he goes this way to follow you around the coffee
20 table?

21 A He was on this end anyway. Yeah, he was right there.

22 Q So at that point, he's behind the coffee table -- in
23 between the coffee table and the couch?

24 A Yes, ma'am.

25 Q But not over here where you said he was?

1 A He came around the coffee table.

2 Q And then you go this way?

3 A Yeah, I go that way.

4 Q So you were able to go here to the end of the bar?

5 A Yes.

6 Q Where what is?

7 A The vase.

8 Q Is that the same place where that knife was?

9 A No, that knife was on the coffee table.

10 Q I'm talking about the other knife?

11 A What other knife?

12 Q On the white thing in the pictures where you said you

13 got -- that's a different place?

14 A (There was no response.)

15 Q You grabbed the vase?

16 A Yeah, I grabbed the vase.

17 Q This happens to be a vase that of all the things in

18 his house, you mentioned how nice it was that evening,

19 right?

20 A Yeah, it was pretty because it had a -- when you look

21 at it, it throws light off of it, different -- it was like

22 a diamond-cut vase.

23 Q It was a heavy vase?

24 A Yes, it was.

25 Q And you just mentioned here today that at that point,

1 you actually earlier in the conversation, I guess, at some
2 point, you mentioned how pretty it was?

3 A Because I kept seeing the light reflect off of it.

4 Q And you thought it was so pretty with yellow urine
5 sitting in it?

6 A Well, at the time, I didn't know there was urine in
7 it.

8 Q Because that's how you knew it was urine in it,
9 right?

10 A He told me, yeah.

11 Q Had he ever done that before?

12 A Not with me, no.

13 Q Did he ever do it while you were there?

14 A No.

15 Q But that's your testimony here?

16 A Yes.

17 Q So at that point, you come around and you are in fear
18 of your life; is that correct?

19 A Yes, ma'am.

20 Q And you're cut at this point?

21 A Yes.

22 Q And he's screaming at you?

23 A Yes.

24 Q Saying he's going to kill you?

25 A Yes, ma'am.

1 Q That you've stolen his crack and he's going to kill
2 you?

3 A Yes, ma'am.

4 Q You even said he was going to shoot you at some
5 point?

6 A Yes, he did.

7 Q And at that point when you come around to the living
8 room and you've got the vase, he's back here, right?

9 A Yes. So were my clothes on the couch and the crack
10 stem is on the floor.

11 Q So -- but you're in fear for your life at this point,
12 right?

13 A Yes.

14 Q So at that point, you ran out the front door because
15 remember it unlocks from the inside?

16 A No, I didn't run out the front door.

17 Q What prevented you from going out the front door if
18 you're scared for your life at that moment?

19 A It was cold outside and I really didn't want to run
20 out there with no clothes on like that.

21 Q Better to die?

22 A (There was no response.)

23 Q And instead of going out the front door, you then
24 grab a vase -- and it's a good size vase, isn't it?

25 A It was probably about that tall.

1 Q Yeah, 10, 12 inches tall maybe?

2 A Something like that.

3 Q And it's full of urine, so it's pretty heavy. And is
4 he coming towards you at this point?

5 A Yes.

6 Q So he's coming towards you. And then are you backing
7 up? Because he's still got the knife, right, according to
8 you?

9 A Yeah, he does have the knife.

10 Q Okay. Are we good with that? And you've got the
11 vase?

12 A Yes.

13 Q And y'all are by your own testimony here today,
14 you've gone up here to get that, right, so he's coming
15 this way?

16 A Uh-huh.

17 Q But you don't have any kind of collision until you're
18 in the next room. How did that happen?

19 A We were fighting at the corner of the living room and
20 the hall.

21 Q So you went back to him?

22 A To get my clothes, yes.

23 Q But your clothes, according to you, are down here?

24 A No, the other end.

25 Q On this end?

1 A Yes.

2 Q So you went armed with a vase towards the man who's
3 yelling, I'm going to kill you, who has already cut you,
4 who you truly think is going to kill you and you attacked
5 him with a vase?

6 A Yes.

7 Q To get your clothes?

8 A Yes, ma'am.

9 Q But, more importantly, where was your crack pipe?

10 A It was in the floor by him.

11 Q And you weren't leaving without your crack pipe, were
12 you?

13 A No.

14 Q So you were running towards him, so is his back
15 towards the wall at this point? Is he retreating back
16 with you to get back to that hallway?

17 A I don't remember.

18 Q But you have a pretty good memory of this? It just
19 doesn't make sense maybe?

20 A (There was no response.)

21 Q According to your testimony, you then hit him in the
22 face, the urine spilled on you?

23 A Uh-huh.

24 Q And how many times did you hit him in the face?

25 A I don't know how many times I hit him.

1 Q Was he taller than you?

2 A Yes.

3 Q So you had to have your hand up in the air with this
4 vase?

5 A Yes.

6 Q And you were taking it and you were striking him?

7 A Yes.

8 Q In the face over and over?

9 A Yes, ma'am. I don't know how many times I hit him,
10 though.

11 Q In fact, you said you hit him until he fell down and
12 you fell on top of him; is that right?

13 A Yes, ma'am.

14 Q That's your testimony?

15 A Yes, ma'am.

16 Q But according your testimony -- or you didn't mention
17 this, you didn't continue to hit him once he was down, did
18 you?

19 A No, the vase had broke at that time.

20 Q So all 17 plus blows had to happen while y'all were
21 face-to-face upright; is that your testimony?

22 A I don't recall.

23 Q Well, you testified to it. You don't remember now?

24 A I don't know how many times I hit him.

25 Q And you were so strong and, I guess, agile that you

1 were able to get some of those blows, at least six of
2 them, to come around to the back of his head while he
3 stood up? Because he was facing you, that was your
4 testimony?

5 A Yes, ma'am.

6 Q When he went down, he was bleeding profusely, wasn't
7 he?

8 A I don't know. I can't even see in the dark.

9 Q How many times had you been cut at that point?

10 A I don't know.

11 Q Where all did you get cut? Let's make sure the jury
12 understands that. You got cut on your hand, was it the
13 right or the left?

14 A Both. I got cut on both hands, my arm, my elbow and
15 my leg.

16 Q So you were cut to the point it was bleeding on both
17 hands. Where on both hands?

18 A Here.

19 Q That's right.

20 A Another one here and one here.

21 Q On both hands?

22 A One in the elbow and one on the --

23 Q One on the elbow --

24 A -- leg by my knee.

25 Q That spot on your knee?

1 A Yeah.

2 Q He stabbed you in the knee?

3 A Somehow I got cut.

4 Q Maybe when you fell on the glass. And you went down
5 on top of him and he is bleeding profusely. You've gotten
6 all the discovery in this case. You've seen all the
7 photos, haven't you?

8 A Yes.

9 Q And that's when you got up and he's still yelling at
10 you, and you got up and you got your clothes on from the
11 end of the couch, right?

12 A I grabbed my clothes and I was putting them on as I
13 went out the door.

14 Q And you got your crack pipe. Where was it at that
15 point?

16 A It was in the floor and I picked it up.

17 Q Did you get the rest of the crack?

18 A No.

19 Q Where was it? What happened to it?

20 A He had no more, I guess, because he quit cutting.
21 And that's when he started going ballistic about I was
22 stealing his dope and this, that and the other.

23 Q And then you ran out the front door?

24 A Yes, ma'am.

25 Q Was the door shut?

1 A Yes.

2 Q So you had to open the front door?

3 A Yes, ma'am.

4 Q That front doorknob?

5 A Uh-huh.

6 Q You would have done that with your bare bleeding
7 hands?

8 A Yes, I used my right hand.

9 Q When you got up, was his blood just everywhere on
10 you?

11 A No.

12 Q Was it all over your jeans?

13 A No.

14 Q When you got out the door, did you put on your shirt?

15 A Yes.

16 Q Did his blood get on your shirt?

17 A No.

18 Q Because you didn't wash any of these items later to
19 get rid of any evidence, did you?

20 A I washed them to get the urine out of them.

21 Q So you did wash them?

22 A Yes. And Investigator Johnson knew I had washed the
23 clothes because when they asked about them, I told them
24 exactly where they could find them in the house.

25 Q I know you told them where they could find them, but

1 you're saying now you also told them you washed them?

2 A Yes.

3 Q But you were covered in blood -- or you weren't
4 covered in blood?

5 A No, I wasn't covered in blood.

6 Q But you were bleeding, at least?

7 A Yes.

8 Q On your elbow, on your arm, on your hands?

9 A Yes.

10 Q And then you ran the three-tenths of a mile back to
11 Mike's house?

12 A I fast walked. I can't run.

13 Q Okay. You fast walked. And when you got there, was
14 Mike awake?

15 A Yes.

16 Q And when you went in to see him, were you upset?

17 A Yes.

18 Q Were you crying?

19 A Yes.

20 Q Were you hysterical about having to --

21 A I wasn't hysterical, no.

22 Q You weren't hysterical?

23 A No.

24 Q You were upset and crying?

25 A Yes.

1 Q Did you tell Mike -- I know you don't like the
2 police, but did you tell Mike, oh, my God, he tried to
3 kill me?

4 A No, I didn't say anything to Mike. I just told him I
5 had gotten into a fight.

6 Q Why didn't you tell him? That's your boyfriend.

7 A Because I don't tell everything I know.

8 Q I know you don't. So then you and Mike got in a
9 fight?

10 A Yes.

11 Q Was he physical that night?

12 A No.

13 Q He was calm, cool and collected or what happened?

14 A He was too busy getting high with a friend of his
15 that was there.

16 Q I thought you testified earlier that he got upset you
17 didn't bring home the crack or the cash?

18 A He does, but the thing was he had his friend there
19 that night and his friend was supplying him all he needed.

20 Q Then why was he fighting with you if he had all he
21 needed?

22 A He was mad at me because I didn't have any money or
23 crack for later. That's how it was.

24 Q Do you know what happened to Mr. Solomon's wallet?

25 A No.

1 Q So you called Moses?

2 A Yes.

3 Q And when you called Moses, you said for him to come
4 pick you up, you were on the road?

5 A Uh-huh.

6 Q At that point, was it raining?

7 A Yes.

8 Q Was it cold?

9 A Yes.

10 Q You couldn't run out of the house without your shirt
11 on, but you could walk out in the middle of the night in
12 the cold weather when you weren't running from anybody?

13 A To get away from Mike, yes.

14 Q So if Mike isn't your boyfriend, then he's your pimp,
15 is that what your testimony is here today?

16 A He's both. He was both.

17 Q And as either your boyfriend or your pimp, isn't he
18 supposed to protect you?

19 A Supposed to.

20 Q So if you tell him you've been in a fight, doesn't he
21 followup and go who is it, I'll take care of it, I'll
22 protect you?

23 A No, because he knows that if I wanted him to know, I
24 would tell him.

25 Q Did you change your clothes before you met up with

1 Moses?

2 A No.

3 Q So you had on the same jacket?

4 A Yes, ma'am.

5 Q Same shirt?

6 A Yes.

7 Q And then when you went over to Moses's house that
8 night, you stayed there because you were scared of Mike?

9 A Yes.

10 Q But then the next morning, you went right back?

11 A It was actually the afternoon.

12 Q I'm sorry, the next afternoon you went right back?

13 A Yes.

14 Q Why didn't you tell Moses what happened? You weren't
15 scared of him, were you?

16 A No, I just told him I got into a fight. That was all
17 he needed to know.

18 Q Do you remember Moses telling you, oh, Mike beat you
19 up again?

20 A Yeah, I remember him saying something like that.

21 Q At that point, did you say, no, I almost lost my life
22 tonight?

23 A No, I didn't.

24 Q At this point, are you doing any more drugs?

25 A No.

1 Q The next day, you washed your clothes?

2 A Yeah, I washed them at Moses's before I left.

3 Q So did Moses see the cuts on you?

4 A He wasn't really paying attention to them.

5 Q Did he see the blue marks?

6 A Yeah, he seen the one on my hand. He asked about it.

7 I said, That's where I got hit.

8 Q The mark on your hand or the cuts on your hand?

9 A No, the bruise on my hand.

10 Q And are bruises normally red first and then blue days
11 later?

12 A I guess so. I don't know how -- I don't pay
13 attention.

14 Q And over the weekend, you didn't tell anybody what
15 happened?

16 A No, ma'am.

17 Q And then on Monday, the police come by?

18 A Yes, ma'am.

19 Q Did you know it was the police?

20 A When I seen Investigator Robinson, I knew it was the
21 police.

22 Q Did you know Investigator Johnson?

23 A No, not at that moment, I didn't.

24 Q But you knew it was the police?

25 A Yes.

1 Q Were you worried?

2 A No.

3 Q You didn't think maybe they're here about what
4 happened?

5 A No.

6 Q That never went through your mind?

7 A No, ma'am.

8 Q Because you hadn't told anybody, had you?

9 A No, ma'am.

10 Q When they came up and they said that they were
11 investigating a murder or an incident, you didn't ask what
12 are you investigating, what happened?

13 A No, I didn't ask him.

14 Q Because you knew?

15 A No, I didn't know, actually.

16 Q And then when they asked about your friend Amy, did
17 you give them the information they wanted?

18 A All I knew was her name and approximately where she
19 was because she was moving around a lot.

20 Q Did you wonder why they needed to talk to Amy?

21 A No, because I really didn't care about Amy.

22 Q You didn't want any information?

23 A I didn't want to know where she was.

24 Q And then they left?

25 A Yes.

1 Q And I think that's when you said you spent the next
2 day cleaning up the house?

3 A Yeah, Mike's house.

4 Q What were you cleaning up?

5 A Sweeping the floor, cleaning the kitchen.

6 Q Did Mr. Solomon have a phone?

7 A As far as I know, he did.

8 Q Do you know what happened to it?

9 A No, ma'am.

10 Q You wouldn't have been cleaning that up?

11 A No.

12 Q Or getting rid of a wallet?

13 A No.

14 Q Or washing your clothes?

15 A (There was no response.)

16 Q Then the next day, the police come back and you're
17 under arrest?

18 A Yes, ma'am.

19 Q And do you remember the first thing you said to them
20 when they -- when you came out the door and you saw they
21 were there to arrest you?

22 A I didn't kill that man.

23 Q Do you remember what else you said to them as you
24 came out the door?

25 A No, I don't.

1 Q I didn't kill that man. I was there, but I didn't do
2 it. Do you remember saying that?

3 A Vaguely.

4 Q But nobody else killed that man? But that was your
5 first story?

6 A Yes, ma'am.

7 Q And then they took you to headquarters and do you
8 remember them advising you of your rights?

9 A Yes, ma'am.

10 Q And you agreed to talk to them?

11 A Yes, ma'am.

12 Q And at that point, your story was a little different,
13 wasn't it?

14 A No.

15 Q Well, the story, I didn't kill him. I was there, but
16 I didn't do it is not right, is it?

17 A I might have said that. I don't recall.

18 Q So that's when you went to the second story. And you
19 told them some of what's in the statement, right?

20 A Yes, ma'am.

21 Q Where in this statement, did you ever tell them about
22 getting in a fight with Mike?

23 A I didn't tell them.

24 Q Where in this statement did you tell him about going
25 off with Moses?

1 A When Investigator Johnson asked me what I did after
2 that, I told him that I left with Moses.

3 Q Do you remember telling him, I went back to my house,
4 went to the bathroom and closed the door like nothing was
5 going on?

6 A Yes.

7 Q I washed my arm off and got the bleeding to stop on
8 my elbow and right wrist?

9 A Yes.

10 Q I got them cleaned up and the cuts on my hand?

11 A Yes.

12 Q I went in the bedroom and put my night clothes on
13 like nothing happened?

14 A Yes.

15 Q Do you remember telling them that you don't call the
16 police because I don't like to get people in trouble?

17 A Yes.

18 Q Would that people include you?

19 A People as in vague. It's vague.

20 Q Do you remember talking them about the knife?

21 A I don't recall, but I might have.

22 Q Well, you've been in court here all week in
23 preparation for your trial, right?

24 A Yeah.

25 Q Do you remember describing the knife that he cut you

1 with?

2 A I don't believe I do.

3 Q Do you remember telling him that he had two of them?

4 A Oh, yes.

5 Q That he had one with a white handle?

6 A Yes.

7 Q And one with a brown handle, they were small kitchen
8 knives?

9 A Yes.

10 Q That was the story back then?

11 A Yes.

12 Q Do you remember when he asked you about whether or
13 not you told Mike what had happened, you said you didn't
14 say nothing to nobody?

15 A Yes.

16 Q I kept my long sleeves on so my arms were hidden?

17 A Yes, ma'am.

18 Q How old was Mr. Solomon?

19 A If I'm not mistaken, it was said that he was 71,
20 which I didn't know that until being in court.

21 Q And you've been incarcerated you told this jury for
22 last two years.

23 A Yes, ma'am.

24 Q And you've made a number of phone calls?

25 A Yes, ma'am.

1 Q And you've talked to Moses and he's come to visit
2 you?

3 A Yes.

4 Q You talked to Mike?

5 A Yes.

6 Q You wrote them letters?

7 A Yes.

8 Q Do you remember on January 28th, the day I think you
9 got actually arrested in 2014, you found out Moses had
10 given a statement on you?

11 A Yes, ma'am.

12 Q You talked about that?

13 A I had heard that he did.

14 Q And then you said, Tell Moses he better get ready to
15 get his lights cut off. I'm writing the light people and
16 the water people while I'm here?

17 A Yes.

18 Q What did that mean?

19 A Because he had everything in my name, and I wasn't
20 living there.

21 Q So basically, because he gave a statement on you, you
22 were going to get --

23 A No, that had nothing to do with it.

24 Q Okay. Well, let's move on to another call. When you
25 called Mike less than a week later and told him to clean

1 the house because the cops know about the prostitution.

2 You complained Moses had written a statement on me?

3 A Yes.

4 Q Do you remember talking to Mike in March, on March
5 the 7th of 2014, told him, I'm fixing to put my foot in
6 your ass when I get home?

7 A I really don't recall that letter or that phone call.

8 Q Do you remember that same day -- I don't know if it
9 was the same phone call or a different phone call how you
10 told Mike on the phone that you shaved your hair off after
11 talking about the hair they found on the scene?

12 A Yeah, I did cut my hair because it was dead. It was
13 not blonde. It was not brown. It was black.

14 Q It wasn't because you had just been to the
15 preliminary hearing and heard about the --

16 A No, it wasn't.

17 Q Do you remember reconciling with Moses on April the
18 23rd, told him, I love you, I miss seeing my baby?

19 A Yes, I referred to him that way.

20 Q And do you remember earlier -- not this year, but
21 September of 2015 that you started using another inmate's
22 pin number so we would stay out of your business? So we
23 couldn't get your phone calls?

24 A I think I remember that.

25 MS. CAMPBELL: Beg the Court's indulgence?

1 MR. BANK: I think we have a matter to take up
2 outside the presence of the jury.

3 THE COURT: Okay.

4 Ladies and gentlemen, do not discuss the case. Keep
5 an open mind. We'll be back with you in just few moments.
6 Thank you.

7 (Whereupon, the jury left the courtroom at 4:04
8 p.m.)

9 MR. BANK: Judge, I think I found a new meaning of
10 giving us evidence at the last minute. I was just handed
11 eight pages of incident reports in the middle of
12 Ms. Campbell's cross. I haven't had any time to review
13 this or ask any of the officers any questions.

14 It appears -- maybe Ms. Campbell can explain to the
15 Court better than I can what exactly this is, but it
16 appears to be incident reports made by Ms. Thompson.

17 Is that what this is?

18 MS. WALKER: May I, Your Honor? When she testified
19 -- and it didn't occur to us until she went down this
20 path, because in her statement, she said, I don't call
21 police because I don't like to get people in trouble. On
22 direct examination she changed that to, I don't call
23 police because they don't believe prostitutes and so they
24 won't talk to you.

25 So what we did then is go through the sheriff's

1 department's database and see every time she made contact
2 with law enforcement. There's not a single time on there
3 where she's tried to talk to them as anything other than a
4 suspect or a witness. She has not gone forward and filed
5 a complaint as a victim. So that undermines her testimony
6 that she's been going to law enforcement before and
7 nothing has ever happened with the case.

8 THE COURT: So what do you want to ask?

9 MS. CAMPBELL: I just want to ask -- I was trying to
10 be courteous and show him the document to substantiate my
11 question. That's all I'm asking her is every single time
12 that you've gone to the police you've either been a
13 suspect or a witness in the case. You've never been the
14 victim.

15 MR. BANK: Judge, I don't know. They can ask the
16 question. I have no way to know what any of these
17 officers recalled talking to her. We have no way to
18 corroborate whether there's any reports that were called
19 in, but weren't not taken down. I think it's too last
20 minute to go into on cross if they're going to try to
21 impeach her with these. If they want to ask her the
22 question again, I understand, but --

23 MS. CAMPBELL: I know that you had subpoenaed in your
24 file the actual incident reports from Columbia Police
25 Department. I didn't know if you did the same for the

1 sheriff's department.

2 MR. BANK: I have and I've noticed and had to follow
3 up several times because I saw it wasn't complete with
4 some of the reports they have given us.

5 MS. CAMPBELL: That's information you have, but we
6 don't have.

7 MR. BANK: And not evidence that I was planning on
8 introducing as evidence.

9 THE COURT: Okay. You can ask the question. That's
10 admissible based upon her testimony.

11 Bring them back in.

12 Is the SLED guy here?

13 MS. CAMPBELL: He can't come today. There's an issue
14 with his child.

15 MR. BANK: Judge, I'm just going to politely ask to
16 preserve our objections.

17 THE COURT: Okay.

18 (Whereupon, the jury entered the courtroom at
19 4:07 p.m.)

20 THE COURT: Okay. I apologize for the short break.

21 THE BAILIFF: The jury is seated, Your Honor.

22 THE COURT: All right. Ms. Campbell.

23 MS. CAMPBELL: Just about through, Your Honor.

24 CONTINUED CROSS-EXAMINATION

25 BY MS. CAMPBELL:

1 Q In your statement, you said the reason you didn't
2 want to call the police was you didn't want to get anybody
3 in trouble?

4 A Yes.

5 Q But now in front of this jury, it's because when
6 you've called the police before, they just don't believe
7 you?

8 A Yes.

9 Q As far as what you wore over to Moses's house that
10 nigh, that was the same clothing?

11 A Yes.

12 Q So you were covered in urine when you got in the car
13 with him?

14 A Yes.

15 Q And then you wore those same clothes back the next
16 day?

17 A No, my clothes were at Moses's house and I was
18 supposed to be getting my clothes from Moses's house to
19 take back to Mike's house.

20 Q So you didn't have any clothes at Mike's house where
21 you lived?

22 A I had a few things.

23 Q But most of your clothes were at Moses's house?

24 A Yes, ma'am.

25 MS. CAMPBELL: I don't have anything further, Your

1 Honor.

2 THE COURT: Okay.

3 MR. BANK: Very briefly.

4 REDIRECT EXAMINATION

5 BY MR. BANK:

6 Q Ms. Thompson, one of the very first questions you
7 were asked on cross was this business about whether you
8 think you caused the injuries that eventually killed
9 Solomon. Do you remember that?

10 A Yes, sir.

11 Q Are you a doctor?

12 A No, sir, I'm not.

13 Q What's the highest level of education you've had?

14 A GED.

15 Q And when did you get that GED?

16 A 2008 at the Alvin S. Glenn Detention Center.

17 Q Now, you said something -- I believe the comment on
18 cross-examination was I don't tell everything I know. Do
19 you remember saying that?

20 A Yes, sir.

21 Q Are you telling everything you know about this night
22 to this jury?

23 A Yes, I am.

24 Q And you talked about your clothes being washed. Do
25 you remember that?

1 A Yes.

2 Q Ms. Campbell asked you about that. Did you wash your
3 clothes in an attempt to get rid of any evidence?

4 A No, it wasn't to get rid of any evidence. It was to
5 get rid of the smell.

6 Q At the time you washed clothes, did you know
7 Mr. Solomon was dead?

8 A No, I did not.

9 Q Now, you were asked the question about multiple
10 knives being used or something along that line that
11 Mr. Solomon had?

12 A Yes, sir.

13 Q When he was coming at you actually at the time of the
14 confrontation, did he have one or two knives?

15 A One.

16 Q But you -- where is the second knife that you were
17 speaking about?

18 A I don't know what he did with it because it seems as
19 if it was never found in the house.

20 Q Was that second knife used at any time during the
21 attack?

22 A No.

23 Q Now, we heard something about a jail call with Moses
24 -- or a jail call about Moses where you understood that
25 had given some kind of statement, maybe you were upset?

1 A Yes.

2 Q What -- at that time when you made that statement,
3 who was the only person you got any information about
4 regarding that statement?

5 A I don't even remember who I was talking to on the
6 phone.

7 Q But you had some knowledge that Moses had given a
8 statement, right?

9 A Yes.

10 Q Had somebody told you that Moses had given a
11 statement?

12 A It might have been Mike.

13 Q Okay.

14 A It might have been Mike.

15 Q Had anybody with law enforcement told you that?

16 A No.

17 Q Now, at your preliminary hearing -- do you remember
18 if your preliminary hearing for this case was a couple
19 days after you got arrested or a month or two after you
20 got arrested?

21 A If memory serves me correctly, it was a month or two
22 after I had been arrested.

23 Q Ms. Thompson, had you already given law enforcement
24 your DNA at that point?

25 A Yes, sir.

1 Q Did you find the prosecutor's questions kind of
2 confusing?

3 A Some, yes.

4 Q Do you feel like she was putting words in your mouth,
5 Ms. Thompson?

6 A Possibly trying.

7 MR. BANK: That's all the questions I have.

8 MS. CAMPBELL: Just one question.

9 THE COURT: Okay.

10 RECROSS-EXAMINATION

11 BY MS. CAMPBELL:

12 Q Is there anything you need to clear up with the jury
13 that I confused you on?

14 A No.

15 MS. CAMPBELL: Thank you. That's all.

16 THE COURT: Have a nice day. Have a seat.

17 All right. Ladies and gentlemen, we have --

18 One more witness; is that right?

19 MR. BANK: One.

20 THE COURT: And do you expect any reply?

21 MS. CAMPBELL: Short.

22 THE COURT: The next witness that we have that will
23 be called has an issue with a child, so he cannot be here
24 this afternoon. We contacted him around the lunch hour, I
25 expected to get to him today, and he has an issue with a

1 child, so we will start with him in the morning. And then
2 the State will be allowed to present some reply testimony
3 if they want to, but I expect you to have this case
4 tomorrow for deliberation and to begin it tomorrow. I was
5 a little bit worried about going into next week. I feel
6 very good about it now that we will not.

7 We're going to go ahead and break for the day just
8 because a witness cannot be here until tomorrow morning.
9 You still have not heard all the evidence in the case or
10 all the testimony or anything else. You're still not at a
11 point where you can deliberate or talk about the case. I
12 want you to keep an open mind. Do not discuss the case
13 with anybody. Do not do any research. Do not look
14 anything up. Come back tomorrow morning. I'm going to
15 bring you some breakfast in the morning, and we will take
16 good care of you tomorrow.

17 Thank you very much and have a good evening. 9:30
18 tomorrow morning.

19 (Whereupon, the jury left the courtroom at 4:15
20 p.m.)

21 THE COURT: Okay. Anything before we stop?

22 MS. CAMPBELL: Your Honor, I don't know if you wanted
23 to maybe talk about some charges.

24 THE COURT: Sure.

25 MS. CAMPBELL: We would ask for a voluntary

1 intoxication. I'll get it for you.

2 THE COURT: Okay.

3 MR. BAILEY: Your Honor, I'd like some time to just
4 submit our own charges in proper format if that's okay or
5 I can e-mail them.

6 THE COURT: If you want me to consider them, you
7 needs to get them to me.

8 MR. BAILEY: Okay. Could I have a moment to go
9 downstairs then, Your Honor?

10 THE COURT: Yes.

11 What else? Voluntary intoxication.

12 MS. CAMPBELL: We would have a couple malice charges.
13 I'll get them to you in the next few minutes.

14 THE COURT: Okay. The deadly weapon will be out,
15 Belton.

16 MS. CAMPBELL: Of course.

17 THE COURT: Do you want the new circumstantial
18 evidence charge?

19 MR. BANK: The Logan charge?

20 THE COURT: Yes.

21 MR. BANK: Yes, sir.

22 THE COURT: Okay. That's fine.

23 The voluntary intoxication, the one that says
24 voluntary intoxication is not a defense.

25 MS. CAMPBELL: Correct.

1 THE COURT: Okay. What else?

2 MS. CAMPBELL: I'm assuming you're wanting
3 self-defense?

4 MR. BANK: Absolutely, self-defense. I believe
5 Mr. Bailey is maybe going down to see if -- I think he's
6 more prepared to argue it right now than I am, but an
7 involuntary manslaughter charge on the basis of her
8 leaving while he is still alive and not informing police,
9 not calling police and that contributing recklessly to his
10 death.

11 THE COURT: Okay. What else?

12 MS. CAMPBELL: If he's going that route, we would
13 want proximate cause. But I don't know how -- well, we
14 can argue this tomorrow.

15 THE COURT: What else?

16 MR. BANK: I think those are going to be the major
17 ones we're going to ask for. I think there might be some
18 other ones that Mr. Bailey has put together.

19 THE COURT: All right. Sounds good. What's the
20 toxicologist guy going to say? He had drugs in his
21 system.

22 MS. CAMPBELL: He had drugs in his system.

23 THE COURT: I thought that was already in the record.
24 What are we bringing him in for?

25 MR. BANK: Well, with respect to him, he can give a

1 little bit greater detail of what that means, how long
2 they were in his system. At least, an idea of -- he's
3 going to be able to tell us that the levels that were
4 there indicate this wasn't kind of one hit that
5 Mr. Solomon had taken.

6 THE COURT: Okay.

7 MR. BANK: It appeared from his levels he had been
8 doing it all day.

9 THE COURT: Okay.

10 MR. BANK: It's from some relevant information that
11 hasn't been --

12 THE COURT: That's fine.

13 You expect some reply?

14 MS. CAMPBELL: Yes, Your Honor. We would be putting
15 her statement in.

16 THE COURT: Are we going to have to do a Denno
17 hearing?

18 MS. CAMPBELL: Uh-huh. We can do that right now.

19 THE COURT: Do it right now. Get it over with.

20 MS. CAMPBELL: Ready to take the stand?

21 THE COURT: Take the stand. You're still under oath.

22 KERRY JOHNSON, having been
23 previously sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. CAMPBELL:

1 Q Investigator Johnson, did you have an occasion to
2 place Holly Jo Thompson under arrest for the charge of
3 murder?

4 A I did.

5 Q And when did that take place?

6 A I'm sorry, you said how?

7 Q When?

8 A January 28th of 2014.

9 Q And where did that actually -- the arrest actually
10 take place?

11 A I arrested her at her home on Lower Richland
12 Boulevard, [REDACTED] Lower Richland Boulevard.

13 Q And as you were making the arrest, did the Defendant
14 utter -- as you were placing her under arrest, did she
15 give you certain information?

16 A Yes, I told her she was under arrest for James
17 Solomon. And as I was putting handcuffs on her, she says,
18 I was there, but I didn't kill that man.

19 Q Later on, did you transport her -- or that day, did
20 you transport her to headquarters?

21 A I did. While we were in the driveway, I went over
22 her rights with her, and we talked about it on the way to
23 headquarters.

24 When we got to headquarters, we went to an office,
25 and she was read her rights again off of the same form,

1 and she was allowed -- handcuffed in the front so she
2 could sign it and she signed the waiver of rights form.

3 Q I'm going to show you --

4 MS. CAMPBELL: Let me mark this.

5 (Whereupon, State's Exhibit No. 262 was marked
6 for identification only.)

7 BY MS. CAMPBELL:

8 Q I'm going to show you what's been marked as State's
9 Exhibit 262 for purposes of this hearing. Is this a copy
10 of the interrogation of advice of rights you used?

11 A It is.

12 Q Are those the same rights you went over with her in
13 the car?

14 A Yes.

15 Q Once you got her down to Region I headquarters, did
16 you then go over the written form of that?

17 A I took her to headquarters on Two Notch, not Region
18 I.

19 Q I apologize, I messed that up.

20 A That's all right.

21 Q I'm sorry, the headquarters on Two Notch. Once
22 there, did you go over her rights with her?

23 A Yes. Read right off the form just like I did in the
24 car.

25 Q Are those rights reflected on State's Exhibit 262?

1 A Correct.

2 Q And once you went over her rights, did you then ask
3 her if she understood what her rights were?

4 A I did.

5 Q And did she indicate she understood?

6 A She did.

7 Q And did she acknowledge that by signing here?

8 A She did.

9 Q And were you the witness in this case?

10 A I was.

11 Q And this happened on what date?

12 A That was January 28th, 2014.

13 Q And this actually says 2013, but that should have
14 been 2014?

15 A Uh-huh.

16 Q And that happened approximately what time?

17 A Around 1:00 o'clock.

18 Q 1300 hours?

19 A 1300 hours military time.

20 Q But after advising her of her rights, did you then go
21 over her waiver of rights with her?

22 A Did I go over the --

23 Q Waiver part?

24 A Sure.

25 Q And did she acknowledge that she understood that as

1 well?

2 A She did.

3 Q And did you witness that?

4 A I did.

5 Q And during the time period when you were talking to
6 her in the car on the way there and for the entire time,
7 did she appear coherent?

8 A Absolutely.

9 Q Did she appear to understand what you were saying?

10 A Absolutely.

11 Q Did she agree to cooperate and talk with you?

12 A She did.

13 Q At any time, did anyone pressure her in any way?

14 A No.

15 Q Did you threaten her in any way?

16 A No.

17 Q And was she, in your opinion, cooperating with you
18 voluntarily and of her own free will?

19 A She was.

20 Q Once you advised her of her rights, did you then
21 start reducing her statement into writing?

22 A Yes, talked to her about what had happened and
23 eventually, we put on paper as we always do. I would type
24 out the questions. She would give me an answer. I would
25 type out the answer. And, of course, we would go over the

1 statement, ask her if there was anything that needed to be
2 changed, any addictions, subtractions. She was fine with
3 it and she signed it.

4 Q Okay. And approximately how long was it that you
5 were taking her statement that day after advising her of
6 her rights there at headquarters?

7 A We were in there, I would say, an hour,
8 hour-and-a-half because the major came in there, also.

9 Q Major Smith?

10 A Correct.

11 Q Was she able to acknowledge what her rights were?

12 A Absolutely.

13 Q And did she cooperate with you the whole time?

14 A She did.

15 Q And, in fact, after doing this, did she get some
16 photographs taken?

17 A She did.

18 Q And in addition to that, did she consent to giving
19 you her DNA?

20 A She did.

21 (Whereupon, State's Exhibit No. 263 was marked
22 for identification.)

23 BY MS. CAMPBELL:

24 Q I'm showing you State's Exhibit 263, is this the
25 statement that was taken from her?

1 A It is.

2 Q And prior to her signing it, did she have an
3 opportunity to read over it or review it?

4 A She did.

5 Q Did you read it to her, did she read it herself or do
6 you recall?

7 A Both.

8 Q Once she went over this statement, was she allowed to
9 make any changes she wanted?

10 A She was.

11 Q Ultimately, did she sign this acknowledging this was
12 her statement?

13 A She did.

14 Q At any time, did she ever ask for a lawyer?

15 A No.

16 Q Did she ever tell you she didn't want to talk to you
17 anymore?

18 A She didn't, no.

19 Q Was she cooperative the whole time?

20 A She was.

21 Q And she wanted to get out her side of the story?

22 A She did.

23 MS. CAMPBELL: Your Honor, may I approach?

24 THE COURT: Yes, ma'am.

25 MS. CAMPBELL: You want to see these?

1 THE COURT: Thank you.

2 MS. CAMPBELL: That's all I have.

3 THE COURT: Cross?

4 CROSS-EXAMINATION

5 BY MR. BANK:

6 Q Did Ms. Thompson state whether she was on drugs or
7 had taken any drugs that day?

8 A That particular day, she did not. She did not appear
9 to be under any type of intoxication at the time I spoke
10 to her.

11 Q And she didn't say one way or the other whether she
12 had been on drugs that day, on the day you took the
13 statement?

14 A She did not.

15 Q Did y'all have to take some breaks because she was
16 upset during the statement?

17 A Not really. We ate right there in the room. I think
18 the Major brought us a hamburger while we were in there,
19 but we never -- we never had to take a break because she
20 was upset that I remember.

21 Q Do you remember her being upset at any point during
22 the interview?

23 A Oh, sure. When I first arrested her, she cried and
24 said that I was there, but I didn't kill the man. But
25 shortly after that, she stopped crying and just talked

1 like you and I are talking.

2 Q Did she cry at all at the police station?

3 A I beg your pardon?

4 Q Did she cry at all at the police station?

5 A I'm sure there was a time or two that she cried, but
6 there was nothing that was such a big interference to the
7 statement that we had to stop or -- that I recall.

8 MR. BANK: Thank you. No further questions.

9 THE COURT: Motion?

10 MR. BANK: No motion.

11 THE COURT: All right. I find that the statement was
12 given freely and voluntarily, knowingly and intelligently
13 after advice of her constitutional rights and that she
14 freely, voluntarily, knowingly and intelligently gave the
15 statement after understanding her constitutional rights
16 without any threat, force, coercion or pressure and the
17 statement admissible.

18 Thank you.

19 THE WITNESS: All right.

20 All right. Anything else you want to knock out
21 tonight?

22 MS. CAMPBELL: I can't think of any.

23 THE COURT: Okay. Give me the charges so we can be
24 rolling in the morning.

25 MR. BANK: Would it be all right if we e-mailed you

1 as long as we copy the solicitor.

2 THE COURT: E-mail the clerk.

3 MR. BANK: We'll do that. Thank you.

4 MS. CAMPBELL: We'll copy it all.

5 THE COURT REPORTER: Make sure you don't leave with
6 exhibits that are in, please.

7 THE COURT: Don't leave with exhibits.

8 MS. CAMPBELL: We need to take up the matter about
9 the exhibits that are missing. Your Honor, I'm getting
10 those printed off. I know we put in the complete set of
11 photographs from her, so I can figure out which ones are
12 missing. I guess they won't be on the same paper, but I
13 can't do anything about that.

14 MR. BANK: That's fine. Actually, we might have --
15 we probably have copies.

16 MS. CAMPBELL: You have copies?

17 (Whereupon, the proceedings were adjourned for
18 the day to be reconvened on Friday, February 19, 2016.)
19
20
21
22
23
24

25 Friday, February 19, 2016

1 THE COURT: Okay. Anything we need to take up
2 before we start back?

3 MS. CAMPBELL: Just a housekeeping matter. Your
4 Honor, yesterday during the Denno hearing, I marked
5 State's Exhibits 262 and 263 with copies of the advice of
6 rights and the statement. I have marked today and have
7 the originals.

8 THE COURT: Okay.

9 MS. CAMPBELL: I asked defense counsel if they have
10 any problem if I use those and they do not.

11 THE COURT: Okay.

12 MS. CAMPBELL: Additionally, Your Honor, last night,
13 we were going through the evidence, and we have all gone
14 through -- there was a group of pictures which I
15 introduced that showed some of Ms. Thompson's injuries.
16 When I introduced them, apparently, I thought it was
17 inclusive, including State's 162 through 166. The court
18 reporter went back and looked and those were never
19 referred to individually, so, obviously, those numbers
20 were skipped over when the numbering was done. So I think
21 162 through 166 were never entered or we withdraw them or
22 whatever terminology I need to use.

23 THE COURT: So they don't exist?

24 MS. CAMPBELL: They don't exist.

25 THE COURT: Okay.

1 Is that right?

2 MS. WALKER: That's right.

3 THE COURT: Okay. Great.

4 (Whereupon, State's Exhibit Nos. 162 through 166
5 were withdrawn.)

6 THE COURT: Okay. All right. Is our SLED guy here?
7 Okay. Thank you.

8 Are you ready to go?

9 MR. BAILEY: We are, Your Honor.

10 THE COURT: Okay. Great.

11 MR. BAILEY: If I can ask, are you Mr. Tim Grambow or
12 Dr. Tim Grambow.

13 THE WITNESS: Just Mr.

14 MR. BAILEY: I just wanted to make sure. I didn't
15 want to get in front of the jury and call you the wrong
16 thing.

17 THE COURT: Okay. Let's bring them.

18 (Whereupon, the jury entered the courtroom at
19 9:38 a.m.)

20 (Whereupon, State's Exhibit Nos. 264 through 271
21 were marked for identification only.)

22 THE BAILIFF: The jury is seated, Your Honor.

23 THE COURT: Okay. Welcome back. Thanks for being on
24 time.

25 You may call your next witness.

1 MR. BAILEY: Thank you very much, Your Honor. The
2 defense calls Mr. Tim Grambow to the stand.

3 THE COURT: All right. Come forward and be sworn,
4 Mr. Grambow.

5 TIM GRAMBOW, after being duly
6 sworn, testified as follows:

7 THE CLERK: Thank you. Have a seat in the witness
8 stand, please. State your name for the record.

9 THE WITNESS: My name is Tim Grambow.

10 THE CLERK: Thank you.

11 DIRECT EXAMINATION

12 BY MR. BAILEY:

13 Q How are you doing today, Mr. Grambow?

14 A Doing well. Thank you.

15 Q Thanks for being here today. I know I guess under
16 subpoena, you don't really have a choice, but we really
17 appreciate you being here.

18 Mr. Grambow, could you tell the jury what your
19 occupation is?

20 A I am a forensic toxicologist with the South Carolina
21 State Police.

22 Q And can you tell us a little bit about your training
23 and schooling that went into becoming a toxicologist?

24 A Well, I have a Bachelor of Science degree in
25 chemistry from Wake Forest University in North Carolina.

1 After receiving that degree, I pretty much very
2 briefly thereafter started working at SLED as a forensic
3 toxicologist. And with my working there, I began a
4 training program to begin certified through them as a
5 toxicologist in the analysis of biological samples,
6 whether they be blood, urine, tissue samples, anything
7 that comes from the body, and looking for the presence or
8 absence of alcohol or other drugs. The training program
9 there for me lasted over two years to become fully
10 certified.

11 Since then, I have gone through multiple outside
12 training courses, a number of different professional
13 societies. I've become Board certified through the
14 American -- or through the -- let's see. It's American
15 Board of Forensic Toxicology. So a lot of continuing
16 education, going to specialty schools and so on and so
17 forth to become Board certified and maintaining that.

18 Q How long have you worked for SLED, South Carolina Law
19 Enforcement?

20 A Fourteen years this month.

21 Q And Mr. Grambow, were you also the toxicologist on
22 the James Solomon case?

23 A I was.

24 MR. BAILEY: Your Honor, at this time, the Defense
25 would like to submit Tim Grambow as an expert in the field

1 of toxicology.

2 MS. CAMPBELL: No objection.

3 THE COURT: All right. Ladies and gentlemen, this
4 witness will be qualified as an expert in the field of
5 toxicology. He will be allowed to give opinion testimony
6 in that area. That doesn't mean that you must accept his
7 opinion, but it is evidence for you to use in any way you
8 see fit and give it the weight and the credibility that
9 you believe is appropriate as you are required to do with
10 each and every witness that appears before you.

11 BY MR. BAILEY:

12 Q Mr. Grambow, could you give the jury kind of just a
13 brief idea of what you do as a toxicologist at SLED, kind
14 of like if you run into somebody at a party, a short
15 answer?

16 A I usually try to dodge that question. But as a
17 forensic toxicologist, it is -- within our department, it
18 is our job to analyze biological samples, like I said, and
19 look for the presence or absence of drugs and interpret
20 those findings for various entities, whether it be police
21 agencies, courts or law, coroners, pathologists. We
22 analyze cases ranging from driving under the influence
23 cases to poisonings to criminal sexual conduct, what you
24 would think of like a date rape type case, as well as
25 death investigation cases, whether it's an unknown cause

1 of death or just a general investigation into the
2 circumstances of a death.

3 So with that, we're -- different agencies, submitting
4 agencies, whether it be the coroner or the highway patrol
5 or different police agencies can submit samples to SLED.
6 We inventory the samples. We begin some testing in order
7 to get the drugs and poisons understand out of the
8 biological samples. We analyze them, try to identify what
9 they are, what is pertinent. We try to identify how much
10 of a substance is there and then make an opinion as to
11 whether it was at a therapeutic level, below therapeutic,
12 toxic or a lethal level.

13 Q And Mr. Grambow, I believe we already established
14 that you did the toxicology examination on Mr. James
15 Solomon in this case; is that right?

16 A As far as I recollect, yes.

17 Q Do you remember when that was about or the date?

18 A Not off the top of my head. I could reference my
19 notes, but...

20 Q I mean, that's all right. It was definitively this
21 case, though?

22 A Yes.

23 Q Now, when you are -- when you're testing an
24 individual that's deceased, you do a lot of different
25 tests; is that right?

1 A Depending on the type of case it is, there are
2 certain policies and procedures that we follow, but yes,
3 we run multiple tests trying to identify various compounds
4 on the sample.

5 We usually don't -- sometimes we have some history
6 going into what we should be looking for, but most of the
7 time in the thousands of cases we run a year, we don't
8 know what we're looking for. So we try to narrow down our
9 search as much as possible, eliminate things so we're not
10 wasting time or money investigating, you know, chasing
11 ghosts. But if we can narrow down, say, a class of drugs,
12 then we'll go ahead and investigate further and find out
13 what drug was there and how much was there.

14 Q And in this case, you tested Mr. Solomon for certain
15 drugs; is that right?

16 A Yeah, we did our standard drug panel tests on him,
17 yes.

18 Q Can you give us kind of a brief explanation as to
19 what your standard drug panel is?

20 A Generally speaking, we're going to do an initial
21 alcohol test on a sample that comes in. It's a relatively
22 quick and easy test that gives us some additional
23 information.

24 After we run the alcohol test, which involves running
25 the sample multiple times to get a quantitative value and

1 to confirm which alcohol it is, whether it be rubbing
2 alcohol or methanol or ethanol, which is your common
3 drinking alcohol, we do that and identify it and determine
4 how much is there.

5 And then, we'll typically do what we call a
6 presumptive drug screen, where we will utilize kind of
7 a -- it's kind of a quicker test and what we're looking
8 for are specific classes of drugs and a few specific drugs
9 that are most commonly seen in various cases here in South
10 Carolina.

11 What we're doing is kind of casting a net and seeing
12 if we can find within a class of drugs a positive result.
13 And if we find that positive result, we're going to look
14 further at that class of drugs to identify which specific
15 drug within that class gave us a positive result. And
16 then identify it and determine how much is there.

17 If that class of drugs comes back negative initially,
18 then we're not going to pursue it any further because it
19 didn't have any toxicological value in the particular
20 sample.

21 Q In this case, did you find alcohol in Mr. Solomon's
22 system?

23 A I do recall -- I don't have a copy of the report in
24 front of me at the moment. If I had, I could -- or my
25 notes, I could refer specifically to that.

1 Q If I showed you a copy of your report, would it
2 refresh your memory?

3 A Yes, sir.

4 Q If you need more of it, let me know.

5 A No. That's fine.

6 Q Does this seem complete enough?

7 A No, that's fine. I have my copy back at my seat back
8 there.

9 Q Was alcohol found in Mr. Solomon's system?

10 A Yes, we found ethanol, which is drinking alcohol at a
11 value of .051.

12 Q And was cocaine found in Mr. Solomon's system?

13 A The initial presumptive screens did indicate that
14 there was a presence of cocaine metabolites. We further
15 tested and we determined that there was cocaine and
16 metabolite there in his system.

17 Q Okay. Can you explain to the jury what metabolites
18 are?

19 A Okay. So when you take a drug, whether it be a
20 prescription drug, illicit drug, it's a foreign substance
21 that's in your body. Your body is going to try to break
22 that drug down in order to clear it from your system. So
23 metabolite is just the product from your body breaking
24 down the drug.

25 In this case, cocaine is the substance we're talking

1 about and there are enzymes in your body that are going to
2 chemically change that drug into benzoylecgonine, which
3 makes it more easily able to be cleared from your body.

4 Q So -- and I'm not trying to put words in your mouth.
5 Is it safe to say that metabolites are kind of like the
6 leftover product after cocaine has been in your body?

7 A In this particular case, yes, that's what the
8 benzoylecgonine is indicative of cocaine use. Of course,
9 we know there was cocaine used because we did actually
10 find the actual cocaine as well.

11 Q Okay. So you found actual cocaine that had not been
12 processed as well?

13 A Correct.

14 Q So you found actual cocaine in Mr. Solomon's system,
15 but then you also found metabolites?

16 A Correct.

17 Q Would the metabolites be from an earlier use of
18 cocaine?

19 A Well, looking at the values that I have here, we have
20 0.15 milligrams per liter of cocaine. And then there is a
21 greater than one milligram per liter of benzoylecgonine.
22 Looking at the ratio of the two, it is very possible that
23 there were multiple doses of cocaine taken.

24 The cocaine lasts in your system a relatively short
25 time. The metabolite lasts a little longer. So as you

1 take a dose of cocaine and your body metabolizes the
2 cocaine into the benzoylecgonine, which is the metabolite,
3 the cocaine level is going to decrease and the
4 benzoylecgonine level is going to increase. And then
5 finally, your body is going to further break that down and
6 get rid of the benzoylecgonine. So that level will
7 eventually disappear. But that happens at a little bit
8 longer rate than it does for the cocaine itself.

9 So if you're taking cocaine over multiple uses, over
10 a couple of hours, let's say, then the cocaine level is
11 going to increase when you first take it and then it's
12 going to decrease as your body metabolizes it. And that
13 benzoylecgonine level is going to increase and then
14 decrease at a slower rate.

15 So then if you take a subsequent dose of cocaine,
16 it's going to -- the level is going to go up and decrease.
17 As it decreases, it's going to add to that already
18 existing benzoylecgonine level, in which case the overall
19 level of benzoylecgonine over the course of many uses can
20 increase until enough time has passed for your body to
21 eliminate it. In the meantime, the cocaine level can go
22 up and down as takes subsequent uses.

23 Q Thanks, Dr. Grambow. I'm sorry. I got a little lost
24 there because I'm not an expert.

25 Would the presence of metabolites and also actual

1 cocaine be consistent with Mr. Solomon using cocaine more
2 than once over the course of the day?

3 A Not just the presence of it, but actually looking at
4 the comparative levels of the two seems to indicate that
5 that's a good possibility.

6 Any time you're looking at drugs and levels,
7 especially in a death case, it's very difficult to
8 interpret exactly what the use pattern was strictly on the
9 body levels in the blood. Cocaine, in particular, is
10 notorious for not being an exact snapshot of what was
11 going on at the time when the person was alive because
12 your body starts breaking down. What the testing level
13 here is indicative of what was in his body at the time the
14 sample was taken. You know, at the autopsy or the blood
15 draw. The -- you know, which is in general reflective of
16 what was going on at the time when he was alive, but it's
17 not an exact replica of what was going on.

18 Q If you don't mind and I'm not trying to cut you off,
19 if we could stop you right there. You were talking about
20 it was reflective of what was going on with Mr. Solomon
21 while he was alive. I think that's what you said, right?

22 A Yes.

23 Q Mr. Solomon, would you say he was under the influence
24 of cocaine at the time of his death?

25 A He definitely had a measurable amount of cocaine in

1 his blood, which was circulating, which was getting to his
2 brain and therefore having an effect on him.

3 Q Okay. Was this a trace amount of cocaine?

4 A No, this was readily detectable. It was definitely
5 more than a trace amount.

6 Q Would we call this a substantial amount of cocaine in
7 his system?

8 A It was fair amount, yeah.

9 Q Mr. Grambow -- I keep wanting to call you,
10 Dr. Grambow. Mr. Grambow, is cocaine what we would call a
11 stimulant?

12 A Yes.

13 Q What's the short definition of a stimulant? I think
14 we all have an idea, but what's a short definition of a
15 drug that's a stimulant?

16 A In this case, cocaine is considered a stimulant
17 because the part of the brain -- one of the parts of the
18 brain that it affects, it affects the receptors that are
19 going to be responsive to adrenaline or norepinephrine.
20 So it's going to cause a lot of the same effects that an
21 adrenaline rush would. Therefore, it's going to -- it
22 could increase your heart rate, increase your blood
23 pressure. It can dilate your pupils, things that are
24 consistent with what you consider that adrenaline rush.
25 So it's going to be considered a stimulant as far as your

1 brain is concerned in the central nervous system.

2 Q Do some people have a tendency to behave aggressively
3 when they're under the influence of cocaine?

4 A Cocaine, just like many other drugs, is sometimes
5 associated with aggressive behavior. Now, whether or not
6 the cocaine itself specifically causes an aggressive
7 behavior is not readily -- you can't readily determine
8 that, especially on just a toxicology report.

9 What cocaine can do, along with several other drugs,
10 is it's going to -- you know, as it's affecting the brain,
11 it's going to affect -- it's going to lower your
12 inhibitions. It's going to affect your cognitive ability,
13 in which case your ability to assess danger, to assess a
14 dangerous situation, lower inhibitions. It's going to --
15 you know, instead of maybe running away from a dangerous
16 situation, you may approach a dangerous situation, things
17 along those lines.

18 So as you're already having a simulated adrenaline
19 rush, and then you're unable to process the information of
20 a dangerous situation, you -- especially if you have
21 proclivity for underlying aggressive behavior as it is,
22 and you're unable to -- under the influence of drugs,
23 you're unable to filter what you would normally be able to
24 do if you were soberer, so if you were in a social
25 situation, you know, your conscience may tell you hey, I

1 need to abstain from this. You know, this is not
2 acceptable behavior, but under the influence of drugs such
3 as cocaine, that filter may be off. And as you process
4 the information in the situation, you say, you know, I'm
5 going to -- you know, I don't have to get away from this
6 situation. I can go ahead and engage it, which can lead
7 to aggressive behavior. But the cocaine itself does not
8 necessarily directly cause aggressive behavior in every
9 case.

10 Q I got you. So in some cases, cocaine can lead to
11 aggressive behavior?

12 A It is possible.

13 Q And we are not holding you to absolute, just in some
14 cases, cocaine can lead you to aggressive behavior?

15 A There is documented studies that show that cocaine
16 has been linked in some instances to some aggressive
17 behaviors.

18 Q Can cocaine make people paranoid?

19 A That is one of the psychological side effects that
20 has been shown in some cases, some paranoia along with --
21 you know, several drugs also have that effect, just how it
22 affects the psychosis in the brain.

23 MR. BAILEY: The Court's indulgence just for a
24 minute.

25 (Pause.)

1 MR. BAILEY: No further questions. Please answer any
2 questions the State has. Thank you, sir.

3 MS. CAMPBELL: Thank you.

4 CROSS-EXAMINATION

5 BY MS. CAMPBELL:

6 Q Good morning.

7 A Good morning.

8 Q I just have a few questions. Basically, I believe
9 that in your report, it indicates who actually sent in the
10 blood and requested your findings?

11 A Yeah, the Richland County Coroner's Office.

12 Q The coroner's office?

13 A Yes, ma'am.

14 Q And then once you make your findings, then you
15 provide that to them?

16 A They get -- yes, they get the original copy of the
17 report.

18 Q And then, ultimately, law enforcement in some cases?

19 A Yes, ultimately, it's whoever they share the
20 information with at that point because the evidence is
21 technically theirs, and so the report is theirs. So they
22 can disseminate it as they feel needed, whether it be to
23 the pathologist or sheriff's department or whoever.

24 Q Are you aware in this case that your findings were
25 shared with the pathologist in this case before she made a

1 finding?

2 A I was aware of that, yes.

3 Q And the coroner and the pathologist are the ones that
4 determine cause of death, correct?

5 A Yes.

6 Q And that was done in this case?

7 A As far as I know.

8 Q And I show you a copy of the death certificate. Do
9 you realize what the cause of death was?

10 A It appears the victim bled to death in laymen's
11 terms.

12 Q That's what they put, exsanguination, I believe, is
13 the word?

14 A Yes.

15 Q Multiple blunt and sharp force injuries?

16 A Yes.

17 Q Now, I just have a couple of questions. You talked
18 about cocaine can be a stimulant?

19 A Yes.

20 Q Alcohol, however, is kind of the opposite?

21 A It's classified as CMS depressant.

22 Q A depressant?

23 A Yes.

24 Q And he asked you about behavior when cocaine is in
25 someone's system. In order to assess what drugs are in

1 someone's system, you have to be able to get a blood
2 sample at or around the time; is that correct?

3 A Yes, we can -- I mean, we can obviously test a
4 sample, any sample that's given to us, but as far as
5 interpretation goes to find out exactly what was going on
6 in a person's system at a particular time, obviously, you
7 would want the sample to be taken as close to that time
8 when we're trying to get the information from as possible.

9 Q You mentioned that cocaine works through the system
10 fairly quickly?

11 A Cocaine is metabolized relatively quickly in your
12 body, yes.

13 Q And when you say relatively quickly, is that within
14 hours or days or weeks?

15 A We measure the rate of metabolite -- metabolism by a
16 term we call a half life, which is if you tested
17 multiple -- if you gave a dose of cocaine and measure the
18 amount of it and how fast it is eliminated from your
19 system, the amount of time it takes for that amount of
20 cocaine to be cut in half is defined time as half life.
21 And we generally say that anywhere between five and seven
22 half lives is enough for an amount of a drug to be cleared
23 from your system where you're not going to detect it.

24 And the half life for cocaine, the range is between
25 half hour to an hour. So it's possible within a couple of

1 hours, you know, five to six hours after a use of cocaine
2 that you would not be able to detect it anymore.

3 Q So if someone is apprehended say four, five or six
4 days, you're not going to be able to tell what their
5 cocaine levels were five days earlier?

6 A Absolutely not.

7 Q And you mentioned that some behavior is -- you kind
8 of lose your inhibitions?

9 A Correct.

10 Q It lowers inhibitions I believe were your words?

11 A Yes.

12 Q And if someone described when they did cocaine it
13 made them bold, would that be consistent with what you're
14 talking about?

15 A That description would not surprise me in the least.
16 We see that with several different drugs, whether they be
17 seen as depressants or stimulants. You know, you hear
18 that often with alcohol, same thing, also classic for
19 lowering someone's inhibitions. I mean, anecdotally, you
20 hear someone say oh, I'm shy and I'm going to take that
21 drink and kind of get me over the edge, calm my nerves and
22 let me be a little bit more bold, if you will.

23 The same effect can happen with cocaine is that your
24 mental cognition is lower and you're able to kind of --
25 you kind of get over the hump of that nervousness, if you

1 will, so you can become more bold as well.

2 Q If someone has been smoking crack cocaine or any type
3 of cocaine all day, the more they smoke, the more it could
4 possibly make them less inhibited?

5 A It is possible.

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

7 (Pause.)

8 BY MS. CAMPBELL:

9 Q And you are able to -- when someone dies, you are
10 able to get their blood and test it later because at that
11 point, it's not metabolizing anymore?

12 A Generally speaking, the majority of drugs are
13 metabolized in your liver through enzymes, and so as you
14 take a drug and it's distributed -- you know, whether you
15 smoke it or, you know, take it orally, once it gets
16 distributed to your blood, the blood is going to circulate
17 as your hearts pumping. It's going to spread it around
18 your body and generally carry it to the brain where most
19 of the effects are going to be caused.

20 Now, when you're alive and your heart's pumping,
21 you're passing it around your system. It's going to also
22 -- you know, as it goes through your brain, it's going to
23 cycle around and pass through your liver. That's where
24 the majority of the enzymes that are going to cause drug
25 metabolism to occur. So every time the blood circulates

1 around and passes through the liver more and more is going
2 to be metabolized.

3 Now, as a person dies and your circulation stops, the
4 blood is no longer making these trips through the liver
5 and it's not going to be broken down more and more.

6 Now, there is potential for some -- you know, again,
7 you die and immediately your body starts to break down
8 somewhat to some degree. And the longer you're dead, the
9 more your body starts to break down, so there is some
10 variance in levels depending on where you take a sample
11 from. But generally, if the drug is broken down by liver
12 enzymes, it's going to pretty much primarily stop the
13 further break down of that drug through the enzymes.

14 Now, cocaine in this instance is also metabolized in
15 the blood, a little bit by enzymes in the blood. However,
16 being that you're not circulating, there's a limit to the
17 amount of metabolism that can occur just in that static
18 state as it is.

19 So generally speaking, yes, you -- pretty much, it's
20 a stop in time and it's snapshot of when the person died.
21 Now, like I said, as your body breaks down, things start
22 to get a little more fuzzy, if you will. That's why it's
23 just a general description of what was going on at the
24 time the person was alive. It's not an exact snapshot of
25 what was happening at the time the person was alive. But

1 it gives us a pretty good understanding of what was going
2 on.

3 MS. CAMPBELL: Thank you, sir. I don't have anything
4 further.

5 MR. BAILEY: Thank you, Your Honor. Just briefly.
6 Thank you.

7 REDIRECT EXAMINATION

8 BY MR. BAILEY:

9 Q Mr. Grambow, I think you just said, correct me if I'm
10 wrong, that this test for cocaine would have been a
11 snapshot of what was going on at the time when Mr. Solomon
12 died?

13 A It would not be a direct snapshot of what was going
14 on. It gives us a general indication of what was going
15 on, but the exact levels that are reported here being, you
16 know, after the time of death, there might be a slight
17 difference from what was going on at the exact time when
18 he was alive.

19 Q I'm sorry. I think you said a pretty good
20 understanding of what was going on at the time?

21 A Exactly. It's a pretty good understanding, but it's
22 not -- all these numbers are not going to be exactly the
23 same of what was going on at the exact time of death just
24 because as your body breaks down, your body chemistry
25 changes a little bit and some various things are going on.

1 It's going to give us a general indication.

2 Q And cocaine cannot be metabolized if somebody is
3 dead, right?

4 A Like I said, if the enzymes are present, it can
5 continue to be broken down. There are some enzymes in the
6 blood called esterases that break down cocaine further.
7 However, the amount of metabolism is not going to be
8 nearly as great as if you were actually still alive.

9 Q Okay. So it's not metabolized in the regular sort of
10 way as if you were alive?

11 A Not at the same rate, correct.

12 Q So technically, if the body is breaking it down -- so
13 technically, there could have even been more cocaine in
14 his blood stream at the time he died maybe?

15 A There could be a small amount more.

16 MR. BAILEY: Thank you. No further questions. Thank
17 you.

18 THE COURT: Okay. Thank you. Have a good day.

19 All right. You may call your next witness.

20 MR. BAILEY: The Defense rests.

21 THE COURT: All right. Ladies and gentlemen, the
22 Defense has rested its case. There's some matters of law
23 I need to discuss outside of your presence. You are still
24 not allowed to deliberate or discuss the case in any way,
25 shape or form. You will retire to your jury room, keep an

1 open mind and we'll be back with you in a few moments.

2 (Whereupon, the jury left the courtroom at 10:08
3 a.m.).

4 THE COURT: All right. Motions?

5 MR. BAILEY: Your Honor, just continue renewal of all
6 our previous motions, including our directed verdict
7 motions.

8 THE COURT: Okay. All right. Those motions are
9 denied based upon my previous reasoning as before and my
10 rulings upon them are the same.

11 All right. Does the State want to call reply?

12 MS. CAMPBELL: One witness.

13 THE COURT: Okay. Give me one second.

14 (Pause.)

15 All right. Let's bring them back in.

16 (Whereupon, the jury entered the courtroom at
17 10:09 a.m.)

18 THE COURT: All right. Ladies and gentlemen, sorry
19 about the quick break. Sometimes those have to happen.
20 In certain instances when the Defense puts up a case, the
21 State is allowed to call reply witnesses.

22 Ms. Campbell, do you have any?

23 MS. CAMPBELL: Yes, Your Honor.

24 THE COURT: Okay. You may call your witness.

25 MS. CAMPBELL: The State recalls Investigator Kerry

1 Johnson.

2 THE COURT: All right. Investigator, please come
3 forward and be sworn.

4 KERRY JOHNSON, after being duly
5 sworn, testified as follows:

6 THE CLERK: Thank you. Have a seat in the witness
7 stand, please.

8 THE WITNESS: Kerry Johnson.

9 DIRECT EXAMINATION

10 BY MS. CAMPBELL:

11 Q Investigator Johnson, I want to turn your attention
12 back to January the 28th, and that would be the day after
13 Mr. Solomon's body was found. I believe your testimony
14 was that you got a phone call from Major Smith about
15 evidence that was found in the case?

16 A Yes, January 27th, that's correct.

17 Q And when you got that phone call --

18 A I'm sorry, what was the question?

19 Q You got a -- when you were interviewing Amy Norris?

20 A Right, I'm sorry, January 28th, correct.

21 Q Twenty-eighth. You got a phone call from Major
22 Smith; is that correct?

23 A Correct.

24 Q At that point, you testified that you left Ms. Norris
25 and went to try to find Holly Jo Thompson; is that

1 correct?

2 A That's correct.

3 Q And tell the jury what happened when you found Holly
4 Jo Thompson.

5 A Where I was interviewing Ms. Norris was literally
6 just a few minutes driving time away from where Holly Jo
7 Thompson was living and where I had spoken to her the day
8 before, so me and another investigator went down there and
9 stayed outside and Holly eventually came out.

10 I got her over to the car. I grabbed her by the
11 wrist and explained to her that she was under arrest for
12 the murder of James Solomon. As I was putting the
13 handcuffs on her, she blurted out, I was there, but I
14 didn't kill the man.

15 So I handcuffed her and put her in the car. We have
16 our advice of rights forms that we use. I didn't want to
17 take the handcuffs off of her because -- for her safety
18 and mine, but I read to her at that time from the advice
19 of rights form what her rights were because I knew we were
20 going to be having a discussion between there and on the
21 ride back to headquarters.

22 Q And when you said you read her her rights, what are
23 those rights generally referred to as?

24 A You have the right to remain silent. Anything you
25 say can and will be used against you in a court of law.

1 You don't have to speak without having an attorney
2 present. You know, now that you're under arrest, if you
3 can't afford to hire an attorney, one will be appointed
4 for you before any questioning if you wish. More
5 importantly is the warning that at any time during the
6 questioning, she had the right to stop answering at any
7 time. She also had the right to stop answering until she
8 spoke to a lawyer.

9 She understood those rights. She stated she
10 understood those rights and she agreed to talk, so the
11 conversation began immediately as we drove out and on the
12 way to headquarters.

13 Q And the first thing I think you just testified to was
14 that she said what when you first placed the handcuffs on
15 her?

16 A She says, I was there, but I didn't kill the man.

17 Q And did she stick to that story for a period of time?

18 A Well, once I gave her the evidence that we had, which
19 is what led us, then she realized that we had good
20 evidence that -- because it was in the -- the palm print
21 that we had was on the vase that we knew that killed him.
22 So once she was confronted with that evidence, she began
23 to relay the story of what happened.

24 Q A different story?

25 A Yes, in fact, that she actually did kill him.

1 Q And this discussion occurred -- it started while you
2 were in the car when you were transporting her?

3 A Yes, it was approximately a 20-minute drive to
4 headquarters. Once we got there, we went into an office.
5 She was read those same rights again from the form, which
6 is what we normally do. She signed the form indicating
7 that she knew her rights still. She was actually read
8 those rights twice and each time she waived her right to
9 have an attorney. And she signed the form indicating that
10 she waived those rights.

11 Q I show you what's been marked State's Exhibit No.
12 262. Do you recognize that, sir?

13 A Yes, this is the advice of rights form. This is a
14 common form that we at the sheriff's department use and it
15 has those rights on there, each one.

16 Q And once she is read her rights and she signed off on
17 her rights, did you then proceed to take an actual written
18 statement from her?

19 A Yes, we talk about what happened. We do the
20 interview process. We discuss, and, ultimately, we type
21 out -- when we say written statement, it's what that
22 means, but we actually type it out, as you'll see here,
23 that way everybody's handwriting is easy to read is what I
24 say. We type out the question and whatever her answer is,
25 we type that out.

1 Many times when I'm taking a statement here, I'll say
2 is this what you want to put. They'll indicate yes. At
3 the end of the statement process, we go over it. We read
4 it verbatim -- and this is not just with Ms. Thompson,
5 this is anytime we take a statement, and we say, Is there
6 anything you would like to change? Is this okay? Yes.
7 Is there anything you would like to add? No. Is this
8 statement your statement, are these your words that I have
9 typed out? Yes.

10 Once we did that, we'll print it out. I'll have them
11 look over it again, which is what was done, and she signed
12 the statement indicating those were her words and that she
13 was okay with that statement.

14 Q I'm going to show you State's Exhibit No. 263. Do
15 you recognize that?

16 A Yes, this is the actual statement. As you can see,
17 it was notarized by Major Stan Smith, who at the end of
18 that interview was also in the interview room. That's the
19 original statement.

20 MS. CAMPBELL: Your Honor, at this time, I'd offer
21 State's Exhibits 262 and 263 into evidence.

22 MR. BANK: Without objection.

23 THE COURT: 262 and 263 without objection.

24 (Whereupon, State's Exhibit Nos. 262 and 263
25 were admitted into evidence.)

1 BY MS. CAMPBELL:

2 Q For the record, I'm going to hand you 262, which is
3 the advice of rights. Can you tell the jury the actual
4 rights you went through with her that day and what she
5 agreed?

6 A Yes. They're line by line. I'll read it exactly
7 like I read it. You can see here, it says Holly Jo
8 Thompson and the place where it was taken is RCSD, or
9 Richland County Sheriff's Department. My name Kerry
10 Johnson. January 28th. I put 2013 because it was still
11 January, and I mess up putting the right year sometime,
12 but it's supposed to be 2014. Time is military time,
13 which is 1300 hours or 1:00 o'clock.

14 And the questions were, Before we ask you any
15 questions, you must understand your rights. You have the
16 right to remain silent.

17 THE COURT: Investigator Johnson, when you read, you
18 read faster than you normally talk. Would you read just a
19 little bit slower?

20 THE WITNESS: Sure, my apologies. I'll start over.
21 Before we ask you any questions, you must understand your
22 rights. You have the right to remain silent. Anything
23 you say can be used against you in court.

24 You have the right to talk to a lawyer for advice
25 before we ask you any questions and to have a lawyer with

1 you during any questioning.

2 If you cannot afford a lawyer, one will be appointed
3 for you before any questioning, if you wish. If you
4 decide to answer questions now without a lawyer present,
5 you still have the right to stop answering at any time.
6 You'll also have the right to stop answering at any time
7 until you talk to a lawyer.

8 As you can see, she signed directly under there
9 indicating that she understood those rights, and I
10 witnessed there.

11 Then we have the waiver of rights right up
12 underneath, and it reads, I have read this statement of my
13 rights and I understand what my rights are. I'm willing
14 to talk and answer questions. I understand and know what
15 I am doing. No promises have been made to me and no
16 pressure or coercion of any kind has been used against me.

17 Of course, she again signed there that she did waive
18 her rights and I witnessed it.

19 In every case, we ask the person that we're talking
20 to do you understand what pressure or coercion means and
21 everybody does. And if they don't, we give a little
22 example of what pressure or coercion means.

23 Q And did she indicate to you verbally and then by
24 signing that she understood her rights and was willing to
25 waive them?

1 A She did.

2 Q In your opinion, was she wanting to talk to you that
3 day?

4 A Oh, yes.

5 Q At any time, did you deprive her of any creature
6 comforts to make her talk to you?

7 A Not at all.

8 Q Did you threaten her or hurt her in any way to make
9 her talk to you?

10 A No coercion, no pressure. We never had to get loud.
11 It was a normal conversation with her explaining what
12 happened and me asking questions. And Major Smith came in
13 and spoke with her briefly. It was -- it was -- for lack
14 of a better term, it was not any type of hostile
15 environment whatsoever.

16 Q At any time, did she indicate she wished to invoke
17 any of her rights or that she wanted to talk to a lawyer?

18 A Never, no.

19 Q Once she had been advised of her Miranda rights, did
20 you then proceed to reduce the story she wanted to tell
21 you -- or this story into a typewritten form?

22 A I did.

23 Q And can you publish to the jury or read to the jury
24 your questions and her answers that day?

25 A I will. And also at the top of this statement form

1 are the same rights again, so whenever she reads this
2 statement, those rights are literally reiterated right up
3 here at the top.

4 Also, Q means question. It's my name Investigator
5 Johnson. A means answer, and that was Holly Jo Thompson.

6 My first question was, How do you know James, A/K/A
7 the Grill Man that lives on Lower Richland Boulevard?

8 Her answer was, Through a girl named Amy. In March
9 or April of last year, I met Amy and I went with her to
10 her boyfriend's, Matt, house and we had a threesome with a
11 drug boy who gave us a lot of crack. And when the guy
12 left, Amy took me to James's house and that's the first
13 time I met him. We sat and got high with James. Ever
14 since then, it's been a trick thing with James. Sometimes
15 he will give me money for sex and sometimes he would give
16 me dope for sex. Sometimes he would give me money and
17 dope. I always knew James as -- I always knew him as
18 James or the Grill Man.

19 The next question was, How many times have you had
20 sex with James?

21 Her answer was, Over a hundred times. At least two
22 or three times a week.

23 Question: Why was he called the Grill Man?

24 Answer: He said that he takes barrels and builds
25 grills out of them and sells them.

1 Question: Where does James live?

2 I don't know the address, but I know it's a trailer
3 off the road down by the curve on Lower Richland
4 Boulevard.

5 Question: When were you at James -- when were you
6 last at James's house?

7 Her answer was, It was either Friday or Saturday
8 night, the 24th or the 25th, meaning January. She says, I
9 don't remember the night.

10 Question: Can you tell me what happened while you
11 were at James's house on Friday or Saturday night?

12 Her answer was, He called and got a message to me
13 that he wanted to come by -- wanted me to come by his
14 house. I don't remember who it was, but they said James
15 says come to the house. So I walked down to his house
16 around 7:00 or 7:30 p.m. and when I got there, he called
17 quote, the dope boy.

18 About 20 minutes, the dope boy showed up, and James
19 pulled 40 or \$50 out of his pocket and bought some crack.
20 We smoked three or four rocks in the living room and he
21 said quote, I want some of that pussy, so I gave him oral
22 sex trying to get him hard, but he couldn't get hard.

23 At about 9:30 or 10:00 p.m., he called the dope boy
24 again and when the dope boy got there, he bought \$40
25 worth. He would pull his money out of his pocket and tell

1 me to go to the first bedroom because he didn't want the
2 dope boy to see me.

3 When the dope boy left, he closed the front door and
4 told me to come out of the bedroom. We smoked a little
5 bit in the living room and he started getting mad because
6 his dick wouldn't get hard. We went to his bedroom and he
7 tried to stick it in, but it wouldn't get hard and he got
8 mad.

9 We went back in the living and he got my stem, which
10 I have in parentheses crack pipe, and he hit a piece. And
11 I have in parentheses smoked some crack. I asked her if
12 that's what she meant.

13 He started saying that I was stealing dope from him,
14 so I started putting my clothes on. I had my jeans on and
15 was putting my shoes on and he had a knife that he was
16 cutting crack with. When I went to reach for my shirt, he
17 swung the knife at me and cut me on my right forearm and
18 my right elbow. I jumped up and we started hollering at
19 each other.

20 He kept saying that I was stealing his dope, and I
21 told him that I wasn't. And I tried get him to put the
22 knife down. He was on the other side of the coffee table
23 trying to get at me, and that's when I picked up the glass
24 vase that was at the end of the kitchen counter on top of
25 the white cabinet. He had peed in it earlier and it was

1 full of pee.

2 He backed up after I grabbed it. He tried to get to
3 the couch to get my bra -- I'm sorry. I tried to get to
4 the couch to get my bra, shirt and jacket so I could
5 leave. And he is steady saying I'm stealing his dope. He
6 said I wasn't leaving until I gave him his crack back. I
7 picked my stem up off the floor near the fish tank and
8 flowers and when I stood up, he swung the knife at me
9 again, and I swung the vase at him and hit him in the
10 face.

11 He kept coming at me and pushing me into the wall in
12 the hallway, so I kept swinging. The next thing I know,
13 he was in the floor and the vase was broken. I was so
14 scared that I grabbed my stuff and left. I put my bra and
15 shirt on and went out the front door and closed the door
16 behind me.

17 I went back to my house and went in the bathroom and
18 closed the door like nothing was going on. I washed my
19 arm off and got the bleeding to stop on my elbow and right
20 wrist. I got them cleaned up and the cuts on my hand. (I
21 went in the bedroom and put my night clothes on like
22 nothing happened. I didn't know I hurt him that bad.

23 Question: Did the vase break the first time you hit
24 him with it?

25 Her answer was, No. I have no idea how many times I

1 hit him with it.

2 Question: Was he bleeding when you left the house?

3 I think he was. I know his face was bleeding where I
4 hit him in the face with that thing. The hall was dark,
5 and I didn't have my glasses on.

6 Question: Where was he when you left the house?

7 He was on the floor in the hall cussing me out. He
8 was steady saying, Bitch, bring my crack back. Bitch, I'm
9 going to kill you when I get up.

10 My question then was, Why didn't you call the police?

11 Her answer was, I don't call the police because I
12 don't like to get people in trouble. I didn't know I hurt
13 him that bad.

14 Question: Where is the knife that he cut you with?

15 Her answer was, I don't know.

16 I asked her, What did it look like?

17 Her answer was, He had two of them. He had one with
18 a white handle and one with a brown handle. They were
19 small kitchen knives.

20 Question: Did you take anything from his house?

21 Her answer was, No.

22 Question: Do you remember seeing his cell phone or
23 his wallet?

24 Her answer was, No.

25 Question: What clothes were you wearing at the time

1 of the fight and where are they now?

2 I was wearing a pair of Mudd jeans, gray and blue or
3 gray and green New Balance tennis shoes, a black shirt
4 with a bra built in and my black McDonald's jacket. The
5 zipper has a little M on it. They are in the back bedroom
6 of my house in a clear container with the rest of my
7 clothes.

8 Question: Who do you live with at [REDACTED] Lower
9 Richland Boulevard?

10 Her answer was, Mike and his mother, my boyfriend,
11 Michael Richardson.

12 Question: Did Mike or anybody else know what you
13 did?

14 Her answer was, No. I didn't say nothing to nobody.
15 I kept long sleeves on so my arms were hid.

16 Question: Other than the quote, dope boy, was
17 anybody else at the house with you and James that night?

18 Her answer was, No.

19 Then I asked her, Do you know who the dope boy is?

20 Her answer was, No, I've never seen him or his
21 vehicle. James made me go in the little bedroom before he
22 answered the door.

23 Question: There was blood on the bed in the back
24 bedroom on James's bed. How did that get there?

25 Her answer was, I don't know. The only time we was

1 in the back bedroom was when we were trying to have sex.

2 Question: When I talked to you at your house
3 yesterday, did you know what we were investigating?

4 Her answer was, You asked me if I knew Boo Boo up the
5 street, and I don't know him by that name. A girl named
6 Sharl came by the house and said the police was at Boo
7 Boo's house, but I never heard him called by that name
8 until yesterday. I didn't know until I seen on the news
9 that it was James that had gotten killed.

10 My question was, When you saw the news, did you
11 realize that it was you that killed James?

12 Her answer was, Yes.

13 Question: Why didn't you call the police when you
14 found out that he died?

15 Her answer was, Scared.

16 Question: Is there anything else that you would like
17 to add to this statement?

18 Her answer was, I didn't mean for this to happen. I
19 didn't want him dead. I just wanted him to stop trying to
20 hurt me.

21 Q And once you took that statement, she was given the
22 opportunity to review it?

23 A Correct.

24 Q And she could change anything she wanted?

25 A That's correct.

1 Q And that's the story she gave you?

2 A That is correct.

3 Q At any time, did she ever tell you she washed the
4 clothes?

5 A I don't recall that, no.

6 Q All right. And it was after that that you went back
7 and -- or investigators interviewed Mr. Richardson?

8 A Correct. Another investigator, I believe, got a
9 statement from Mr. Richardson.

10 Q Investigator Laurita, I believe?

11 A Correct.

12 Q And then based on that information, then they went
13 and found Moses?

14 A Correct.

15 Q So none of that came from Ms. Thompson?

16 A Right.

17 Q I'm going to show you some photographs 264, 265, 266,
18 267, 268, 269 and 270, are these crime scene photos from
19 this case?

20 A They are.

21 MS. CAMPBELL: And, Your Honor, at this time, we'd
22 offer those into evidence.

23 MR. BANK: Without objection.

24 THE COURT: Admitted without objection.

25 (Whereupon, State's Exhibit Nos. 264 through 270

1 were admitted into evidence.)

2 BY MS. CAMPBELL:

3 Q 264, what does that show, sir?

4 A That is the front door, the inside of the front door.
5 That's, obviously, some fingerprint dust there.

6 Q And in the course of the investigation, was there
7 ever any blood or any indication of anything on that front
8 door?

9 A There was a fingerprint lifted, yes.

10 Q Any blood?

11 A No, I'm sorry.

12 Q And, in fact, does this front door have kind of a
13 manual-type lock on it?

14 A It does.

15 Q The 268, she said she got the vase from where?

16 A She said the counter -- on the shelf at the end of
17 the counter.

18 Q And does that show a shelf at the end of the counter?

19 A I see a little shelf, yes.

20 Q And then in 269, is that looking across the living
21 room? Can you see where the front door is in that one?

22 A Yes, this photograph at the front looking -- I'm
23 sorry, kind of standing in the hallway looking towards the
24 front and you see the front door there with the light
25 shining in.

1 Q Because it's open in this picture, right?

2 A Correct.

3 Q And that was after y'all were in there?

4 A Correct.

5 Q And then 270, what is this a photograph of?

6 A This is a photograph of the master bedroom at the
7 back of the house.

8 Q And that's from what area?

9 A That's from the hallway area.

10 Q And here on the floor, you can see the droplets?

11 A Correct.

12 Q I'm going to show you what's been marked 271. Do you
13 recognize this?

14 A Yes. This is a picture of what Holly Jo Thompson
15 looked like on the day that I arrested her.

16 MS. CAMPBELL: Your Honor, at this time, we'd offer
17 271 into evidence.

18 MS. CAMPBELL: Without objection.

19 THE COURT: 271 without objection.

20 (Whereupon, State's Exhibit No. 271 was admitted
21 into evidence.)

22 BY MS. CAMPBELL:

23 Q And that's how she looked the day you arrested her?

24 A That's correct.

25 MS. CAMPBELL: Thank you. I don't have anything

1 further.

2 THE COURT: Cross?

3 MS. CAMPBELL: Thank you, Your Honor. May it please
4 the Court.

5 CROSS-EXAMINATION

6 BY MR. BANK:

7 Q Investigator Johnson?

8 A Yes, sir.

9 Q Now, you interviewed Holly, right?

10 A Beg your pardon?

11 Q You interviewed Holly?

12 A That's correct.

13 Q Both in the car after Miranda and at a room in the
14 sheriff's department?

15 A That's correct.

16 Q Right down on Two Notch; is that right?

17 A 5623 Two Notch Road where our sheriff's department
18 is.

19 Q And she was told apparently then twice, at least
20 twice that she could have a lawyer and that she didn't
21 have to talk; is that right?

22 A Well, when you read the rights, it actually kind of
23 reiterates several times that you don't have to talk
24 without a lawyer if you don't want to. And I actually
25 went over those rights with her twice.

1 Q So she was fully aware of what her rights were?

2 A Correct.

3 Q And that she could refuse to talk to you?

4 A Correct.

5 Q But she didn't refuse to talk to you?

6 A She did not.

7 Q She, in fact, cooperated with you; isn't that right,
8 sir?

9 A She answered questions, yes.

10 Q She didn't ask for a lawyer, did she?

11 A No.

12 Q And she's giving this statement to you within 24
13 hours of y'all's investigation; isn't that right?

14 A That would be right.

15 Q So y'all had all the information in this statement,
16 including this business about the urine 24 hours after you
17 guys started?

18 A That would be correct.

19 Q Now, this statement, this isn't a handwritten
20 statement, right? You explained that you typed this
21 statement up and let her read the statement; is that
22 right?

23 A That's correct.

24 Q Why don't you let folks write their own statements?

25 A Well, again, the handwriting can be a big issue, and

1 we want to make sure in fairness of the defendant that
2 exactly what needs to be put down is put down on the
3 statement, which is why we go over it several times.

4 Say, for example, if a defendant were to write out a
5 statement, something very easily could be left out. So we
6 -- as a habit, we type out the statements and we do it in
7 a question and answer form so it's very easy for both law
8 enforcement and the person being questioned to understand
9 exactly what is being asked.

10 At any time, especially the very last statement, is
11 there anything else, anything else that you want to add to
12 this statement, and that is an opportunity for them to go
13 over anything that we left out or anything they may have
14 forgotten about.

15 Q So part of the reason that you typed this statement,
16 your testimony is to make sure that nothing is left out?

17 A Well, we type it out and we ask the questions and
18 type their answers to make sure that the person's answer
19 is in the form they want it to be in, that they're
20 satisfied with, yes.

21 Q Was Holly at all emotional during your interaction
22 with her that day?

23 A When I first arrested her, she cried very briefly.
24 Once I explained the evidence to her, she was emotional.
25 She pretty much calmed down shortly after that. We

1 carried on a normal conversation on the way back to the
2 sheriff's department. Once we got in the interview room,
3 she became emotional a few times, but nothing that
4 interrupted the interview to the point to where I had to
5 stop and let her compose herself or anything like that.

6 Q Now, the Richland County Sheriff's Department has the
7 capable of recording interviews; don't they?

8 A No, we do not record audio or video.

9 Q Well, I guess what I mean by capable of is you could
10 record it if you wanted to; isn't that right?

11 A The sheriff's department does not have any equipment
12 in there to audio or video record any statements.

13 Q Well, sir, the sheriff's department has cameras in a
14 lot of their cars; is that right?

15 A As I mentioned, I did the interview in an office. I
16 was not in a vehicle.

17 Q The sheriff's department has video cameras that they
18 take into crime scenes, right?

19 A I did not have access to one, but yes, we do.

20 Q Y'all could have very well outside of any policy
21 preventing y'all from doing so could have put a camera in
22 the room while you interviewed her physically, couldn't
23 you have?

24 A It's possible to do so, but we did not do that. I do
25 not and we do not do that during our interviews.

1 Q You said something on direct about how Holly changed
2 her story once she heard the evidence. Do you remember
3 that testimony?

4 A Her first statement was I was there, but I didn't
5 kill the man. Obviously, when she was confronted with the
6 fact that her palm print was found on the vase, that is,
7 in essence, and, in fact, the murder weapon, then she did
8 go on and state that she hit him with the vase, which, in
9 fact, is a confession that her actions killed him.

10 Q But, sir, by your own testimony right there, she
11 never denied that she was there, right?

12 A No, she first said I was there, but then immediately
13 said but I didn't kill the man.

14 Q And when you say confronted by new evidence, is some
15 of that new evidence you informing her that Mr. Solomon
16 had, in fact, died?

17 A I didn't say new evidence. When I confronted her
18 with the evidence that I had that gave me probable cause
19 to place her under arrest, which I told her shortly after
20 she said what she did, is when she started the
21 conversation.

22 Q And did the evidence that you told her about include
23 the fact that Mr. Solomon had, indeed, died?

24 A Correct.

25 Q And it was at that point that she acknowledged that

1 the fight could have caused the death, right, sir?

2 A Correct.

3 MR. BANK: Beg the Court's indulgence.

4 BY MR. BANK:

5 Q Sir, you got this statement within 24 hours we've
6 established, right?

7 A Yeah.

8 Q Of being involved with the case?

9 A That's correct.

10 Q And from that day, from that very day, she has always
11 said that this was in self-defense; is that correct, sir?

12 A As I read from the statement, she indicated that she
13 was striking back at him because he was after her with a
14 knife, yes.

15 Q And that would be considered self-defense, sir?

16 A She also stated she was slashed on her arms, which is
17 why I asked her to show me her arms and I did not see any
18 injuries that matched what she was saying.

19 Q Sir, I asked you, but I don't know if I got the
20 answer. That would be considered self-defense; isn't that
21 right, sir?

22 A Sir, that's -- I cannot say with precision that is
23 considered to be self-defense.

24 MR. BANK: Thank you, sir. No further questions.

25 REDIRECT EXAMINATION

1 BY MR. CAMPBELL:

2 Q He said to you this, I asked you about the fact that
3 you were confronted -- that you gave her the information
4 he had died and that was the first time that she had heard
5 that and that's when story changed?

6 A That's correct.

7 Q But she told you she knew he died because she had
8 seen it on the news the night before?

9 A That's correct.

10 THE COURT: Thank you very much. You may step down.

11 THE WITNESS: Thank you.

12 THE COURT: Any further witnesses?

13 MS. CAMPBELL: No.

14 THE COURT: All right. Ladies and gentlemen, the
15 State has rested its reply case. I have matters of law
16 which I must take up outside of your presence. This will
17 be our morning break. This break is going to be a little
18 bit longer than the last one that you had. You're still
19 not allowed to deliberate or discuss the case. Keep an
20 open mind. We'll be back with you in a few minutes.
21 Thank you.

22 (Whereupon, the jury left the courtroom at 10:43
23 a.m.)

24 THE COURT: Okay. Let's go through the simple ones
25 first and then we'll circle around to the little bit more

1 complicated ones.

2 All right. Do y'all want the statement of the
3 Defendant in?

4 MS. CAMPBELL: It's up to them.

5 THE COURT: It's the one that says that you have to
6 determine that a statement was given freely, voluntarily,
7 knowingly and intelligently.

8 MR. BANK: That's fine, Your Honor, yes, sir.

9 THE COURT: I have that in. I have it in right after
10 expert witness.

11 All right. So I start off with the normal -- the
12 indictment charges murder blah, blah, blah, blah, blah.
13 It's simply the formal written instrument which contains
14 the charge made. I then go into duties of jury and trial
15 judge. You're the judge of facts. I'm the judge of the
16 law. You have to take the law as I give it to you.
17 You're the exclusive judge of the facts. I can't have any
18 comments on the facts.

19 I then go into presumption of innocence. I then go
20 into reasonable doubt. I charge firmly convinced. I then
21 go into direct and circumstantial evidence. I'm giving
22 the new circumstantial evidence. What's the name of that
23 case, Logan?

24 MR. BANK: Logan, yes, sir.

25 THE COURT: The Logan charge is in there. I go to

1 credibility of witnesses, just the normal one. I then do
2 the expert witness charge, and then I do the standard
3 criminal intent charge. Right before criminal intent, I
4 will do the statement of the Defendant, you know, freely
5 and voluntarily given right before intent. And then after
6 intent, I will do voluntary intoxication. Voluntary
7 intoxication is not a defense. It's not an excuse
8 regardless of the intent required for the crime. It does
9 not preclude your ability to act with malice and it is not
10 a defense to a crime. I then go into murder.

11 Hold on. I'm going to tell you how I merged the
12 stuff. I had it written on the ones he already did, so
13 give me just one second.) We're going to skip -- for the
14 moment, we're going to skip over murder and all that good
15 stuff, the meat stuff. And then at the end, I do duty to
16 deliberate. You're the judge of the facts, has to be
17 unanimous. Then I go over the verdict form. Hold on just
18 one second.

19 Okay. All right. So looking at State's requested
20 charge for malice, malice -- the one that says depraved
21 heart and then the one that says in the Mouzon charge.

22 MS. CAMPBELL: Uh-huh.

23 THE COURT: And then the Milan, M-I-L-A-N, charge.

24 Hold on. Voluntary intoxication, I'm charging what
25 you gave.

1 MS. CAMPBELL: Okay.

2 THE COURT: The State vs. Johnson malice, that's in
3 the normal charge for wrongful intent to injury another.
4 The malice may be inferred by the conduct showing a total
5 disregard for human life. That's in the standard charge.

6 MS. CAMPBELL: Okay.

7 All right. Malice, depraved heart -- sorry, I've got
8 notes all over the place.

9 So I inserted malice, depraved heart at the end of
10 the normal malice charge. Okay. So I inserted malice,
11 depraved heart at the end of the normal malice charge,
12 okay.

13 MS. CAMPBELL: Okay.

14 THE COURT: I inserted Mouzon at the end of -- right
15 before I explain inferred malice.

16 MS. CAMPBELL: Okay.

17 THE COURT: And then on -- and then in the standard
18 charge, it says malice aforethought does not require that
19 malice exists for any particular time before the act is
20 committed, but malice must exist in the mind of the
21 defendant just before and at the time the act is
22 committed, okay.

23 Then -- so on the Milan charge, I took out the first
24 sentence because I think I already say that.

25 MS. CAMPBELL: I think you do.

1 THE COURT: But I'm charging the second sentence.

2 MS. CAMPBELL: Thank you.

3 THE COURT: The moment the fatal blow is given
4 sentence, the second and the third statement.

5 Okay. And then ordinary objects will be at the end
6 of the malice charge.

7 MS. CAMPBELL: Thank you.

8 Now, on to the self-defense charge. The State's
9 first submission on self-defense, I say all that.

10 MS. CAMPBELL: Okay.

11 THE COURT: Your --

12 MS. CAMPBELL: I just assumed you would have that.

13 THE COURT: Yeah, the Jackson charge that y'all
14 submitted, I believe that's in there in some way, shape or
15 form.

16 MS. CAMPBELL: Okay.

17 THE COURT: The self-defense, the Defendant has
18 raised a defense of self-defense. The State must prove
19 that it didn't happen beyond a reasonable doubt, element
20 number one, without fault. The way I think of these as
21 subcategories, so without fault has no subcategories. You
22 have to be without fault, okay.

23 Number two, imminent danger, the Defendant has to
24 believe imminent danger, death or serious bodily injury
25 that warranted a person of ordinary firmness and courage

1 to do the same thing basically. Consider all the facts
2 and circumstances. And then a subcategory of that is
3 right to act on appearances. So I think y'all asked for
4 that, that's in. The other self-defense, the main thrust
5 of the charge that you submitted, all of that's in
6 automatically.

7 Words accompanied by hostile acts may, depending on
8 the circumstances, establish self-defense, that's in.
9 Size and age and weight, that's it. Intoxication of the
10 victim, that's it. And then that's it for subcategories
11 on element two.

12 Number three, no other way to avoid danger, no other
13 way to avoid the danger or death than to act as the
14 Defendant did in a particular instance.

15 And then under lawful guest, it's the lawful guest
16 subcategory, which is fairly tricky. Number one, it says
17 a lawful guest does not have a duty to retreat if it's an
18 intruder, but you do have the duty to retreat if it is the
19 homeowner. So I say a guest has a duty to retreat where
20 possible if the attacker is the owner or occupier of the
21 property, so the duty to retreat still applies. And then
22 we don't even have to discuss whether or not she was a
23 lawful guest.

24 MS. CAMPBELL: Okay.

25 THE COURT: Now, also, degree of force, the degree of

1 force is in. A person cannot be required to make an exact
2 calculation as to the degree or amount of force which may
3 be needed. So the Defense has requested that, that's in.
4 The one that no one asked for is the continuing until the
5 threat of harm has ended.

6 MR. BANK: We want that, Your Honor. I'm sorry if we
7 didn't have that.

8 THE COURT: Okay. Well, that's directly
9 contradictory to your argument that she didn't mean to
10 kill him.

11 MR. BANK: I mean, our argument is that she didn't
12 know whether she killed him. Now, she used the force that
13 she felt was necessary, had no idea whether she had killed
14 him or not.

15 THE COURT: Okay. So then you're not requesting
16 involuntary manslaughter? I mean, you understand at this
17 point, those two are exclusive of each other. She
18 either -- it was either an intentional act or it was an
19 unintentional act.

20 MR. BAILEY: Your Honor, I've got a case here. I'll
21 give it to the State. I'll approach you first, if that's
22 all right. This is State v. Light from 2008, which says
23 that involuntary manslaughter and self-defense aren't
24 mutually exclusive.

25 THE COURT: I don't dispute that.

1 MR. BAILEY: Okay. So if there's --

2 THE COURT: That's not the issue. The issue is how
3 can she be justified in continuing to hit him until it
4 ends and it not be -- and be an unintentional act?

5 MR. BAILEY: I'm sorry, sir, can you repeat that one
6 more time?

7 THE COURT: Yes. One of the charges says you have
8 the right to continue -- the normal example is shooting
9 until the threat of harm has ended. In this case, it
10 would be beating with a vase. So if the Defendant is
11 justified in defending herself and in hitting him, then
12 she is also justified in continuing to hit him until it is
13 apparent that the danger of death or serious bodily injury
14 has completed ended. So that would be an intentional act.

15 Involuntary manslaughter is the unintentional killing
16 of another person.

17 MR. BAILEY: Your Honor, we would submit -- I think
18 you know what our case is, that she was intending to
19 defend herself and it was self-defense.

20 THE COURT: I understand that part of it.

21 MR. BAILEY: We believe that the State has gotten --
22 or they've tried to, I guess, frame testimony in
23 Ms. Campbell's extensive cross-examination that there was
24 reckless disregard and safety for others in leaving and
25 not calling the police. So we can see that, you know,

1 maybe a jury could possibly find her guilty of voluntary
2 manslaughter. But we believe -- you know, we stand firm
3 by our self-defense defense and we believe that when she
4 says that she wanted him to stop hurting her and that she
5 hit him, we think that she -- we think that hitting him
6 numerous times to stop the threat would fit under that,
7 Your Honor, and we would ask for that charge.

8 THE COURT: What's your position on that,
9 Ms. Campbell?

10 MS. CAMPBELL: Ms. Gregg has our position.

11 THE COURT: Oh, I'm sorry.

12 MS. CAMPBELL: She's smarter than me.

13 MS. GREGG: Your Honor, if I may, I believe that
14 their argument is she didn't intend to kill him, but our
15 supreme court has said in State v. Sampson that's not
16 dispositive. Especially under these facts that she didn't
17 intend to kill the victim in this case is unreasonable and
18 inconsistent with the physical evidence that the State has
19 presented --

20 THE COURT: I mean, the law says if there's any
21 evidence. It doesn't matter how good it is.

22 MS. GREGG: Your Honor, I would agree with that. I
23 think the focus of our argument is she would have to show
24 reckless disregard. She handled the vase in a reckless
25 disregard because the evidence firmly establishes she

1 struck him in the head repeatedly. I think you're exactly
2 right, that was an intentional act. And if the jury
3 accepts her story to be true, she would be entitled to an
4 acquittal of self-defense, but I don't believe that -- I
5 know that self-defense can be charged in addition to
6 involuntary manslaughter, but I think this is one of those
7 cases where it has to be excluded.

8 THE COURT: I'm listening.

9 MS. GREGG: And I kind of -- I think her argument
10 also is going toward excessive force in self-defense. I
11 mean that argument is tantamount to imperfect
12 self-defense, which our supreme has clarified recently
13 that the State has not accepted that as a defense in South
14 Carolina. Even applying that doctrine, that would only
15 entitle the Defendant to voluntary manslaughter.
16 Excessive force used is a mitigating factor to reduce a
17 charge from murder to voluntary manslaughter, so it
18 doesn't really have any application to involuntary.

19 THE COURT: Where is the evidence in the record that
20 she engaged in an unlawful activity not naturally tending
21 to cause death or great bodily harm?

22 MR. BAILEY: Your Honor, we think that whether or not
23 the death itself was intentional is a question for the
24 jury to decide.

25 THE COURT: That's a direct question. That needs a

1 direct answer.

2 MR. BAILEY: I'm sorry.

3 THE COURT: Where is the evidence in the record that
4 she engaged in an unlawful activity not naturally tending
5 to cause death or great bodily harm? Does that exist?

6 MR. BAILEY: The way the State framed it, we think
7 that she displayed -- on cross-examination, they talked
8 about reckless disregard for the safety of others, the way
9 she left the scene, left him bleeding, left him dying and
10 didn't call the police. They said that sort of thing
11 several times. We believe if it comes to evidence of
12 that -- you know, we think that that's evidence of
13 potentially there being negligent -- or criminally
14 negligent actions so the jury can see it that way.
15 Obviously, you know what our position is.

16 MS. GREGG: The State's position would be that
17 focusing on that conduct is focusing on the wrong conduct.
18 It's not her leaving that killed him. It was her
19 intentional conduct of repeatedly hitting him in the head
20 with the -- as she admitted in her testimony, she had the
21 vase.

22 I don't know which prong they're arguing under. I
23 know that their included lawful conduct, so --

24 THE COURT: Where is the evidence she engaged in a
25 lawful activity with reckless disregard for the safety of

1 others?

2 MS. GOODE: And, Your Honor, we would submit that she
3 was acting lawfully in self-defense and with reckless
4 disregard in leaving Mr. Solomon injured. And that would
5 be our position in trying to get the involuntary
6 manslaughter charge, that she was acting without malice,
7 engaging in self-defense when she struck Mr. Solomon and
8 that leaving him --

9 THE COURT: But the law says unintentional means that
10 the Defendant did not intend for anyone to be killed, I'll
11 give her that one, or seriously injured. So how is that
12 possible? I mean, where is the evidence that she didn't
13 mean for him to be seriously injured? She did. She said,
14 I just wanted it to stop.

15 MS. GOODE: Right.

16 THE COURT: I mean, I hit him -- her theory is I hit
17 him in self-defense. There's evidence in the record that
18 she hit him in self-defense, but she did it intentionally
19 to injure him to get him to stop. It's not an
20 unintentional act. It's not an accident. It's not
21 reckless. It's not careless. It's not negligent. She
22 said I picked up the vase because I had to defend myself
23 and I hit him because I was in fear of my life. I mean,
24 that's intentional as the day is long.

25 I don't understand where the evidence of -- I

1 understand that she says I didn't mean to kill him. Okay.
2 I'll give her that. That evidence is in the record. But
3 she intended to seriously injury him.

4 MR. BAILEY: She may not --

5 THE COURT: She testified to that.

6 MR. BAILEY: Right, but she may not have intended to
7 seriously injury him to the extent that he was seriously
8 injured.

9 THE COURT: But that's not what the law says. I
10 mean, it says -- what I would read to the jury is
11 unintentional means that the Defendant did not intend for
12 anyone to be seriously injured. Of course, she did. In
13 her theory, she's trying to save her life because she
14 thinks this man who's drunk and high is going to kill her.

15 I don't understand how that's not intentional all day
16 long. It's not like she slipped and fell and had the vase
17 and hit him in the head. I mean, I'll give her that she
18 didn't mean to kill him. I don't think that's dispositive
19 on the issue, but she intended -- I mean, she said I don't
20 know how many times I hit him in the head. I hit him in
21 the head until the threat stopped, until I could get away.

22 How is that unintentional? Tell me where the
23 evidence is to support that an unintentional act exists.

24 MS. GOODE: Your Honor, I would say that her
25 intention was not, again, for anyone to be killed or

1 seriously injured. Her intentions were to stop his
2 advances.

3 THE COURT: Where's the evidence in the record that
4 proves that she didn't intend for him to be seriously
5 injured.

6 MS. GOODE: I would say her testimony, Your Honor.

7 MR. BAILEY: Right, we would say it's a question of
8 fact the jury can still determine one way or the other.

9 MS. GOODE: Based on her --

10 THE COURT: That's called a nonanswer. I want to
11 know what she said that proves that.

12 MS. GOODE: That she indicated that her intention by
13 swinging the vase and hitting him was to make him stop
14 advancing towards her.

15 THE COURT: How is that unintentional?

16 MS. GOODE: I understand, yeah. The intent -- her
17 intent -- she did intentionally swing the vase, but her
18 intention was not for him to be killed or seriously
19 injured. The intention was for him to stop. The result
20 of that was a death, and I think that that's what gets us
21 to involuntary manslaughter.

22 MR. BAILEY: Additionally, the State has obviously
23 said she's running all over the apartment and chasing him
24 around or hitting him in the bedroom and that sort of
25 thing. If the jury takes some of that to heart, we

1 believe that that's evidence that would show that she
2 could have, you know, intentionally hit him past, you
3 know, a certain point that they may find to be reckless.

4 THE COURT: So what's the State's position on
5 involuntary?

6 MS. GREGG: Your Honor, we would request that you
7 deny to charge that to the jury. Even if her act was,
8 perhaps, intentional, they still must prove a state of
9 mind of criminal negligence, her using the vase with
10 reckless disregard. You know, under these facts, he had
11 how many blows to the head, over 10 blows to the head --

12 THE COURT: Seventeen.

13 MS. GREGG: Seventeen blows to the head. I think
14 she's trying to argue her action was intentional to get
15 him to stop, but excessive force was used. I don't think
16 that can be debated one way or the other. And, Your
17 Honor, that argument is, once again, imperfect
18 self-defense and that would only -- even if this
19 jurisdiction accepted that as an appropriate defense would
20 only entitle her to voluntary manslaughter. It has
21 nothing to do with the application of involuntary
22 manslaughter.

23 MR. BAILEY: Your Honor, just under State v. Light
24 again, if there's any evidence at all that can support it,
25 then, you know, we --

1 THE COURT: You haven't told me any.

2 MR. BAILEY: Well, Your Honor, I kind of got confused
3 as to whether we were talking about involuntary
4 manslaughter or keep hitting until the gun charge or --

5 THE COURT: Because I think they are mutually
6 exclusive of each other. I'm past that now. Tell me what
7 evidence says that she didn't intend to seriously injure
8 him.

9 MR. BAILEY: So you want -- I'm sorry. I'm just
10 trying to -- you want evidence that she did not intend to
11 seriously injure him?

12 THE COURT: Yes.

13 MR. BAILEY: We think that obviously she was acting
14 in perfectly legal self-defense --

15 THE COURT: I'm past that.

16 MR. BAILEY: Okay. We believe that the jury could
17 find that she went too far when she was initially acting
18 in self-defense, that she was recklessly acting and that
19 maybe she landed more blows than she should have, although
20 she was initially lawfully acting in self-defense.

21 We believe at that point, especially with -- the
22 State's whole case is that there's blood all over the
23 place. She had to have been chasing him around and
24 hitting him and beating him on the back of the head and
25 running all over the house and that kind of thing. The

1 jury can very well find that she did act in self-defense,
2 but at the same time her self-defense was excessive. If
3 it was excessive and it was reckless, then we believe that
4 that's involuntary manslaughter.

5 MS. GREGG: Your Honor, that is direct -- if I may?

6 THE COURT: You may.

7 MS. GREGG: The Supreme Court in 2014 -- I'm just
8 going to read some -- and I've got the case law right
9 here.

10 MR. BAILEY: Is this the shooting case?

11 MS. GREGG: No, it's actually a strangulation case.

12 The Supreme Court wrote Sams argued that he acted
13 lawfully in self-defense, that, perhaps, he acted
14 excessively and recklessly in doing so. Sams's argument
15 is tantamount to imperfect self-defense. Even under that
16 theory; however, a charge on involuntary manslaughter
17 would not be warranted. So they go through the fact that
18 they have not accepted imperfect self-defense. They say
19 it wouldn't be warranted. It would be a voluntary
20 manslaughter.

21 Even more recently, I believe, in State v. Scott,
22 2015, the Supreme Court, same argument that he acted in
23 self-defense, but with too much force, which means it
24 could be criminally negligent.

25 The State and the Supreme Court said Scott attempts

1 to argue that he was also entitled to an involuntary
2 manslaughter instruction because the jury could have
3 inferred that he acted recklessly in self-defense. We
4 recently rejected this argue in State v. Sams wherein the
5 defendant argued he acted lawfully in self-defense, but,
6 perhaps, acted excessively and recklessly. We found the
7 argument tantamount to imperfect self-defense, which South
8 Carolina has not adopted. Even if the jury accepted
9 Scott's version of the events as true, he would be
10 entitled to an acquittal because the killing would have
11 been justified under self-defense.

12 So there's no middle ground when you have these
13 excessive force cases at this time in South Carolina.
14 It's either one or the other in these cases.

15 THE COURT: All right. Anything else?

16 MR. BAILEY: No, Your Honor, we just ask for both
17 under State v. Light.

18 THE COURT: Okay. Involuntary is out, continuing
19 until the threat of harm has ended is in. The Defense can
20 point to no evidence in the record that she did not intend
21 to hit him in the head with a vase, which is obviously
22 attempting to cause serious bodily injury. She didn't say
23 I didn't intend to hit him. She said, I didn't intend to
24 kill him. She didn't say I didn't intend to kill him.
25 She said, I was there, but I didn't kill him. I didn't

1 mean for this to happen. I didn't want him dead. I just
2 wanted it to stop. Okay.

3 MS. GREGG: Thank you, Your Honor.

4 THE COURT: I'm going to say that she's justified in
5 defending herself and I'm going to say and in hitting the
6 victim. It says -- the charge says shooting or firing the
7 first shot and then continuing to shoot. I'm going to say
8 and in striking the victim. Then the Defendant is also
9 justified in continuing to strike until it is apparent
10 that the danger of death or serious bodily injury has
11 completed ended, okay.

12 Other than the previously stated objection, any
13 objection to the word strike as opposed to hit?

14 MR. BANK: No, sir...

15 THE COURT: Okay. Ms. Campbell?

16 MS. CAMPBELL: No.

17 THE COURT: Or Ms. Gregg, whoever is talking?

18 It's 11:00. Has Rule 21 gone into effect yet, the
19 new one?

20 MS. CAMPBELL: What's Rule 21?

21 THE COURT: The way you do closing arguments in
22 criminal cases.

23 MS. CAMPBELL: No. I heard that's getting ready to
24 pass.

25 THE COURT: I can't find that it's passed. I know

1 it's proposed, but I can't find that it's passed unless
2 somebody tells me something different.

3 Okay. So who's opening for the State?

4 MS. CAMPBELL: (Indicating).

5 THE COURT: All right. Who's closing?

6 MR. BANK: I am, Your Honor.

7 THE COURT: And then who's closing for the State?

8 MS. WALKER: (Indicating).

9 THE COURT: All right. Let's take about 15 minutes.
10 Everybody can get set up, get your thoughts together.
11 Don't forget we'll need gloves to be able to go back.

12 MS. WALKER: Yes, Your Honor. We have gloves.

13 THE COURT: We need gloves to go back and the TV to
14 be able to go back.

15 MS. WALKER: I think the only thing that's in
16 evidence is the jail phone call. Do you mind if we send a
17 clean computer back?

18 THE COURT: That's perfectly fine.

19 MS. WALKER: Sorry, Your Honor.

20 (WHEREUPON, a short break was taken.)

21 THE COURT: All right. Everybody ready?

22 MS. CAMPBELL: The State is ready.

23 MR. BANK: We're renewing all previous objections. I
24 don't think we did it after rebuttal and then our
25 objection with the involuntary charge.

1 THE COURT: All right. Those are noted for the
2 record. My rulings on them are the same.

3 MR. BANK: And directed verdict, Your Honor.

4 THE COURT: All right. Very well.

5 MS. CAMPBELL: Ready, Your Honor.

6 THE COURT: All right. Bring them in.

7 (Whereupon, the jury entered the courtroom at
8 11:35 a.m.)

9 THE BAILIFF: The jury is seated, Your Honor.

10 THE COURT: All right. Thank you very much. Welcome
11 back, ladies and gentlemen. We have been working
12 diligently to get up to this point of the trial. We are
13 at the point of the trial known as closing arguments. Let
14 me explain to you how this is going to work just so you
15 know because you're going to be seated for awhile.

16 The first thing that will happen is the State will be
17 allowed to open. We call that opening on the law. Once
18 that is over, the Defense will be allowed to give a
19 closing statement.

20 Once that is over, the State will then be allowed to
21 give a final closing argument to you. Once all of that is
22 over, I then have to tell you what the law is as it
23 pertains to this case, okay. I will be the least exciting
24 of all four things that you hear this morning. So I don't
25 ever -- some judges tell lawyers you've got this much time

1 or that much time, I don't do that. I don't limit them
2 because this is their case. They've all been working on
3 it for a very long time. This is an important case to all
4 sides and I don't want anybody to feel hampered by any
5 kind of time restriction, okay.

6 We may take a break in the middle of all of it,
7 depending on how things go. We may just stand up and
8 stretch, but I'll do my best to keep you as comfortable as
9 possible throughout this process.

10 Now, this week, all 13 of you have done a great job
11 of paying attention to the witnesses and to the lawyers
12 and to me. This is the attorney's final opportunity to
13 make their closing arguments to you, so I ask that you
14 give them your undivided attention.

15 Now, when all the attorneys have finished and before
16 I read my charge to you, you will see a mass exodus of
17 people in the audience. That's normal because the lawyers
18 that are out there watching the case don't want to hear me
19 talk anyway. So when I give the charge, the door will be
20 locked at the back. You'll see a mass exodus of people.
21 That's perfectly normal. It happens in every case I try.

22 That will be the format from this point forward. If
23 we need to take a break, we will. We'll just have to see
24 how long things go.

25 Ms. Campbell, the floor is yours.

1 MS. CAMPBELL: Thank you, Your Honor. May it please
2 the Court?

3 THE COURT: Yes, ma'am.

4 Closing Statement by Ms. Campbell

5 MS. CAMPBELL: Good morning.

6 The first thing I want to do on behalf of the State
7 of South Carolina, on behalf of James Solomon's family,
8 his friends, is to thank you for your service in this
9 case. I know when you showed up on Tuesday morning, you
10 probably wondered I wonder what kind of case I might sit
11 on. Would it be a car wreck, some other type of case?
12 What it might be? And as you were chosen in this case, we
13 are here because of events that occurred over two years
14 ago. And over the last several days, we have talked about
15 things that no one should talk about in open court or in
16 society, really, personal things, very personal things.
17 Unfortunately, the nature of this case has made it such
18 that we have talked about things that normally shouldn't
19 be discussed.

20 So the first thing I want to do is to apologize if we
21 have offended you in any manner talking about and
22 referring to things, but as I think you have come to
23 understand over the last several days, it's very
24 important. A man died at Holly Jo Thompson's hands. As a
25 result of her actions, he is dead and we are here.

1 Now, I'm going to have the opportunity to talk to you
2 a little bit about the law of the case, and then the
3 Defense is going to get up and they're going to be able to
4 talk to you about their theory of the case. And then
5 finally, you're going to hear from Ms. Walker who's going
6 to talk to you about the facts a little bit.

7 As we go through things, if I say anything about the
8 law that is different from what the Judge ultimately
9 charges you, it's not intentional, but you take the law as
10 the Judge says. You are to take that law and apply it to
11 the facts as you find them.

12 In that same vein, if either side gets up here and
13 mischaracterizes the facts, the testimony, you remember
14 it. Because the roles in this courtroom are defined,
15 ladies and gentlemen, and it's for a reason.

16 The State's role is to present to you any admissible,
17 relevant evidence in this case about what happened back on
18 that weekend in January of 2014. The Defense's role is
19 equally obvious. It's to defend his client to the best of
20 his ability. The Judge's role is to determine what is
21 actually admissible, what you're allowed to hear, to rule
22 over the courtroom and to ultimately tell you what the law
23 is as you are to apply it to these facts.

24 The most important role, ladies and gentlemen, no one
25 will argue this, is yours. Each of you individually and

1 then once you go back to the jury room, the 12 of you
2 collectively must agree on the facts and the law and the
3 verdict. Your role is by far the most important role in
4 this courtroom.

5 Now, you have heard all the evidence that you can
6 consider in making that decision, and you must base your
7 decision on the evidence that's before you.

8 What is evidence? As the Judge has told you,
9 evidence is the sworn testimony from this stand and
10 ultimately all these exhibits will go back to you. You'll
11 have all photographs we've been showing you, all the
12 exhibits and the DNA chart, all of those will be back with
13 you to help you in your determination.

14 But what is not evidence, as the Judge has already
15 told you, it's not our arguments. What's not evidence are
16 questions. Fishing expeditions, wishful thinking,
17 speculation, that's not evidence. What is evidence is the
18 answers to the questions, the sworn testimony.

19 Again, I want to apologize if over the last several
20 days Ms. Walker, Ms. Gregg or I have offended you in any
21 way. The subject matter in this case has been, needless
22 to say, at times not the most pleasant. At times, we get
23 caught up in legal wrangling. Y'all get sent out of the
24 courtroom, brought back in, send out again unexpectedly.
25 Please don't hold that against the State, against the

1 citizens of Richland County.

2 Now, in criminal court, it's a little bit unique
3 because as you've seen over the last several days, you
4 haven't heard anything about any depositions. You haven't
5 seen any videotaped depositions or anything of that sort.
6 The reason for that is very simple, because the
7 constitution guarantees that the Defendant has a right to
8 confront each and every witness against her. You've heard
9 references to reports such as the autopsy by the
10 pathologist. You've heard references to statements that
11 have been given by some of the witnesses in the case. And
12 the only statement that's actually admissible before you,
13 and only in certain circumstances, is the Defendant's
14 statement as it ultimately was in this case. Those are
15 it.

16 The reason for that is because you, ladies and
17 gentlemen, are the sole judges of the credibility. And
18 therefore, even the pathologist, the DNA analyst, they
19 don't just submit reports. They don't just give
20 depositions. They are required by law to come before you.
21 It's part of the constitution. Her rights should be and
22 are protected in this courtroom on this day.

23 In that same manner, you heard and we went through a
24 series of questions about Miranda rights that were given
25 to the Defendant before she was taken -- a statement was

1 taken from her. And the reason for that, again, is to
2 protect her rights, to make sure she understood and gave a
3 voluntary statement, which even she, ultimately, when she
4 was up here said she gave that statement, and it was
5 voluntary.

6 That's the reason for that because in this state, in
7 this courthouse, in this courtroom, we protect everyone's
8 rights no matter who you are, where you came from. That's
9 her rights. That's the reason you've seen some of that go
10 on.

11 Now, you have one indictment before you. Very
12 simply, the State of South Carolina has charged and the
13 grand jury has true billed one indictment for murder
14 against Holly Jo Thompson for her acts on that weekend at
15 Mr. Solomon's house. The burden of proof is on the State
16 of South Carolina to prove Holly Jo Thompson's guilt
17 beyond a reasonable doubt. That is the highest level of
18 proof of any court. That is the burden as it should be
19 and that is what we must meet. And ladies and gentlemen,
20 I submit in this case, perhaps more than any other, that
21 is a level of proof the State welcomes. The evidence in
22 this case with these facts and these forensics is
23 overwhelming.

24 The physical evidence, ladies and gentlemen, I submit
25 does not lie. The burden is on us and I submit, ladies

1 and gentlemen, in this case with these facts and this
2 evidence, we haven't just proven her guilt beyond a
3 reasonable doubt, but beyond any doubt. But now, the
4 Judge is going to charge you when you're making your
5 decision, what does guilty beyond a reasonable doubt mean?
6 What's the definition of a reasonable doubt?

7 Perhaps the simplest way that's been defined before
8 is the kind of doubt that would make a reasonable man
9 hesitate to act. Listen to the Judge when he charges you.
10 You're going to hear those words over and over. Was it
11 reasonable? Were these reasonable acts? As we go through
12 what the law is as it's going to be, listen to that.

13 But the law has gone a little bit further and is
14 defined by our courts. What is reasonable doubt? Very
15 simply, ladies and gentlemen, proof beyond a reasonable
16 doubt is proof that leaves you firmly convinced of the
17 Defendant's guilt. There are very few things in this
18 world that we know with absolute certainty. And in
19 criminal cases, the law does not require proof that
20 overcomes every possible doubt. If based on your
21 consideration of the evidence, you are firmly convinced
22 that the Defendant is guilty of the crime charged, you
23 must find him, or in this case her, guilty. If on the
24 other hand, you think there is a real possibility she is not
25 guilty, then you must give her the benefit of the doubt

1 and find her not guilty. Again, proof beyond a reasonable
2 doubt is proof that leaves you firmly convinced of the
3 Defendant's guilt.

4 The law even recognizes that it's almost impossible
5 to prove everything beyond every possible doubt. We
6 aren't required to meet that burden. We just have to
7 present evidence that leaves you firmly convinced of what
8 happened in that weekend.

9 Now, the one charge before you, ladies and gentlemen,
10 is the charge of murder. And to be, perhaps, the most
11 heinous or, at least, one of the most heinous crimes that
12 be committed in our society, it has, perhaps, the shortest
13 definition here in South Carolina. You're not going to
14 hear about murder in the first degree or second degree.
15 It's just called murder. And very simply, ladies and
16 gentlemen, under code section 16-3-10 in our code of laws,
17 the definition is as follows: It is the unlawful killing
18 of another with malice aforethought either expressed or
19 implied.

20 Now, I want to talk to you a little bit about -- and
21 the Judge is going to charge you or tell you those terms
22 can mean and what you can use in determining whether or
23 not when Holly Jo Thompson chased down James Solomon and
24 beat him to death after stabbing him that she was acting
25 with malice.

1 What does the term malice mean? And the Judge will
2 charge you -- and I may have some of these out of order
3 where he charges you and tells you what they are. Malice
4 is defined as wrongful intent to injure another and
5 indicates a wicked or depraved spirit intent on doing
6 wrong.

7 The courts go further -- and when you think of the
8 word malice, sometimes when I'm thinking about it, it's
9 the base of the word malicious. Was Holly Jo Thompson
10 acting maliciously? It's kind of an easy way to think
11 about it. The law further defines that malice does not
12 necessarily impart ill will towards the individual
13 injured. It signifies, rather, a general malignant
14 recklessness of the lives and safety of others or a
15 condition of mind which shows a heart regardless of social
16 duty and fatally bent on mischief.

17 And I submit, ladies and gentlemen, was Holly Jo
18 Thompson having a condition of her mind which showed a
19 heart regardless of social duty and fatally bent on
20 mischief? And listen carefully when you listen to the
21 Judge -- and I'm going to talk about malice aforethought
22 in a minute. But when he talks to you, you will never
23 hear him talk about that we have to prove motive, although
24 I submit we have, if there is a motive. In this case,
25 what's missing afterwards? His phone, his money. Where

1 are the drugs? We don't have to prove a motive. We are
2 allowed to show a motive if there is one. But listen
3 carefully to the Judge, we don't have to prove any motive.

4 You will also listen to him as well and he will tell
5 you specifically not only do we not have to show any kind
6 of premeditation, but he is going to define for you malice
7 must be there at the very moment only just before and at
8 the moment the fatal blow is struck. No premeditation is
9 required. No motive is required to prove murder.

10 Malice may inferred from conduct showing a total
11 disregard for human life. Even if you take
12 Ms. Thompson's -- whatever her version is of what
13 happened, 17 blows, three to the front, however many to
14 the side, six to the back, a total disregard for human
15 life. He was 71 years old.

16 And the Judge will go further charging you about
17 malice. You may find malice if you find that the State
18 has proven beyond a reasonable doubt that the Defendant
19 was consciously and unlawfully involved in conduct that
20 constituted extremely high risk of death or serious injury
21 to others, that he or she was acting with such
22 recklessness or wantonness as to indicate the depravity of
23 mind in disregard for human life, beyond the reckless
24 disregard and safety of others, rising to the level where
25 he consciously disregarded an extremely high risk of

1 death. And I submit -- and I'll talk to you a little bit
2 about voluntary intoxication. It doesn't matter how high
3 she was, how drunk she was, how intoxicated she was, that
4 doesn't excuse her and allow her in her drug-induced rage
5 to kill someone.

6 In considering murder, the Judge will also tell you
7 -- usually, you think about murder with gunshots or a
8 knife, although there was a knife used in this case, but
9 the primary weapon in this case was a vase. It was heavy
10 vase, even as the Defendant described it. Ordinary
11 objects may become deadly weapons when the facts show they
12 have been used to inflict serious bodily harm or death.

13 Now, as far as the term malice aforethought, the
14 Judge will instruct you malice need not exist for any
15 appreciable period of time before the omission of the act
16 of killing occurs. Malice may be conceived at the very
17 moment the fatal blow is given. It is sufficient in law
18 if the combination of the evil intent and the act produce
19 the fatal result.

20 I submit, ladies and gentlemen, this wasn't something
21 where it was one blow. He was beaten repeatedly to the
22 back of the head as he is down on the ground. We know
23 that from the blood spatter. This wasn't where she threw
24 a vase across the room. She hunted him down that hallway
25 from that bedroom after stabbing him in there and beat him

1 to death.

2 Now, the Defense has gotten up here and they have
3 alleged that Ms. Thompson was acting in self-defense.
4 Again, the burden is on the State in self-defense, let me
5 be clear, to disprove it. The Judge will tell you -- and
6 generally, there are like four different elements of
7 self-defense, but in order for a killing to be excused on
8 the basis of self-defense, her actions must meet every
9 element. It doesn't matter if she meets one element but
10 not the other three. If we disprove just one element, she
11 is not entitled to an acquittal based on self-defense.
12 And that is the defense in this case.

13 It's not a whodunit. It's not an accident. This was
14 an intentional act of self-defense according to the
15 Defense. All we have to disprove is self-defense. We
16 don't have to disprove every element of self-defense. If
17 it fails on any element of self-defense, then she is not
18 entitled to an acquittal. The burden is on us to disprove
19 any or, as I submit in this case, all of those elements.
20 Because even in order to consider self-defense, that means
21 you have to number one -- and even her own version doesn't
22 work. I'll get back to that. You have to believe every
23 word she said.

24 Number one, to be entitled to an acquittal for
25 self-defense, the Defendant must be without fault in

1 bringing on the difficulty. She made choices. Her
2 lifestyle. I'm not here to judge. But she went there for
3 the purpose of getting drugs and money. She left there
4 with what she could carry. ,

5 Was she without fault? They're smoking crack
6 together. And it's kind of funny in this case because as
7 we're talking about self-defense, the real defense in this
8 case is the oldest one in the book, just blame the victim.
9 Who cares about him? He's just some old guy and he smokes
10 crack, remember? They brought the toxicologist after we
11 brought it out with our pathologist exactly what drugs
12 were in his system. We brought it out what was found at
13 the scene. Just trash the victim. I guess he just
14 doesn't deserve justice.

15 They couch it in self-defense. Is she without fault
16 in bringing this on? Going there? And according to her
17 own testimony -- and I'll take all of this, believing
18 everything she said, which I say is impossible. She's at
19 fault. She went there to ingest drugs and get money in
20 exchange for sex. She's not going there to have lunch.
21 She is involved in illegal activity. That relieves her of
22 being without fault. That alone. But we can go a lot
23 further.

24 Look at another element of self-defense. The second
25 element was that the Defendant was actually in imminent

1 danger of death or serious bodily injury or that she
2 actually believed she was in imminent danger or death or
3 serious bodily injury.

4 I beg you, look at her injuries. And what's ironic
5 is the injury she has is a bruise to the elbow and a
6 scratch that is more superficial than the ones I get when
7 gardening. She says he slashed her, cuts all over her
8 hands, a cut to her elbow. I submit, ladies and
9 gentlemen, the only one that was in danger was the man
10 whose blood is on the blade of the knife she says he cut
11 her with. It's not her blood. It's his. If anyone had a
12 right to act in self-defense, it would have been
13 Mr. Solomon. And all he did was try to get down that
14 hallway and get away.

15 There's not a drop of her blood at that scene.
16 They're going to say oh, you didn't test every single
17 drop. No, but we tested every single area. We tested her
18 clothes. We tested her shoes, which supposedly were on
19 her when she was in the middle of this whole thing when
20 she went down on the floor with him as he's bleeding. And
21 there's no dispute about how much he was bleeding.
22 There's only her blood, a drop of it, and someone else's.
23 She was actually in imminent danger. I submit if you want
24 to say she's without fault, she certainly wasn't in any
25 danger.

1 But let's go further with self-defense. And the
2 Judge will tell you she had the right to act on
3 appearances. She had the right -- you have the right to
4 consider the victim's size, his weight, his age. You have
5 the right to consider other things, such as even if there
6 were words accompanied with hostile acts, that can arise
7 to the level of being self-defense. Any credible evidence
8 of that, the Judge will instruct you that she can use
9 whatever degree of force necessary to defend herself. The
10 Judge will instruct you that you can consider whether or
11 not the victim was intoxicated. And I submit in that same
12 manner consider whether or not the Defendant was
13 intoxicated. The Judge will tell you that in considering
14 self-defense, the degree of force that she has the
15 absolute right and if she's acting in self-defense and
16 acting lawful, ladies and gentlemen, all of these things
17 do apply. Because she has an absolute right if she is in
18 fear of her life or in imminent danger of losing her life
19 or serious bodily injury, she should be able to act with
20 whatever degree of force necessary to stop that threat.

21 But none of that applies because the only one that
22 was in danger was the one that ended up dead with multiple
23 cuts all over his body and with 17 blows to his head, so
24 severe that it crushed his face in, his nose, and he bled
25 out as a result. And as much as they want to get up here

1 and talk about toxicology, that is not what caused his
2 death.

3 The third element of self-defense, the Defendant was
4 actually in imminent danger and the circumstances would
5 have warranted a person of ordinary firmness and courage
6 to strike the fatal blow to prevent death or serious
7 bodily injury. She has the right to keep striking blows
8 until that is subdued. I submit, ladies and gentlemen,
9 maybe after the fifth or sixth blow, he was down and out
10 for the count, if you were to take that she had the right
11 to act the way she did. Seventeen blows is not
12 self-defense, it's overkill.

13 If she believed she was in imminent danger or death,
14 it must be shown a reasonably prudent person of ordinary
15 firmness and courage would have the same belief. In
16 deciding whether the Defendant actually was or believed
17 she was in imminent danger, you should consider all facts
18 and circumstances surrounding a crime, including the
19 physical condition and characteristics of the Defendant
20 and the victim and his intoxication and all this.

21 And it's kind of ironic, isn't it, because you're
22 supposed to consider that the victim was intoxicated.
23 We've gone over that a lot. Well, who's been smoking
24 crack all day? According to her, he didn't even have his
25 own stem until she got there.

1 And finally, the Judge will instruct you this was
2 Mr. Solomon's home. She was a guest in his home. If it's
3 not your own home, then you have the duty to retreat, as
4 it's sometimes referred to, to avoid having to hurt or
5 kill someone for it to be self-defense. This is the
6 fourth element. The final element is the Defendant had no
7 other probable way to avoid the danger of death or serious
8 bodily injury than to act as the Defendant did in this
9 particular instance, no other probable way.

10 Let's just take what she said this last time on the
11 stand. If you want to believe she was without fault, if
12 you want to believe she was actually in danger, if you
13 want to believe all that, even from her own testimony when
14 she ran to grab that vase -- and you'll have the photos.
15 We put in more today to make sure it was clear where that
16 front door was. That's where she says she left. She
17 could have -- she was quote, unquote scared for her life,
18 and as she ran to get the vase, which she then had to pick
19 up and then go back over across the room to attack him, is
20 that the duty to retreat? Because that's what she had to
21 do, according to her own statement -- or this latest one.
22 The door was right behind her.

23 And I even asked her, Well, at that point, did you
24 run out? Were you scared for your life? She kind of
25 said, No, no, I couldn't leave. My clothes were still

1 there. Well, when it boiled down to it, and you saw her,
2 she wasn't leaving without her crack pipe.

3 And whether or not her self-defense claim is
4 credible, she then leaves there, doesn't go tell her pimp
5 or boyfriend or whatever you want to call him, doesn't go
6 tell her other friend that she called because she was
7 upset because the other boyfriend was roughing her up at
8 that point. There's not one thing -- in fact, when she's
9 with Moses, the man that she was so mad about giving the
10 statement. Remember on the phone call, she said she loved
11 him again. She didn't say I got attacked, somebody
12 attacked me, but, you know, I was in a fight. Those were
13 her words to her friends, even in her jail phone call,
14 which you heard. Yeah, we were in that fight. I mean, I
15 might have to do some time. Later, she knows and she
16 switched pins so we couldn't listen to her phone calls.

17 I submit, ladies and gentlemen, even if you want to
18 believe every word she said, her own story does not allow
19 her a defense of self-defense. By her own story, she was
20 not without fault, she was not in imminent danger, and she
21 certainly didn't retreat when she had the opportunity.

22 But let's go further because the Judge will instruct
23 you. One has the duty to avoid taking human life if it is
24 possible to do so, even to the extent of retreating from
25 his adversary, unless by doing so danger of being killed

1 or suffering, serious bodily harm is increased or is
2 reasonably apparently that such danger would be increased.

3 Now, the Judge will also instruct you in this case
4 there was no -- they were smoking crack. Voluntary
5 intoxication is not a defense to any crime. It's never an
6 excuse or a defense. A person who voluntarily renders
7 himself, or in this case herself, intoxicated is no less
8 responsible for his acts while in such a condition. If a
9 person drinks intoxicating liquors and becomes intoxicated
10 and if while in that condition commits an act that would
11 be a crime if committed by a sober person, the fact of
12 drunkenness or intoxication would not relieve the
13 intoxicated person from responsibility. The Judge will
14 instruct you the same as if you become high on drugs, high
15 on liquor, beer, it doesn't matter. Voluntary
16 intoxication of any sort does not preclude or relieve you
17 of responsibility for your actions, even if they make you
18 become bold. Voluntary intoxication does not preclude
19 one's ability to act with malice aforethought and is not a
20 defense to a crime.

21 Now, the Judge is also going to instruct you there
22 are two kinds of evidence that you can consider. There's
23 direct evidence, which is typically eyewitness testimony,
24 the kind of evidence that's perceived through the senses.
25 And then there's circumstantial evidence. Circumstantial

1 evidence can be the type of evidence -- the law says that
2 there are two types, direct evidence presumes the
3 existence of a fact and does not require deduction. The
4 DNA analyst, his testimony was direct evidence of whose
5 blood it was, things of that nature. Circumstantial
6 evidence is proof of a chain of facts and circumstances
7 indicating the existence of a fact. The law makes no
8 distinction between the weight or value to be given either
9 direct or circumstantial evidence, but to the extent the
10 State relies on circumstantial evidence --

11 THE COURT: Slow down. Slow down.

12 MS. CAMPBELL: Thank you.

13 The circumstances must be consistent with each other
14 and when taken together point conclusively to the guilt of
15 the accused beyond a reasonable doubt. If they merely
16 portray the Defendant's behavior as suspicious, the proof
17 has failed.

18 Ladies and gentlemen, luckily, in this case, you got
19 lots of both. You've got direct evidence and
20 circumstantial evidence. Where the droplets are in the
21 house is circumstantial evidence of where someone was
22 injured. The direct evidence is whose blood it was. Do
23 those corroborate each other? Do they fit together?

24 The law makes no distinction over which is better,
25 one or the other. You can consider both and you must.

1 And in this case, there's a combination of the two.

2 The Judge will also tell you in every case, we must
3 prove criminal intent. And ladies and gentlemen, I submit
4 this case reeks of criminal intent. And what is criminal
5 intent? Well, the law recognizes that we can't take a
6 person's brain and dissect it to figure out what they were
7 thinking at the time, whether or not they had intent in
8 their mind, but I submit, ladies and gentlemen, someone
9 pursues a person when they're down on the ground and beats
10 them to death with a vase, intent doesn't become much more
11 apparent than that.

12 Criminal intent is a mental state of conscious
13 wrongdoing. It's up to you to determine what the
14 Defendant intended to do. Criminal intent can rise from
15 action or a failure to act. It may arise from negligence,
16 recklessness or an indifference to duty or to consequences
17 that is considered by the law to be the equivalent of
18 criminal intent.

19 The final thing I want to talk to you about just
20 briefly is credibility. In this case, it boils down to
21 credibility. In this case, even her own version of events
22 doesn't relieve her of her responsibility.

23 The Judge will instruct you in considering
24 credibility, you can believe one against many, many
25 against one. You can believe part of what a witness says,

1 none of what a witness says, all of what a witness says.
2 It's totally up to you. That's why the constitution
3 guarantees that. Because you have the opportunity to
4 observe each and every person and to judge credibility, if
5 someone has something to gain or to lose. Those are
6 factors you can consider. You can consider whether a
7 person has a bias or a prejudice, whether their statements
8 are considered -- are the same as prior statements. Have
9 they changed their story? You can consider whether their
10 statements are consistent with the actual evidence itself.

11 Those are all factors, but most important, ladies and
12 gentlemen, the most important factor here in this
13 courtroom is common sense. Your common sense. In
14 reviewing the crime scene and reviewing the evidence and
15 reviewing the evolving story, who has a bias or a
16 prejudice?

17 All we ask is that you do what the Judge has asked
18 you to do and what you swore an oath to do. And it's not
19 fun for anybody to be in this courtroom. It's not fun to
20 be talking about the things we've been talking about. All
21 we ask is for you to hold her responsible for her
22 decisions and for her actions. James Solomon's life did
23 matter regardless. It mattered.

24 Thank you.

25 THE COURT: Thank you, Ms. Campbell.

1 Mr. Bank?

2 MR. BANK: Your Honor, may it please the Court?

3 THE COURT: Yes, sir.

4 Closing Arguments by Mr. Bank

5 MR. BANK: Now, four days ago, this trial started,
6 this past Tuesday, depending on how you count it, three or
7 four, but either way when it started, we started with a
8 story. Ms. Goode got up here and did a very good job of
9 telling you Holly's story. We then spent the next several
10 days up until this point trying to continue to get that
11 story. And here we are full circle coming back to Holly's
12 story.

13 Now, I think that there might be some defense
14 attorneys out there that might be cringing at the way
15 myself, Ms. Goode and Mr. Bailey have presented this case.
16 Sometimes there's feeling with defense attorneys that
17 you're supposed to sit on your hands a little bit. You're
18 not supposed to put in extra pictures. You're not
19 supposed to put up witnesses. And you sure as heck aren't
20 supposed to let your client testify. We've all heard that
21 before. But we haven't been scared of a single picture, a
22 single witness, a single part of this. We want everything
23 to be in front of you. We want to make sure that you get
24 the entire story.

25 So who are the people in the story? We have Holly,

1 obviously, and we have the Grill Man. We have Holly, who
2 is 40 years old, 135 pounds at this time. We've heard
3 that she's a person that has never had a stable home.
4 She's a person that's used drugs for many years. We heard
5 through Ms. Campbell cross of her that she's a victim of
6 violence.

7 Let me address that just for a second because it was
8 stated in opening, again in closing and I'm sure it will
9 happen again in the State's second closing this idea of
10 justice for the victim.

11 Ladies and gentlemen, if Mr. Solomon had been
12 successful in continuing to stab Holly and either injuring
13 her more or killing her, Mr. Solomon would be sitting at
14 the table.

15 Holly is somebody who is a prostitute. We've not
16 shied away from that or tried to hide that. She's a
17 person whose education goes as far as a GED that she got
18 in county jail, I think six or seven years ago. If you
19 remember the years differently. She's a person who has
20 lived a life that most of us can't really imagine.

21 And then we have Mr. Solomon. And let me take this
22 moment to say that I know that Mr. Solomon has a family.
23 That does not get past me. I don't doubt that there were
24 a lot of things discussed here this week that were new to
25 his family. Myself, my colleagues, we take no joy in

1 having to point those things out, but it is part of the
2 story. He is the Grill Man. He is a man with an appetite
3 for prostitutes and drugs. He is a welder. He's a large
4 man. He's a man that we have heard is private in his
5 house, maybe possessive. He's a man that night we know
6 was on alcohol and a substantial amount of cocaine. He
7 was a man that was unhinged, at least enough that night,
8 that he was urinating in a vase, an unhinged man in a
9 small trailer with knives scattered throughout the house
10 in almost every major room we talked about. A knife
11 that's out of place, are you kidding me? A knife on the
12 kitchen floor and a knife in the bedroom and a butcher
13 knife in the living room?

14 I think the State wanted these pictures in. In the
15 living room, is that knife out of place? Or this knife?
16 A larger picture of that knife.

17 So we have the two people in this story. Now, what
18 is the story? You've heard this story. You heard it in
19 opening, which isn't in evidence. You've heard it in bits
20 and pieces. Then you've heard it with Holly on the stand
21 answering questions, and then you gotten it in a
22 statement.

23 Holly gets a message to go see Mr. Solomon.
24 Mr. Solomon doesn't contact her directly. She's a
25 prostitute. She gets a message. She goes to see

1 Mr. Solomon, just like she's done however many times
2 before, a lot according to her. She walks there. She
3 gets to the house. He lets her in. And she immediately
4 notices that he's acting a little bit different than
5 usual. He's on drugs. It's 90 degrees in the house. He
6 cannot use a -- he cannot get an erection, which is making
7 him angry over the course of time. He's running out of
8 crack, and he's urinating in a vase, which she says she
9 has never seen him do before.

10 Moses, at some point, we saw him on the stand; says
11 he goes to this trailer to the Grill Man's house. He
12 doesn't know the Grill Man, but he gets directions to go
13 to the trailer. He says that he honks his horn or does
14 something to get the attention of the person inside and a
15 man comes outside and says Holly isn't there. Moses says,
16 Well, I have her clothes. He says, Well, you can leave
17 the clothes with me. Don't come inside, but I can take
18 the clothes. Moses says no and goes on.

19 That's a man, very private, very possessive. At some
20 point, Holly finally gets her cue to leave somewhere
21 between a man getting agitated about not being able to get
22 an erection, which is unusual for him, and a man who is
23 running out of his crack. He had to re-up. He attempted
24 twice during the course of those hours. He is getting
25 agitated. She takes her cue like she's done throughout

1 her life and says I'm leaving. She gets some of her
2 clothes on, her jeans, her shoes. And he realizes now,
3 not only is he out of crack, now his prostitute is
4 leaving. He gets upset. He gets angry. He already has a
5 knife, he's cutting the crack, and he swings it at her.

6 Now, I don't know what exactly Investigator Johnson
7 may have been trying to imply that she's scratching
8 herself four days later and that's what causes these. You
9 heard the pathologist. These are cuts and bruises that
10 are healing, not that are fresh. That are healing. We
11 have cuts and bruising on places Dr. Durso calls defensive
12 wound areas, her forearms, her hands. We hear Moses and
13 Mike both say that they, at least, see some type of marks
14 on her. So from Moses's perspective, he believes that
15 Mike was beating the shit out of her. She had been
16 grabbed. Once he takes that swing, she goes to grab a
17 vase.

18 Now, I'm learning just as you are very recently,
19 within the last few minutes what the State's theory is,
20 but let me tell you something right now, that a vase full
21 of urine is not a murder weapon. A vase full of urine is
22 an object used in desperation, necessity and self-defense.
23 I'll say that again. A vase, particularly one filled with
24 urine, when you have all of these other objects throughout
25 the house, all of these other knives, that, ladies and

1 gentlemen, is an object of necessity. You are grabbing
2 what you can.

3 She grabs the vase. He seems to back down. Read her
4 statement. She believes she can go get her clothes, the
5 rest of her clothes, which are right next to her crack
6 pipe. She goes to get those things. He swings again and
7 that's when she hits him with the vase.

8 And she hits him with the vase, she says, until both
9 her and him went down, which happened on the swing where
10 the vase broke. The vase breaks, they both go down. It's
11 at that point that she feels safe enough to be able to get
12 out of the house. Not run out of the house, we heard her
13 say she can't run, but to get out of the house. And as
14 she's slamming that door behind her, he is getting up
15 still yelling, Bitch, give me my crack.

16 Now, after that door was slammed shut behind her, we
17 don't know what happens for the next three minutes. We
18 don't know what happens for the next three days. At
19 least, neither side has been able to find anybody that can
20 tell us that. We do know that Holly did not call the
21 police when she ran away.

22 Well, folks, she didn't know he was dead or going to
23 die. She just left the house after prostituting there and
24 doing drugs there. Should she have called the police?
25 Yeah. Does that make sense? Maybe not to me or you, but

1 somebody with a life that we can't really fathom, it
2 starts to.

3 She sees Kerry Johnson that Monday, doesn't say
4 anything about it. But according to Investigator Johnson,
5 he didn't ask about it. He asked about Amy Norris.

6 Now, we heard Dr. Durso, the pathologist, get on the
7 stand and try to help us understand what's going on with
8 the body, what is going on with the blows, what can we
9 see. What you heard in trial, what you just heard a few
10 minutes ago, which I'm sure you'll hear a lot very
11 shortly, is this idea of 17 blows. And what the State is
12 trying to do is to put blows with swings. And there's
13 been no testimony that those are the same thing. Ladies
14 and gentlemen, those 17 blows include some cuts on the
15 back of his neck. They also, according to Dr. Durso,
16 could include him hitting his head against the wall or the
17 floor as he's going down. Not all of them, but some of
18 them.

19 That's also going to include multiple injuries from
20 single swings, including the last one where the vase
21 breaks. The 17 blows, as they want to characterize it,
22 does not mean 17 swings. A vase isn't going to make it 17
23 swings.

24 He's got cuts on his body. Are some of those from
25 the fight? Probably. Are some of those from his

1 lifestyle as a welder? Maybe so. Are some of those on
2 his hands and feet from him starting to get up and
3 stepping on glass pieces? Likely.

4 According to Dr. Durso, he could be alive up to an
5 hour, up to an hour. She couldn't tell us directly
6 whether he's conscious or unconscious. You heard Kerry
7 Johnson, people that are unconscious don't crawl. Folks,
8 we know that there it happened in the hallway. We know he
9 ends up at least four feet away. So even the State admits
10 that he's conscious for at least that much time.

11 We know that the heat in the house at 90 degrees sped
12 up the decomposition. We know that he had hits to the
13 front of the face, a broken nose and two other hits, which
14 aren't on any of their charts as I think Mr. Bailey
15 pointed out. They give you charts with the back injuries.
16 Poor Mr. Bailey had to get up here and have sticky notes
17 put on his face to show where the front injuries are.

18 We know from Dr. Durso's testimony that she says she
19 didn't have enough information to be able to say whether
20 this was self-defense or not. We know that Holly wasn't
21 strong enough and couldn't hit hard enough to actually
22 crack the skull, but these were cuts on his head. He died
23 from bleeding. We also know, as I've already stated, that
24 he had alcohol, and he had a significant amount of cocaine
25 and crack in his system.

1 And, folks, we heard a lot about forensics, blood,
2 prints. I don't know how much of that was totally
3 necessary. I still don't know why it was so necessary to
4 spend so much time on establishing Ms. Norris in
5 Charlotte. We've told y'all from day one, Ms. Goode has
6 told y'all from day one, Holly has told Investigator
7 Johnson from day one that she was there, and that all his
8 injuries were in self-defense. And if he died, she did
9 not know until later. There has never been a different
10 defense. There's never been a different story. So when
11 we hear that there is blood in the trailer and that the
12 ones that they did -- Ms. Campbell is correct, they didn't
13 test all the blood. They tested parts of it in all the
14 areas, but they can't test all the blood. What they did
15 test was Mr. Solomon's. We know that. We told you that
16 on Tuesday.

17 What's more important are the other things, the fact
18 that there's no evidence linking Holly to any other object
19 in that house besides the vase, no handprint or DNA or
20 anything on this blade handle. This blade handle which
21 Mr. Solomon could have had blood go on in a multitude of
22 different ways. Remember, the pathologist said these were
23 shallow superficial cuts to his body. They weren't stab
24 wounds into the body, deep anyway. Dr. Durso said they
25 were superficial.

1 We know that for some bizarre reason there is
2 absolutely no testing on any of these objects, including
3 the knife for crack, drugs or urine. Ladies and
4 gentlemen, that is such a weird fact. Holly says there is
5 urine in the vase. You want to prove her story wrong,
6 test it for urine. They knew that 24 hours in. We just
7 heard them say it. You don't make that up.

8 We know that there's a fingerprint on the inside of
9 one of the doors, I believe it's the front door, of a
10 Brandon Burden, who didn't come before you. All we know
11 about him is he's on probation for something. I don't
12 remember what it is, but he refused to talk to
13 Investigator Johnson, which isn't his fault. We have a
14 hair from someone we don't know, an unknown mixture of
15 Mr. Solomon and somebody else. We have one knife that is
16 tested.

17 How does that happen? When you have a story within
18 24 hours of Holly saying she that was attacked with a
19 knife, you have knives all over the place, three of them,
20 specifically in odd places, the bedroom floor, the kitchen
21 floor, the living room table and you take one of them,
22 what are you doing?

23 We know that the back door was found open, and then
24 we know that there was blood found on Holly's shoes and
25 that they tested it and it was, in fact, Holly's blood.

1 So what happened in those three days? What happened
2 in those three days? Well, as I've just suggested to you,
3 I've been trying to figure out the State's theory for
4 awhile. We heard part of it just a few minutes ago,
5 something along the lines of a fight starting in the
6 bedroom. Holly chasing Mr. Solomon down the hallway with
7 a knife or without a knife, with some form of weapon, I
8 guess, and then bludgeoning him to death for some reason.
9 But what's the motive and why the vase?

10 You know, we've heard this idea of this wallet thrown
11 around, which is just perplexing to me because they can't
12 put up one witness and haven't put up one witness to say
13 that the man even carries a wallet. You don't know if he
14 carries a wallet, if he had a wallet that day and if he
15 did have a wallet that day if it had any money in it. We
16 know that there was no wallet found with Holly. If they
17 thought that she robbed him, she would be charged.

18 Then we hear this business of maybe it was a cell
19 phone. She wanted a cell phone. He was missing his cell
20 phone. I still haven't put that together because they say
21 he's missing his cell phone, but they find two cell phones
22 in his bedroom. They're in evidence. They'll go back to
23 you. They find two cell phones in his bedroom and they
24 say he's missing a cell phone. And guess what testing
25 they did on those cell phones? You heard McDonald, I

1 didn't test those. I just tested Amy Norris's. Well,
2 thanks. I don't care about Amy Norris.

3 They put an expert to say that whatever happened
4 happened in the front room -- or excuse me, they put an
5 expert to say whatever happened started in the bedroom,
6 the master bedroom. But folks, why would Holly lie about
7 that? Why would she -- if she was covering up something,
8 why wouldn't she just add that part in her made up story?
9 It doesn't make any sense.

10 Now, let me ask you to picture something, as Holly
11 was shutting the door behind her, Mr. Solomon, the Grill
12 Man, is getting to his hands and knees. Glass pieces
13 around him cutting his hands and his feet. We see the
14 glass in his feet. It's in this area. We see the vase
15 and a lot of blood right here, right at the beginning of
16 the hallway by the living room. He getting to his hands
17 and knees. He's still conscious. We know that from
18 Investigator Johnson and from Holly's testimony. And he
19 begins walking backwards to the bedroom. This is the
20 guest bedroom right here. We're still seeing a good bit
21 of blood from smears because he's still bleeding profusely
22 out of his head, all over his hands and his arms, and he's
23 running into the hallway walls. He is going unconscious.

24 Now, what comes into play is the one thing that
25 nobody's mentioned in this whole case even though we've

1 seen 84 pictures of it. And I'm making up 84, but we've
2 seen a ton of pictures of it. Nobody's addressed it, not
3 a single witness. Not the State, nobody. Why is there a
4 bloody heavy sweater next to Mr. Solomon on the ground
5 when the police get there? Why is there a sweatshirt near
6 him when it's 90 degrees in the trailer?

7 It's because as he's making his way down the hallway
8 to his bedroom, maybe to get one of those two cell phones,
9 he grabs the sweater from the rest of his laundry and
10 starts to clog his head; one, to make him stay alive a
11 little longer, and two, and more importantly, to stop the
12 bleeding from going all over the place. And from there,
13 we start to see not so much of a spread in blood, we start
14 to see drops go into the bedroom. They made a big deal
15 about the drops. He's holding that sweater against his
16 head. He goes into the bedroom, more drops. He's looking
17 for something. There's drops on the bed. He drops the
18 knife.

19 He walks back out, still dropping. He makes his way
20 back down the hallway going towards the living room,
21 running into the walls as he's starting to not be able to
22 hold his head anymore. He makes it to the front door and
23 he's down. And we have a sweatshirt filled with blood a
24 foot away from him.

25 Now, can I tell you -- can I get up here and tell you

1 that that's what happened? No, I can't. But that's the
2 point, nobody can. We don't know what happened in those
3 next three minutes. We don't know what happened in those
4 next three days. And that, ladies and gentlemen, is
5 reasonable doubt. And remember, when you hear the State
6 suggesting whatever their theory of the crime scene may be
7 and when you' guys are looking at the pictures of the
8 blood, that the State's own expert, Mr. Richards, and I --
9 forgive me, I don't remember his ranking, so I don't want
10 to miss it. Mr. Richards gets up here and he says, not my
11 words, he says to Ms. Gregg on cross-examination, well,
12 ma'am, the blood can fool you.

13 And as you can probably tell, as you've been told,
14 this is going to be the last time that myself or any of my
15 colleagues get a chance to talk to you. And I promise you
16 as soon as I go sit down, I'll think of 20 more things
17 that I didn't say that I wanted to say.

18 The government is going to get a chance to talk to
19 you again. The Judge, as he explained, is going to tell
20 you the law. And he is going to explain the options in
21 the case. We know what they are from what Ms. Campbell
22 says. She's guilty or not guilty of murder.

23 For murder, it can't be self-defense. It has to be
24 intentional, unjustified with malice. Ladies and
25 gentlemen, I don't think that they've established that.

1 We think that it's not guilty. We think this is
2 self-defense, and we've told you that time and time again.

3 As Ms. Campbell said, we have a certain amount of
4 elements that factor into self-defense. I don't know that
5 I'll take them in the same order or not, but you have to
6 fear for your life, the fear of substantial injury. Well,
7 the Grill Man had a knife. Didn't cause the argument, the
8 fight, didn't cause the circumstances. That's the second
9 one. I believe from what Ms. Campbell said, Holly didn't
10 do that because she was going over to prostitute and do
11 drugs. Well, ladies and gentlemen, the next step from
12 that then is that a prostitute can't ever act in
13 self-defense and we know that's not right. Was she at
14 fault for starting this? She was trying to leave.
15 Remember, he's upset because he's out of crack and his
16 prostitute is leaving.

17 Necessary force. In opening, the State said
18 something along the lines of -- and maybe Ms. Campbell
19 referenced it again, that they don't believe Holly had
20 enough injuries. Maybe if she had black eye, that would
21 have been good enough. Folks, it was a knife versus a
22 vase. I don't know what else you can do. And did you
23 have an opportunity to leave? It's the fourth element
24 they talked about. You have a duty to retreat, but only
25 if you can. They want to argue about her trying to get

1 her clothes while it is freezing temperatures outside,
2 winter temperatures, at least, go and get her crack pipe.
3 At that point, she had the vase and he had backed down.
4 Ladies and gentlemen, whether you get the clothes or crack
5 pipe or not, you're going to turn your back to a man with
6 a knife in a single wide when you can't run?

7 Folks, self-defense. What was she supposed to do?
8 What can she do besides tell the story? I understand she
9 could have called the police. We discussed that. She's
10 not happy with that decision, but does that then mean that
11 she's guilty of murder? And if not, what else can you do
12 besides tell the story?

13 Now, another important factor of self-defense, as in
14 all criminal cases, is this is the State's burden. I've
15 told you that when we set out to tell you a story.
16 Myself, Mr. Bailey, Ms. Goode. We set out to tell you all
17 a story, but that doesn't shift any burden to us. The
18 burden is on them to prove her guilty beyond a reasonable
19 doubt. The burden is on them to disprove self-defense.
20 You need to take that burden seriously. It is crucial to
21 our system of justice.

22 I'm about to wrap up, but let me suggest something to
23 you for when y'all go to deliberate. Y'all do it however
24 y'all want to, that's y'all's right. Let me give you a
25 suggestion that you might want to take. When you go back

1 in there, don't one by one raise your hand whether you
2 think it's guilty or not. Because even as adults, even if
3 we don't want to admit it, we're all faced with peer
4 pressure. I guarantee you votes one, two and three are
5 going to affect votes four, five and six. It's just going
6 to happen. Instead consider everybody writing down
7 without your name on it on a piece of paper of where
8 you're leaning if you want to. Fold it up, put it in the
9 middle of the table and see what the count is there, just
10 a suggestion.

11 Now, the government has asked you to find Holly
12 Thompson guilty of the most serious crime we have in this
13 state, murder. We've asked you from day one to find her
14 not guilty of murder. All I can do right now is ask you
15 to take this responsibility, this burden, this request of
16 ours with the utmost seriousness and concern that you are
17 all capable of.

18 Thank you.

19 THE COURT: All right. Thank you, Mr. Bank.

20 All right. Do y'all want to take a quick break,
21 stretch and keep going? Do you want to go and finish the
22 last one and the charge? Talk about it amongst
23 yourselves. It doesn't matter to me.

24 (Pause.)

25 THE FOREMAN: Keep going, Your Honor.

1 THE COURT: Okay. Anybody need to run and use the
2 restroom real fast? Of course, you can stand and stretch,
3 but do you need to use the restroom real fast and come
4 back?

5 THE JUROR: Yes.

6 THE COURT: Okay. Let's take about a five or so
7 minute break. Do not discuss the case in any way, shape,
8 or form. Anyone who needs to use the restroom, do so and
9 then we'll come right back in.

10 (Whereupon, the jury left the courtroom at 12:47
11 p.m.)

12 THE COURT: All right. Use the restroom if you need
13 to. Don't go too far.

14 (WHEREUPON, a short break was taken.)

15 THE COURT: Okay. Everybody ready? Let's bring them
16 in.

17 (Whereupon, the jury entered the courtroom at
18 12:57 p.m.)

19 THE BAILIFF: Jury is seated, Your Honor.

20 THE COURT: All right. Welcome back, ladies and
21 gentlemen.

22 Ms. Walker, the floor is yours.

23 MS. WALKER: Thank you, Your Honor, may it please the
24 Court?

25 THE COURT: Yes, ma'am.

Closing Statement by Ms. Walker

MS. WALKER: Good afternoon.

THE FOREMAN: Good afternoon.

MS. WALKER: Before I get started talking to you about what's been discussed from this witness stand this week, I do want to thank you for your time, your patience and your attention.

As Ms. Campbell said, there was no way for any of you to know what type of case you were going to be seated on on Tuesday morning. You didn't know if it was going to be a car wreck or a shoplifting. You certainly didn't know that you would sit here for several days and hear about the darkest depths of our society. You didn't know you were going to hear about drugs and prostitution and murder.

And as you were sitting here trying to figure out what type of case you may be listening to this week, the three of us are trying to determine what type of defense would be used. What's the defense when you beat a 71-year-old half blind diabetic man to death? How do you defend that? What's the defense when you leave your bloody palm print on the scene, on the murder weapon? What's the defense when absolutely every single piece of physical evidence in this case refutes any version of events you've put forth?

1 And on Tuesday afternoon as Ms. Goode gave her
2 opening statement, I realized what the defense was. You
3 trash the victim. You make him anything other than a man.
4 He was this superhuman man capable, in her words, of
5 bending steel with his bare hands. He was big. He was
6 burly, he was strong and he had it coming. These huge
7 cooker grills that he lifted onto trailers with his bare
8 hands. He was so strong. He was so enraged and fueled by
9 cocaine that he was capable of anything. He was a danger.
10 You try to feed into all of our darkest, deepest biases,
11 prejudices and stereotypes.

12 And it's almost a good defense. It almost works, but
13 it falls short because there is evidence in this case.
14 There is physical evidence that doesn't bend towards bias.
15 There is physical evidence that doesn't crack under the
16 pressure of prejudice and there is physical evidence that
17 does not care about stereotypes.

18 He had it coming. She had to do it. She had to stay
19 alive. She had to kill him. That was her testimony. And
20 I want to talk to you about her testimony, but before I
21 talk to you about her testimony, I want to talk to you
22 about the credible evidence in the case.

23 You heard from Odell Middleton. He was one of the
24 first witnesses to testify. He was a friend of
25 Mr. Solomon's. And I'm going to call him Mr. Solomon or

1 James Solomon. I'm not going to call him by his nickname.
2 I'm not going to call him the Grill Man because I want you
3 -- I want everybody in this courtroom to understand that
4 we are talking about an actual person.

5 He and Mr. Solomon went to Charlotte earlier that
6 week. They installed or delivered handicapped rails.
7 Took him back, dropped him off at home, paid him his
8 portion of the money. And then he got concerned because
9 he hadn't heard from his friend in a while, so he went by
10 his house and the back door was opened. And it was odd to
11 him. Remember, he said that he was knocking on the door,
12 and then as he went into the house, he was knocking on the
13 walls, and he said, Boo Boo, I'm coming in. Boo Boo, I'm
14 coming in, and he got no response. He went to the back
15 bedroom, saw the blood there, and he found his friend
16 lying dead in the floor. And he did what reasonable law
17 abiding citizens with nothing to hide do at that point in
18 time. He ran out and he called 911.

19 You heard from Annie Bell, that was Mr. Solomon's
20 aunt, that she saw him that Friday morning, that she had
21 taken him a suit, some shoes and that he was in the
22 backyard welding. He was a welder. He wasn't bending
23 metal with his bare hands. He was using his tools and his
24 trade to actually have a job and a source of income. She
25 said that he was fine at that time. The reason we called

1 her to the stand was because we needed to put some sort of
2 timeframe around his death. Friday morning, he was alive
3 and well.

4 When Deputy Collins Harper, the responding deputy in
5 this case, responded to the scene, there was a smell. It
6 was extremely hot in the trailer. The front door was
7 locked. They made entry into the back door, which was
8 opened.

9 And when you get back to the jury room, I want you to
10 look at the pictures. You'll see that screwdriver, the
11 screwdriver that Odell Middleton said was used to keep
12 that back door shut. You'll see it right there at the
13 foot of the door.

14 Remember, he said when he first got out to that
15 scene, he was confused because it was a natural death
16 called out, but once he got on the scene and he saw James
17 Solomon lying in a pool of his own blood, he realized that
18 this death was anything but natural.

19 He secured the crime scene. And that is a theme of
20 their case from the beginning of the case until Mr. Bank
21 just sat down. That crime scene was unsecured. Who knows
22 what happened? Did someone else come and I guess kill him
23 again? I don't know what the purpose of their questioning
24 about this unsecured crime scene is. But there is only
25 one person in this courtroom who is at all in any way

1 responsible for that crime scene being unsecured for three
2 days. That's her. She ran out. She didn't call 911.
3 There was no crime scene to secure because her plan was
4 working. No one knew there was a crime scene. So please
5 don't hold that against Mr. Solomon or the State in this
6 case. That's her fault.

7 You heard from Amanda Adams, the EMS worker. She got
8 there. She smelled the odor. The victim in this case,
9 Mr. Solomon, was there when she got there. There was
10 nothing that she could have done.

11 You heard from Investigator Bouknight. He said he
12 went in and he saw this knife. This knife with a bent
13 blade and handle. This knife that's on the bedroom floor.
14 This knife that has the victim's blood on it, not the
15 Defendant's. This knife that corroborates the rest of the
16 physical evidence in this case. Because as much as she
17 doesn't want to talk about it, as much as she wants to
18 ignore it, this attack started in the bedroom.

19 When you look at those pictures -- you'll have the
20 DNA chart back there with you. There's that cigarette
21 that he had, that had the victim's DNA on it. The
22 cigarette that was dropped right there on the floor in
23 that bedroom. And those drops of blood where it was
24 indicated where the struggle started on that bedsheet.
25 Not smears, not enough blood that would make you think he

1 was gushing blood from his head like he was in the hallway
2 or in the living room, but just drops of blood and that
3 trail of blood that takes you from the bedroom where he
4 was initially attacked by her down the hallway and to the
5 living room.

6 The crime scene investigators told you that there was
7 a sheet on the bed and that the sheet on the bed caught
8 their attention because it had drops of blood on it. And
9 when you get back there -- we'll send gloves back there
10 with you. Take this sheet out, spread it out, look at it,
11 drops of blood in the middle and on the bottom of this
12 bedsheet indicating to the blood expert in this case, the
13 only blood expert in this case, who's opinion is not
14 refused by anyone, that this is where this struggle
15 started. There is a bent knife right there at the bottom
16 of the bed to corroborate. Whose blood is this? It's
17 James Solomon's blood.

18 Investigator Bouknight was the one who lifted the
19 print off of the front door and he was able to turn that
20 over and match that to another individual. But he was
21 also the one, remember, that noticed -- there's a picture
22 of the knife we were just talking about the proximity to
23 the bed, where she started attacking him. The knife
24 didn't work. She was slashing so many times that she bent
25 it, so she got a vase from wherever the vase was that

1 night. Because I don't know if it was in the bedroom or
2 was in a different room in the house because we don't have
3 any credible testimony as to where anything in the house
4 was. What she's counting on is you have to take her word
5 for it because she finished the other participant off.

6 Do you remember the second bedroom that's right
7 there? How low these smears are where the victim in this
8 case was crawling away covered in his own blood? Remember
9 that throughout the crime scene investigation, all of the
10 blood in this case that's on the walls, that spatter that
11 he talked about was low.

12 You're going to have a picture of the radiator that
13 he was talking about back there with you, how that was at
14 a 90-degree angle. Remember, he said wherever he was, he
15 would have had to be -- his head would have had to have
16 been level to the radiator at this point. That radiator
17 is about this high off ground because he's on the ground
18 and she is not stopping. She is swinging this glass vase
19 over and over and over again. And yes, there are 17
20 blows. But I'm not telling you there were 17 swings.
21 Nobody in this courtroom through any credibility could
22 tell you that. I'm telling you that there were more than
23 17 swings. Think about all the times she had to swing and
24 miss as he fought for his life. She swung and she swung
25 and she swung until she beat a 71-year-old man to death.

1 There was Investigator Rainsford. He collected a lot
2 of the evidence in this case. But remember, he went and
3 he collected the clothing the Defendant said she was
4 wearing that night. And depending upon which version of
5 events you believe, she had -- at the time of that fatal
6 encounter, she had on jeans, socks and her shoes. And
7 he's stabbing her in the legs. Remember, she's pulling up
8 her jeans, she's showing you where he's stabbing her in
9 the legs. That's her testimony.

10 When you go back to that jury room, please take out
11 these jeans. Show me any cut, rip or hole anywhere in
12 these jeans because in order to get to her legs, in order
13 to cut her skin, he had to go through this denim. This
14 alone makes her story unbelievable.

15 Remember, he fell on top of her -- or she fell on top
16 of him. She had on these shoes. He's bleeding. If
17 that's true, those shoes should be covered in the victim's
18 blood if they are in this tight struggle and he's on top
19 of her with these pants and with these shoes on. She
20 didn't say anything about washing the shoes. She washed
21 the pants that miraculously have no cuts or holes in them,
22 despite the fact that she was stabbed through them. Her
23 own clothing refutes her version of events.

24 You have Kerri McClary. She was another crime scene
25 investigator. And she took photos not only of the victim

1 in this case, but she took photos of the Defendant as
2 well. Do you remember, there was this struggle, this
3 fight the two of them were engaged in. And Kerri McClary
4 documented the injuries to both parties.

5 Ladies and gentlemen, this isn't a fight. This is an
6 attack. His eye is swollen shut. His mouth is bleeding.
7 He was hit three times in the face, this big, strong,
8 burly, hulk of a 71-year-old man. But the problem is that
9 argument for them kind of cuts both ways, right, because
10 if he's that big and that strong and that intimidating of
11 a force, if he was trying to hurt her, if he wanted to do
12 her harm, she would have been more beat up than this. Her
13 story lacks credibility. This isn't a fight. This is an
14 attack.

15 This is what a defensive wound looks like. I'm not
16 sure what this is. Could it have happened when she broke
17 the glass as she was beating the man over the head? These
18 are the healing cuts on her legs. Does this look like a
19 fight to you, especially if one person is so much bigger
20 and stronger than the other person and they are engaged in
21 a fight? Does this look like a man who was attacking her?

22 And this open print -- printed off picture of his
23 hand, Exhibit No. 34. It's his right hand covered in
24 blood. Because as he's bleeding, as she's attacking him,
25 he's trying to stop the bleeding. He's not coming at her

1 with a knife. Had he been doing that, his hand would have
2 been closed and he wouldn't have had blood all over it.
3 Her story just won't fit the evidence in this case.

4 And they want this case to turn on whether or not it
5 was urine in a vase. I don't know where the vase was or
6 if there was urine in it or not, but I don't think that
7 when you hear the Judge's charge on the law, the murder
8 weapon is going to have to be filled with urine or not
9 filled with urine. I don't think that changes anything.
10 Listen to the law. I could be wrong. He may give you
11 some sort of urine charge I've never heard before. I
12 doubt it.

13 A murder weapon is whatever someone intent on killing
14 someone uses at the time. In this case, not only was it a
15 glass vase, it was also a bent knife.

16 Mr. Bank said he doesn't know why we spent so much
17 time trying to tell you where Amy Norris was in this case.
18 The reason we spent time trying to do that was because if
19 we didn't, they would have said Amy Morris was the one who
20 killed him. It is law enforcement's job to not only
21 include the guilty criminals, but to exclude people who
22 weren't involved. That's why we needed to show where Amy
23 Norris was.

24 You heard from Gray Amick, I'm sure you remember that
25 testimony, he's the DNA -- Dr. Amick, the DNA expert.

1 Victim's blood everywhere in that house.

2 And then you heard from Dr. Durso. She testified
3 5'10", Mr. Solomon was, which was interesting. And the
4 reason I asked her that question was because if he's
5 5'10" and she's shorter than that, then in order to have
6 those blows to the back and the top back of his head, he
7 had to be lower than she was when she was hitting him.
8 Because he's on the ground and she is still coming after
9 him with so much force. Not only -- I'm not just asking
10 you to take my word for it. I'm asking you to take Dr
11 Durso's testimony and combine it with the crime scene.
12 And you see how low the blood spatter is in this case.

13 But as Dr. Durso was testifying, it reminded me of
14 what Ms. Gregg said when she opened the case when she said
15 that we don't have James Solomon here to tell us what
16 happened to him. And as Dr. Durso was testifying, I
17 realized that while Mr. Solomon is not here to speak for
18 himself, his body is telling us exactly what happened to
19 him that night. His body was acting as sort of a silent
20 witness in this case to talk about these 17 blows he
21 suffered, the defensive wounds he suffered. His body is
22 telling the story of his attack and the injuries.

23 To the right chin, there was a superficial sharp
24 force injury. To the base of the neck, there were two
25 superficial sharp force injuries. To the right lower

1 chest, there were two superficial sharp force injuries.
2 Below the right elbow, there were two red abrasions. On
3 the right hand between the first and second digit, there
4 were superficial sharp force injuries to the dorsal aspect
5 of the hand and the dorsal aspect of the second digit. On
6 the right lower arm, there were three superficial sharp
7 force injuries. The anterior and lateral aspect of the
8 right shoulder, there are three superficial sharp force
9 injuries. On the anterior aspect of the left lower arm,
10 there was one vertically oriented superficial sharp force
11 injury and one obliquely oriented superficial sharp force
12 injury with several sharp lesions. There was a
13 superficial injury on his left wrist, four on his lower
14 left arm. She was cutting him everywhere. Dorsal aspect
15 of the left wrist, there's another superficial sharp force
16 injury, a lateral aspect of the left upper leg, five sharp
17 force injuries. And on his foot, there were two sharp
18 force injuries. And that's only what she did with the
19 knife.

20 Because once she got the vase to his face, above his
21 right eyebrow -- and before I get there. Mr. Bank said
22 that we refused to show you what happened to the front of
23 the victim in this case. He said we forced Mr. Bailey to
24 get up here and put stickers on his face. That's just not
25 true. Here's the chart where we showed you all the

1 injuries to his face. We weren't hiding that.

2 Those injuries that are on this diagram, on the face
3 above the right eyebrow is a Y-shaped laceration. In the
4 mid-forehead is another Y-shaped laceration. There's a
5 nasal fracture. There were, at least, six blows to the
6 head resulting in X-shaped lacerations. There were two
7 blows to the head resulting in lacerations of 3. -- three
8 by three centimeters and two by two centimeters. There
9 are three lacerations to his left lower scalp, and there
10 are three lacerations to his right lateral scalp, right
11 behind his right ear. And there were soft tissue
12 hemorrhages associated with these injuries once they
13 pulled the scalp back. Fight?

14 You heard from some of the Defendant's friends in
15 this case. Moses Warren. Moses Warren was not the boy --
16 not the primary boyfriend, but the other gentlemen she
17 spent time with. She had clothes at his house as well.
18 Moses Warren testified that she called him and that she
19 was walking and she was cold, so he went to go pick her
20 up. It was raining. They shared a cigarette. He got her
21 to the house. And for the first time ever, he testified
22 that she had bruises all over her body. Now, those
23 bruises aren't documented in any of the pictures, but now
24 he comes up with these bruises. When he initially was
25 talked to by law enforcement, he recognized in his

1 statement and he said there were cuts on her -- that her
2 hands were sore and red. If you beat someone to death
3 with a glass vase that breaks in your hand, I can
4 understand your hands being sore.

5 But his story changed. Remember on
6 cross-examination, she admitted that she said he wrote a
7 statement on me, tell him to get ready to have his lights
8 and his water cut off. Then they talk on the phone, she
9 goes to visit him -- or he goes to visit her at the jail
10 and they write letters back and forth and now all of a
11 sudden, she's bloody and bruised everywhere. They were
12 just friends, but he saw her naked when she took a shower
13 and then they shared a bed together, but they made sure to
14 sleep at opposite ends of the bed.

15 You heard from who we believe to be her boyfriend,
16 but who she later revealed to be her pimp. Both of them
17 said the same thing. She said I was in a fight. Not I
18 was attacked, not I had to fight for my life, not can you
19 believe what happened to me, that someone tried to kill
20 me. She didn't say any of those things. She said she was
21 in a fight, the same thing she said to her father.

22 And then you heard from Investigator Johnson. You
23 heard from him twice actually, in our initial case and
24 then when we put up our rely case. And Investigator
25 Johnson is lead investigator in this case. He started

1 initially because he heard that there was a woman named
2 Amy that she hung out with -- I'm sorry, that the victim
3 hung out with. He went to go to try to find Amy and in
4 speaking -- trying to find Amy, he spoke with Holly Jo
5 Thompson. Only later did he find out that the palm print
6 belonged to Holly Jo Thompson, so he went and placed her
7 under arrest. And initially, she said I was there, but I
8 didn't kill him. When confronted with the evidence in
9 this case, she is read her rights, checks off on all of
10 this, signs her rights acknowledging that she understands
11 them and then waives all those rights and agrees to speak
12 with law enforcement. And you'll have a copy of this
13 statement back there with you.

14 The name is Holly Jo Thompson.

15 How do you know James, A/K/A, the Grill Man that
16 lives on Lower Richland Boulevard?

17 Through a girl named Amy. In March of April of last
18 year, I met Amy and I went with her to her boyfriend,
19 Matt's house, and we had a threesome with drug boy, who I
20 think we later learned is Bowleg, and he gave us a lot of
21 crack. When the guy left, Amy took me to James's house
22 and that's the first time I met him. Ever since then,
23 it's been a trick thing with him, with James. Sometimes
24 he would give me money for sex and sometimes he would give
25 me money and dope. I always knew him as James or the

1 Grill Man.

2 How many times have you had sex with James?

3 Over a hundred times. At least, two or three times a
4 week.

5 Why was he called the Grill Man?

6 He said that he takes barrels and builds grills out
7 of them and sells them.

8 Where did James live?

9 I don't know the address, but I know it's a trailer
10 off the road down by the curve on Lower Richland
11 Boulevard.

12 When were you last at James's house?

13 It was either Friday or Saturday night, the 24th or
14 the 25th. I don't remember the night.

15 Can you tell me what happened while you were at
16 James's house on Friday or Saturday night?

17 He called or got a message to me that he wanted me to
18 come by his house.

19 Because at that point in time, she's not revealing
20 the nature of Michael's involvement with this. She's not
21 letting law enforcement know that he is her pimp and that
22 that was the nature of that business arrangement. So she
23 just says that he got a message to her.

24 I don't remember who it was, but he said James said
25 to come to the house. So I walked down to his house

1 around 7:00 or 7:30. When I got there, he called the dope
2 boy. Around 20 minutes, the dope boy showed up and James
3 pulled 40 or \$50 out of his pocket and bought some crack.

4 We smoked three or four rocks in the living room.

5 We smoked. Remember, on the stand, she said that he
6 was smoking it because he was hogging all the crack.

7 Initially, she said we smoked three or four rocks in the
8 living room.

9 He asked her for sex. And around 9:30 or 10:00, he
10 called the dope boy again and when the dope boy got there,
11 he bought another \$40 worth. He would pull his money out
12 of his pocket.

13 She was paying attention to where that money was
14 coming from. She knows exactly which pocket it was coming
15 out of.

16 And he told me to go to the first bedroom because he
17 didn't want the dope boy to see me. When the dope boy
18 left, he closed the front door and told me to come out of
19 the bedroom. We smoked a little in the bedroom and he
20 started getting mad that he couldn't get hard. He went to
21 his bedroom and he tried to stick it in, but it wouldn't
22 get hard and he got mad. He went back to the living room
23 and he got my stem and he started saying that I was
24 stealing dope from him. I started putting my clothes on.
25 I had my jeans on and was putting my shoes on and he had a

1 knife that he was cutting crack with.

2 So at this point, he has both her crack stem and the
3 knife because he's cutting the crack.

4 I had my jeans on and then when I went to reach for
5 my shirt, he swung the knife at me and cut my right
6 forearm and my right elbow. I jumped up and we started
7 hollering at each other. He kept saying I was stealing
8 his dope and I told him I wasn't and tried to get him to
9 put the knife down. He was on the other side of the
10 coffee table trying to get at me and that's when I picked
11 up the glass vase that was at the end of the kitchen
12 counter on top of the white cabinet. He had peed in it
13 earlier and it was full of pee.

14 Remember, she said she noticed that. And he told her
15 that when she first walked in the house because she had
16 noticed how pretty the vase was and she could see the
17 reflection off of some light that was in the house.

18 He backed up after I grabbed it. I tried to get to
19 the couch to get my bra, shirt and jacket so I could leave
20 and he stated that I was stealing his dope. He stated I
21 wasn't leaving until I gave him his crack back. I picked
22 my stem up off the floor near the fish tank.

23 The problem is she has the defendant [sic] in the
24 earlier part of this story on the other side of the room
25 where he was seated on the couch with her crack pipe.

1 Now, she puts him on the other side of the room -- or now
2 she puts the crack pipe on the other side of the room near
3 the fish tank.

4 When I stood up, he swung the knife at me again and I
5 swung the vase at him. He kept coming at me and pushed me
6 into the wall in the hallway, so I kept swinging. And the
7 next thing I know, he was on the floor and the vase was
8 broke. I was so scared that I grabbed my stuff and left.
9 I put my bra and shirt on and I went out the front door
10 and closed the door behind me.

11 She would have had to have gone out the front door
12 and closed and locked the door behind her. Because you
13 remember that front door is locked and law enforcement is
14 entering through the back door, where that screwdriver
15 that he kept to keep the back door closed had fallen to
16 the floor.

17 And the other thing, when she testified, remember,
18 she said that she was by the front door. She could have
19 retreated at that point in time, but it was too cold
20 outside and she still needed to get her crack pipe. At
21 this point in time, this man who was so unhinged, as Mr.
22 Bank called him, that he is urinating in vases, is going
23 to kill her, it's not that big of a deal to leave right
24 now because I still have to get my crack pipe. I guess
25 everyone has different priorities, but it seems at that

1 point in time, her number one priority should have been
2 and legally she was mandated to leave the home.

3 But what makes that part of the story even less
4 credible is that later on in the afternoon when she gets
5 into an argument with her boyfriend, when she was in no
6 way in fear for her life at that point in time, she
7 decides to leave and walk around in the middle of the
8 night in the dark and cold. She's willing to do it over
9 an argument, but she's not willing to do it when someone
10 is trying to kill her.

11 Does that make sense? Is that something any
12 reasonable person high or not would do? And whether or
13 not she's making good decisions is irrelevant because
14 voluntary intoxication is not an excuse under the law of
15 her terrible decisionmaking that night.

16 In this part, she says I was so scared that I grabbed
17 my stuff and left. I put my bra and shirt on, closes the
18 door behind her. I went back to my house and went in the
19 bathroom and closed the door like nothing happened. I
20 washed my arm off and got the bleeding to stop on my elbow
21 and right wrist. I got them cleaned up and the cuts on my
22 hand. I went in the bathroom and put my clothes on like
23 nothing happened. I didn't know I hurt him that day.

24 Because in this version of events, she sleeps at
25 Michael Richards's house that night. She doesn't talk

1 about going out into the cold, rainy night wandering the
2 streets waiting for Moses because even she understands
3 that that doesn't make sense if she wasn't so scared that
4 she did it before.

5 Did the vase break the first time you hit him with
6 it?

7 No, I have no idea how many times I hit him with it.

8 Was he bleeding when you left his house?

9 I think he was.

10 She thinks? Look at the crime scene photos. Could
11 anyone in that house have doubted that the man was
12 bleeding? But her answer was I think he was.

13 I know his face was bleeding where I hit him in the
14 face with the vase. The hall was dark and she didn't have
15 her glasses on.

16 Where was he when you left the house?

17 He was on the floor in the hall cussing me out. He
18 was steady saying, Bitch, bring me my crack back. Bitch,
19 I'm going to kill you when I get up.

20 And that's been a bone of contention because as Dr.
21 Durso said, she cannot determine whether the victim in
22 this case was unconscious or not. She thinks that because
23 of the number of blows, the 17 hits to the head, he would
24 have had a concussion, that he would have been
25 unconscious. For goodness sake, I hope he was.

1 That he's yelling at her and she didn't call the
2 police. And then she testified she didn't call the police
3 because she's a prostitute and no one believes
4 prostitutes. But when she gave a statement, she said I
5 don't call the police because I don't like to get people
6 in trouble. I didn't know I hurt him that bad.

7 She doesn't like to get people in trouble. She
8 doesn't like to get Holly Jo in trouble. But remember
9 when the police came looking for Amy Norris, she told them
10 exactly where to find Amy. She doesn't mind getting Amy
11 Norris in trouble. She doesn't mind putting the police on
12 Amy Norris's trail for the murder of James Solomon.
13 Holly Jo Thompson doesn't like to get Holly Jo Thompson in
14 trouble. I think that was evident when she testified here
15 yesterday. She doesn't ever tell everything she knows.
16 Do you remember that part of the testimony?

17 Before I finish with this, there's another part of
18 the testimony that stuck out to me. She had been
19 cross-examined by Ms. Campbell and Mr. Bank stood up and
20 he asked her, Did you find the prosecutor's questions to
21 be confusing? She said, Yes, sometimes. He said, Did she
22 try to put words in your mouth? She said, Yeah, I think
23 so.

24 The only question Ms. Campbell asked her after that
25 was what, if anything, do you want clean up or clear up

1 that I may have confused you on? Holly Jo Thompson said
2 nothing. She wasn't confused by her testimony or by the
3 questions that she was being asked. She was confused
4 because even she realized as she was telling the story
5 that it didn't make sense, that it didn't fit the
6 evidence. She had nothing more to add because at that
7 point, even she recognized that she needed to get off the
8 stand and get off the stand in a hurry before it got any
9 worse.

10 Ms. Campbell wasn't playing unfair with her. She
11 wasn't putting words in her mouth. She gave this
12 Defendant an opportunity to, at length, explain away or
13 clarify any statements she made and she didn't anything to
14 say to her.

15 How many times did you have sex with James? That was
16 over a hundred times, but on this time, the encounter was
17 fatal.

18 And they brought in the toxicologist to talk about
19 this drug-fueled rage, how he would have been aggressive,
20 going back to fitting their narrative that they started at
21 the beginning of this trial. He would have been
22 aggressive that night.

23 The problem for them is that anything they say about
24 the effects of cocaine on the system about James Solomon
25 applies to her, who admittedly had been smoking crack all

1 day, and who in her statement said they hit about four or
2 five crack rocks.

3 She admits that crack makes her bold. And on that
4 night, she was so bold, she was so brazen, she was so
5 aggressive. And just look at the pictures and figure out
6 who was being aggressive that night, that she beat a man
7 to death.

8 All we are asking you to do when you go into the jury
9 room -- and it is not my job to tell you how to
10 deliberate, so I'm not going to do that. I think that you
11 all are capable of figuring that out yourselves. The only
12 thing that we're asking you to do is to follow the
13 evidence in this case.

14 As Ms. Campbell said, this case comes down to
15 credibility. Who do you believe? Do you believe the
16 bloody palm print? Do you believe the 17 blows to the
17 head? Do you believe the numerous lacerations to the
18 body? Do you believe the bloody knife in the bedroom? Do
19 you believe this victim's blood that is scattered
20 throughout this home? Or do you believe one of the
21 version of events that Holly Jo Thompson has given you?

22 And if you believe her and if you believe that the
23 physical evidence matches her story and this is
24 self-defense, then it is your duty to let her go. It is
25 your duty to find her not guilty. But if on the other

1 hand, you believe the evidence in this case, the physical,
2 credible evidence that is incapable of lying or changing,
3 then tell them that in this courtroom in 2016, that he had
4 it coming, that he was the aggressor, that he was a big,
5 strong, superhuman metal-bending man in a rage defense is
6 offensive and it won't work.

7 Hold her accountable for what she did and find her
8 guilty of murder. Thank you.

9 THE COURT: All right. Thank you, Ms. Walker.

10 Charge by the Court

11 THE COURT: All right. Ladies and gentlemen, stand
12 up and stretch where you are.

13 Okay. We're almost done. You may sit back down.

14 All right. Ladies and gentlemen, it is now my duty
15 and responsibility to charge you on the law that applies
16 to this case. As I told you in the beginning, you're the
17 judge of the facts and I'm the judge of the law, so I will
18 now explain to you the law that applies to this case.

19 I'm going to do my best to make this as interesting
20 as possible, okay, and not be as monotone as sometimes I
21 can be, but this is 23 pages, so I'm going to go through
22 it with you as best I can and make sure you understand the
23 law that applies in this case.

24 The indictment, which I read to you at the beginning
25 of the week, charged the Defendant with murder. I remind

1 you that the fact that she was arrested, charged and
2 indicted in this case is not evidence of anything. It
3 cannot be considered by you as evidence of guilt nor does
4 it create any presumption or inference of guilt. The
5 indictment is simply the formal written instrument which
6 contains the charge made against the Defendant. It's the
7 formal document by which this case is brought into this
8 court.

9 During this trial, you and I have certain duties to
10 perform. As the trial judge, it is my responsibility to
11 preside over the trial of the case. I also have the duty
12 to rule on the admissibility of the evidence offered
13 during this trial. You are to consider only the competent
14 evidence before you. If there was anything ordered
15 stricken from the record, you must disregard that
16 testimony. You are to consider only the testimony which
17 has been presented from the witness stand, the exhibits
18 which have -- and the exhibits which have been made a part
19 of the record in this case.

20 You will have all these exhibits with you in your
21 jury room, okay. You will also have gloves if you want to
22 touch anything or look at anything. There was one audio
23 recording that was played throughout the trial. You will
24 have a computer back in your jury room solely for the
25 purposes of playing that audio recording if you want to

1 hear it, okay.

2 I also have the additional duty to charge you on the
3 law applicable to this case. I am the sole judge of the
4 law in this case. It is your duty as jurors to accept the
5 law and apply the law as I now give it to you. If you
6 have an idea as to what the law is or what the law ought
7 to be and it does not agree with what I now tell you the
8 law is, you are required to abandon your own idea because
9 you are sworn to accept the law and apply it as I give it
10 to you now.

11 You have become the sole and exclusive judge of the
12 facts in this case. I cannot state, comment on or make
13 any statement to you in any way, shape, or form about the
14 facts. You are the sole judge of the facts.

15 You are not to infer from anything that I have said
16 during the progress of this trial in ruling upon the
17 admissibility of evidence or otherwise or anything that I
18 say to you now that I have any opinion about the facts.

19 The law does not allow me to have an opinion about
20 the facts. That is a matter for you to determine. It is
21 your duty to determine the effect, the value, the weight
22 and the truth of the evidence presented during this trial.

23 Now, to this charge, the indictment has pled --
24 excuse me, the Defendant has pled not guilty. That plea
25 has put the burden of proof upon the State. A person

1 charged with committing a criminal offense in South
2 Carolina is never required to prove himself or herself
3 innocent.

4 I charge you that it 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
7 to be innocent of the crime for which the indictment was
8 issued unless guilt has been proven by evidence that
9 satisfies you of that guilt beyond a reasonable doubt.

10 This presumption of innocence does not end when you
11 begin your deliberations. It accompanies the Defendant
12 throughout the trial until you reach a verdict of guilt
13 based upon evidence that satisfies you of that guilt
14 beyond a reasonable doubt.

15 This presumption of innocence is like a robe of
16 righteousness placed about the shoulders of the Defendant
17 which remains with the Defendant until it has been
18 stripped from the Defendant by evidence that satisfies you
19 of the Defendant's guilt beyond a reasonable doubt.

20 This presumption of innocence is not a mere legal
21 theory. It's just not some phrase. It is a substantial
22 right to which every defendant is entitled unless you, the
23 jury, are satisfied from the evidence of the Defendant's
24 guilt beyond a reasonable doubt.

25 What is reasonable doubt? The State has the burden

1 of proving the Defendant guilty beyond a reasonable doubt.
2 Some of you may have served as jurors in civil cases where
3 you were told that it is necessary to prove that a fact is
4 more likely true than not true, such as by the greater
5 weight or the preponderance of the evidence.

6 In criminal cases, the State's proof must be more
7 powerful than that. It must be proof beyond a reasonable
8 doubt.

9 Proof beyond a reasonable doubt is proof that leaves
10 you firmly convinced of the Defendant's guilt. There are
11 very few things in this world that we know with absolute
12 certainty. In criminal cases, the law does not require
13 proof that overcomes every possible doubt.

14 If based upon your consideration of the evidence, you
15 are firmly convinced that the Defendant is guilty of the
16 crime charged, you must find the Defendant guilty. If on
17 the other hand, you think there is a real possibility that
18 the Defendant is not guilty, you must give the Defendant
19 the benefit of the doubt and find her not guilty.

20 There are two types of evidence which are generally
21 presented in a trial, direct and circumstantial evidence.
22 Direct evidence directly proves the existence of a fact
23 and does not require deduction. Circumstantial evidence
24 is proof of a chain of facts and circumstances that
25 indicates the existence of a fact.

1 Crimes may be proven by circumstantial evidence. The
2 law makes no distinction between the weight or the value
3 to be given to either direct or circumstantial. Evidence,
4 however -- or circumstantial evidence. However, to the
5 extent that the State relies on circumstantial evidence,
6 all of the circumstances must be consistent with each
7 other and when taken together point conclusively to the
8 guilt of the accused beyond a reasonable doubt.

9 If these circumstances merely portray the Defendant's
10 behavior as suspicious, the proof has failed. The State
11 has the burden of proofing the Defendant guilty beyond a
12 reasonable doubt. This burden rests with the State
13 regardless of whether the State relies on direct evidence,
14 circumstantial evidence or some combination of the two.

15 Now, you must determine the credibility of the
16 witnesses who have testified in this case. Credibility
17 simply means believability. Because it's your duty as
18 jurors to analyze and to evaluate the evidence and to
19 determine which evidence convinces you of its truth.

20 In determining the believability of the witnesses who
21 have testified, you may believe one witness over several,
22 several over one. You may believe a part of the testimony
23 of a witness and reject the remaining part of the
24 testimony of the same witness. You may believe the
25 testimony of a witness in its entirety. You may consider

1 whether any witness has exhibited to you any interest,
2 bias, prejudice or motive in this case. You may also
3 consider the appearance and demeanor of a witness while on
4 the witness stand.

5 The bottom line is this. You can believe everything
6 a witness says. You can believe none of what a witness
7 says. You can believe some of what a witness says.
8 That's a decision for you to make.

9 Expert witnesses. The Rules of Evidence ordinarily
10 do not permit witnesses to testify as to opinions or
11 conclusions. An exception to this rule is for witnesses
12 that we call experts. A witness who by education and
13 experience has become an expert in some art, science,
14 profession or calling may state an opinion as to relevant
15 and material matters in which the witness claims to be an
16 expert and may also state the reasons for that opinion.

17 You should consider any expert opinion received in
18 evidence in this case and like any other evidence give it
19 the weight and the credibility that you believe it
20 deserve.

21 If you decide that the opinion of an expert is not
22 based upon sufficient education and experience or if you
23 conclude that the reasons given in support of the opinion
24 are not sound or that the opinion is outweighed by other
25 evidence, you may disregard it entirely. An expert

1 witness's testimony is to be given no greater weight than
2 any other witness simply because they're an expert.
3 Further, you are not required to accept an expert's
4 opinion even if it is not contradicted.

5 Now, there is a statement that is alleged to have
6 been made by the Defendant that has been admitted into
7 evidence in this case. While I have determined that the
8 statement is admissible, I instruct you that you make the
9 ultimate decision on whether or not the Defendant made the
10 statement.

11 If the Defendant did make the statement, you must
12 determine whether the statement was made voluntarily and
13 of her own free will. This means that the statement was
14 not caused by pressure, force, fear, threats, coercion or
15 intimidation or by some hope or promise of leniency or
16 reward of any kind.

17 In determining whether the statement was voluntary,
18 you should consider both the characteristics of the
19 Defendant and the details of the questioning. Some
20 factors that you must consider are the age of the
21 Defendant, the Defendant's education or lack thereof, the
22 Defendant's mental ability or capacity, the Defendant's IQ
23 or intelligence, the Defendant's background and
24 environment, the place and the length of the detention,
25 the nature of the questioning and the advice or lack

1 thereof to the Defendant of her constitutional rights,
2 including but not limited to the right to remain silent,
3 that any statement could be used against her in court, the
4 right to have a lawyer, that if she cannot afford a
5 lawyer, a lawyer would be appointed to represent her
6 without any cost and that she could stop making a
7 statement at any time.

8 You must carefully consider all of the surrounding
9 circumstances before you give any weight to an alleged
10 statement.

11 Are you with me? You've just got your head down?

12 THE JUROR: Yeah, I'm listening.

13 THE COURT: Thank you.

14 The State has the burden of proving beyond a
15 reasonable doubt that the alleged statement was voluntary.
16 If you determine it was, you may give the statement any
17 further consideration that you deem proper. You must
18 decide what weight, if any, should be given to the
19 statement. If you determine the alleged statement was not
20 the free and voluntary statement of the Defendant, do not
21 consider it at all.

22 Now, the next thing I'm going to explain to you is
23 intent. In order to establish criminal liability,
24 criminal intent is required. For example, these are
25 examples, the mental state required to be proven by the

1 State for a particular crime might be purpose, intent,
2 knowledge, recklessness or criminal negligence.

3 Criminal intent must be proven by the State beyond a
4 reasonable doubt. Criminal intent is always a matter that
5 must be determined by you from the circumstances that
6 surround the situation.

7 There's no way to prove intent to a mathematical
8 certainty. There is no way medical science can dissect a
9 person's brain and determine what that person had in their
10 mind, so the law says that criminal intent may be inferred
11 from the circumstances shown to have existed.

12 This is how you make a determination of whether or
13 not the element that requires intent was present. It is
14 not necessary to establish intent by direct and positive
15 evidence, but intent may be established by inference in
16 the same way as any other fact by taking into
17 consideration the acts of the parties and all the facts
18 and circumstances of the case.

19 Criminal intent is a mental state, a conscious
20 wrongdoing. It is up to you to determine what the
21 Defendant intended to do based upon the circumstances
22 shown to have existed.

23 Criminal intent can arise from an act or a failure to
24 act. It may arise from negligence, recklessness or an
25 indifference to duty or to consequences that is considered

1 by the law to be the equivalent of criminal intent.

2 All right. Halfway there, okay.

3 The next thing I'm going to discuss with you is
4 voluntary intoxication. Voluntary intoxication is not an
5 excuse for or a defense to a crime regardless of whether
6 the crime is one involving general or specific intent.

7 This rule also extends to the voluntary ingestion of
8 drugs. A person who voluntarily ingests alcohol and/or
9 drugs and thereby becomes intoxicated is no less
10 responsible for his acts while in such condition.

11 If one voluntarily drinks intoxicating liquors, wine
12 or beer or ingest drugs and becomes intoxicated to
13 whatever degree and while in that condition commits an act
14 which would be a crime if it had been committed by a sober
15 person, the fact of intoxication would not relieve the
16 intoxicated person from responsibility. Voluntary
17 intoxication does not preclude one's ability to act with
18 malice aforethought and it's not a defense to a crime.

19 All right. The next thing that I'm going to explain
20 to you is the crime Ms. Thompson is charged with. The
21 crime is murder, and there are elements of the crime of
22 murder. And I'm going to explain each of those elements
23 to you.

24 The Defendant is charged with murder. The State must
25 prove beyond a reasonable doubt that the Defendant killed

1 another person with malice aforethought. Malice is
2 hatred, ill will or hostility towards another person. It
3 is the intentional doing of a wrongful act without just
4 cause or excuse and with an intent to inflict an injury or
5 under circumstances that the law will infer an evil
6 intent.

7 Malice aforethought does not require that malice
8 exists for any particular time before the act is
9 committed, but malice must exist in the mind of the
10 Defendant just before and at the time the act is
11 committed.

12 Malice may be conceived at the very moment the fatal
13 blow is given. It is sufficient in the law if the
14 combination of evil intent and act produced the fatal
15 result.

16 Malice aforethought may be expressed or inferred.
17 These terms expressed and inferred do not mean different
18 kinds of malice, but merely the manner in which malice was
19 shown to exist. That is either by direct evidence or
20 inference from the facts and circumstances which are
21 proved.

22 Expressed malice is shown when a person speaks words
23 which express hatred or ill will for another or when the
24 person prepared beforehand to do the act which was later
25 accomplished. For example, lying in wait for a person or

1 any other acts of preparation going to show that the deed
2 was in the Defendant's mind. Those would be expressed
3 malice. Malice does not necessarily impart ill will
4 towards the individual injured, but signifies rather a
5 general malignant recklessness of the lives and safety of
6 others or a condition of mind which shows a heart
7 regardless of social duty and fatally bent on mischief.

8 Now, malice may also be inferred from conduct that
9 shows a total disregard for human life. If facts are
10 proved beyond a reasonable doubt sufficient to raise an
11 inference of malice to your satisfaction, this inference
12 of malice would simply be an evidentiary fact to be
13 considered by you along with other evidence in the case
14 and you may give it the weight that you believe it
15 deserves.

16 You may also find malice if you find that the State
17 has proven beyond a reasonable doubt that the Defendant
18 was consciously and unlawfully involved in conduct that
19 constituted an extremely high risk of death or serious
20 injury to others and that she was acting with such
21 recklessness and wantonness as to indicate a depravity of
22 mind and disregard for human life, beyond a reckless
23 disregard for the safety of other, rising to the level
24 where she consciously disregarded the extremely high risk
25 of death that her conduct was creating.

1 Ordinary objects may become deadly weapons when the
2 facts show that they have been used to inflict serious
3 bodily harm or death.)

4 Now, I'm also going to explain -- at this point, I'm
5 going to explain to you self-defense, okay. Self-defense
6 has -- I'm losing track of my own thought process.

7 Self-defense has three main elements that I'm going
8 to explain to you. Some of those elements have subparts,
9 okay. So I'm going to try to do my best to put them
10 together for you.

11 Now, the Defendant has raised the defense of
12 self-defense. Self-defense is a complete defense and if
13 it is established, you must find the Defendant not guilty.

14 The State has the burden of disproving self-defense
15 by proof beyond a reasonable doubt. If you have a
16 reasonable doubt of the Defendant's guilt after
17 considering all of the evidence, including self-defense,
18 then you must find the Defendant not guilty.

19 On the other hand, if you have no reasonable doubt of
20 the Defendant's guilt after considering all the evidence,
21 including the evidence of self-defense, then you must find
22 the Defendant guilty.

23 The following elements are all required to establish
24 self-defense. Number one, without fault.

25 First, the Defendant must be without fault in

1 bringing on the difficulty. If the Defendant's conduct
2 was the type which reasonably calculated to and did
3 provoke a deadly assault, the Defendant would be at fault
4 in bringing on the difficulty and would not be entitled to
5 an acquittal based upon self-defense.

6 Number two, imminent danger.

7 The second element of self-defense is that the
8 Defendant was actually in imminent danger of death or
9 serious bodily injury or that the Defendant actually
10 believed she was in imminent danger of death or serious
11 bodily injury.

12 If the Defendant was actually in imminent danger, it
13 must be shown that the circumstances would have warranted
14 a person of ordinary firmness and courage to strike the
15 fatal blow to prevent death or serious bodily injury. If
16 the Defendant believed she was in imminent danger of death
17 or serious bodily injury, it must be shown that a
18 reasonably prudent person of ordinary firmness and courage
19 would have had the same belief.

20 In deciding whether the Defendant actually was or
21 believed she was in imminent danger of death or serious
22 bodily injury, you should consider all of the facts and
23 circumstances surrounding the crime including the physical
24 condition and characteristics of the Defendant and the
25 victim.

1 Now, the Defendant does not have to show that she was
2 actually in danger. It is enough if she believed that she
3 was in imminent danger and a reasonably prudent person of
4 ordinary firmness and courage would have had the same
5 belief. The Defendant has the right to act on appearances
6 even though the Defendant's beliefs may have been
7 mistaken. It is for you to decide whether the Defendant's
8 fear of immediate danger of death or serious bodily injury
9 was reasonable and would have been felt by an ordinary
10 person in the same situation.

11 Words accompanied by hostile acts may depending on
12 the circumstances establish self-defense. The relative
13 sizes, ages and weights of the Defendant and the victim
14 may be considered in deciding the apparent or actual need
15 for force in self-defense and the amount of force needed.

16 Intoxication, the intoxication of the victim may be
17 considered in deciding whether the Defendant's fear of
18 death or bodily injury was reasonable.

19 Now, the third element of self-defense is this.
20 There is no other way to avoid the danger.

21 The final element of self-defense is that the
22 Defendant had no other probable way to avoid the danger of
23 death or serious bodily injury than to act as the
24 Defendant did in this particular instance. A guest in a
25 home has a duty to retreat where possible if the attacker

1 is the owner or occupier of the property.

2 Now, a person cannot be required to make an exact
3 calculation as to the degree or amount of force which may
4 be needed to avoid death or serious bodily harm.

5 Therefore in self-defense, the Defendant has a right to
6 use the force needed to avoid death or serious bodily
7 harm. The force used in self-defense does not have to be
8 limited to the degree or the amount of force used by the
9 victim. The Defendant has the right to use so much force
10 as appeared to be necessary for complete self-protection
11 in which a person of ordinary reason and firmness would
12 have believed to be needed to prevent death or serious
13 bodily harm.

14 If the Defendant is justified in defending herself
15 and in striking the victim, then the Defendant is also
16 justified in continuing to strike until it is apparent
17 that the danger of death or serious bodily injury has
18 completely ended.

19 All right. Let me talk to you about your
20 deliberations. The genius of this system is that it
21 allows 12 good men and women from 12 totally different
22 backgrounds, life experiences and perspectives to come
23 together, talk about it and reach a verdict. We call them
24 deliberations for a reason. They are to be deliberate.
25 You are to consider the evidence carefully and

1 deliberately and discuss it in a calm, thorough and
2 courteous manner. Remember, you are not a partisan or an
3 advocate for either side. You're a judge, you're a judge
4 of the facts. Your sole interest is to find the truth
5 from the evidence you have heard in this courtroom.

6 Listen to the views of all of your fellow jurors.
7 Consider other people's points and points of view and talk
8 through and discuss the evidence. Remember if you're
9 doing something deliberately, you're not in a big hurry.
10 And you should not be in a big hurry here. This case is
11 very important to both sides. This is their only day in
12 court to resolve this matter.

13 When you retire to your jury room, you should discuss
14 the case with each other to reach agreement if you can.
15 Your verdict must be unanimous.

16 Each of you must decide the case for yourself, but
17 only after you have impartially considered the evidence,
18 discussed it fully with each other and listened to the
19 views of your fellow jurors.

20 Do not be afraid to change your opinion if the
21 discussion persuades you that you should, but do not come
22 to a decision just because everyone else thinks it's
23 right. It's important that you attempt to reach a
24 unanimous verdict, but only if you can do so after having
25 made your own decision. Do not change an honest belief

1 about the weight or the effect of the evidence simply to
2 reach a verdict. In other words, do not change your
3 opinion solely for the sake of reaching a unanimous
4 verdict.

5 Okay. Now, I just told you and I'm going to tell you
6 again, your verdict must be unanimous, okay.

7 The second thing is this, there is no point at any
8 time in your deliberations where you need to tell me what
9 the count is. Okay. Your count is your count, and you
10 need to keep to it yourselves.

11 Third, all of you must be in the room to deliberate,
12 okay. So if anybody needs to go out, make a phone call,
13 use the restroom, smoke, whatever needs to be, that's
14 fine, but you have to stop deliberating unless all 12 of
15 you are in the room together.

16 Okay. Now, you're going to have gloves back there,
17 these kind of medical-looking gloves, in case you want to
18 touch anything. Don't touch anything -- it would just be
19 a standard operating procedure in court not to touch
20 anything without any gloves on, okay, just for general
21 hygiene purposes if nothing more.

22 You'll have a computer back there for the purposes of
23 playing the audio. Now, that will not be back there
24 immediately. If you want that, just let one of the
25 bailiffs know and I'll get that back there for you and

1 show you how to play it.

2 Now, I'm about to send you back to your jury room.
3 You're still not allowed to deliberate. I have one more
4 legal matter that I have to check on with the lawyers. I
5 want to make sure that I said everything to you that I'm
6 supposed to say to you. And then the sign that you can
7 begin deliberating is when the exhibits come back. What
8 will happen is I'll have all the lawyers check all the
9 exhibits to make sure that all the right exhibits go back
10 and everything that was admitted into evidence will be
11 back there, but there's a lot, so we're going to double
12 check and make sure we have everything. Once the exhibits
13 come in your jury room, the alternate will come out and
14 then you may begin deliberations. Okay. So your sign
15 that you can start deliberating is when the exhibits come
16 in the jury room.

17 This is your verdict form. I tried to make it as
18 simple as possible. It says we, the jury, by unanimous
19 consent find the Defendant as to the charge of murder
20 guilty or not guilty and then a place for you to sign, Mr.,
21 Foreman. There's no rhyme or reason to guilty being first
22 or not guilty being first. I have to put one first and
23 one second, so I switch it up every trial just because I
24 have to put one first and one second.

25 All right. You just sign that form and knock on the

1 door and then we'll come back in and take your verdict.

2 At this point, do not discuss the case. Your sign
3 that you can begin discussing the case is the exhibits
4 coming in and then the alternate coming out. Okay. Thank
5 you very much.

6 (Whereupon, the jury left the courtroom at 2:13
7 p.m.)

8 THE COURT: All right. Any exceptions to the charge
9 from the State?

10 MR. BAILEY: Your Honor, just -- I'm so sorry.

11 THE COURT: From the State?

12 MS. WALKER: No, sir.

13 THE COURT: Okay. From the Defense other than those
14 previously stated?

15 MR. BAILEY: No, sir, Your Honor, I appreciate your
16 patience on it. If I can just more clearly and concisely
17 express for the record, I'll be as brief as possible.

18 THE COURT: Express what?

19 MR. BAILEY: I'm sorry, just that we would still like
20 an involuntary charge. We object to the exclusion of the
21 involuntary manslaughter charge.

22 THE COURT: Okay.

23 MR. BAILEY: If I can briefly express it?

24 THE COURT: You've already argued that issue. Let's
25 not argue it anymore.

1 MR. BAILEY: Your Honor, in that case, I feel like
2 I've done my client a disservice by not properly arguing
3 at the time, if I can on the record now?

4 THE COURT: All right. That issue has been argued
5 and ruled upon.

6 MR. BAILEY: All right. Thank you, Your Honor.

7 THE COURT: All right. Make sure the clerk has your
8 phone numbers. Make sure the exhibits are right.

9 (Whereupon, the jury began deliberations at 2:51
10 p.m.)

11 (Whereupon, Court was in recess awaiting a
12 verdict.)

13 (Whereupon, Court's Exhibit No. 1 was marked for
14 identification only.)

15 THE COURT: We had a note earlier asking if they
16 could get fresh air before they started deliberating. I
17 marked that as a Court's Exhibit.

18 THE COURT: Okay. Bring them in.

19 (Whereupon, the jury returned to open court with
20 a verdict at 3:54 p.m.)

21 THE BAILIFF: The jury is seated, Your Honor.

22 THE COURT: All right. Thank you very much. Welcome
23 back, ladies and gentlemen. It's my understanding you
24 have a verdict; is that correct?

25 THE FOREMAN: Yes, Your Honor.

1 THE COURT: If you will fold it and hand it to
2 Mr. Tolbert.

3 Thank you.

4 All right. Madame Clerk, you may publish.

5 THE CLERK: The State of South Carolina in the County
6 of Richland in the Court of General Sessions on indictment
7 number 2014-GS-40-02072, in the matter of the State of
8 South Carolina versus Holly Jo Thompson, we, the jury, by
9 unanimous consent find the Defendant, Holly Jo Thompson,
10 as to the charge of murder on indictment number
11 2014-GS-40-02072 guilty. And it is signed by Justin
12 Estes, the foreperson, dated February 19th, 2016.

13 Mr. Foreman, is this your verdict and the verdict of
14 the entire jury?

15 THE FOREMAN: Yes, ma'am, it is.

16 THE COURT: All right. Anybody request polling?

17 MS. CAMPBELL: Not from the State, Your Honor.

18 MR. BANK: We do, Your Honor.

19 THE COURT: All right. Ladies and gentlemen, you're
20 going to be asked two questions. The first question is,
21 is this your verdict. The second question is, is this
22 still your verdict.

23 As your juror number and/or name is called, if you
24 will please answer out loud.

25 THE CLERK: No. 83, was this your verdict?

1 JUROR: Yes, ma'am.

2 THE CLERK: Is it still your verdict?

3 JUROR: Yes, ma'am.

4 THE CLERK: No. 136, was this your verdict?

5 JUROR: Yes, ma'am.

6 THE CLERK: Is it still your verdict?

7 JUROR: Yes, ma'am.

8 THE CLERK: No. 133, was this your verdict?

9 JUROR: Yes, ma'am.

10 THE CLERK: Is it still your verdict?

11 JUROR: Yes, ma'am.

12 THE CLERK: No. 8, was this your verdict?

13 JUROR: Yes.

14 THE CLERK: Is it still your verdict?

15 JUROR: Yes.

16 THE CLERK: No. 294, was this your verdict?

17 JUROR: Yes.

18 THE CLERK: Is it still your verdict?

19 JUROR: Yes.

20 THE CLERK: No. 130, was this your verdict?

21 JUROR: Yes, ma'am.

22 THE CLERK: Is it still your verdict?

23 JUROR: Yes, ma'am.

24 THE CLERK: No. 190, was this your verdict?

25 JUROR: Yes.

1 THE CLERK: Is it still your verdict?

2 JUROR: Yes.

3 THE CLERK: No. 237, was this your verdict?

4 JUROR: Yes, ma'am.

5 THE CLERK: Is it still your verdict?

6 JUROR: Yes, ma'am.

7 THE CLERK: No. 152, was this your verdict?

8 JUROR: Yes, ma'am.

9 THE CLERK: Is it still your verdict?

10 JUROR: Yes, ma'am.

11 THE CLERK: No. 79, was this your verdict?

12 JUROR: Yes, ma'am.

13 THE CLERK: Is it still your verdict?

14 JUROR: Yes, ma'am.

15 THE CLERK: No. 23, was this your verdict?

16 JUROR: Yes, ma'am.

17 THE CLERK: Is it still your verdict?

18 JUROR: Yes, ma'am.

19 THE CLERK: No. 189, was this your verdict?

20 JUROR: Yes, ma'am.

21 THE CLERK: Is it still your verdict?

22 JUROR: Yes, ma'am.

23 THE CLERK: The jury has been polled, Your Honor.

24 THE COURT: Ladies and gentlemen, let me say thank
25 you for your service this week. You all have been here to

1 the very end of the week. You have been diligent in your
2 work. You have been on time. You have been cordial and
3 respectful and we all on behalf of all the parties, I want
4 to say thank you for your service this week. We cannot do
5 what we do up here without good citizens like you being
6 willing to come up here and serve and take away from your
7 family and friends and jobs to do so. So on behalf of
8 both sides of this case and on behalf of the judges here
9 in the building, I want to say thank you very much for
10 your service.

11 Now, you are free to discuss this case with anyone
12 that you see fit. Sometimes attorneys like to reach out
13 to jurors and say hey, what did we do right, what did we
14 do wrong? If somebody wants to speak with you, you
15 certainly may. If you do not want to speak with them,
16 just tell them that you do not want to speak to them. No
17 one will bother or harass you. If they do, just call up
18 here at the clerk's office and we'll take care of that
19 promptly.

20 If you'll retire to the jury room. They'll get your
21 badges and you'll be free to go. Thank you very much.

22 Everyone remain seated.

23 (Whereupon, the jury left the courtroom at 3:58
24 p.m.)

25 THE COURT: All right. I'll be back in about five

1 minutes. Get prepared for sentencing.

2 MS. WALKER: Thank you, Your Honor.

3 (WHEREUPON, a short break was taken.)

4 THE COURT: All right. Bring the Defendant around
5 for sentencing.

6 All right. Who's speaking? Ms. Walker?

7 MS. WALKER: I'll start off, Your Honor. Your Honor,
8 the victim's daughter has been present in the courtroom
9 throughout the entirety of this trial. At the appropriate
10 time, she would like to address the Judge -- or address
11 you, Your Honor.

12 In 1999, if I can start with her prior record, this
13 Defendant was convicted of burglary in the second degree.
14 In 2001, she was convicted of attempted burglary in the
15 second degree. In 2002, she was convicted of breach of
16 trust greater than \$1,000. In 2004, she was convicted of
17 burglary in the third degree. In 2005, she was convicted
18 of grand larceny and another breach of trust. In 2010,
19 Your Honor, she was convicted of burglary in the second
20 degree and grand larceny. And then -- oh, as well as
21 another breach of trust. In 2013, she was convicted of
22 two counts of shoplifting.

23 After this arrest, Your Honor, at the Alvin S. Glenn
24 Detention Center, she was disciplined for beating another
25 inmate. At that point in time, Your Honor, she had an

1 inmate pinned down on the table and was punching her in
2 the head and the back until she was pulled off.

3 Your Honor, this Defendant's prior record, her
4 actions on this brutal beating, as well as her continued
5 violent behavior at the Alvin S. Glenn Detention Center
6 make her a threat to anyone she encounters. And we would
7 ask, Your Honor, for a sentence reflective of what she did
8 in this case as well as what she has continued to do at
9 the jail as well as her prior record.

10 THE COURT: Okay. Where's the daughter?

11 Yes, ma'am, what's your name?

12 MARY SOLOMON: Mary Solomon.

13 THE COURT: Thank you for being here. I know you've
14 been here all week. And I wasn't quite sure who you were,
15 but I did recognize your presence here in the courtroom
16 this week. I'll be more than happy to hear from you.

17 MARY SOLOMON: Honorable Judge, in the interest of
18 the court, I want to briefly state the effects of the
19 criminal acts of Holly Jo Thompson has had on James
20 Solomon, Sr.'s loved ones. I miss my daddy so much. He
21 was not perfect, but he was perfect to my heart.

22 I miss our talks. I miss him saying my name. One
23 thing I treasured so much was when he called -- when I
24 called him on the phone. He would answer, Hello. I would
25 say, Daddy, this is Mary. He would say in a very high

1 tone, Hey. You could tell he was smiling. It was so
2 endearing. I felt so special. Our talks were special as
3 well. He gave me all of who he was as my daddy at that
4 time. I miss him so much. I think of him every single
5 day.

6 The week my father was murdered, I went to New York
7 for a girl's weekend. During this visit, as girls do, we
8 talk about everything, including the love I share with my
9 daddy. When returning home on January 26th, 2014, my mind
10 and heart were at peace. However, on Monday,
11 January 27th, 2014 around 3:40 p.m., my life changed
12 forever. I received a text message from my brother,
13 urgent. Before I could reach him, my niece called. She
14 said, Auntie, have you talked with my dad? Her asking
15 this question, I knew something was wrong. I began to ask
16 what's wrong? She said, Terrance, my nephew, received a
17 phone call from a family member in South Carolina. They
18 were driving by granddaddy's house and noticed people
19 standing outside his home with yellow tape around the
20 house.

21 I am a very optimistic person, so I did not think the
22 worst right away. My father was a type one diabetic. He
23 gave himself insulin shots every day. My thought was he
24 may not have taken his medicine and had a diabetic attack.
25 Finally, I spoke with my sister-in-law, and she gave me

1 the news. My father had been murdered. What? Are you
2 sure it's my daddy? Who says it's him? She said her
3 father confirmed it was my daddy. Oh, my Lord, not my
4 dad. I would have never imagined someone murdering my
5 father.

6 James Solomon, Sr. loved people. His passion was
7 running a viable welding business for over 50 years.
8 During my father's homecoming, we heard so many wonderful
9 stories from old coworkers, friends, family and clients
10 regarding how he was called upon to use his skills as a
11 master welder.

12 Because of his experience, he had a trained eye to
13 read blue prints and construct cuts and designs. As a
14 child, I remember having a see-saw, a swing set, a cookout
15 grill, a basketball goal and a merry go round in my
16 backyard. He was a structural welder.

17 For his clients, he would create lawn equipment,
18 trailers and grills on wheels to name a few. Because my
19 father knew no stranger, everyone knew when summer or
20 springtime -- when spring or summertime season was
21 approaching to contact Boo Boo to order or repair their
22 grills on wheels.

23 Summer, fall or winter, all you had to do was pull up
24 to his home and go to the backyard. He would usually be
25 working or repairing or creating something new. He

1 consistently maintained a routine clientele and records
2 book of business. If you wanted the job done right, you
3 would call Boo Boo.

4 He was a very intricate part of the community
5 bringing joy to many by sharing his craft and passion.
6 When you lose someone you love, you experience an
7 unbearable hurt.

8 I'm in pain and never could imagine this experience
9 in your lifetime. When this -- when you discover your
10 loved one as the death certificate will read cause of
11 death multiple blunt and sharp force injuries primarily to
12 the back of the head and left to die alone like an animal.
13 My father was blind in his left eye. He enjoyed life and
14 wanted to live.

15 I know he did not deserve to leave the world this
16 way. The weekends, Friday and Saturday, were one of my
17 favorite of the week, Saturday, the ultimate day. But
18 because my father was beat to death on a Friday night and
19 left in his own blood for an additional three days, I now
20 experience a sadness knowing Friday evening is approaching
21 and between 12:00 midnight and early Saturday morning, my
22 father was being beaten and left alone to die.

23 How do I know this because the Defendant confessed
24 when she left him, he was alive.

25 Oh, my God. My dear father could still be here today

1 with us today if only the Defendant had called for help.
2 I am thankful for all the time I had with my father, but
3 we had so much more to share with each other, so many more
4 memories to make. Because of this horrible crime, my
5 father's life was ended too soon. My father was alive and
6 jubilant and a friendly person. He knew no stranger.
7 Because I knew he had a heart of knowing no stranger, I
8 would always tell him to be careful who he would let in
9 the house.

10 I cry now like I never cried before, sob for my dear
11 daddy like I never sobbed before.

12 We know our loved ones will leave one day. I know I
13 will die one day. But when I think about the fact that my
14 father was murdered, it takes my breath away. I arise
15 each day to do things that are expected of me, however
16 inside I am saddened to the core. I can't sleep at night.
17 I'm depressed, heartbroken, experiencing anxiety. At any
18 moment, I begin to break out this tears. I just can't
19 believe he left us this way. Life has been challenging,
20 confusing and unbearable at times.

21 You know, your life has changed when shows like 48
22 Hours or Cold Justice are comforting shows. Shows an
23 optimistic, free-spirited person will not usually watch.
24 These shows now help me to stay vigilant and to help
25 remind me we must have justice, that the person who is

1 responsible for my loved one's death is punished.

2 One day I was thinking to myself, trying to
3 understand that a person who commits murder could not love
4 himself. No way you could love yourself and be able to
5 bring harm to another in such a horrible manner. If it
6 was in my power, Your Honor, I would sentence the
7 Defendant to remain in prison for the rest of her life. I
8 ask that Your Honor consider rendering a sentence that
9 fits the crime.

10 I pray for God's mercy to be with us during the
11 sentence of the Defendant.

12 James Solomon, Sr. was a father of six, seven great
13 grandchildren and four great grandchildren, great
14 grandchildren. He was a brother, an uncle, a nephew and a
15 caregiver. He meant so much to so many people.

16 We can't believe we will never see our daddy, our
17 dear daddy James, Boo Boo again. Thank you.

18 THE COURT: Thank you, Ms. Solomon. Thank you for
19 being here this week, and we appreciate your continued
20 presence in this case. Thank you very much.

21 Mr. Bank.

22 MR. BANK: Thank you, Your Honor. May it please the
23 Court?

24 THE COURT: Yes, sir.

25 MR. BANK: I think you've heard a lot of

1 Ms. Thompson's background already. To summarize,
2 obviously, Ms. Thompson has had a very difficult long
3 life. She was not provided a lot of the stability that so
4 many of us in this courtroom were provided. She struggled
5 with alcohol, drugs. She struggled with life as a
6 prostitute. She's had mental health diagnoses of bipolar
7 disorder and PTSD.

8 Your Honor, I think it briefly came up in direct
9 examination that she had about a six-month short stint in
10 the military back in the early '90s. We didn't think it
11 was, one, appropriate at trial; or two, it would allow us
12 to go through it with the rules of evidence.

13 It's my understanding that there was a sexual assault
14 that took place and that's why she left the military. We
15 haven't been able to get any military records. I don't
16 know if there would be a record of something like that.

17 Your Honor, Ms. Thompson has been in an enormously
18 large amount of abusive relationships in her life, from
19 her father to her boyfriends to men that she just meets on
20 the street, abuse that has been physical, mental and
21 sexual, Your Honor.

22 Ms. Thompson does have a record. It appears to start
23 around 1999. If you remember her testimony, that's when
24 she left the relationship with the father of her children

25 --

1 THE COURT: Ninety-eight.

2 MR. BANK: Ninety-eight, I think.

3 THE COURT: Yeah, she knew a date in 1998 that she
4 kind of saw as a triggering event, I think.

5 MR. BANK: Right.

6 THE COURT: Not to put words in her mouth, but that's
7 what I remember.

8 MR. BANK: And that's where we see it started, mostly
9 property crimes, and they're pretty consistent from then
10 up until this date. However, as you can see from that,
11 there's no violence, or, at least, no violent convictions
12 until we have this arrest.

13 Anything as to the comment about a fight in jail, I
14 don't think there's been any charge or conviction that
15 came from that. Nonetheless, it was one fight in jail
16 over the course of two years. There's been no other
17 disciplinary records, at least, that they provided me.
18 They provided me what they have and that's the only thing
19 I saw over the course of two years in terms of discipline.
20 Taking into account her life, her lack of a violent
21 record, we believe that a 30-year sentence is appropriate
22 in this case.

23 THE COURT: All right. Ms. Thompson, you don't have
24 to say anything if you don't want to, but you have a right
25 to address me if you would like to.

1 THE DEFENDANT: No, sir.

2 THE COURT: Okay. Thank you very much.

3 All right. Anything further from the State?

4 MS. WALKER: No, Your Honor.

5 THE COURT: Okay. Anything else further from the
6 Defense?

7 MR. BANK: After sentencing, we would just like to
8 renew our motions and make a motion for a new trial at the
9 appropriate time.

10 MR. BAILEY: Thank you for your courtesy and kindness
11 you've shown our client during the course of the trial,
12 Your Honor, allowing her to take her ankle bracelet off
13 during her testimony.

14 THE COURT: You're welcome. She behaved very
15 appropriately through the trial. She was very respectful
16 to her attorneys. She was very respectful to court staff
17 and behaved. We've all sat through trials where people
18 didn't behave.

19 I know you don't know what that's like, Ms. Thompson,
20 but I do and so do some of the attorneys in the room, so
21 I appreciate your behavior and that's why I was willing to
22 do that at the time, Your Honor.

23 THE DEFENDANT: Thank you, Your Honor.

24 THE COURT: You were very respectful throughout the
25 proceedings and behaved appropriately as people should in

1 court. So I took all that in consideration in doing that.
2 I certainly didn't want any prejudice to come to you from
3 the jurors potentially seeing you or making -- I don't
4 know what goes on in people's minds -- of course, you
5 admitted to them that you were in custody, so I don't
6 think anybody would have been shocked, but just to avoid
7 any potential harm that could have happened, I believe
8 that was fair and appropriate based upon your behavior
9 throughout the course of the trial.

10 Okay. Do you know how much credit she has?

11 MR. BANK: Approximately two years and one month. I
12 don't know the exact day.

13 MS. CAMPBELL: She has been in since she was arrested
14 on January 28th of 2014.

15 THE COURT: Is that right?

16 MR. BANK: Yes, sir.

17 THE COURT: January?

18 MS. CAMPBELL: January 28th is when she went into
19 jail.

20 Sentence of the Court

21 THE COURT: Okay. All right. Ms. Thompson, a
22 condition of the sentence is you have no contact with
23 Mr. Solomon's family. You're to receive credit for time
24 back to January 28th of 2014. I've written that date
25 specifically on your sentencing sheet, so there are no

1 issues in the Department of Corrections about you
2 receiving the proper amount of credit.

3 The sentence of the Court is that you be committed to
4 the State Department of Corrections for a term of 45
5 years.

6 Do you want to renew your motions?

7 MR. BANK: Yes, we're renewing all of our pretrial
8 and motions throughout the -- motions and objections
9 through the course of the trial and also move for a new
10 trial on the basis of a very, very short jury
11 deliberation. It was just a little over an hour with
12 approximately 300 exhibits. I find that to be an
13 incredibly short period for them to be able to fully
14 deliberate and consider the verdict. So we would renew
15 our motions and make a motion for a new trial.

16 THE COURT: Okay. Your motions are denied. The
17 previous motions are noted for the record and my ruling on
18 them is the same. This jury paid attention throughout the
19 entire week. They were very diligent. They were very
20 aware of what was going on. They were prompt. And both
21 sides did an excellent job of the presentation of the
22 evidence putting things together and there was more than
23 sufficient time for them to make the decision that they
24 did come to. Your motions for a new trial are denied.
25 Thank you very much.

1 MR. BANK: Thank you.

2 MS. WALKER: Thank you, Judge.

3 (Whereupon, the proceedings were concluded.)

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WITNESSES

(S) *K E Johnson*
- Richland County Sheriff

ARREST WARRANT NUMBER

2014A4010200295

ACTION OF GRAND JURY

TRUE BILL

K. D. Johnson
Foreperson of Grand Jury

Date:

APR 09 2014

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS-40-02072

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

APRIL TERM 2014

42

**THE STATE
vs.**

Holly Jo Thompson

Indictment for

MURDER

SC Code: 16-03-0010

CDR Code: 0116

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

726

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

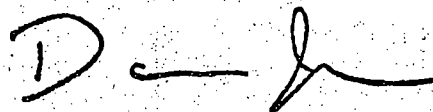
INDICTMENT

At a Court of General Sessions, convened on April 9 2014, the
Grand Jurors of Richland County present upon their oath:

MURDER

That Holly Jo Thompson did in Richland County, on or about January 29, 2014, kill the victim, James Solomon, with malice aforethought, by means of blunt force trauma to head and body, and the victim did die as a proximate result thereof. All in violation of Section 16-03-0010, 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.



DAN JOHNSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Richland

VS.

HOLLY JO THOMPSON

AKA:

Race: WHITE Sex: F Age: 42

DOB: SS#:

Address: Lower Richard Blvd

City, State, Zip: Hopkins, SC 29061

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS4002072

A/W#: 2014A4010200295

Date of Offense: 1/29/2014

S.C. Code §: 16-03-0010

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0010

of the S.C. Code of Laws, bearing CDR Code # 0116

☐ 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:

Campbell, Luke 78494 Holly Thompson Robert Brink 10112
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 45 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. JAN 28, 2014☐ 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 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

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:

NO CONTACT w/ VICTIM'S FAMILY

☐ Appointed PD or appointed other counsel § 47.12 requires \$500 fee and fee during probation.

Presiding Judge

Judge Code:

Sentence Date:

Ret Hood
2-19-16

Statement of

Holly Jo ThompsonLower Richland Blvd
Hopkins, S.C. 29061

Made at

Columbia, South Carolina, this January 28, 2014, at 1310 hrs, in the presence of
Investigator Kerry Johnson of the Richland County Sheriff's Department.

I, Holly Jo Thompson, understand that I have the right to remain silent. Anything I say can be used against me in court. I have the right to talk to a lawyer for advice before you ask me any questions, and to have a lawyer with me during any questioning. If I cannot afford a lawyer, one will be appointed for me before any questioning, if I wish. If I decide to answer questions now, without a lawyer present, I still have the right to stop answering at any time. I also have the right to stop answering at any time until I talk to a lawyer.

Do make the following statement:

Q. Investigator Kerry Johnson

A. Holly Jo Thompson

Q. How do you know James AKA: The Grill Man, that lives on Lower Richland Blvd?

A. Through a girl name Amy. In March or April of last year, I met Amy and I went with her to her boyfriend, Matt's house and we had a threesome with a drug boy who gave us a lot of crack and when the guy left, Amy took me to James house and that's the first time I met him. We sat and got high with James. Ever since then it's been a trick thing with James. Sometimes he'll give me money for sex and sometimes he would give me dope for sex and sometimes he would give me money and dope. I always knew him as James or the Grill man.'

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed: X Holly Jo Thompson

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this 28 day of JAN 2014.

Sworn to and subscribed before me
This 2nd day of Feb 2014

Signed: X Holly Jo Thompson

Notary Public for South Carolina
My commission expires 2-9-20

Q. How many times have you has sex with James?

A. Over a hundred times. At least two or three times a week

Q. Why was he called the grill man?

A. He said that he takes barrels and builds grills out of them and sells them.

Q. Where did James live?

A. I don't know the address but I know it's a trailer off the road down by the curve on Lower Richland Blvd.

Q. When were you last at James' house?

A. It was either Friday or Saturday night. The 24th or the 25th. I don't remember the night.

Q. Can you tell me what happened while you were at James' house on Friday or Saturday night?

A. He called and got a message to me that he wanted me to come by his house. I don't remember who it was but he said "James say come to the house" so I walked down to his house around 7:00 or 7:30 PM and when I got there he called the "dope boy" about 20 minutes the dope boy showed up and James pulled forty or fifty dollars out of his pocket and bought some crack. We smoked three or four rocks in the living room. He said "I want some that pussy" so I gave him oral sex trying to get him hard but he couldn't get hard. About 9:30 or 10:00 PM, he called the dope boy again and when the dope boy got there he bought forty dollars worth. He would pull his money out of his pocket and tell me to go to the first bedroom because he didn't want the dope boy to see me. When the dope boy left he closed the front door and told me to come out of the bedroom. We smoked a little bit in the living room and he started getting mad because his dick wouldn't get hard. We went to his bedroom and he tried to stick it in but it wouldn't get hard and he got mad. We went back in the living room and he got my stem (crack pipe) and he hit a piece (smoked some crack) and he started saying that I was stealing dope from him so I started putting my clothes on. I had my jeans on and was putting my shoes on and he had a knife that he was cutting crack with. When I went to reach for my shirt he swung the knife at me and cut me on right forearm and my right elbow. I jumped up

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed: K Dolly J Thompson

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this 28 day of JAN 2014.

Sworn to and subscribed before me
This 28 day of Jan 2014

Signed: K Dolly J Thompson

[Signature]
Notary Public for South Carolina
My commission expires 2-9-21

and we started hollering at each other. He kept saying that I was stealing his dope and I told him I wasn't it and tried to get him to put the knife down. He was on the other side of the coffee table trying to get at me and that's when I picked up that glass vase that was at the end of the kitchen counter on top of the white cabinet. He had peed in it earlier and it was full of pee.

He backed up after I grabbed it. I tried to get to the couch to get my bra, shirt, and jacket so I could leave and he is steady saying I'm stealing his dope and he said I wasn't leaving until I gave him his crack back. I picked my stem up off the floor near the fish tank and flowers and when I stood up he swung the knife at me again and I swung the vase at him and hit him in the face. He kept coming at me and pushed me into the wall in the hallway so I kept swinging and the next thing I know he was in the floor and the vase was broke. I was so scared that I grabbed my stuff and left. I put my bra and shirt on and went out the front door and closed the door behind me. I went back to my house and went in the bathroom and closed the door like nothing was going on. I washed my arm off and got the bleeding to stop on my elbow and right wrist. I got them cleaned up and the cuts on my hand. I went in the bedroom and put my night clothes on like nothing happened. I didn't know I hurt him that bad.

Q. Did the vase break the first time you hit him with it?

A. No. I have no idea how many times I hit him with it.

Q. Was he bleeding when you left his house?

A. I think he was. I know his face was bleeding where I hit him in the face with that thing. The hall was dark and I didn't have my glasses on.

Q. Where was he when you left the house?

A. He was on the floor in the hall cussing me out. He was steady saying "Bitch bring me my crack back. Bitch I'm going to kill you when I get up."

Q. Why didn't you call the police?

A. I don't call the police because I don't like to get people in trouble. I didn't know I hurt him that bad.

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed: X Dolly Thompson

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this 28 day of JAN 2014.

Sworn to and subscribed before me
This 28 day of Jan 2014

Signed: X Dolly Thompson

[Signature]
Notary Public for South Carolina
My commission expires 2-9-20

732

Q. Where is the knife that he cut you with?

A. I don't know.

Q. What did it look like?

A. He had two of them. He had one with a white handle and one with a brown handle. They were small kitchen knives.

Q. Did you take anything from his house?

A. No

Q. Do you remember seeing his cell phone or his wallet?

A. No

Q. What clothes were you wearing at the time of the fight and where are they now?

A. I was wearing a pair of Mudd jeans, gray and blue or gray and green New Balance tennis shoes, my black shirt with a bra built in and my black McDonald's jacket. The zipper has the little "M" in it. They are in the back bedroom of my house in a clear container with the rest of my clothes.

Q. Who do you live with at [REDACTED] Lower Richland Blvd?

A. Mike and his mother. My boyfriend Michael Richardson.

Q. Did Mike or anybody else know what you did?

A. No. I didn't say nothing to nobody. I kept long sleeves on so my arms were hid.

Q. Other than the "dope boy" was anybody else at the house with you and James that night?

A. No

Q. Do you know who the dope boy is?

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed: Dolly Jo Thompson

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this 28 day of JAN 2014.

Sworn to and subscribed before me
This 28 day of Jan 2014

Signed: Dolly Jo Thompson

Notary Public for South Carolina
My commission expires 2-9-20

A. No I never seen him or his vehicle. James made me go in the little bedroom before he answered the door.

Q. There was blood on the bed in the back bedroom on James' bed. How did that get there?

A. I don't know. The only time we was in the back bedroom was when we were trying to have sex.

Q. When I talked to you at your house yesterday did you know what we were investigating?

A. You asked me if I knew "Boo Boo up the street" and I don't know him by that name. A girl named Sharl came by the house and said that the police was at Boo Boo's house but I never heard him called by that name until yesterday. I didn't know until I seen the news that it was James that had gotten killed.

Q. When you saw the news did you realize that it was you that killed James?

A. Yes

Q. Why didn't you call the police when you found out that he had died?

A. Scared.

Q. Is there anything else that you would like to add to this statement?

A. I didn't mean for this to happen. I didn't want him dead. I just wanted him to stop trying to hurt me.

I have made the foregoing statement freely and voluntarily without fear, threat, promise or reward or hope of reward of any kind.

Witness: _____

Signed: X Holly Jo Thompson

Witness: _____

This is to certify that I have read or have read to me the foregoing statement consisting of 5 pages and a true copy has been given to me this 14 day of JAN 2014.

Sworn to and subscribed before me
This 28 day of Jan 2014

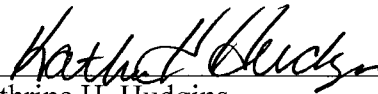
Signed: X Holly Jo Thompson

[Signature]
Notary Public for South Carolina
My commission expires 2-9-20

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 9th day of March, 2017.