

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
J. Derham Cole, Circuit Court Judge

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MAR 29 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MARK ALLEN BRADBERRY, SR.

APPELLANT

APPELLATE CASE NO 2016-001384

RECORD ON APPEAL

SUSAN B. HACKETT
Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General
Attorney General Office
P. O. Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COURT OF GENERAL SESSIONS

3 The State,)
4 -vs-) TRANSCRIPT OF RECORD
5 Mark Allen Bradberry, Sr.,) 2015-GS-42-445;446
6 Defendant.) June 20 - 22, 2016
7 Spartanburg, South Carolina

8
9
10 B E F O R E :
11 HONORABLE J. DERHAM COLE, JUDGE; and a jury

12
13
14 A P P E A R A N C E S :
15 BARRY JOE BARNETTE, ESQUIRE
16 Attorney for the State
17 ROBERT B. HALL, ESQUIRE
18 Attorney for the Defendant
19
20
21

22 Linda D. Moffitt
23 Circuit Court Reporter
24
25

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Jury qualification

1 (Proceedings June 20, 2016)

2 THE COURT: Are we ready for the jury panel?

3 MR. BARNETTE: We're ready, Your Honor.

4 MR. HALL: Yes, sir.

5 THE COURT: Okay. Bring them in.

6 (The following takes place in the presence of the jury
7 venire.)

8 THE COURT: Thank you for your patience, ladies and
9 gentlemen.

10 We are ready to begin with jury selection in the first
11 case that's going to require some of your participation,
12 and the title of that case is the State vs. Mark Allen
13 Bradberry, Sr.

14 Mr. Bradberry has been accused by the prosecutor by
15 way of these indictments -- indictments are charging
16 papers. They're like an arrest warrant. Any person
17 brought to court here in this court for trial is brought by
18 way of an indictment.

19 These indictments charge Mr. Bradberry with having
20 committed the crimes of murder, armed robbery and
21 possession of a firearm during the commission of a violent
22 crime.

23 The state alleges that those events occurred on
24 October the 30th of 2014. The indictments allege that on
25 that date Mr. Bradberry did here in Spartanburg County

Jury qualification

1 wilfully and with malice aforethought kill one Connie
2 Bataille by striking her about the head with an unknown
3 object and stabbing her several times about the body and
4 that she died as a result of those wounds.

5 The state further alleges that Mr. Bradberry on the
6 same date and time did while armed with some type of deadly
7 weapon take, steal and carry away personal property from
8 the person or presence of Connie Bataille by the use of
9 force, violence or intimidation, and took that property
10 with the intention of depriving her permanently of its use
11 and possession.

12 The remaining count of the indictment, the second
13 indictment, charges Mr. Bradberry with the crime of
14 possession of a weapon during the commission of a violent
15 crime.

16 They allege again at the same time and date that he
17 did possess or visibly display a knife during the
18 commission of a violent crime, that violent crime alleged
19 to be armed robbery.

20 Now, as to those charges and as to those allegations
21 Mr. Bradberry has entered a plea of not guilty. A plea of
22 not guilty places upon the state the burden of proving the
23 allegations that they have made by way of these
24 indictments, the burden of proving each of the essential
25 elements of the crimes alleged against the defendant; and

Jury qualification

1 therefore the burden is upon the state to establish the
2 defendant's guilt to the satisfaction of a jury beyond a
3 reasonable doubt before any verdict of guilty could be
4 returned as to any of the separate charges.

5 And therefore we're going to be selecting -- we'll
6 select 14 of you. There'll be 12 primary jurors and two
7 additional jurors to serve as alternates in the case.

8 By way of your participation you're going to be called
9 upon to listen to testimony that will come from witnesses
10 testifying from that witness stand and to consider any
11 other evidence that might be offered and introduced during
12 the trial of the case.

13 At the trial's conclusion you'll consider all of that
14 evidence. From that evidence you'll determine the facts as
15 they relate to these allegations. Once you determine those
16 facts you'll apply the law that I will have provided you,
17 and you will determine whether or not the defendant's guilt
18 has been proven beyond a reasonable doubt.

19 Now, before we begin with jury selection I've got some
20 matters to address with you. The first thing I'll do is
21 I'll introduce to you the participants in the trial.

22 I'll also introduce to you the potential witnesses to
23 be called during the course of the trial. And the reason
24 all of these persons are being introduced is because I need
25 to find out if you or any members of your family have any

Jury qualification

1 connection to any of the participants or have any
2 connection with any of the witnesses that might be called
3 during the trial.

4 And I need to know if you have a family connection, if
5 you have a -- an employment connection, if you have a
6 school connection, if you have a church connection, if you
7 socialize with any of these people in any way or you just
8 know them from some event that you've been to. In other
9 words, do you have any connection or knowledge of anybody
10 that's going to be introduced to you.

11 If you do have such a connection, then I'll ask you to
12 please stand when that person is identified so that we can
13 determine what that connection is and whether or not it
14 would have any bearing upon your decision in the case if
15 you were called upon to serve as a juror.

16 And once I conclude with that item, then I'll ask you
17 some additional questions in order to determine whether or
18 not there's any reason why any one of you should not be
19 selected to participate in the trial of this particular
20 case. In other words, do you have a reason why you could
21 not be fair and impartial if called upon to serve.

22 Now, first of all, as I told you, the defendant, the
23 person who is accused of having committed the crimes of
24 murder, armed robbery and possession of a firearm -- excuse
25 me -- and possession of a knife during the commission of a

Jury qualification

1 violent crime is Mark Allen Bradberry, Sr.

2 Mr. Bradberry, if you will, stand and face the jury
3 panel, please.

4 (Whereupon, the defendant stood.)

5 THE COURT: Mr. Bradberry is in the blue shirt. That
6 other gentleman standing is Robert Hall. He's
7 Mr. Bradberry's lawyer. He works in the Seventh Judicial
8 Circuit Public Defender's Office. Mr. Hall will be
9 assisting Mr. Bradberry during the course of this trial.

10 The person alleged to have been the victim of these
11 crimes is Connie Bataille. Obviously, Ms. Bataille is
12 deceased, but she has family members here. So I'll ask
13 those family members to please stand and introduce yourself
14 so that the jury may see who you are, and by seeing you
15 they may know who Ms. Bataille is or was.

16 KARRIE LOONEY: My name is Karri Looney.

17 JOHN PENAVS: My name is John Penavs.

18 MR. BARNETTE: And, Your Honor, Jack Looney, he's
19 going to be here after lunch.

20 THE COURT: Okay.

21 MR. BARNETTE: He's another family member.

22 THE COURT: All right. And the Looneys are what
23 connection with Ms. Bataille?

24 MR. BARNETTE: Mr. Looney is her son, is the victim's
25 son. And this is her daughter-in-law.

Jury qualification

1 THE COURT: Okay.

2 MR. BARNETTE: And this gentleman right here is her
3 brother.

4 THE COURT: Is Ms. Looney's brother?

5 MR. BARNETTE: No. Ms. --

6 THE COURT: Ms. Bataille's brother?

7 MR. BARNETTE: Yes, sir.

8 THE COURT: Okay. Mr. Penavs is Ms. Bataille's
9 brother and Ms. Looney is her -- was her daughter-in-law.
10 And I introduced those because they may testify. But you
11 need to see them so you'll know if you have a connection
12 with Ms. Bataille or with them.

13 In addition to Ms. Looney and to Mr. Penavs, other
14 potential witnesses include Kelly Baty with the Spartanburg
15 County Coroner's Office; Raymond Webb, Assistant Chief,
16 Pacolet Police Department; Robert Talanges, Spartanburg
17 County Sheriff's Department; Darren Dukes, Spartanburg
18 County Sheriff's Department; Sean Nix with the sheriff's
19 department; Brandon Letterman with the sheriff's
20 department; Paul Norris with the sheriff's department;
21 Jason Bryant with the sheriff's department; Richie Foster
22 with the sheriff's department; Coby Stepp with the
23 sheriff's department; Investigator Roman with the sheriff's
24 department; Robert Rosenberg with the sheriff's department;
25 Ron Bishop, Pacolet Police Department; Jimmy Carter,

Jury qualification

1 Pacolet Police Department; Brenda Kean, a resident of
2 Pacolet; Kerri Herr, a resident of Pacolet; Emily Looney, a
3 resident of Inman, South Carolina. Karrie Looney has
4 already been introduced to you.

5 Caroline Worthy -- Carolyn Worthy, a resident of
6 Pacolet; Dennis Keeler, a resident of Pauline; John David
7 Wren, a pathologist, Spartanburg Regional Medical Center;
8 Jennifer Bartman, state law enforcement division; Courtney
9 Thompson with the state law enforcement division; Perry
10 [sic] Butler, state law enforcement division; Amy Stephens,
11 state law enforcement division; Jimmy Tobias, a resident of
12 Spartanburg; Lance King, a resident of Florence, South
13 Carolina; Daniel Reveles, employed at Bi-Lo; Kathy
14 Ballenger, employed at Bi-Lo. Is that -- where?

15 MR. BARNETTE: Fernwood here in Spartanburg.

16 THE COURT: By the Fernwood Bi-Lo.

17 Phyllis Vandergriff, Flying J Company; Phil Carter,
18 United States Postal Inspector; Matthew McCoy, Investigator
19 with the Columbia City Police Department.

20 MR. BARNETTE: Yes, sir.

21 THE COURT: Loretta Norris, employee at SunTrust Bank;
22 and Deputy Medvedev with the Spartanburg County Detention
23 Facility. And Jack Looney was also a relative.

24 MR. BARNETTE: Your Honor, there was two others.
25 There was Investigator M. Quinn with the Myrtle Beach

Jury qualification

1 Police Department and Loretta Norris from SunTrust Bank.

2 THE COURT: All right. I mentioned Loretta Norris.
3 Who is the other one?

4 MR. BARNETTE: Investigator M. Quinn from the Myrtle
5 Beach Police Department, sir.

6 THE COURT: Okay. Investigator Quinn, Myrtle Beach
7 Police Department.

8 Any other potential witnesses on behalf of the state?

9 MR. BARNETTE: No, sir.

10 THE COURT: Defense?

11 MR. HALL: No, sir.

12 THE COURT: All right. Does any juror know anybody
13 who's just been introduced? Are you connected in any way
14 with any of those people? If so, please stand.

15 All right. I'll start with the front and work my way
16 back. Tell me your name and number, please.

17 JUROR NO. 113: 113, Ken Morris. I worked with
18 Rosenberg and Richie Foster and --

19 THE COURT: You know most of the persons employed at
20 the sheriff's department?

21 JUROR NO. 113: Yes, sir.

22 THE COURT: All right. And would that in any way
23 interfere with your ability to be fair in this case if you
24 were selected?

25 JUROR NO. 113: No, sir.

Jury qualification

1 THE COURT: All right. That's Juror 113.

2 Thank you.

3 Yes, ma'am.

4 JUROR NO. 115: 115, Kelly Mullinax. I live in
5 Pacolet, so I know a lot of the people that you named
6 off -- Ron Bishop, Kelly Baty, Raymond Webb, Dennis
7 Wheeler.

8 THE COURT: All right. And is there anything about
9 your connection with them, your knowledge of them, that
10 would affect your judgment in the case?

11 JUROR NO. 115: Uh-uh. I just know of them. That's a
12 small town.

13 THE COURT: Okay. Do you know anything about this
14 case?

15 JUROR NO. 115: Never heard of it.

16 THE COURT: All right. But these individuals that you
17 know or you've heard of, the fact that they're witnesses
18 wouldn't interfere with your judgment?

19 JUROR NO. 115: No, sir.

20 THE COURT: All right. Thank you. You may be seated.
21 Yes, ma'am.

22 JUROR NO. 66: Sixty-six. I know Jimmy Tobias, one of
23 the witnesses.

24 THE COURT: Tell me your name too, please.

25 JUROR NO. 66: It's Kathy Green.

Jury qualification

1 THE COURT: All right. You know Jimmy Tobias?

2 JUROR NO. 66: Yes.

3 THE COURT: And what's that connection, just a
4 friendship?

5 JUROR NO. 66: Member of the church.

6 THE COURT: All right. And would that have any
7 bearing upon your decision in the case?

8 JUROR NO. 66: No.

9 THE COURT: Thank you. Be seated.

10 Yes, ma'am.

11 JUROR NO. 74: Seventy-four, Ashley Hemphill Shands.

12 I know Ms. Kelly Baty, Ron Bishop. Well, I know all of the
13 Pacolet officers, as well as Kerri. Me and her worked
14 together at my previous job.

15 THE COURT: And are you from that community?

16 JUROR NO. 74: I am.

17 THE COURT: All right. Would that have -- would the
18 fact that you know those folks have any bearing upon your
19 decision?

20 JUROR NO. 74: No. I don't guess so.

21 THE COURT: Well, no. We can't guess about it. Do
22 you think it would reasonably bear upon your decision, or
23 could you put that aside and not allow it to --

24 JUROR NO. 74: I mean, I could put it aside, but I'd
25 just rather not be part of it since it's such a small town.

Jury qualification

1 THE COURT: Okay. Well, do you think it might affect
2 your judgment?

3 JUROR NO. 74: Yes.

4 THE COURT: All right. We'll excuse Juror 74.
5 Don't leave yet.

6 We'll excuse Juror 74 from service in the case.

7 All right. One other juror standing. Your name and
8 number, please.

9 JUROR NO. 59: Juror 59, Tonya Foster. Because I
10 teach in the same district, I serve Pacolet students. So I
11 know a couple of the parents.

12 THE COURT: Is that District Three?

13 JUROR NO. 59: Yes, sir.

14 THE COURT: All right. And you know some people who
15 have been identified from this list?

16 JUROR NO. 59: Ms. Herr specifically.

17 THE COURT: Okay. And is there anything about that
18 connection that would affect your judgment in the case?

19 JUROR NO. 59: No.

20 THE COURT: Do you know anything about the case? Have
21 you heard anything about it?

22 JUROR NO. 59: No.

23 THE COURT: Okay. And the fact that you know someone
24 from that community would not impair your judgment?

25 JUROR NO. 59: No, sir.

Jury qualification

1 THE COURT: All right. Thank you. You may be seated.
2 Juror 59.

3 Any other jurors have a connection with anybody?
4 (No response.)

5 THE COURT: All right. This is an event or cases that
6 arise from an event that the state alleges occurred back on
7 October the 30th of 2014. And they allege it occurred on
8 Montgomery Street in the Pacolet community of Spartanburg
9 County.

10 They allege that Mr. Bradberry did kill Connie
11 Bataille and that also he committed an armed robbery of
12 her, taking her possessions, and possessed a knife during
13 the commission of that violent crime.

14 As you know, as to those allegations he has entered a
15 plea of not guilty. He denies the allegations. But I tell
16 you that so you can understand what the case is about and
17 who the folks are that are involved.

18 But has any member of the jury panel heard, seen or
19 read anything that might relate to this particular case?
20 In other words, have you been exposed to any type of
21 information from any source that relates to this particular
22 case or course of events? If so, please stand.

23 (No response.)

24 THE COURT: Is there anything about the nature of the
25 charge itself, that is what the defendant is alleged to

Jury qualification

1 have done? Is there anything about the nature of the
2 charges themselves that would prevent any juror from being
3 able to be fair and impartial if you were selected to serve
4 as a juror in the case?

5 (No response.)

6 THE COURT: I did neglect to introduce the prosecutor.
7 Barry Barnette is the solicitor for the Seventh Judicial
8 Circuit. He'll be presenting the case on behalf of the
9 state.

10 So let me ask while I've got that. I introduced all
11 of these folks. But I need to find out if any juror knows
12 anybody who is employed in either the Seventh Judicial
13 Circuit Solicitor's Office or the Seventh Judicial Circuit
14 Public Defender's Office. Not just these folks but anybody
15 else that's employed in either of those two offices. If
16 so, please stand.

17 (No response.)

18 THE COURT: Has any member of the jury panel or any
19 members of your immediate family -- and let me define an
20 immediate family member as a parent or a spouse or a child
21 or a sibling -- parent, spouse, child or sibling.

22 Have you or any members of your immediate family as
23 I've just defined it ever been the victim of any type of
24 violent crime or ever been accused of having committed any
25 type of violent crime?

Jury qualification

1 And those crimes that would be included under the
2 definition of a violent crime would include murder,
3 manslaughter, armed robbery, assault and battery with
4 intent to kill, criminal sexual conduct, burglary,
5 carjacking, criminal domestic violence of a high and
6 aggravated nature, or any other similar type of an offense.
7 Have you or an immediate family member ever been the victim
8 of such or have you or that family member ever been accused
9 of having -- ever been accused of having committed such an
10 offense? If so, please stand.

11 All right. And I'll start with you, ma'am, if you'll
12 give me your name and juror number. Then tell me how that
13 question relates to you.

14 JUROR NO. 130: Darlene Pritchett, 130 -- 130. My
15 brother accused of murder.

16 THE COURT: All right. And how long ago was that?

17 JUROR NO. 130: Eight years. He's still in jail.

18 THE COURT: So that case is resolved.

19 JUROR NO. 130: Yes, sir.

20 THE COURT: Is there anything about that fact or that
21 experience that would affect your judgment in this case?

22 JUROR NO. 130: I don't believe so, no.

23 THE COURT: All right. Thank you. You may be seated.
24 Yes, sir.

25 JUROR NO. 86: Fennix Jones, 86. My brother was

Jury qualification

1 murdered in 2003.

2 THE COURT: And has that case been resolved?

3 JUROR NO. 86: Yes.

4 THE COURT: And is there anything about that fact or
5 that experience that would affect your judgment in this
6 case?

7 JUROR NO. 86: I don't think so.

8 THE COURT: All right. Thank you. You may be seated.
9 Yes, ma'am.

10 JUROR NO. 115: Kelly Mullinax, 115. My brother
11 served a prison sentence for sexual crimes.

12 THE COURT: All right. And is there anything about
13 that fact or that experience that would affect your
14 judgment in this case?

15 JUROR NO. 115: No, sir.

16 THE COURT: Thank you. Be seated.

17 Anyone else need to respond to that question?

18 (No response.)

19 THE COURT: Has any member of the jury panel or any
20 member of your immediate family ever been under an order of
21 protection or ordered and restrained from having any
22 contact with another spouse or family member? Have you
23 ever been under an order of protection or ever been
24 restrained from having contact with a spouse or family
25 member? If so, please stand.

Jury qualification

1 All right. Your name and number please, sir.

2 JUROR NO. 44: Arthur Dauenhauer, 44.

3 THE COURT: Forty-four. And does that question relate
4 to you or a family member?

5 JUROR NO. 44: Me.

6 THE COURT: And was it an order of protection or a
7 restraining order?

8 JUROR NO. 44: Order, restraining.

9 THE COURT: And is there anything about that fact that
10 would interfere with your judgment in this case?

11 JUROR NO. 44: No.

12 THE COURT: Thank you. Be seated.

13 Has any member of the jury panel ever been called to
14 testify as a witness in a criminal trial? Whether you were
15 called by the prosecutor or called by defense counsel, has
16 any juror ever been called to testify as a witness in a
17 criminal trial? If so, please stand.

18 113.

19 JUROR NO. 113: Yes, sir.

20 THE COURT: And in your duties as a former officer?

21 JUROR NO. 113: Yes, sir.

22 THE COURT: All right. Thank you. You may be seated.
23 Anybody else?

24 (No response.)

25 THE COURT: All right. I've told you basically what

Jury qualification

1 the case is about. You know who the participants are; you
2 know who the witnesses are. You know what the case
3 basically is about.

4 Is there any member of the jury panel that knows of
5 any reason whatsoever why you think you could not be fair
6 and impartial if you were called upon to serve as a juror
7 in this particular case? If so, please stand.

8 (No response.)

9 THE COURT: Any other questions requested by the
10 state?

11 MR. BARNETTE: Yes, sir. May I approach the bench for
12 a second?

13 THE COURT: Yes.

14 (Bench conference held off the record.)

15 THE COURT: One other thing I did neglect to ask.

16 Is there any member of the jury panel that has any
17 sort of belief or opinions, whether it be based upon your
18 religion or otherwise, that would prevent you from being
19 able to participate as a juror in a trial and to render a
20 decision in the case?

21 All right. And your name and number, please, ma'am.

22 JUROR NO. 152: Melanie Spivey, 152.

23 THE COURT: 152. And you have some reason based upon
24 personal preference or religious belief that prevents you
25 from being able to render a decision in a criminal case?

Jury qualification

1 JUROR NO. 152: Yes, sir. Jehovah's Witnesses are not
2 willing to judge anybody, whether guilty or not guilty.

3 THE COURT: Okay. And you're Juror 152?

4 JUROR NO. 152: Yes, sir.

5 THE COURT: All right. We'll excuse you from service
6 in the trial of this case.

7 JUROR NO. 152: Thank you.

8 THE COURT: Anyone else have any reason why you can't?
9 Yes, ma'am.

10 JUROR NO. 43: Me too. Jehovah's Witness.

11 THE COURT: What's your number, please, ma'am?

12 JUROR NO. 43: Forty-three.

13 THE COURT: Forty-three.

14 JUROR NO. 43: Yeah.

15 THE COURT: All right. Thank you, ma'am. We'll
16 excuse you also.

17 Anyone else?

18 (No response.)

19 THE COURT: All right. Any other questions requested
20 by the state?

21 MR. BARNETTE: None from the state, Your Honor.

22 THE COURT: The defense?

23 MR. HALL: None from the defense, Your Honor.

24 THE COURT: All right. We're going to select a jury,
25 and your names will be called. As your name is called

Jury qualification

1 you'll be asked to come forward. Come towards me about two
2 paces past the desks where the lawyers are seated.

3 Turn and face your fellow jurors. Each side has the
4 opportunity to have you seated for service in the case or
5 to have you excused from serving in the case.

6 If both agree to have you seated you'll be having a
7 seat in that jury box to your right and to my left. If
8 either asks that you be excused you can simply go back and
9 have a seat in the audience.

10 So simply please come forward as your name is called.
11 You'll be instructed if you're to be seated or excused from
12 service in the case.

13 THE CLERK: Juror No. 2, Anita Aiken.

14 What say the state?

15 MR. BARNETTE: Please present the juror.

16 THE COURT: What say the defense?

17 MR. HALL: Please swear the juror.

18 THE CLERK: Juror No. 178, Brandon Hamilton.

19 What say the state?

20 MR. BARNETTE: Please present the juror.

21 THE CLERK: What say the defense?

22 MR. HALL: Please swear the juror.

23 THE CLERK: Juror No. 158, Thaddeus Troxell.

24 What say the state?

25 MR. BARNETTE: Please present the juror.

Jury qualification

1 THE CLERK: What say the defense?

2 MR. HALL: Swear the juror.

3 THE CLERK: Juror No. 34, Debra Coggins.

4 What say the state?

5 MR. BARNETTE: Please excuse this juror from service.

6 THE CLERK: Juror No. 4, Christopher Alexander.

7 What say the state?

8 MR. BARNETTE: Please present the juror.

9 THE CLERK: What say the defense?

10 MR. HALL: Please excuse the juror from the trial of
11 this case.

12 THE CLERK: Juror No. 86, Fennix Jones.

13 What say the state?

14 MR. BARNETTE: Please present the juror.

15 THE CLERK: What say the defense?

16 MR. HALL: Swear the juror.

17 THE CLERK: Juror 165, Jamarius Whiteside.

18 What say the state?

19 MR. BARNETTE: Please present the juror.

20 THE CLERK: What say the defense?

21 MR. HALL: Please swear the juror.

22 THE CLERK: Juror No. 72, Shannon Hart.

23 What say the state?

24 MR. BARNETTE: Please present the juror.

25 THE CLERK: What say the defense?

Jury qualification

1 MR. HALL: Swear the juror, please.

2 THE CLERK: Juror 144, Lynn Sellers.

3 what say the state?

4 MR. BARNETTE: Please present the juror.

5 THE CLERK: What say the defense?

6 MR. HALL: Please excuse the juror from the trial of
7 this case.

8 THE CLERK: Juror No. 44, Arthur Dauenhauer.

9 what say the state?

10 MR. BARNETTE: Please excuse the juror from service.

11 THE CLERK: Juror 102, Donna Mayes.

12 MR. BARNETTE: What was the number again?

13 THE CLERK: 102.

14 what say the state?

15 MR. BARNETTE: Please present the juror.

16 THE CLERK: What say the defense?

17 MR. HALL: Please swear the juror.

18 THE CLERK: Juror No. 147, Ashley Skipper.

19 what say the state?

20 MR. BARNETTE: Please present the juror.

21 THE CLERK: What say the defense?

22 MR. HALL: Please swear the juror.

23 THE CLERK: Juror No. 115, Kelly Mullinax.

24 what say the state?

25 MR. BARNETTE: Please present the juror.

Jury qualification

1 THE CLERK: What say the defense?

2 MR. HALL: Please excuse the juror from the trial of
3 the case.

4 THE CLERK: Juror No. 160, Donna Underwood.
5 What say the state?

6 MR. BARNETTE: Please present the juror.

7 THE CLERK: What say the defense?

8 MR. HALL: Please swear the juror.

9 THE CLERK: Juror No. 42, Nicholas Crowe.
10 What say the state?

11 MR. BARNETTE: Excuse this juror from service, please.

12 THE CLERK: Juror No. 12, Phyllis Blair.
13 What say the state?

14 MR. BARNETTE: Please present the juror.

15 THE CLERK: What say the defense?

16 MR. HALL: Please swear the juror.

17 THE CLERK: Juror No. 71, Tyquan Harris.
18 What say the state?

19 MR. BARNETTE: Please excuse this juror from service.

20 THE CLERK: Juror No. 66, Kathy Green.
21 What say the state?

22 MR. BARNETTE: Please present the juror.

23 THE CLERK: What say the defense?

24 MR. HALL: Swear the juror.

25 THE CLERK: Juror No. 98, Kayla Lipscomb.

Jury qualification

1 what say the state?
2 MR. BARNETTE: Please present the juror.
3 THE CLERK: what say the defense?
4 MR. HALL: Please swear the juror.
5 THE CLERK: Juror No. 130, Darlene Pritchett.
6 THE COURT: This is the first alternate.
7 MR. BARNETTE: This is 130, is that correct?
8 THE CLERK: Yes, sir.
9 what say the state?
10 MR. BARNETTE: Please excuse this juror from service.
11 THE CLERK: Juror No. 131, Rebecca Pruitt.
12 what say the state?
13 MR. BARNETTE: Please present the juror.
14 THE CLERK: what say the defense?
15 MR. HALL: Please swear the juror.
16 THE COURT: This will be for the second alternate.
17 THE CLERK: Juror 132, Lakeatha Ray.
18 what say the state?
19 MR. BARNETTE: Please excuse this jury from service.
20 THE CLERK: Juror No. 124, Susan Paone.
21 what say the state?
22 MR. BARNETTE: Please present the juror.
23 THE CLERK: what say the defense?
24 MR. HALL: Swear the juror.
25 THE COURT: All right. Those who have been selected,

Jury qualification

1 I'll ask you to please go with the bailiff to a jury room,
2 and I'll bring you back shortly.

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

5 THE COURT: Are there any matters that need to be
6 addressed regarding jury selection by the state?

7 MR. BARNETTE: None from the state, Your Honor.

8 THE COURT: From the defendant?

9 MR. HALL: None from the defense, Your Honor.

10 (Whereupon, the remaining members of the jury venire
11 were excused.)

12 THE COURT: I understand we have two or three motions
13 to address before we begin with the trial.

14 MR. HALL: That's correct, Your Honor. There's a
15 statement my client allegedly gave. We're moving to
16 suppress that.

17 As part of that there is a video I've not been able to
18 see that I think they've got working now. I think we have
19 a computer. It's a short 5-minute video. And I think at
20 the time of his booking. And I'd like to have an
21 opportunity to look at that and discuss it with him before
22 we have the motion.

23 MR. BARNETTE: Your Honor, we do have two motions from
24 the state. We had third-party guilt. I know we had a
25 brief conference at the bench. I don't want -- the way I

1 understand from Mr. Hall, they don't have any third-party
2 guilt to point to a certain individual, that is.

3 MR. HALL: No, sir. We do not.

4 MR. BARNETTE: And then also there was a motion in
5 limine about there was blood alcohol, .04, that was on the
6 victim. And I understand from our bench conference that I
7 think it was agreed that that's not relevant in this case.

8 MR. HALL: That's correct, Your Honor.

9 There may be testimony that she had some wine, but
10 there's nothing indicating she was under the influence.
11 We've got no reason to go with that. Maybe she had some
12 wine.

13 THE COURT: All right. How much time do you
14 anticipate the Denno hearing to take?

15 MR. HALL: Your Honor, even if we showed the video,
16 that's just five minutes. I would think we could wrap it
17 up within an hour, everything, I assume. I'm not sure how
18 much Barry would present. I think there's at least one
19 officer.

20 MR. BARNETTE: We have two officers, Your Honor, and I
21 think it would be our standard Jackson vs. Denno. Of
22 course I don't know how long the defense would be. That's
23 one thing I don't know.

24 THE COURT: Bring the jury back, please.

25 (The following takes place in the presence of the

1 jury.)

2 THE COURT: Ladies and gentlemen, I have got some
3 other scheduled matters I need to address before we can
4 actually begin with the trial of this case. So you're
5 going to be excused now for lunch. You'll be asked to
6 report back to your jury room at 3:15 -- at 3:15.

7 Keep in mind you've been selected. And I know you
8 haven't heard anything yet, but you still can't talk about
9 the case. You're never permitted to talk about the case
10 until and unless you are engaged in jury deliberations, and
11 that will not occur until the end of the trial after the
12 evidence has been received, I've instructed you on the law
13 and instructed you to begin your deliberation process.

14 So keep in mind no discussions about the case at any
15 time during the trial until jury deliberations.

16 Also, you're not permitted to conduct any research or
17 do your own investigation into any issue that might arise
18 during the trial.

19 You have to base your decision upon what you see and
20 hear during the trial of this case, and you can't conduct
21 any outside research or do any investigation in order to
22 answer any question that you might have. That would be
23 inappropriate.

24 Your decision has to be based upon what you see and
25 hear during the trial. You can't supplement that wealth of

1 knowledge by conducting outside research or investigation.

2 Also, you're never permitted to allow yourselves to be
3 exposed to any type of media coverage that might relate to
4 the case. I don't know that there will be any, but
5 sometimes there'll be a newspaper article about it. You
6 can't read the newspaper about it; you can't listen to a
7 radio about it; you can't watch television about it; and
8 you can't go on the internet to conduct any research into
9 the case.

10 No discussions; no investigation; no research; no
11 media exposure of any kind.

12 With that, do have a good lunch, and please report to
13 your jury room at 3:15 -- 3:15 this afternoon.

14 (The following takes place outside the presence of the
15 jury.)

16 THE COURT: Court is in recess until 2:15.

17 (Whereupon, a recess was taken.)

18 (State's Exhibits Nos. 1 through 141 marked for
19 Identification by Mr. Barnette.)

20 THE COURT: All right. We are here on the defendant's
21 motion to determine the voluntariness of the statement
22 provided by the defendant to law enforcement.

23 MR. HALL: That's correct, Your Honor.

24 THE COURT: Mr. Barnette.

25 MR. BARNETTE: I'd like to call Investigator Letterman

Murry Brandon Letterman (In-camera)
Direct examination by Mr. Barnette

1 to the stand, Your Honor.

2 MURRAY BRANDON LETTERMAN,

3 having been first duly sworn, testified as follows:

4 DIRECT EXAMINATION BY MR. BARNETTE

5 Q If you would, sir, please give your full name for the
6 record.

7 A Murray Brandon Letterman.

8 Q And where do you work at, sir?

9 A The Spartanburg County Sheriff's Office.

10 Q And what is your position there?

11 A Sergeant over violent crimes.

12 Q And how long have you been in law enforcement, sir?

13 A Eleven years.

14 Q Back on November 3rd of 2014 was you called to a crime
15 scene at 245 Magnolia -- Montgomery Avenue in Pacolet,
16 South Carolina?

17 A Yes, I was.

18 Q And when you arrived there, if you would, just tell
19 the judge a little bit of what you found.

20 A We arrived on the scene. Pacolet police had requested
21 that we arrive on the scene and assist them in the
22 investigation.

23 Q And I believe it's November 2nd. I apologize.

24 A Correct. And they eventually requested we take over.
25 We initially entered the residence, observed a body on the

Murry Brandon Letterman (In-camera)
Direct examination by Mr. Barnette

1 bed covered with a cover, blood spatter on the ceiling and
2 on the floors around the body. It was evident that it
3 wasn't a natural death.

4 So at that point we backed out and secured a search
5 warrant. Once the search warrant was secured we reentered
6 the house. Once we got inside the house we found a female
7 deceased on the bed laying underneath the cover with a lot
8 of paperwork around her.

9 Her bedroom had been ransacked, and it was eventually
10 found that she had been hit several times about the head
11 and stabbed several times about the body.

12 Q Did you find out later her car had been taken?

13 A Yes. During the initial interview while we were at
14 the residence there were several family members that
15 indicated that her car was missing, along with her son.

16 Q And her son lived with her at the time?

17 A Yes.

18 Q Was that Mark Bradberry?

19 A Yes.

20 Q And was his car still at the location?

21 A The car that we were told that he drove, the white
22 Buick LeSabre, was still at the residence, yes, sir.

23 Q Through the investigation and everything -- and I know
24 we may go into more detail when we get in the actual trial
25 or whatever -- did the defendant become a suspect in this

Murry Brandon Letterman (In-camera)
Direct examination by Mr. Barnette

1 case?

2 A Yes.

3 Q And did y'all basically send out N.C.I.C., asked,
4 obviously, talk to him for -- about this situation?

5 A We did.

6 Q And was he found the next day?

7 A He was.

8 Q And where was he found at?

9 A He was found behind a residence in Pauline, South
10 Carolina, off of Highway 56.

11 Q And whose car was he in when y'all -- when he was
12 found?

13 A He was in the victim's, Ms. Connie Bataille's, car.

14 Q And was this behind a shed?

15 A It was behind a shed behind a residence, yes, sir.

16 Q And had he tried to make contact with the resident
17 there?

18 A He -- Mr. Bradberry?

19 Q Yes, sir.

20 A Yes, he had.

21 Q And the individual, is he the one that called 9-1-1?

22 A The resident of the house, yes, sir, called 9-1-1.

23 Q And that's because he saw him on the news.

24 A That's correct.

25 Q In the car -- when you arrived there, who else was

Murry Brandon Letterman (In-camera)
Direct examination by Mr. Barnette

1 with you?

2 A I believe it was myself, Investigator Paul Norris,
3 Sergeant Jason Bryant and Investigator Richie Foster.

4 Q And did you talk to Mr. Bradberry?

5 A We did.

6 Q Did he appear to be under the influence of anything at
7 that time?

8 A No.

9 Q Did he understand your questions?

10 A He did.

11 Q Did you ask him to come to the sheriff's department
12 with you?

13 A I did.

14 Q And when he came to the sheriff's department did y'all
15 give him the Miranda rights at that time?

16 A We did.

17 Q Let me show you what's been marked as State's
18 Exhibit -- State's Exhibit 134. Was that the form that you
19 used to give the rights to Mr. Bradberry?

20 A Yes, sir.

21 Q Did he understand those rights?

22 A Yes, sir.

23 Q Did you explain to him what this was about?

24 A We did.

25 Q And did he indicate that he wanted to talk to you at

Murry Brandon Letterman (In-camera)
Direct examination by Mr. Barnette

- 1 that time?
- 2 A He did.
- 3 Q Was he promised anything or threatened in any way?
- 4 A No, sir.
- 5 Q Did he voluntarily give up his rights?
- 6 A He did.
- 7 Q And did he sign the form?
- 8 A Yes, sir, he did.
- 9 Q How many times did he sign that?
- 10 A He signed it twice.
- 11 Q And who witnessed those signatures?
- 12 A Investigator Paul Norris.
- 13 Q And about what time was this when the rights were
- 14 given?
- 15 A Approximately 10:37 in the morning.
- 16 Q And he was picked up. So y'all brought him from
- 17 Pauline to the sheriff's department?
- 18 A We did.
- 19 Q And during that time was he able to get something to
- 20 eat, get something to drink, do whatever he needed to do?
- 21 A He was.
- 22 Q And he was allowed to do that.
- 23 A He was allowed to do that, yes, sir.
- 24 Q And during the time did he give y'all a statement?
- 25 A He did.

Murry Brandon Letterman (In-camera)
Direct examination by Mr. Barnette

- 1 Q Did he freely and voluntarily give that statement?
- 2 A He did.
- 3 Q And I'm showing you State's Exhibit 134. Is that the
- 4 statement that he gave to y'all?
- 5 A It is, yes, sir.
- 6 Q And who wrote the statement?
- 7 A I wrote the statement.
- 8 Q Did he freely and voluntarily give you that
- 9 information?
- 10 A He did.
- 11 Q Did you get a chance -- did he have a chance to read
- 12 over that statement?
- 13 A He did. I read it back to him.
- 14 Q And he agreed with everything that was put on the
- 15 paper.
- 16 A He did.
- 17 Q And was this witnessed by you also?
- 18 A It was.
- 19 Q And did anybody else witness it?
- 20 A Yes. Investigator Paul Norris.
- 21 Q And at that time did he seem to be under the influence
- 22 of any alcohol, drugs or anything at that point?
- 23 A No, sir.
- 24 Q Did he understand what he was doing at that time?
- 25 A Yes, sir.

Murry Brandon Letterman (In-camera)
Direct examination by Mr. Barnette

1 MR. BARNETTE: Your Honor, I'd like enter -- I guess
2 we'll mark these as court's exhibits first. I'd like to
3 mark the waiver as Court's Exhibit 1 at this point. It's
4 134 for I.D. purposes. And then Court's Exhibit 2, the
5 written statement. And it's State's Exhibit 135 for I.D.
6 purposes at this time.

7 Your Honor, I'd like to enter these for the purpose of
8 this hearing at this time.

9 MR. HALL: No objection.

10 (S-134 for Identification marked Court's Exhibit No. 1;
11 S-135 for Identification marked Court's Exhibit No. 2.)

12 Q And did y'all continue to talk to him?

13 A We did.

14 Q And did y'all give him any breaks to go to the
15 bathroom or get a drink or anything like that?

16 A Yes, sir.

17 Q And did y'all actually feed him that day?

18 A Yes, we did.

19 Q What did y'all feed him?

20 A Chick-Fil-A.

21 Q And did he give you permission to search or permission
22 for a buccal swab?

23 A He did.

24 Q Let me show you what's been marked as State's
25 Exhibit 136 for I.D. purposes. And it'll be Court's

Murry Brandon Letterman (In-camera)
Direct examination by Mr. Barnette

1 Exhibit 3 at the appropriate time.

2 Is this a permission-to-search form that y'all provided
3 to him?

4 A Yes.

5 Q Was it read to him?

6 A Yes.

7 Q And did he understand it?

8 A Yes.

9 Q And what time was that given?

10 A 3:25 p.m.

11 Q Okay. So he was in y'all's presence off and on for
12 four to five hours.

13 A Correct.

14 Q Did y'all see anything, that he appeared to be under
15 the influence at any time?

16 A No, sir.

17 Q Did eventually, did he ask for a lawyer at some point?

18 A He did.

19 Q And that's what ended the interview at that time?

20 A Yes, sir.

21 Q Okay. But he did give this to you prior to asking for
22 a lawyer.

23 A Correct, yes, sir.

24 Q And he actually gave you the statement before asking
25 for a lawyer.

Murry Brandon Letterman (In-camera)
Direct examination by Mr. Barnette

1 A Yes.

2 MR. BARNETTE: Your Honor, I'd like to mark -- enter
3 Court's Exhibit 3 for the purpose of this hearing, State's
4 Exhibit 136 for I.D. purposes.

5 MR. HALL: No objection for purposes of this hearing.

6 (S-136 for Identification marked Court's Exhibit No.
7 3.)

8 MR. BARNETTE: Your Honor, I can have him read the
9 statement and everything, but I figured the Court would
10 just go ahead and read these items instead of reading them
11 into the record.

12 THE COURT: Yeah. They're in. They're in evidence.

13 Q At any time prior to him asking for a lawyer did he
14 appear -- did he appear to understand what was going on the
15 whole time?

16 A Yes.

17 Q And did he speak to y'all freely and voluntarily?

18 A Yes.

19 Q Like I said, you gave him breaks, you gave him food to
20 eat and everything like that?

21 A Yes.

22 Q And did the interview cease once he asked for a
23 lawyer?

24 A Yes.

25 Q It didn't continue from that point on.

Murry Brandon Letterman (In-camera)
Cross-examination by Mr. Hall

1 A That's correct.

2 Q And he appeared to know everything he was doing at
3 that time.

4 A Yes.

5 Q He wasn't promised anything.

6 A Beg your pardon?

7 Q He wasn't promised anything.

8 A No.

9 Q He wasn't threatened in any way.

10 A No.

11 Q If you would, please answer any questions that the
12 judge or Mr. Hall might have for you.

13 CROSS-EXAMINATION

14 BY MR. HALL

15 Q Okay. If we can fill in some times, what time did you
16 first see him on November 3rd -- excuse me -- 2nd?

17 A I don't know the exact time. It's on my notes if
18 that's okay.

19 (Pause.)

20 A That morning at approximately 9:30 is when I received
21 a phone call that some warrant officers were headed down
22 that way based on a spotting. We arrived on scene
23 approximately 20, 30 minutes later.

24 Q Okay.

25 THE COURT: Let me ask you to pull that black

Murry Brandon Letterman (In-camera)
Cross-examination by Mr. Hall

1 microphone towards you.

2 Q When you got there was he in custody, or what?

3 A No. He was not.

4 Q Did you approach the car, or did the other deputies?

5 A We all approached the car.

6 Q Okay. And was he asleep, awake, out of the car, in
7 the car? What was --

8 A He was in the car and appeared to be asleep.

9 Q All right. And I assume y'all woke him up.

10 A Yes, sir.

11 Q I assume he was startled and -- you said several.

12 There were several police officers around him.

13 A Correct.

14 Q Okay. And what did you do then?

15 A At that point we asked him to step out of the vehicle.

16 He complied and stepped out of the vehicle. I took him to
17 the back of the vehicle and spoke to him at the back of the
18 vehicle.

19 Q Tell him why you were there?

20 A Yes, sir.

21 Q Okay. And less than an hour later he signs the
22 waiver, preinterrogation waiver?

23 A Yes, sir.

24 Q And another hour later he is -- you read a statement
25 back to him, and he signed it.

Murry Brandon Letterman (In-camera)
Cross-examination by Mr. Hall

1 A Yes, sir.

2 Q Okay. And the time, 11:31, is when you completed the
3 statement.

4 A Yes, sir.

5 Q Did he -- was he able to read the statement?

6 A I read it back to him.

7 Q You read it back to him.

8 A Yes, sir.

9 Q And we've looked at the documentation, booking. He
10 was booked in the jail at 5:13 that day after we looked at
11 those assessments and realized we had different dates and
12 everything.

13 A Yes, sir.

14 Q So did y'all keep him for another four or five hours
15 before you went, took him to the jail?

16 A Yes, sir.

17 Q Okay. So all of this Chick-Fil-A, bathroom breaks --
18 I think you said something about smoke breaks -- that was
19 over from, say, 10:30 to, say, 4:30 or so, taking him to
20 the jail, because it takes some time to book them in.

21 A Approximately, yes, sir.

22 Q Okay. Was there any indication in the car of drugs or
23 any kind of medications or anything?

24 A It was relayed to me later whenever they secured the
25 search warrant that they had found some prescription

Murry Brandon Letterman (In-camera)
Cross-examination by Mr. Hall

1 medication in the car.

2 Q Okay. Did you ever ask him if he had taken any
3 prescription medications or anything?

4 A I believe I did, yes.

5 Q And what did he tell you?

6 A I believe he had told me he had taken a Xanax.

7 Q A Xanax?

8 A A Xanax, yes, sir.

9 Q All right. Now, in your report you indicated that he
10 made some statement, you read, about blacking out, that
11 type. And it wasn't long after that, sounds like right
12 after that, is when he said I want a lawyer.

13 A I can't say exactly how long after he made that
14 statement he requested for a lawyer, but it was after he
15 made that statement.

16 Q Okay. So after he gave you the statement y'all still
17 spoke with him, interrogated him, whatever, for several
18 hours --

19 A Yes, sir.

20 Q -- before he -- to use the term most people use --
21 lawyered up.

22 A Correct.

23 Q Okay. Was his speech slurred at all or anything?

24 A That didn't appear to be to me, no, sir.

25 Q And you saw no evidence yourself of any kind of

Murry Brandon Letterman (In-camera)
Redirect examination by Mr. Barnette

1 impairment.

2 A No, sir.

3 Q All right.

4 MR. HALL: I have no further questions of this
5 witness, Your Honor.

6 MR. BARNETTE: Just one question to follow up, or two
7 questions actually.

8 REDIRECT EXAMINATION

9 BY MR. BARNETTE

10 Q On the form he indicated he had went to the tenth
11 grade and then got a G.E.D., is that right?

12 A That's correct.

13 Q And then the blacking out, what was the statement he
14 made about blacking out? If you would, tell the Court
15 that. I don't think that's in the written statement. I
16 think that was afterwards.

17 A Okay. At one point he stated, "If I did it, then I
18 must have blacked out."

19 Q And that's in your notes. And of course that's been
20 provided to the defense.

21 A Yes.

22 MR. BARNETTE: That's all the questions I have, Your
23 Honor.

24 MR. HALL: No redirect -- no recross, Your Honor.

25 THE COURT: You may step down.

Paul Anthony Norris (In-camera)
Direct examination by Mr. Barnette

1 MR. BARNETTE: Your Honor, I'd like to call
2 Investigator Norris to the stand.

3 PAUL ANTHONY NORRIS, having
4 been first-duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. BARNETTE

6 Q If you would, sir, please state your full name for the
7 record.

8 A It's Paul Anthony Norris.

9 Q Where do you work at, sir?

10 A I work with the Spartanburg County Sheriff's Office.

11 Q What's your position there, sir?

12 A I'm an investigator with the N.C.I.D. and violent
13 crimes.

14 Q And how long have you been in law enforcement, sir?

15 A Sixteen years.

16 Q Back on November 3rd of 2014 did you assist when Mark
17 Bradberry was located in Pauline?

18 A Yes, sir, I did.

19 Q Okay. And was you with the crew, with the group, that
20 went and got him in the car?

21 A Yes, sir, I was.

22 Q And when y'all got him outta the car, he was asleep in
23 the car?

24 A That's correct.

25 Q When he woke up did he appear to understand what was

Paul Anthony Norris (In-camera)
Direct examination by Mr. Barnette

1 going on once he woke up and everything?

2 A He did, yes, sir.

3 Q And did he appear to be under the influence at that
4 time?

5 A No, sir.

6 Q Did he understand what was going on?

7 A Yes, sir, he did.

8 Q Did he volunteer -- did he agree to go to the
9 sheriff's department?

10 A He did.

11 Q And there was he given his Miranda rights at that
12 point?

13 A Yes, sir, he was.

14 Q Let me show you what's been marked as Court's
15 Exhibit 1. Was you present when those rights were given to
16 Mr. Bradberry?

17 A Yes, sir.

18 Q And were they read to him by Investigator Letterman?

19 A They were.

20 Q And did he understand everything that was being told
21 to him?

22 A Yes, sir, he did.

23 Q Was he promised anything?

24 A No, sir, he was not.

25 Q Was he threatened in any way?

Paul Anthony Norris (In-camera)
Direct examination by Mr. Barnette

- 1 A No, sir.
- 2 Q Did he appear to be coherent and understood everything
- 3 that was being given to him on the rights?
- 4 A Yes.
- 5 Q Did he voluntarily waive his rights?
- 6 A Yes, sir, he did.
- 7 Q And after that did he give y'all a written statement?
- 8 A He did.
- 9 Q Let me show you what's been marked as Court's
- 10 Exhibit 2. Was this the written statement that he gave?
- 11 A Yes, sir, it is.
- 12 Q And was he given the opportunity to read over it
- 13 once -- I guess Investigator Letterman actually wrote it
- 14 out for him.
- 15 A Yes, sir.
- 16 Q And was he given a chance -- and of course
- 17 Investigator Letterman -- did he read over it to him or
- 18 read it back to him?
- 19 A Yes, sir. Investigator Letterman read it back to him.
- 20 Q And he obviously had an opportunity to read it too --
- 21 A Yes, sir.
- 22 Q -- on the waiver form.
- 23 A Yes, sir.
- 24 Q And did he sign all of these forms?
- 25 A He did.

Paul Anthony Norris (In-camera)
Direct examination by Mr. Barnette

- 1 Q And did you witness him sign those forms?
- 2 A I did.
- 3 Q And after he gave that statement and when he signed it
- 4 did he appear to understand what was going on at that time?
- 5 A Yes, sir, he did.
- 6 Q Did he appear to be under the influence of anything?
- 7 A No, sir.
- 8 Q Did he appear to understand, was coherent and
- 9 understood everything?
- 10 A Yes, sir.
- 11 Q And had he been threatened at any point, at this point
- 12 or any time?
- 13 A No, sir.
- 14 Q And he had not asked for a lawyer at this point, is
- 15 that right?
- 16 A That's correct. He has not, did not.
- 17 Q Okay. And let me show you Court's Exhibit 3, this
- 18 permission-to-search form. Did he freely and voluntarily
- 19 sign that form?
- 20 A Yes, sir, he did.
- 21 Q And did he voluntarily give a buccal swab to the
- 22 sheriff's department?
- 23 A He did, yes, sir.
- 24 Q And did he get to sign this form also?
- 25 A Yes, sir, he did.

Paul Anthony Norris (In-camera)
Cross-examination by Mr. Hall

1 Q And he had an opportunity to read it also?

2 A Correct, yes, sir.

3 Q And was it read back to him also like the other forms?

4 A Yes, sir, it was.

5 Q And I believe on the waiver form he marked that he had
6 a tenth grade education and obtained a G.E.D., I believe.

7 A Yes, sir, I believe that's what I -- yes, sir, it is.
8 It's 10-year education, G.E.D. in '83.

9 Q If you would, please, answer any questions Mr. Hall or
10 the judge may have for you.

11 CROSS-EXAMINATION

12 BY MR. HALL

13 Q First of all, just to clear up, you notarized these.
14 Letterman witnessed them, right?

15 A Yes, sir. That's correct.

16 Q The signature. During this period of time from
17 11:30 to 4:30 or so y'all just kept asking him questions,
18 discussing it?

19 A Yes, sir.

20 Q Talking. Is that normal just to keep asking questions
21 until you either get tired or he lawyers up or whatever?

22 A It's just we kept going back over the information that
23 we're trying to get or asking from him.

24 Q And just -- well, you're trying to get it -- say, hey,
25 if you did it, just tell me you did it.

Paul Anthony Norris (In-camera)
Cross-examination by Mr. Hall

1 A Yes, sir.

2 Q Okay. Let me ask you. Had you -- when you got there
3 a little before 10:00 or so if you'd been by yourself and
4 your car was broken down, would you have ridden with him
5 after you woke him up? If he was going to give you a ride,
6 would you have ridden with him?

7 A As -- I'm not sure what you're asking.

8 Q No. He's not a suspect. Say your car broke down in
9 Pauline. You couldn't radio or something --

10 MR. BARNETTE: Your Honor, I'm going to object at this
11 time. Speculation.

12 THE COURT: Sustained.

13 MR. HALL: No further questions.

14 MR. BARNETTE: No further questions of this witness,
15 Your Honor.

16 THE COURT: You can step down.

17 MR. BARNETTE: That would be the state's showing about
18 the statement, Your Honor, and I guess the permission to
19 search, also part of the defense also.

20 MR. HALL: Your Honor, we'd call Mr. Bradberry for
21 purposes of this hearing.

22 THE COURT: Okay.

23

24

25

Mark Allen Bradberry, Sr. (In-camera)
Direct examination by Mr. Hall

1 MARK ALLEN BRADBERRY, SR.,
2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. HALL

4 Q Mark, you remember what the purpose of this hearing
5 is, don't you?

6 A Yes, sir.

7 Q Okay. You and I have gone over that statement, is
8 that correct?

9 A Yes.

10 Q I believe Mr. Cheek and I and you have gone over that
11 statement.

12 A Correct.

13 Q All right. Now, I think we briefly have talked about
14 the consent to search for the swab.

15 A Right.

16 Q Okay. Do you remember if -- signing any of these
17 documents?

18 A No, sir, I don't remember signing anything or even
19 being there.

20 Q All right. I just ask. Does that appear to be your
21 signature on each of these?

22 A Yes.

23 Q All right. Do you remember talking to these
24 investigators -- Letterman and Norris?

25 A No, sir.

Mark Allen Bradberry, Sr. (In-camera)
Direct examination by Mr. Hall

1 Q Have you seen them since then before today?

2 A No, sir.

3 Q So since your arrest, what's the first thing you
4 remember?

5 A Being in a -- coming into a pod and watching a video.
6 Pod three.

7 Q Okay. One of those interview rooms like we talk with
8 you in?

9 A Yeah, yeah, that same room.

10 Q And they have those little T.V.s with the sexual
11 assault video, I think it is.

12 A Yeah.

13 Q All right. Do you know what day that was?

14 A I didn't right at that time. I found out later.

15 Q Okay. Before that, what's the last thing you
16 remember?

17 A I went to Mr. Keeler's house and parked in the parking
18 lot and knocked on his door. He didn't answer the door.
19 So I pulled the car up where his brother's truck usually
20 sets behind a little shed beside the house.

21 Q All right. And what did you do once you pulled back
22 there?

23 A I -- I took a bunch of pills, and I just remember when
24 I woke up at pod three.

25 Q What kind of pills are you talking about?

Mark Allen Bradberry, Sr. (In-camera)
Direct examination by Mr. Hall

1 A I took Klonopins and blood pressure medicine and
2 diabetes medicine.

3 Q Okay. Do you know how many pills you took?

4 A I figure 30 or more.

5 Q Thirty of each or 30 total?

6 A Probably 30 Klonopins, and I don't know how many of
7 the others. Just a few of each.

8 Q Do you know what time it was?

9 A No idea. It was after -- it was daylight.

10 Q It was daylight. Was it daylight at the end of the
11 day or daylight at the start of the day?

12 A It was in the morning.

13 Q It was in the morning. All right. Immediately
14 previous, before going to Pauline, where had you been?

15 A In the woods.

16 Q Where in the woods?

17 A Oh, I don't even know what road. Some road in Union
18 County.

19 Q Okay. Is that where you had spent the night?

20 A Yes, sir.

21 Q Okay. And if the day you went to Pauline was the 3rd,
22 what's the next day that you remember?

23 A Repeat that.

24 MR. BARNETTE: Objection, Your Honor. Leading the
25 witness.

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 A I didn't hear you.

2 THE COURT: Overruled.

3 Go ahead.

4 Q All right. You parked your car on November 3rd. You
5 said you parked the car behind the friend's building.

6 A Yes.

7 Q You took the pills.

8 A Yes.

9 Q Correct? What's the next day you remember? If that
10 was the 3rd, when's the next day you remember?

11 A I'm not sure. Seems like it was the 6th -- 5th or
12 6th -- when I was in the pod and when I was able to
13 comprehend what I was doing and knew what -- I didn't even
14 know where I was exactly, but I knew I was in jail
15 somewhere.

16 Q Okay. Anything else you remember about these forms or
17 anything?

18 A No, sir, not until I got them in the discovery.

19 Q Please answer any questions the solicitor has.

20 MR. BARNETTE: May it please the Court, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. BARNETTE

23 Q Just going back and asking you about this. How many
24 Klonopin did you say you took?

25 A Probably 30.

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

- 1 Q Thirty of them. And where did you get those Klonopin
2 from?
- 3 A I had a prescription.
- 4 Q Where at?
- 5 A What you mean? I get it at Bi-Los.
- 6 Q Bi-Lo. Let's start there. When -- when you found
7 your mom or when allegedly you found your mom or when you
8 say you found your mom, when was that?
- 9 A I think like on the 29th.
- 10 Q On the 29th?
- 11 A Maybe.
- 12 Q The morning of October 30th you were driving --
13 2014 -- you were driving your car, is that right?
- 14 A A friend of mine's car, yeah.
- 15 Q A friend of yours car. Who is that friend?
- 16 A Brenda Kean.
- 17 Q As a matter of fact, you saw Kelcey here, the
18 neighbor, that morning, is that right?
- 19 A I don't know a Kelcey -- Kerri.
- 20 Q Or Kerri. Did you see Kerri that morning?
- 21 A I read the statement, but I don't remember even
22 talking to her.
- 23 Q Okay. So you don't remember talking to her that
24 morning.
- 25 A No, sir.

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 Q Do you remember going to the Bi-Lo that morning?

2 A Yes.

3 Q Okay. So you went to the Bi-Lo at Fernwood over here
4 on the east side of Spartanburg.

5 A Yes, sir.

6 Q You went in there and you got -- whose prescriptions
7 did you get that day?

8 A I think I got all of mine. I don't know if I had to
9 pick up any for my daughter or not.

10 Q Okay. And I know we gave this in discovery to your
11 attorney. But did you get a chance to review the Bi-Lo
12 video which is marked State's Exhibit 11? I'll mark for
13 Court's Exhibit 4.

14 A Yeah. We looked at it.

15 Q Okay. Was that you on the video?

16 A Well, I would assume.

17 Q Yeah. You were in -- you saw yourself in the videos.

18 A Right.

19 (S-11 for Identification marked Court's Exhibit No. 4;
20 S-12 for Identification marked Court's Exhibit No. 5.)

21 MR. BARNETTE: May I approach the witness, Your Honor?

22 THE COURT: You may.

23 Q Let me show you what's been marked as State's
24 Exhibit 12 for I.D. and Court's Exhibit 5. Is that you at
25 the pharmacy getting the prescriptions at that time?

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 A Yeah.

2 Q Okay.

3 MR. BARNETTE: Your Honor, I'd like to enter Court's
4 Exhibits 4 and 5 for purposes of this hearing.

5 MR. HALL: The video and then the still?

6 MR. BARNETTE: The still, yes.

7 MR. HALL: Okay. No objection.

8 (Exhibits previously marked.)

9 Q And during that time before you went to the pharmacy
10 did you cash in some coins?

11 A Yes, sir.

12 Q And did you go to the Coinstar there at Bi-Lo?

13 A Yes, sir.

14 Q And you remember that.

15 A Yes, sir.

16 Q And whose coins were those?

17 A Mine.

18 Q Okay. Where did you keep those at?

19 A In a -- in a bottle, a Budweiser. It's a piggy bank
20 Budweiser.

21 Q Okay. Do you remember how much it was?

22 A No, I don't.

23 MR. HALL: I'm going to object. We're talking a
24 couple of days apart. I let him go into some of this. I'm
25 not sure of the purpose.

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 MR. BARNETTE: Your Honor, I'm going to go through all
2 three days, and the reason why is -- well, I think it'll be
3 -- tell the Court I'd like some latitude here to show the
4 pattern and everything from there, where it relates to the
5 statement.

6 THE COURT: Where it relates to the voluntariness of
7 the statement?

8 MR. BARNETTE: Voluntariness and the information of
9 the statement.

10 He claims he don't remember anything about the
11 statement, remember giving anything about the statement.
12 And this information was all provided in the statement to
13 help law enforcement.

14 THE COURT: Okay. Overrule your objection presently.

15 MR. BARNETTE: Thank you, Your Honor.

16 (S-10 for Identification marked Court's Exhibit No. 6.)

17 Q Let me show you what's been marked as Court's Exhibit
18 6, State's Exhibit 10 for I.D. purposes, at this time. Is
19 that the Coinstar receipt that you got that day?

20 A That probably is.

21 Q And you cashed in \$85.22 at that time.

22 A That sounds about right.

23 Q Okay.

24 MR. BARNETTE: Your Honor, I'd like to enter this for
25 the purpose of this hearing.

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 MR. HALL: No further objection.

2 (Exhibit previously marked.)

3 Q Later on that morning did you go to the Croft -- Camp
4 Croft Pawn Shop?

5 A Yes, sir.

6 Q And did you pawn some jewelry of your mother's?

7 A I pawned some jewelry that was mine.

8 Q That was yours.

9 A Yes, sir.

10 Q Okay. But you did pawn it. And you sold it to Jimmy
11 Tobias there, is that right?

12 A I don't know who -- what the man's name was.

13 Q Okay. Do you remember going and pawning a -- two
14 rings and a set -- a set of earrings?

15 A Yes, sir.

16 Q Okay. Let me show you what's been marked as Court's
17 Exhibit 7, sir. Is that the pawn ticket you got?

18 A Probably. That's my name on there, so, yeah, that's
19 probably it.

20 Q And you received \$60?

21 A Yes, sir.

22 MR. BARNETTE: Your Honor, I'd like to mark Court's
23 Exhibit 7 for the purpose of this hearing.

24 MR. HALL: No further objection.

25 (S-13 for Identification marked Court's Exhibit No. 7.)

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

- 1 Q Okay. And this was done, if the time's correct,
2 October 30th of 2014 at 11:20 a.m.
- 3 A I guess.
- 4 Q After that where did you go, sir?
- 5 A To Dennis -- no -- yeah -- to Dennis' house.
- 6 Q To Dennis' house. Who is Dennis?
- 7 A That's the Mr. Keeler's house in Pauline.
- 8 Q No. That day on October 30th, where did you go, sir?
- 9 A That's where I went.
- 10 Q You went to Mr. Kennon's [sic] house. What did you do
11 there?
- 12 A Just stayed there a few minutes and talked to him. I
13 hadn't seen him in a while. And then I left.
- 14 Q Where did you go after that, sir?
- 15 A Went towards the beach.
- 16 Q Okay. Did you stop in Columbia?
- 17 A I think it was outside of Columbia there somewhere,
18 yes.
- 19 Q And you stopped at a Flying J there.
- 20 A It some type of gas station. I don't know the name of
21 it.
- 22 Q Okay. And did you go to the A.T.M. machine there?
- 23 A Yes.
- 24 Q And did you use your mom's debit card?
- 25 A Yes.

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 Q And did you take out four hundred and something
2 dollars at that time?

3 A Yes, four hundred.

4 Q And-but it could have been the Flying J in Columbia,
5 or it was in Columbia, is that right? Let me show you
6 State's Exhibit 142. Let me mark it first.

7 (S-142 for Identification marked Court's Exhibit No.
8 8.)

9 Q Court's Exhibit 8. It's you -- is that you there in
10 the picture, sir?

11 A Yes, sir.

12 Q And you did stop at a gas station or whatever and got
13 money out of the A.T.M.

14 A Yes.

15 MR. BARNETTE: Your Honor, I'd like to mark Court's
16 Exhibit 8 into evidence for purposes of this hearing.

17 MR. HALL: No additional objection.

18 MR. BARNETTE: May I approach, Your Honor?

19 (Exhibit previously marked.)

20 Q Where did you go after stopping and taking the money
21 out at -- in Columbia? Where did you go to, sir?

22 A I headed on down towards the beach.

23 Q And where did you go? Where at, at the beach did you
24 go?

25 A To a motel on the beach on -- I don't remember the

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 name of it.

2 Q And how -- how did you pay for that motel room down at
3 Myrtle Beach?

4 A Cash.

5 Q Okay. How much did you pay, sir?

6 A I -- I don't know. Probably about 70 bucks. Close to
7 that.

8 Q Okay. And did you go a K-Mart while you was there?

9 A Yes.

10 Q And when you went to the K-Mart, where was it at, sir?

11 A Just down the road from the motel.

12 Q And what did you purchase there, sir?

13 A I bought some stuff to brush my teeth and shave with
14 and a pair of shorts. I believe that was it. Something
15 like that.

16 Q And did you receive a receipt there or did you
17 received the items there?

18 A A receipt?

19 Q Yes, sir.

20 A Probably did.

21 MR. BARNETTE: One moment, Your Honor, please.

22 (Guest registration marked Court Exhibit No. 9.)

23 Q Going back to the hotel, let me show you Court's
24 Exhibit No. 9. Let me make sure.

25 MR. HALL: No additional objection.

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 Q Court's Exhibit 9. Did you stay at the Bar Harbor
2 Motor Inn down at Myrtle Beach on -- under North Orange
3 [sic] Boulevard?

4 A Yes, sir. That's probably it, yeah.

5 Q Was that the receipt?

6 A Yeah, that's it.

7 Q And is that your signature, sir?

8 A Yes.

9 Q And that's where you stayed at. And you paid cash for
10 it, is that right?

11 A Yes.

12 Q How many nights did you stay there, sir?

13 A Three, I think three, yeah.

14 Q Showing you what's been marked as State's Exhibit 115
15 for I.D. purposes.

16 (S-115 for Identification marked Court's Exhibit No.
17 10.)

18 Q Is that the receipt showing the items that you got
19 from the K-Mart there at Myrtle Beach?

20 A Yes, sir.

21 MR. BARNETTE: Your Honor, I'd like to move Court's
22 Exhibit 10 into evidence for purposes of this hearing.

23 MR. HALL: No further objections.

24 (Exhibit previously marked.)

25 Q Let me show you what's been marked for 118 or -- did

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 you get a chance to review this video from the K-Mart?

2 A Yes.

3 Q And was you on that video shopping?

4 A Yes.

5 MR. BARNETTE: Your Honor, I'd like to move that as
6 Court's Exhibit No. 11.

7 (S-118 for Identification marked Court's Exhibit No.
8 11.)

9 Q On October 31st did you get a money order and send it
10 to Brenda Kean?

11 A Yes, sir.

12 Q And did you address the envelope and send it to her
13 and everything?

14 A Yes, sir.

15 THE COURT: Mark this as Court's Exhibit 12.

16 (S-113 for Identification marked Court's Exhibit No.
17 12.)

18 Q Was that the copy of the envelope that was sent to
19 Brenda Kean?

20 A Yes.

21 Q And did you send a letter with that, sir?

22 A I think I did.

23 Q And did you send a \$300 money order in that also to
24 her?

25 A Yes.

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 MR. BARNETTE: Your Honor, I'd like to enter this in
2 as evidence for purposes of this hearing.

3 MR. HALL: No additional objection.

4 (Exhibit previously marked.)

5 MR. BARNETTE: May I approach, Your Honor? I'm trying
6 to keep track of it.

7 Q And did you also go to a Chick-Fil-A while you was at
8 Myrtle Beach?

9 A Yeah. It was right beside. It was right there at the
10 K-Mart. I think the same parking lot.

11 Q And did you buy a sandwich and some water there?

12 A Probably, yeah.

13 Q Let me show you what's been marked as State's
14 Exhibit 126. Was that a copy of the receipt from the
15 Chick-Fil-A?

16 A Probably, yes. That's what I got.

17 MR. BARNETTE: Your Honor, I'd like to move that as a
18 court's exhibit also.

19 (S-126 for Identification marked Court's Exhibit No.
20 13.)

21 Q And did you also go to a Save-a-lot?

22 A I don't know.

23 Q Did you also go to a Save-a-lot while you was there
24 also?

25 A I may have. I don't know. I can't remember.

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 Q okay. And did you write letters on November 1st? Did
2 you write your last will and testament on November 1st?

3 MR. HALL: Your Honor, I'm objecting.

4 He's gone back several days, come back, and, you know,
5 I've objected to that. The Court's allowed him to ask
6 these questions. But I'm going to renew my objection.

7 He's trying to get some letters in that he would
8 presumably use further in the case. I know this is for
9 purposes of a suppression hearing but --

10 MR. BARNETTE: Your Honor, and I --

11 THE COURT: These documents are coming in for the
12 purpose of this hearing, not for any other purpose right
13 now.

14 Q November the 1st. This is a copy of it.

15 (S-127 for Identification marked Court's Exhibit No.
16 14.)

17 Q This has been marked as Court's Exhibit 14. It's
18 actually State's Exhibit 127. Is that a copy of the
19 letter, sir, or -- or the will -- last will and testament
20 that you wrote?

21 A Yes, sir.

22 Q Was that on November 1st of 2014?

23 A Yes.

24 Q And that's your writing, is that right?

25 A Yes.

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 Q And that's your signature at the end.

2 A Yes, sir.

3 Q Okay. And did you also write several letters to
4 several family members?

5 A Yes, sir.

6 Q Okay.

7 (S-128 for Identification marked Court's Exhibit No.
8 15; S-129 for Identification marked Court's Exhibit No. 16;
9 S-130 for Identification marked Court's Exhibit No. 17.)

10 Q Let me show you the letter that's been marked as
11 Court's Exhibit 15, which is State's Exhibit 20 -- 128. Is
12 this a letter you wrote to Brenda?

13 A Yes, sir.

14 Q Okay. Is that your handwriting, sir?

15 A Yes.

16 Q And did you sign at the end of it, "Big Daddy"?

17 A Yes, sir.

18 Q Okay. Court's Exhibit 16. Is this a letter you sent
19 to McKenna?

20 A Yes.

21 Q Okay. And that's your handwriting?

22 A Uh-huh.

23 Q And you wrote the letter, is that right?

24 A Yes.

25 Q Okay. Court's Exhibit 17. Is that a letter you wrote

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 to Matthew? And how do you say the last name there?

2 A Bataille.

3 Q Bataille. And family.

4 A Yes, sir.

5 Q And that would be Court's Exhibit 17, State's
6 Exhibit 13 [sic]. Did you write that letter, sir?

7 A Yes.

8 Q Court's Exhibit 18 to Mark, Jr. Did you write that
9 letter to him also?

10 A Yes.

11 Q And Court's Exhibit 19. Did you write that letter to
12 Tiffany?

13 A Yes.

14 Q And Court's Exhibit 20, did you write that to Jack
15 Looney?

16 A Yes.

17 MR. BARNETTE: Your Honor, I'd like to enter these all
18 into evidence at this time for purposes of this hearing.

19 MR. HALL: No additional objection.

20 (S-131 for Identification marked Court's Exhibit No.
21 18; S-132 for Identification marked Court's Exhibit No. 19
22 for Identification; S-133 for Identification marked Court's
23 Exhibit No. 20.)

24 Q One other thing. Did you pay cash for the -- at the
25 post office for the money order -- \$300?

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

- 1 A Oh, yes.
- 2 Q You did pay cash for that also.
- 3 On November 2nd did you come back to Pacolet?
- 4 A Yeah, yeah.
- 5 Q Okay. And you drove. You drove the whole time, is
- 6 that right? And you had your mom's car the whole time.
- 7 A Yes.
- 8 Q You left the car, the Buick that you usually drive,
- 9 you left at Pacolet, is that right?
- 10 A Right.
- 11 Q You took your mom's car all the way on this whole trip
- 12 to North Myrtle Beach for three days going to the K-Mart,
- 13 going to the post office, going to Chick-Fil-A. Where else
- 14 did you go down at Myrtle Beach?
- 15 A That's about it, I guess.
- 16 Q Okay. Did you go anywhere else?
- 17 A I probably went somewhere to get food.
- 18 Q Okay. Where did you go get food at?
- 19 A I don't know where I ate at. I ate somewhere.
- 20 Q Okay. And when you came back to Pacolet, when you
- 21 came back to the house, what happened? Or did you -- did
- 22 you come back to the house?
- 23 A Yes.
- 24 Q When you came to that house, what did you see?
- 25 A All I saw was ambulance from my view. I don't know

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 what else was there.

2 Q Okay. And did you stay?

3 A No.

4 Q Where did you go?

5 A That's when I went down out of Pacolet towards Union
6 and just pulled off the road down there in some woods.

7 Q Okay. And how long did you stay in the woods?

8 A Until the next morning.

9 Q Okay. So that's November 3rd. What time did you
10 leave Union to come back to Spartanburg County?

11 A I don't know what time it was.

12 Q Daylight or dark?

13 A I had to use my headlights at first, so it was still
14 dark?

15 Q So it --

16 A It was in the morning.

17 Q So it turned to light while you was driving?

18 A Maybe. I don't -- I can't remember exactly if it --

19 Q Okay.

20 A When I had -- when it was daylight.

21 Q Why did you go down in Union County?

22 A Oh, it's just right there. Union County is like a
23 mile away from our house.

24 Q I understand. Why did you go to Union County?

25 A I don't know. I just wanted to go down there and

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 think a little bit.

2 Q Okay. And then where did you go after you came back
3 to Spartanburg County?

4 A what you mean?

5 Q where did you go?

6 A Oh, I went to Dennis'.

7 Q And what did you do once you got to Dennis'?

8 A He didn't come to the door, so I pulled up behind his
9 shed where I seen his brother park his truck there before,
10 and I took a bunch of pills. That's it.

11 Q Okay. Did you take anything else other than the
12 blood -- the pills that you said you took?

13 A No. That's all I had with me.

14 Q Did you drink anything? Had you drunk anything?

15 A No, not at that time.

16 Q Okay. Where did these pills come from?

17 A They're my pills. They're from the pharmacy.

18 Q Okay. Just one question. The officers went to
19 K-Mart, post office, all of these different locations. How
20 would they have known about it unless you told them about
21 them about it?

22 A I don't know. I don't remember talking to them.

23 Q But you remember all of this, but you don't remember
24 talking to them.

25 A well, yeah. I hadn't took all of the pills when I did

Mark Allen Bradberry, Sr. (In-camera)
Cross-examination by Mr. Barnette

1 all of that.

2 Q Okay. Mr. Hall, I know, has showed you a video from
3 when you was booked in at the jail at 5:00 o'clock.

4 A Yes.

5 Q You don't remember any of that?

6 A No, sir.

7 Q The only time you remember is when you go into the
8 pod?

9 A Yes, when I actually went in the door to the pod.
10 That's what I remember.

11 Q Okay. So you don't remember any of that.

12 A No.

13 Q You don't remember what you told the officers or
14 anything there at the jail.

15 A No, sir.

16 Q So your story is you remember all of this but you
17 don't remember anything else.

18 A I remember the days after I took the pills what
19 happened after I was -- I don't know if I was -- what it
20 was. I don't remember anything that happened in those
21 days.

22 Q Let me show you one more. How much of Klonopin are
23 you supposed to take?

24 A I think it's two a day.

25 Q Two a day. But your testimony is you took 30 that

Mark Allen Bradberry, Sr. (In-camera)
Redirect examination by Mr. Hall

1 day.

2 A I took 30 at one time at least.

3 Q Yeah.

4 MR. BARNETTE: I have no further questions of this
5 witness, Your Honor. Thank you.

6 REDIRECT EXAMINATION

7 BY MR. HALL

8 Q Just to reiterate. You, from the time you left
9 Pacolet the morning after finding your mother until the
10 3rd when you had gone to Union and come back to Pauline,
11 had you taken any pills before you took them there in
12 Pauline?

13 A No.

14 Q Had you just gotten your prescriptions refilled?

15 A I don't -- I didn't -- I don't think I brought too
16 many of them with me. I was tired. You know, I had pills
17 already.

18 Q Okay. But you didn't take a massive dose of them
19 until the 3rd.

20 A Sir?

21 Q You didn't take a whole bunch them at once until the
22 3rd.

23 A Right, oh, yeah, yeah.

24 Q Before they woke you up.

25 A Over at Dennis' house.

Mark Allen Bradberry, Sr. (In-camera)
Recross-examination by Mr. Barnette
Redirect examination by Mr. Hall

1 MR. HALL: Okay. No further questions.

2 MR. BARNETTE: Just one in followup, Your Honor.

3 RECROSS-EXAMINATION

4 BY MR. BARNETTE

5 Q In the letter you said you was going to commit
6 suicide --

7 A Yes, sir.

8 Q -- down there at the beach. Did you try to commit
9 suicide down there?

10 A As far as I could get it. I just couldn't do it.

11 Q But all of a sudden, you know, you're getting ready to
12 testify. Now you took 30 pills while they -- while the
13 police catch you.

14 A Well, that's what -- I took at least 30, maybe more.

15 Q Oh, you took more than 30. Okay.

16 MR. BARNETTE: No further questions, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. HALL

19 Q Was that an attempt to go to sleep or to commit
20 suicide?

21 A Commit suicide.

22 Q Thank you.

23 THE COURT: Step down.

24 MR. HALL: I have nothing else, Your Honor.

25 MR. BARNETTE: No further witnesses, Your Honor.

1 THE COURT: Anything y'all need to tell me?

2 MR. HALL: Your Honor, my client from the day one
3 talking to him about his statement, he says he does not
4 remember that, he remembers, as he testified, taking the
5 pills to commit suicide. And the next thing he knows it's
6 a few days later in jail.

7 So he says he doesn't remember it, so we have to make
8 a motion that it is not a knowing and intelligent decision
9 to waive his right to give a statement.

10 I'm not really challenging the D.N.A. sample swab. He
11 said he give -- discussed that, and he said he would have
12 given that anyway. It's just the statement, Your Honor.

13 MR. BARNETTE: Your Honor, I had two officers that
14 testified -- basically, spent five hours with him -- that
15 he was not under the influence, that he appeared.

16 He gave them the information they used to locate
17 items, and to me he has to be coherent to do that, to talk
18 about that.

19 A lot of this information they -- they could track
20 down, but not all of it by any means. And these items,
21 that he verified that he was at these locations. He wrote
22 letters and whatever.

23 And I submit if he took 30 Klonopin he would have done
24 the job and he would have killed himself. He didn't take
25 no 30. I think he just -- this is a story. I know it goes

1 down to credibility, but there's no way that story flies in
2 the face of medicine or whatever from that standpoint.

3 THE COURT: All right. Based upon the testimony
4 received, I do find the state has established by the
5 greater weight or preponderance of the evidence that the
6 statement given by Mr. Bradberry to law enforcement at the
7 time of his apprehension was freely, knowingly and
8 voluntarily made, that he was under no threat, coercion,
9 promise or reward; and therefore the statement will be
10 permitted should it be introduced.

11 MR. HALL: Nothing else --

12 THE COURT: Okay.

13 MR. HALL: -- before we bring the jury back.

14 THE COURT: All right. Are y'all ready to begin?

15 MR. BARNETTE: Your Honor, can I step out for one
16 second?

17 (Whereupon, a recess was taken.)

18 THE COURT: All right. Are we ready for the jury?

19 MR. BARNETTE: The state's ready, Your Honor.

20 MR. HALL: Yes, sir.

21 THE COURT: Bring them in. Ask Ms. Green to take the
22 foreperson's seat. Ms. Green.

23 (The following takes place in the presence of the
24 jury.)

25 THE COURT: Good afternoon, ladies and gentlemen.

1 We are ready to begin with the trial of the case for
2 which each of you have been selected.

3 Ms. Green, I'm going to ask you to serve as the
4 foreperson of the jury. As the foreperson you're going to
5 have three specific duties that none of the other jurors
6 will have.

7 First of all, you'll be asked to serve as the
8 spokesperson for the jury, and that just means if something
9 arises during the course of this trial that needs to be
10 brought to my attention -- you or a fellow juror has some
11 difficulty, problem or question -- you let me know either
12 directly if you're in the courtroom or through the bailiff
13 if you're not.

14 Secondly, you'll be called upon to preside over jury
15 deliberations when that time comes at the trial's
16 conclusion. When you do go back to begin your
17 deliberations you'll be called upon to preside over that
18 process in the jury room simply to ensure that those
19 deliberations are carried out in some orderly fashion.

20 And, thirdly, you'll be asked to actually write the
21 decision or the verdicts of the jury, and you'll do that on
22 verdict forms that I'll provide you at the trial's
23 conclusion on which you will indicate the jury's unanimous
24 decisions.

25 The foreperson has those specific duties that I've

1 just indicated. That doesn't mean that she's any more
2 important than any of you other jurors. Someone simply has
3 to be delegated those responsibilities that I've just
4 indicated, and I have delegated those to Ms. Green in
5 appointing her as the foreperson. But all of you jurors
6 are equally important so far as the ultimate decisions in
7 this case are concerned, because, as I think I've already
8 stated, the verdicts have to be unanimous. All of you must
9 be agreement.

10 Now, Ms. Pruitt and Ms. Paone, each of you have been
11 selected as alternate jurors. The function of an alternate
12 is to take the place of one or two of the original 12 if
13 during this trial one or more of them cannot continue to
14 serve for some reason. And if one should be called away
15 and unable to continue, one or both of you would take those
16 jurors place.

17 In that event you become the 12th juror. And if that
18 occurs, then you would participate throughout the trial
19 including the jury deliberations at the trial's conclusion.
20 If however when the time does come for jury deliberations
21 the original 12 are able to participate in that process
22 your services would end and you would not be needed to
23 participate any further and that's because the decision of
24 a jury is that of 12. No more than 12 are permitted to
25 engage in that deliberation process.

Jury sworn

1 But it is important that each of you pay just as
2 careful attention as we ask of all of the jurors in this
3 case because it does occur from time to time for one reason
4 or another one or two of these jurors may be unable to
5 continue. And in that event one or both of you would be
6 called upon to become the 12th.

7 So we do appreciate your participation as alternate
8 jurors, just as we appreciate the participation of each of
9 you jurors who have been selected for the purpose of
10 deciding the verdicts in this particular case.

11 You may swear the panel.

12 (Whereupon, the jury was duly sworn.)

13 THE COURT: Ladies and gentlemen, as you know, you've
14 been selected to decide the verdicts in the cases of -- the
15 case of the State vs. Mark Allen Bradberry, Sr.

16 As you also know, Mr. Bradberry has been accused by
17 the prosecutor by way of these indictments with having
18 committed three separate and distinct offenses, although
19 they are alleged to have arisen out of one particular event
20 or course of events which the state alleges in these
21 indictments occurred back on October the 30th of 2014.

22 The indictments allege that Mr. Bradberry did commit
23 the crime of murder in that on that date he did wilfully
24 and with malice aforethought kill one Connie Bataille by
25 striking her about the head with some object and stabbing

1 her several times about the body and that she died as a
2 proximate result of those wounds.

3 He's also accused of having committed the crime of
4 armed robbery and possession of a weapon -- in this case a
5 knife -- during the commission of that violent crime, the
6 violent crime being alleged to be armed robbery also
7 involving Connie Bataille.

8 Now, as to those allegations and as to each of those
9 charges the defendant has entered a plea of not guilty.
10 And, as I told you, that plea of not guilty therefore
11 places upon the state the burden of proving the allegations
12 that they have made against him by way of these
13 indictments, the burden of proving each of the essential
14 elements of the crimes alleged against the defendant; and
15 therefore the burden is upon the state to establish his
16 guilt to the satisfaction of you 12 jurors beyond a
17 reasonable doubt before any verdict could be returned
18 guilty as to any of the separate indictments.

19 Every person accused of a crime -- it doesn't matter
20 how serious the offenses might be -- any person accused of
21 a crime is always to be presumed innocent of the charge.
22 That presumption of innocence remains with any defendant,
23 as it does with this defendant, from the time that he is
24 placed under arrest and throughout the course of the
25 criminal process and even throughout the actual trial in

1 the case.

2 That presumption of innocence will be with
3 Mr. Bradberry even at the trial's conclusion when you go
4 back to begin your deliberations. And that presumption of
5 innocence will be with him in that jury room, and it'll be
6 with him forever, unless you 12 jurors determine that he's
7 no longer entitled to that presumption of innocence.

8 In other words, after you've considered all of the
9 evidence introduced during the trial, and from that
10 evidence you determined what you believe to be the facts
11 that relate to these allegations, and upon deciding those
12 facts you apply the law that I will have provided you as it
13 relates to that particular charge, if you 12 jurors
14 unanimously determine that his guilt as to that particular
15 charge has been proven beyond a reasonable doubt, then he's
16 no longer entitled to that presumption of innocence as it
17 relates to that charge. But it is only if, unless and
18 until his guilt has been proven beyond a reasonable doubt
19 that he would no longer be entitled to the presumption of
20 innocence.

21 Now, the way the trial will proceed is that in a
22 moment the lawyers are going to address you in what are
23 called opening statements.

24 There are two occasions in the trial of a case where
25 lawyers are permitted to address the jury, and that is at

1 the beginning of the trial before any evidence has been
2 introduced, then again at the conclusion of the trial after
3 all of the evidence has been received.

4 But keep in mind, as I've just indicated, the lawyers'
5 statements are not evidence in the case. You can't
6 consider the lawyers' statements as being any evidence upon
7 which you will decide a fact and ultimately render your
8 decision in the case, and that's because the lawyers aren't
9 witnesses to anything. If they were witnesses to anything
10 they wouldn't be participating as lawyers. They'd be
11 testifying in court as a witness.

12 They're not going to take the witness stand. They're
13 not going to be placed under oath. They're not going to be
14 subjected to direct and cross-examination just like the
15 witnesses will be when they come to court and testify from
16 the witness stand.

17 And so what the lawyers tell you in their statements
18 is not to be construed by you as being any evidence upon
19 which you will base your decision. But you should listen
20 to what the lawyers have to say because their statements do
21 serve a purpose.

22 The opening statements will serve to provide you with
23 a basic understanding as to what this case is about from
24 both the perspective of the state and of the defense so
25 that you'll have some context in which to place the

1 evidence that we will be receiving shortly thereafter.

2 The closing statements occur after all of the evidence
3 has been received. And, again, while those statements are
4 not evidence, it does afford the lawyers an opportunity to
5 discuss with you the evidence that you have seen and heard
6 during the course of this trial. And through that
7 discussion each will be trying to persuade you or to
8 convince you that the evidence in the case does or does not
9 support a particular decision.

10 And it's in between those opening and the closing
11 statements that we actually receive the evidence upon which
12 you will base your decision.

13 The state, as I've told you, has the burden of proof.
14 The state has to prove the defendant guilty beyond a
15 reasonable doubt. That's because the state has brought the
16 charge. They made the accusation. Therefore, they have
17 the burden of establishing those allegations beyond a
18 reasonable doubt in order to prove the defendant to be
19 guilty. So the state does have to present evidence. So
20 they'll go forward first in their presentation of that
21 proof.

22 After they have concluded any defendant has the same
23 opportunity to take the witness stand and testify or to
24 call a witness or to introduce evidence, but a defendant in
25 a criminal trial is never under any obligation to testify

1 or to call a witness or to produce evidence, and that's
2 because the burden is not upon a person accused of a crime
3 to prove that they are not guilty or to prove that they are
4 innocent because in some cases that might not be possible.

5 The burden is on the state, so they have to present
6 evidence. There is no burden upon a defendant to introduce
7 any evidence or to testify in the case.

8 Should a defendant choose not to testify or not
9 produce any evidence, that's not a fact that may be
10 considered in any way by the jury in arriving at your
11 determination as to whether or not the evidence in the case
12 proves his guilt beyond a reasonable doubt.

13 You could not allow such a fact to weigh in the
14 slightest degree against a defendant. But every defendant
15 is afforded an opportunity to present evidence in the event
16 he or she wished to do so.

17 So after you hear and see all of the evidence, you
18 hear the final summations of the lawyers, I will then
19 instruct you fully on the law that's applicable in a case
20 like this.

21 I'll instruct you on the law, the criminal law
22 generally, and I'll also instruct you on these specific
23 crimes particularly, and then you'll be asked to go back
24 and to begin with your deliberations. And through that
25 deliberation process and through the exercise of good

1 judgment and common sense conscientiously applied to the
2 testimony and evidence in the case you'll determine what's
3 the most credible evidence and you'll determine the facts
4 of the matter relating to these allegations.

5 Once you decide the facts you'll apply the law and
6 simply arrive at a fair and just decision, whatever that
7 decision may be.

8 Now, it is your prerogative to determine the facts.
9 And in determining the facts you're going to have to
10 consider the testimony of witnesses that will be called to
11 testify during the trial.

12 There may be conflicts in testimony. If there is a
13 conflict you are those persons who have been selected to
14 resolve that conflict. You determine what's the most
15 credible evidence, whether it be testimony or otherwise,
16 and that's the evidence that you accept. And you reject
17 any testimony or other evidence that you find not to be
18 credible or believable.

19 But in order to be in a proper position to fairly
20 evaluate witnesses' testimony in light of not just that
21 particular witness' testimony but in light of all of the
22 testimony and other evidence received it's important that
23 you give every witness the same degree of attention as they
24 testify so that when you do go back to begin deliberations
25 you'll be in a proper position to be able to fairly

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1 evaluate each witness' testimony in light of all of the
2 evidence in the case.

3 It's also important that you keep an open mind
4 throughout the course of the trial. And that just means
5 that you're not to begin making up your minds or
6 formulating your opinions as to what you think the ultimate
7 decisions in this case ought to be until all of the
8 evidence has been received, until I have instructed you on
9 the law that's applicable in the case and until you've been
10 asked to go back to the jury room to begin with your
11 deliberations.

12 That is the process that has been designed over the
13 last 230 some odd years to ensure that you can arrive at a
14 fair and just decision in any case.

15 So I do want to thank you in advance for your
16 participation, as well as for your careful attention.
17 Please give the lawyers your attention now as they give you
18 their opening statements.

19 Mr. Barnette.

20 MR. BARNETTE: May it please the Court, Your Honor.

21 Madam forelady and ladies and gentlemen of the jury, I
22 want to take you back to October, November of 2014. Connie
23 Bataille was living at [REDACTED] in Pacolet.
24 Her son, Mark Bradberry, lived with her.

25 People had not seen her for a couple of days in the

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1 neighborhood. People started asking questions about her.
2 Her family started looking for her.

3 On November 2nd of 2014, which is a Sunday, her
4 daughter-in-law and her granddaughter come to her
5 residence, because they had been taking to her husband,
6 Jack, which is her son. They're all here today. Jack and
7 Emily are here to talk. Well, Emily is not here, but
8 Karrie is here to talk.

9 They checked her residence. Can't find anything at
10 first. And then he says go in, something's wrong. Well,
11 one thing they realized when they started going in, her car
12 wasn't there, and found out it had not been there for
13 several days. However the defendant's car, the one he
14 drove, was there.

15 You'll hear them go into the residence. They go in.
16 Nothing's wrong in the residence. Every room is spotless,
17 neat, clean. That's the way she kept her house always.

18 Until her granddaughter went to her bedroom and opened
19 the door and saw two feet. Her body had been covered up
20 with a blanket, pillows, had a bunch of bank statements all
21 over it. You'll see pictures of this. Her whole room had
22 been ransacked on part of it, not all of it. Like I said,
23 nothing else was disturbed in the house whatsoever.

24 So the police arrive, and they start looking on the
25 case. They start tracking down. Of course Mark Bradberry

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1 is gone. Back on October 30th he was supposed to go take
2 care of his daughter McKenna. Lives with Brenda Kean. She
3 lives a very short distance away on [REDACTED] there
4 in Pacolet. He never showed up to take care of McKenna
5 that night. Never showed up the next day, which is
6 Halloween.

7 When McKenna went over to -- to grandma's house, which
8 she always had a bag candy for her or whatever, grandma
9 wasn't there. Her car wasn't there. That's when people
10 started asking questions.

11 And eventually she was found. A 69-year-old
12 grandmother had been stabbed to death. Blood splattered
13 everywhere. And you'll see when she was laying down.
14 You'll hear about it. She was laying down watching T.V.
15 with her remote beside her hand. Piece of gum right there.
16 The person came in, the first blow in the head, and the
17 number of stab wounds and everything you'll hear about.

18 Mark Bradberry had left, not talked to anybody or
19 anything. Through the investigation police found out the
20 morning of October 30th he goes to Fernwood Bi-Lo on the
21 east side of town if you're familiar with it, on the east
22 side of Spartanburg.

23 He goes in and cashes \$85.22 in coins. He goes to the
24 pharmacy and talks to the pharmacist there. Gets back in
25 the car that he always drives, which is a white Buick.

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1 Two hours later in the investigation they find out he
2 pawns three items at cramp -- I mean, the Camp Croft Pawn
3 Shop. Those three items is these three items of his
4 mother's jewelry for \$60.

5 Then he continues on. He goes down to Columbia while
6 his mother is laying in the house dead. Never called
7 anybody; never talked to anybody.

8 He takes her debit card that he had took from the
9 house. He used an A.T.M. machine and takes out \$403. He
10 goes on from there and goes to Myrtle Beach for several
11 days.

12 He gets a hotel room that he pays cash for, goes to a
13 K-Mart there, goes to the post office and takes a \$300
14 money order and sends it back for his daughter McKenna. He
15 never talks to anybody. He was supposed to be there that
16 night October 30th. October 31st he was supposed to help
17 take her for Halloween.

18 He comes back, and you remember they found her
19 November 2nd. Supposedly, he come backs and sees the
20 police and runs down to Union. And then later on the next
21 day -- Pauline.

22 He had knocked on the door of an old friend. The old
23 friend had saw on the news the police were looking for him.
24 He'd actually pulled his mother's car, which was a
25 Mitsubishi Mirage, white car, 2-door, behind the shed.

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1 That's where the police found him.

2 There was items inside the car. The man had killed
3 his own mother. The evidence you'll see will point to only
4 one direction, one person that did this.

5 A staged scene at the house, taking her jewelry,
6 taking her cards, taking her car, never calling 9-1-1,
7 ever -- October 29th, October 30th, October 31st,
8 November 1st, November 2nd, November 3rd. Never called and
9 talked to anybody about his mom -- no family member, no
10 friend, no police. The evidence will show you that.

11 Like I said, listen to the evidence as you hear it.
12 I'll come back to you and speak to you again and go more
13 fully after the evidence is presented.

14 Ladies and gentlemen, I'm going to be asking you for a
15 verdict. I'm glad to be representing the family. I am
16 going to be asking you for a verdict of guilty on all three
17 counts. Thank you very much for your time.

18 Thank you, Your Honor.

19 THE COURT: Mr. Hall.

20 MR. HALL: May it please the Court. Solicitor, Madam
21 Forelady and ladies and gentlemen of the jury, as the judge
22 told you before, my name is Robert Hall.

23 I represent Mark Allen Bradberry who's been charged
24 with this horrible crime, this horrible tragedy. He, like
25 anybody else that's charged with a crime, has a right to a

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1 trial by an impartial jury. That's why you're here.

2 Nobody in this courtroom could be doing their job but
3 for the fact that you are here and you are the ones who sit
4 and listen, see what is presented, discuss what's presented
5 and see whether or not the state has proved its case to
6 your satisfaction beyond a reasonable doubt that Mark Allen
7 Bradberry is the one that committed these crimes.

8 It's not going to be a heavily technical case. It's
9 not going to be complicated in a lot of ways as some cases
10 become, but it's still incumbent upon the state to prove
11 not that my client could have but that my client did beyond
12 a reasonable doubt to your satisfaction commit these crimes
13 before you can give the solicitor the verdict he talked
14 about.

15 I'm not going to go into a lot of details because the
16 state's going to be presenting evidence very shortly but,
17 like Mr. Barnette, at the end of the case be able to
18 summarize.

19 But I ask that you do pay careful attention to what's
20 being presented, the witnesses as they're testifying
21 because you'll have to judge what they're presenting to
22 you, what they're telling you to see what the truth is in
23 this case.

24 I will have here -- I may grimace when I get up and
25 sit down. Has nothing to do with the case. I have some

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 discs that are not agreeing with me right now, and they
2 remind of that in those movements when I'm standing, or so.
3 And if I do grimace or anything, please don't take anything
4 from it.

5 But Mr. Bradberry has a right to a jury such as
6 yourself to listen to the case and make the decision, and I
7 on behalf of Mr. Bradberry thank you in advance for paying
8 attention and doing your job. Thank you.

9 THE COURT: Mr. Barnette.

10 MR. BARNETTE: May it please the Court, Your Honor. I
11 would like to call Karrie Looney to the stand.

12 KARRIE HUTCHINS LOONEY, having
13 been first duly sworn, testified as follows:

14 DIRECT EXAMINATION BY MR. BARNETTE

15 THE COURT: We don't have the best microphone system
16 and speaker system in the world, so that black microphone
17 is the one that you'll be using for the benefit of the
18 jury. So be sure you're close enough to it that it picks
19 up that. And you can adjust it as you need to.

20 Q I'm going to stand back here so hopefully they can
21 hear you. Okay. I know you're soft-spoken. So, if you
22 would, give your full name for the record, please.

23 A My name is Karrie Hutchins Looney.

24 Q And, Ms. Looney, what town do you live in now?

25 A I live in Charleston County on Johns Island.

Karrie Hutchins Looney
Direct examination by Mr. Barnette

- 1 Q And what kind of work do you do there, ma'am?
- 2 A I am a school counselor.
- 3 Q And how long have you been a school counselor?
- 4 A I've been a school counselor for 13 years. I was a
- 5 classroom teacher for nine previously.
- 6 Q Back in October and November of 2014, where did y'all
- 7 live at then?
- 8 A In 2013 my husband and I lived in Charleston County.
- 9 We still owned a home in Spartanburg County in Boiling
- 10 Springs.
- 11 Q And did y'all go back and forth between the two homes?
- 12 A Yes, sir. We -- we traveled. We -- our -- our oldest
- 13 child lived in the home, and we lived there, but we were
- 14 traveling on weekends to see her.
- 15 Q Okay. What kind of work does -- and who is your
- 16 husband, ma'am?
- 17 A My husband is Jack Looney.
- 18 Q And what is his relationship to Connie?
- 19 A Her son.
- 20 Q So you are her daughter-in-law.
- 21 A Yes.
- 22 Q Where did Connie live at this time around 2014 when
- 23 we're talking about in October and November?
- 24 A She lived in Pacolet Mills, 245 Montgomery.
- 25 Q And that's in Spartanburg County.

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 A It is.

2 Q And did your daughter visit her over the years at the
3 residence, at that residence?

4 A Yes.

5 Q Okay. And who is your daughter, ma'am?

6 A I have two.

7 Q Yes, ma'am. Apologize.

8 A The daughter that was with me on November the 2nd is
9 Emily.

10 Q And who is your other daughter, ma'am?

11 A Her name is Taylor.

12 Q And how old was Emily back when y'all entered in the
13 residence on November the 2nd?

14 A She was 18.

15 Q If you would, tell the jury how you got notified about
16 something possibly being wrong with Connie.

17 A I happened to be home in Spartanburg that weekend. My
18 husband was -- he had to -- he was on call that weekend in
19 Charleston and could not come with me. So I had come that
20 weekend to visit my daughter. And my youngest, Emily,
21 happened to be home. She was away at college, but she
22 happened to be home that weekend as well.

23 So I believe that I had taken that Monday off from
24 work. I was going to stay through Tuesday. It was an
25 election-day holiday, so it was just going to be a nice

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 long weekend with my girls.

2 And around 2:00 o'clock on Sunday, November the 2nd,
3 my husband called, and he said -- he asked me if I would be
4 willing to go out to Pacolet to -- to check in on my
5 mother-in-law, Connie. She -- no one had been able to get
6 in touch with her.

7 My brother-in-law in Phoenix had contacted my husband,
8 and they were just concerned. And Jack knew that we had a
9 set of keys to the home, and he said, you know, why don't
10 you go and check on mom. And so Emily and I decided to
11 take a ride out to check on her that afternoon.

12 Q And about what time did y'all get there?

13 A I suspect we got there -- it takes about 45 minutes
14 without traffic to get to Pacolet Mills from Boiling
15 Springs. And so we -- I would suspect around 2:45 or so.

16 Q And what did you see when you got there?

17 A When I got there I saw a -- a car parked in the yard,
18 and-but it was not my mother-in-law's. It belonged to
19 Mark. And my mother-in-law's car was not there, which at
20 the time I didn't suspect anything because she was very
21 independent. She traveled. She had a friend, several
22 friends, in the area. They would go do things. She would
23 take them to the grocery store and things like that. So
24 it -- it didn't -- you know, it didn't alarm me that her
25 car was missing.

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 I didn't actually get out of my car at that time. I
2 rode around.

3 My uncle, Connie's brother, lives a street behind her,
4 and so I went to his home to see if maybe he knew what was
5 going on, because my husband wanted me to call him back and
6 let him know what I found out. And I went to John's house,
7 and he said that he had didn't know where Connie was. He
8 suspected that she might be in Charleston visiting us
9 because her car had been gone for a couple of days.

10 And, you know, she -- like I said, she goes, and she
11 would go and come. And, you know, that wasn't really a big
12 deal.

13 So after talking with John, Emily and I just decided
14 to head back to Boiling Springs. And so I called my
15 husband, and I told him. I said, "You know, she's not
16 there. Her car's not there. John hasn't seen her, doesn't
17 know where she is. He -- he thought that maybe she had
18 come to Charleston." And my husband said, "You need to go
19 back to the house. You need to go back to the house and go
20 in. Did you take your key?" And I said yes.

21 And I had him on the speaker in the car, and my
22 daughter was sitting there. And I remember asking him, "Do
23 you know what you're saying?" And he said, "Yeah. I need
24 you to go back to the house."

25 And so I turned around, and I went back to -- to

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 Connie's, my mother-in-law's, house.

2 When I got there I pleaded for my child to stay in the
3 car. I said, "Just stay in the car. I'm just going to run
4 in and I'm just going to make sure, you know."

5 I was very uncomfortable because it's my
6 mother-in-law's home. I didn't go in without her
7 permission. So I was a little nervous about that. But I
8 took the key. And Emily insisted that I was not going to
9 go into the home alone, so she went with me.

10 I opened the door. I rang the doorbell. I knocked.
11 No one came to the door. I opened the door and went in.
12 And it seemed like any other time I'd ever been there.

13 I noticed there was a newspaper on the table. It was
14 a Thursday's newspaper, which I thought was odd because she
15 was, you know, pretty up on the news. She would get her
16 morning paper and read her paper over coffee. So, you
17 know, this was Sunday and it was Thursday's paper. So I
18 thought that that was a little bit odd.

19 But looking around, her laptop. I noticed her laptop
20 where it always stayed. Her cell phone was there. That
21 was her only means of communication, was her cell phone.

22 Another reason I wasn't alarmed at the time was
23 because just a few months before we couldn't get in touch
24 with Connie, and we went to her home and it was a simple
25 cell phone glitch. She had -- we needed to power her phone

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 off and back on.

2 But when we did not hear from her, you know, or she
3 didn't call us back when we called her, you know, that
4 was -- that was just something she always did. She always
5 called us right back.

6 But, anyway, I went in, my daughter and I both. And
7 the room was dark. The -- the window curtains had been
8 pulled. But everything was in its place. I didn't see
9 anything that -- that stood out. Her bedroom door was
10 closed, and I went in.

11 I remember knocking on her door because, again, I
12 thought, well, she is napping. I didn't want to just
13 intrude.

14 And she -- no one answered when I knocked, so I opened
15 the door. And I was -- I was just completely mesmerized by
16 the mess.

17 She was very clean and she was very tidy, and she
18 would have been -- I remember thinking she would be so
19 upset that I'm looking at her bedroom being so untidy,
20 because that was just un -- uncharacteristic of her.

21 But I couldn't see past the mess. I mean, there were
22 drawers pulled out. There were clothes in the floor.
23 There were papers everywhere. And it -- it took -- I don't
24 even know how much time passed. And my daughter was
25 standing behind me, and she said, "Mom, I see a foot."

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 And all I could think of was her safety at that time.
2 And I remember yelling, "Get out, get out, get out, get
3 out."

4 And we went outside the home, and I do recall yelling
5 John's name. He was on his porch. He was kind of
6 watching. You know, he knew we had gone into the home.
7 And I remember calling his name.

8 And he came down, and I said, "Emily sees a foot." I
9 remember repeating that over and over. And all I could
10 think about during that time was I couldn't believe this
11 was happening and I couldn't believe that I had left my
12 child so vulnerable to see that with her own grandmother.

13 But John went in. He came immediately out. He wasn't
14 there very long. And he says, "Yeah. That's what Emily
15 saw." And at that time we called 9-1-1.

16 Q And you said she always kept a very neat house.

17 A Very.

18 Q Would she do her own work in the house?

19 A Absolutely. She had painted and placed tile, not
20 ceramic but, you know, the sticky tile on all of the
21 floors. She had painted every room. She wallpapered
22 herself.

23 Once she retired she really devoted herself to home
24 improvement, and so she -- she took care of all of that on
25 her own.

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 Q And, like you said, everything seemed normal except
2 her bedroom.

3 A Absolutely. To the point where I was even -- I was
4 just very concerned about even going into the bedroom
5 because her cell phone was there, her -- you know, which I
6 thought might was -- she didn't travel without that. You
7 know, her car was missing, her cell phone was there, butu
8 at the time that didn't -- none of that clicked. It was
9 after the fact that I started piecing all of that together.

10 Q Let me show you what's been marked as State's
11 Exhibits 21, 22, 23 and 24, and see if those pictures
12 fairly represent what you saw that day. Take your time if
13 you would there, ma'am.

14 (Pause.)

15 A Yes, yes, they do.

16 MR. BARNETTE: Your Honor, I would like to enter these
17 into evidence at this time.

18 MR. HALL: No objection.

19 (Photographs marked State's Exhibits Nos. 21, 22, 23
20 and 24.)

21 Q I'd like to show you State's Exhibit No. 57. Does
22 that diagram fairly represent the floor plan for the
23 floor -- of the house?

24 A Yes, it does.

25 MR. BARNETTE: Your Honor, I'd like to enter these.

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 I'm going to enter it into evidence now. I've got the
2 person that's actually drawn going to testify later about
3 them.

4 MR. HALL: No objection.

5 THE COURT: What number is it?

6 MR. BARNETTE: No. 57, Your Honor.

7 (Diagram marked State's Exhibit No. 57.)

8 MR. BARNETTE: Permission to publish these items to
9 the jury.

10 THE COURT: You may.

11 Q Ms. Looney, showing you State's Exhibit 21.

12 MR. BARNETTE: May I have the lights turned down,
13 please?

14 Q Can you tell us what we're looking at here, ma'am?

15 A That's the front of my mother-in-law's home.

16 Q Okay. Let me show you State's Exhibit No. 22. If you
17 would, tell us what we're looking at here, ma'am.

18 A That's the back door. That's the entrance that my
19 daughter and I took, which is the only entrance I've ever
20 used going there.

21 Q And whose car is this, ma'am?

22 A That is the car that Mark -- I believe Mark was using
23 at the time.

24 Q And when you mean Mark, who do you mean?

25 A The gentleman sitting at the table in the blue shirt.

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 Q Is that Mark Bradberry?

2 A Yes.

3 Q What is he wearing, again?

4 A He has on a blue shirt and tie.

5 Q And is he sitting over far -- to your far right?

6 A Yes.

7 MR. BARNETTE: Your Honor, I'd like the record to
8 reflect that she's identified the defendant.

9 THE COURT: It shall.

10 Q Let me show you State's Exhibit 23. Is this just
11 another picture from a different angle of that area?

12 A Yes, sir.

13 Q And showing you State's Exhibit 24. Is this a closer
14 picture of the back door?

15 A Yes, it is.

16 Q Ms. Looney, I'm going to show you State's Exhibit 57
17 that's been entered into evidence here. Is this the rear
18 entrance to the residence?

19 A Yes, it is.

20 Q And is that the entrance that y'all took?

21 A It is.

22 Q And when you walk in, the kitchen is in front of you,
23 is that right?

24 A That's -- that's correct.

25 Q And the living room is here?

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 A Yes.

2 Q And there's a hallway, I guess, with black and white
3 tile in the middle of it?

4 A Yes.

5 Q And then here -- Connie's bedroom was this, is that
6 right?

7 A That's right.

8 Q And this is the front-door entrance here.

9 A Yes.

10 Q Did most people use the back entrance?

11 A Yes.

12 Q And whose bedroom is this here, ma'am?

13 A That's where -- that's where Mark's bedroom was.

14 Q That's Mark's bedroom there.

15 A Yes.

16 Q Okay. And is this a guest bedroom?

17 A It is. If the grandchildren went, they would sleep in
18 that room.

19 Q So the grandchildren slept in that room there.

20 A Yes.

21 MR. BARNETTE: If you would turn the lights back on.

22 Thank you.

23 Q Let me show you what's been marked as State's
24 Exhibits 25, 26, 27, 28, 29, 30 and 31. And see if those
25 pictures fairly represent what you saw that day, ma'am.

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 (Pause.)

2 A Yes. It is.

3 Q Let me show you 32, 33 and 34. See if these pictures
4 fairly represent what you saw that day, too.

5 A Yes.

6 MR. BARNETTE: Your Honor, I'd like to enter these
7 into evidence at this time.

8 THE COURT: What are the numbers?

9 MR. HALL: 25 through 34, I believe -- 25 through 34.
10 No objection.

11 (Photographs marked State's Exhibits Nos. 25 through
12 34.)

13 MR. BARNETTE: Your Honor, permission to publish at
14 this time.

15 THE COURT: You may.

16 Q Let me show you what's been marked as State's
17 Exhibit 26, ma'am. Can you describe what area this is,
18 ma'am?

19 A That's the kitchen.

20 Q Did anything seem abnormal in the kitchen?

21 A No, nothing abnormal. That's the paper that I
22 mentioned earlier, the Thursday paper. It was still
23 wrapped in plastic setting on the table.

24 Q Showing you State's Exhibit 27. Is that the paper
25 you're talking about?

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 A Yes, sir.

2 Q State's Exhibit 28. Publishing that to you, ma'am.

3 Tell us a little bit about this picture.

4 A That is the -- the back end of the kitchen.

5 Q And does that show how neat and how proper she tried
6 to keep everything?

7 A Yes, sir. She -- she painted those -- those counters
8 herself.

9 Q State's Exhibit 29. Can you tell us what this is,
10 ma'am?

11 A That's her living room.

12 Q And do you see an object? Do you see the computer and
13 things you were talking about earlier?

14 A Yes, on the black foot stool in front of the chair.

15 Q Talking about this area right here?

16 A Yes. Her computer and cell phone were there.

17 Q Showing you State's Exhibit 31. Was those the items
18 you were talking about, ma'am?

19 A Yes, sir.

20 Q So everything was in place. Nothing was taken or
21 moved or anything.

22 A No.

23 Q Showing you State's Exhibit 32. What area of the room
24 is this or the house is this?

25 A That's the living room. And that's usually where she

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 would sit and read, which those are her library books
2 there.

3 Q She would read, and these are her library books.

4 A Yes. Those are hers.

5 Q State's Exhibit 33. Is this just another angle
6 showing the kitchen and living room area?

7 A Yes.

8 Q Showing you State's Exhibit 34. There was items that
9 was still in place on her furniture and everything in those
10 rooms, is that right?

11 A Yes.

12 Q Showing State's Exhibit No. 30. All of the items are
13 still in place --

14 A Yes.

15 Q -- in those rooms. State's Exhibit 29. What area is
16 this going back into, ma'am?

17 A That's the kitchen and that's a bar area. She -- she
18 had like things to -- to put in the mail setting there
19 already.

20 Q Was these the -- had stamps and was in order and
21 everything?

22 A Yes.

23 Q What happened to that mail, ma'am?

24 A I mailed it.

25 Q And as you walked back into this area, which area does

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 this go back into, ma'am?

2 A That goes back to the -- there's a bathroom there to
3 the right, and then if you go straight out the back door.

4 Q So the area we're talking about right there is right
5 here.

6 A No.

7 Q Okay. Or the other one. I'm sorry.

8 A Right. Yeah. You go back out the rear entrance.

9 Q And off at the end there was two entrances into
10 Connie's bedroom, is that right?

11 A There was an entrance from the living room and then
12 there was an entrance from that long hallway.

13 Q And, like I say, this is Mark's bedroom over here.

14 A Yes.

15 Q Let me show you what's been marked as State's
16 Exhibit 58. Does that picture fairly represent what you
17 saw that day?

18 A Yes. That's the door to Connie's bedroom. That's the
19 one that I knocked on and that -- where Emily and I were
20 standing when we...

21 MR. BARNETTE: Your Honor, I'd like to enter this into
22 evidence at this time.

23 MR. HALL: No objection.

24 (Photograph marked State's Exhibit No. 58.)

25 MR. BARNETTE: May I publish it to the jury, Your

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 Honor?

2 THE COURT: You may.

3 Q State's Exhibit 58, ma'am. And you never went into
4 the room.

5 A No, sir. We -- we --

6 Q You never entered. You or Emily neither one entered
7 the room.

8 A No. Emily was behind me the entire time. I opened
9 the door to look in. She was looking over my shoulder, and
10 that's when -- when she saw Connie's feet.

11 Q And did you see the mess in the floor?

12 A I couldn't get past the mess. I thought -- you know,
13 there was -- there was things all over the bed. I just
14 thought it was pillows. And -- and there were papers.
15 And, I mean, it was -- it is what I would imagine a
16 ransacked room would look like. And I couldn't -- I didn't
17 get past that to see her feet, but my daughter did.

18 Q Let me show you what's been marked as State's
19 Exhibit 64. Was that what you saw in the floor?

20 A Yes, sir.

21 MR. BARNETTE: Your Honor, I would like to enter
22 State's Exhibit 64 into evidence.

23 THE COURT: That's 64?

24 MR. BARNETTE: Sixty-four, yes, sir.

25 MR. HALL: No objection.

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 (Photograph marked State's Exhibit No. 64.)

2 MR. BARNETTE: Your Honor, permission to publish 64 to
3 the jury.

4 Q Is this the mess you saw in the floor, ma'am?

5 A Yes, it is.

6 Q And, like I said, that's what you saw. But your
7 daughter actually saw the feet.

8 A Right.

9 Q And so y'all immediately left after that.

10 A Yes, sir.

11 Q But everywhere else you looked there was nothing
12 wrong --

13 A Nothing.

14 Q -- with the house. Later on did y'all go back and
15 clean the house?

16 A Yes, sir.

17 Q Did you see anything wrong in any of the other rooms?

18 A No, sir.

19 Q Did y'all have to clean up the mess?

20 A Yes, sir.

21 Q So y'all had to go through and pick up everything.
22 Later on did y'all find there was some jewelry that had
23 been taken to a pawn shop?

24 A I didn't -- we didn't find any jewelry when we
25 cleaned. That was something that we -- we looked for. We

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 were looking for -- for things that belonged to her and
2 we -- we didn't find anything significant. It wasn't until
3 later that we found out about the jewelry at the pawn shop.

4 Q Did -- so you never found -- you was looking for
5 jewelry. So there was other jewelry that was not found?

6 A Not that I'm -- I'm aware of. My brother-in-law in
7 from Phoenix -- after we cleaned up they -- we all went
8 through looking. If he took something, I'm not aware of
9 it.

10 Q Let me show you what's been marked as State's
11 Exhibits 15 -- 14, 15 and 16. Actually, was put in one
12 package. We had to separate them here. Give you a chance
13 to look at those real quick. I know you saw them earlier.
14 Let me show you, specifically, State's Exhibit 14, which is
15 the earrings.

16 A Yes.

17 Q Was that her earrings?

18 A The gold hoops look familiar. I don't remember the
19 dangling earrings. But that doesn't mean anything.

20 Q State's Exhibit 15. Do you recognize this ring?

21 A That is a mother's ring that belonged to her mother.

22 Q So that was actually Connie's mother's ring.

23 A Yes.

24 Q And State's Exhibit 16. What was this, ma'am, this
25 ring?

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 A That was a diamond ring that I believe was a gift from
2 a friend. She didn't wear it any more, but it was -- I'm
3 told it was a gift from a friend of hers.

4 Q But these two things, and the earrings themselves,
5 you're familiar with her having.

6 A I am familiar with the hoops and the mother's ring.

7 Q Thank you.

8 Let me show you State's Exhibits 46 and 53. Does these
9 pictures fairly represent when y'all went back in to clean
10 what the items looked like or whatever, those two rings, or
11 can you tell me where those two rings are?

12 A Yes. This is the -- the bedroom that she used for
13 storage. But if -- if any of her grandchildren came to
14 visit, that's normally where they would sleep.

15 Q And that's State's Exhibit 46.

16 A Yes. And then this is the room that Mark Bradberry
17 slept in.

18 Q And that's State's Exhibit 53.

19 A Yes.

20 MR. BARNETTE: Your Honor, I'd like to enter these
21 into evidence.

22 MR. HALL: No objection.

23 (Photograph marked State's Exhibit No. 46; photograph
24 marked State's Exhibit No. 53.)

25 Q Let me let you look through State's Exhibits 36

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 through 44 and see if you're familiar with those pictures,
2 ma'am.

3 (Pause.)

4 MR. HALL: What's the last number -- 44?

5 MR. BARNETTE: I will have to look. It will be 45 on
6 this one.

7 Q Let me show you State's Exhibit 45. Is that also --
8 are you familiar with that room also?

9 A Yes, to all of those.

10 Q Was these areas in her bedroom, I mean, her house?

11 A Yes. Several of those are from the long hallway that
12 goes from the back door to the front door, as well as her
13 bathroom.

14 Q Okay.

15 MR. BARNETTE: Your Honor, I'd like move State's
16 Exhibits 36 through 45 into evidence at this time.

17 MR. HALL: No objection.

18 (Photographs marked State's Exhibits Nos. 36 through
19 45.)

20 MR. BARNETTE: May I publish it to the jury, Your
21 Honor?

22 THE COURT: Yes.

23 Q Let me show you State's Exhibit 36. If you would,
24 tell us what this area is, ma'am.

25 A That's the hallway that runs from the front door to

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 the back door. And there's a -- a little area there for
2 the washing machine and dryer.

3 Q Let me show you State's Exhibit 37. What area is
4 this, ma'am?

5 A That's the same area. It's just a little closer, a
6 closer view.

7 Q And whose clothes are most of these right here?

8 A I believe those are Mark's.

9 Q State's Exhibit 38. Is that just the opposite view of
10 that?

11 A Yes.

12 Q And which door is this -- right, ma'am?

13 A That's the front door.

14 Q The front door. State's Exhibit 39. Is that just
15 another picture of the clothes?

16 A Yes.

17 Q And whose clothes are these, again?

18 A They are, I'm assuming they're -- they're Mark's.
19 They're not -- they're not Connie's.

20 Q Okay. State's Exhibit 40. Is this above the shelving
21 up there?

22 A It is. Just storage.

23 Q And State's Exhibit 41. Can you tell us with this
24 area is here, ma'am?

25 A That is the area outside of the spare bedroom where

Karrie Hutchins Looney
Direct examination by Mr. Barnette

1 the grandchildren would sleep. And there to the right are
2 her washer and dryer.

3 Q State's Exhibit 42. Can you tell us what this is,
4 ma'am?

5 A Yes. That's that area, a little closer up. It's just
6 right to the right of the previous picture.

7 Q And she kept things neat up at the top even.

8 A Yes.

9 Q State's Exhibit 43. Can you tell us what that is?

10 A Yes. That's her bathroom.

11 Q State's Exhibit 44. Can you tell us what that is?

12 A Her bathroom. That's her cabinet area where she kept
13 things.

14 Q Did she keep things neat in that?

15 A Yes.

16 Q And State's Exhibit 49.

17 A Yeah. Those are her towels.

18 Q And she kept those neat.

19 A Yes.

20 Q And in order. Let me show you State's Exhibit 46.
21 What area, which room, is this, ma'am?

22 A That's the spare bedroom. She used it for storage,
23 but that's also the bed where -- where the grandchildren
24 would sleep if they were there.

25 Q And State's Exhibit 53. Whose area or whose room is

Karrie Hutchins Looney
Cross-examination by Mr. Hall

1 this?

2 A That -- that's Mark's.

3 Q That's Mark's bedroom --

4 A Yes.

5 Q -- across the hall from her.

6 A Right.

7 Q If you would, ma'am, please, answer any questions
8 Mr. Hall would have for you.

9 CROSS-EXAMINATION

10 BY MR. HALL

11 Q All right. Ms. Looney, you made the assumption these
12 are Mark's clothes. Is that because he lives there?

13 A Yes.

14 Q Did he live there a lot, constantly, on and off?

15 A He went -- he went back to live with my mother-in-law,
16 I believe, back after 2010, somewhere around that area.

17 Q Okay. And you said you went back again and cleaned
18 up. When was that, do you remember?

19 A I believe we cleaned on a Tuesday. It was as soon as
20 the -- the -- the scene was released. We -- we --

21 Q Investigators released the house.

22 A Right. We -- we wanted to clean before Jack's brother
23 arrived from Phoenix. We didn't want him to see the house
24 that way.

25 Q Okay.

John Penavs
Direct examination by Mr. Barnette.

1 MR. HALL: We have no further questions, Your Honor.

2 MR. BARNETTE: We'd ask the witness be excused, Your
3 Honor.

4 THE COURT: She may be. Thank you.

5 (Whereupon, the witness was excused.)

6 MR. BARNETTE: I would like to call John Penavs to the
7 stand please.

8 JOHN PENAVALS, having been first
9 duly sworn, testified as follows:

10 DIRECT EXAMINATION BY MR. BARNETTE

11 Q If you would, sir -- and I'm going to speak loud. I
12 know you've got a hearing aid too. I apologize.

13 A If you would, please.

14 Q And speak loud for them too if you would. Give me
15 your full name, please.

16 A John Penavs.

17 Q And where do you live at, sir?

18 A I live at [REDACTED], Pacolet Mills, South
19 Carolina.

20 Q And how long have you lived there, sir?

21 A Permanently, just shy of two years.

22 Q And what kind of work did you do before you retired?

23 A I'm a retired truck driver.

24 Q And how many years was you a truck driver, sir?

25 A Just shy of 40 years.

John Penavs
Direct examination by Mr. Barnette

1 Q And did you travel? What part of the country did you
2 travel in?

3 A I stayed -- I stayed mainly in the Southeast, but
4 towards the end I stayed -- I lived in Florida, in Orlando,
5 and I just stayed in Florida, and that's where I worked
6 through the whole state.

7 Q And did you come back home?

8 A Oh, every night, every day, yes, sir.

9 Q Is Pacolet your home though you came back --

10 A Well, now, yeah, Pacolet is my home permanently. I
11 retired. I retired December 31st of 2013, and I moved up
12 here, sold my house and moved up at the end of April of
13 2014, is when I moved permanently to Pacolet.

14 Q And Connie is what relationship?

15 A Connie is my sister. She's older than I am.

16 Q And how far is your house from her house?

17 A Looking from the front porch down to her house, I'd
18 say two to three hundred yards.

19 Q When did you first notice her gone?

20 A Well, I sit on my front porch all of the time. Every
21 time I see -- I can look out, and I can see Connie's house,
22 the back door.

23 And it was October 31st during the daytime, it was
24 gone. So nothing new, I mean. You know, she'd get up and
25 go -- go to the store or take one of her friends to doctors

John Penavs
Direct examination by Mr. Barnette

1 or what not. But it was October 31st during the daytime.

2 Q And when did you start suspecting something possibly
3 was wrong?

4 A Well, during the night her car -- late evening her car
5 was still gone. The next morning it was gone, and so my
6 wife and I assumed that she went to Charleston because that
7 was the closest, you know, that's where Jack, her son, and
8 daughter-in-law lived, in Charleston.

9 Q Let me ask you. Whose car was still there?

10 A Well, her car was not. Mark's car was in -- parked
11 there.

12 Q And that's the white Buick was still there.

13 A Pardon?

14 Q The white --

15 A Yeah, the white Buick. Yes. Mark's car is a white
16 Buick, yes.

17 Q She drives a Mitsubishi Mirage.

18 A Yes, she does. A white one.

19 Q Did Mark ever drive her car? Did you --

20 A No, sir. Only time if he did that I know of Connie
21 would be in the car. She would not let him drive that car
22 at all. And that's why I assumed, or my wife and I did,
23 when that car was gone, like I say, again, was missing
24 October 31st, was gone. And then the following day it was
25 still missing. So I assumed that Mark went along with

John Penavs
Direct examination by Mr. Barnette

1 Connie to go get away or to go, you know, for a short trip.

2 Q The next day, November 2nd, tell us what happened that
3 day, that afternoon.

4 A That afternoon Karrie came over looking for Connie,
5 and of course we told her that we assumed Connie was with
6 her. And excuse me --

7 Q Take your time, sir.

8 (Pause for witness crying.)

9 A Spoke. So when Kerri -- Karrie and Emily went to the
10 house, and I sat on the porch. They went inside and they
11 ran out. And by the way of Kerri's reaction I knew
12 something was wrong.

13 I run down there, went inside, like everybody said. I
14 just opened the door, and I didn't even see nothing else.
15 All I saw was my sister's foot. I ran outside, went back
16 outside and called the police. Excuse me. But --

17 Q Let me show you what's been marked as State's
18 Exhibit 59. Was that what you saw that day, sir?

19 A Exactly. That's all I saw. I didn't see nothing else
20 in the room.

21 Q And does that fairly represent what you saw that day?

22 A Yes, exactly.

23 MR. BARNETTE: Your Honor, I'd like to move this into
24 evidence.

25 MR. HALL: We would object, Your Honor.

John Penavs
Direct examination by Mr. Barnette

1 THE COURT: Let me see it.

2 (Bench conference held off the record in the presence
3 of the jury but out of the hearing of the jury.)

4 THE COURT: Overrule the objection.

5 You may proceed.

6 (Photograph marked State's Exhibit No. 59.)

7 MR. BARNETTE: Thank you, Your Honor.

8 May I publish State's Exhibit 59 for the jury, Your
9 Honor?

10 THE COURT: You may.

11 A Repeat that.

12 Q I'm sorry.

13 THE COURT: He's talking to me.

14 Q I'm going to show you the -- I was asking the judge's
15 permission to show the picture so the jury could see it.

16 A Sure.

17 Q Does this picture fairly represent what you saw that
18 day when you looked inside?

19 A Yes, sir, exactly, yes.

20 Q And you saw her feet.

21 A Yes, sir.

22 Q And then you ran out immediately after you saw this.

23 A Yes, sir.

24 Q And that's when you saw the area at that time.

25 A Like I say, when I opened that door and -- and when

John Penavs
Direct examination by Mr. Barnette

1 I -- when I looked at the bed all I did see was the feet,
2 just like that. Just I was the other end, and that's all I
3 saw.

4 Q Yes, sir. And Karrie -- she called the police, is
5 that right?

6 A Yeah, we came out. Yes. Karrie called 9-1-1.

7 Q And you saw the other pictures, the car outside.

8 A Yes.

9 Q Everything in --

10 A Yes.

11 Q -- these pictures looked the same as --

12 A Yes, sir, everything was.

13 Q Did Connie keep a very neat house?

14 A Connie -- Connie was particular. She -- she was, I
15 mean, everything she did, she did herself in that house.
16 So she was proud of what she did. And every time she did a
17 project and I come over -- my wife and I would go over.
18 She would show us what she did. So, yes, she was very
19 clean and particular.

20 Q Did the defendant, Mark Bradberry, did he ever call
21 you about Connie or anything like that?

22 A Never, never.

23 Q He never called you about this or anything about this.

24 A No, never.

25 Q He didn't call on October 29th of 2014? Did he call

John Penavs
Direct examination by Mr. Barnette

- 1 October 30th of 2014?
- 2 A No, sir.
- 3 Q Did he call October 31st of 2014?
- 4 A No, sir.
- 5 Q Did he call November 1st of 2014?
- 6 A No.
- 7 Q Did he call November 2nd of 2014?
- 8 A No.
- 9 Q So he never called you.
- 10 A No.
- 11 Q Did you ever have any information he called any of the
- 12 family members?
- 13 A Not that I know of, no.
- 14 Q Please answer any questions Mr. Hall may have for you,
- 15 or the judge. Thank you, sir.
- 16 MR. HALL: Ask the Court's indulgence.
- 17 (Pause.)
- 18 MR. HALL: We have no questions of this witness, Your
- 19 Honor.
- 20 THE COURT: All right. You can step down.
- 21 MR. BARNETTE: Your Honor, we'd ask for this witness
- 22 to be excused.
- 23 MR. HALL: No objection.
- 24 THE COURT: He may be.
- 25 (Whereupon, the witness was excused.)

Kerri Herr
Direct examination by Mr. Barnette

1 MR. BARNETTE: Kerri Herr, Your Honor, we'd like to
2 call to the stand.

3 KERRI HERR, having been first
4 duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. BARNETTE

6 Q If you would, ma'am, please state your full name for
7 the record.

8 A Kerri Herr.

9 Q You need to talk. I know you're soft-spoken, but talk
10 up a little bit.

11 A Okay. Kerri Herr.

12 Q Thank you. So the jury can hear.

13 Ms. Herr, where did you live back in October 30th of
14 2014?

15 A Where I live now, [REDACTED] -- I own the
16 home -- in Pacolet.

17 Q What kind of work do you do, ma'am?

18 A I work for Chartwells.

19 Q And what kind of work do you do for them?

20 A I'm a cook at the middle school at Pacolet.

21 Q And how long have you been the cook there at the
22 middle school?

23 A Two years.

24 Q Back on the morning of October 30th of 2014, who lived
25 beside you on that --

Kerri Herr
Direct examination by Mr. Barnette

- 1 A Brenda -- Brenda Kean and her daughter McKenna.
- 2 Q And who was McKenna's father?
- 3 A Mark Bradberry.
- 4 Q Okay. Do you see him here in the courtroom today?
- 5 A I do.
- 6 Q And can you described how he's dressed?
- 7 A Light blue, long-sleeved, button-down shirt, green and
- 8 blue stripe tie, gray pants, glasses, gray hair.
- 9 MR. BARNETTE: Your Honor, I would like the record to
- 10 show that she's identified the defendant.
- 11 THE COURT: It shall.
- 12 Q That morning, was you going to work that morning,
- 13 ma'am?
- 14 A I was.
- 15 Q And did you have to be there early that morning or --
- 16 A Yes.
- 17 Q Okay. So was -- what time -- 7:15, 7:30, 7:45?
- 18 A Yeah. I think I had to be in at 8:00 that morning, so
- 19 I might have left a little early maybe to run to the store
- 20 or post office or something, but I was out the door a
- 21 little earlier than normal that day.
- 22 Q As you was driving out did you run into anybody?
- 23 A I did. I saw Mark.
- 24 Q Okay. And tell the jury what happened when you saw
- 25 him.

Kerri Herr
Direct examination by Mr. Barnette

1 A Okay. I remember this very specifically because my
2 truck was broken down and in the shop, and I hadn't seen
3 Mark for a couple of days, at least, which was really out
4 of character because he was always there to watch his
5 daughter. And I had been taking over the duties, you know,
6 getting his daughter off the bus while Brenda was at work.
7 She'd come and stay with me and my children after school,
8 do homework, so on and so forth.

9 And the next morning I was driving my backup vehicle.
10 I was pulling up my road to make a left to go to the middle
11 school at Pacolet where I work, which is an eighth of a
12 mile down the road maybe. Takes me 30 seconds to get
13 there.

14 And I was rush, and he was coming from the direction
15 of Connie's house in the white Buick proceeding to make a
16 left onto Holiday Court as I was coming out to leave.

17 So he stopped and just like his normal little chipper
18 self, he said, "Hey. What are you doing in that old truck?
19 I haven't seen you guys drive that truck in forever." And
20 I said, "Oh, well, I haven't seen you for a couple of days.
21 The brake booster went out in my other truck, so, you know,
22 I couldn't drive it. It's over at the shop." He goes,
23 "Oh, well, that's too bad." And I said, "All right. I've
24 gotta go. I'm going to be late for work. I'll talk to you
25 later." And that was it.

Kerri Herr
Direct examination by Mr. Barnette

1 Q So you saw him. This is that Thursday morning,
2 October the 30th, is that right?

3 A Yes. That is correct.

4 Q And it was before 8:00 o'clock, obviously, because you
5 had to be at work at that time.

6 A Yes.

7 Q And he hadn't been there for a couple -- you'd
8 actually helped Brenda with McKenna, is that right?

9 A That's correct.

10 Q And he was supposed to be there helping, but he hadn't
11 been helping.

12 A Right. He normally was. But, like I said, it was
13 just very out of character. For a couple of days he just
14 was just like nowhere to be found. And so it was very
15 strange, but we helped each other out with the children all
16 of the time, so.

17 Q And did he drive -- was he driving the direction of
18 Brenda's house at that point?

19 A Yes. There's only four houses on the block. The
20 first one is -- no one lives there. My father lives in the
21 second house; I live in the third house; and Brenda lives
22 in the fourth house. And there's a creek there. It's a
23 dead-end road. You can't go any further past my house.

24 Q At that time was Brenda and McKenna already gone, I
25 guess? Brenda was --

Kerri Herr
Direct examination by Mr. Barnette

1 A Yes, yeah. The bus comes about 7:05 in the morning.
2 So the children would already have been gone at the time.

3 Q And Brenda worked at that time.

4 A Yes.

5 Q And she was gone.

6 A Yes.

7 Q Later that night did you have to help Brenda with
8 McKenna again?

9 A Yeah. She came off the bus, I believe, Thursday and
10 Friday if I'm not mistaken, because it was Halloween, and
11 we all went out every year together with the children and
12 trick or treated, so.

13 Q But he -- he didn't show up either day.

14 A No.

15 Q You never saw him, and he never helped or was there to
16 help with McKenna.

17 A No. The last time I saw him was that morning.

18 Q So that was the last time you saw him until today?

19 A Yes.

20 Q Please answer any questions Mr. Hall may have for you,
21 ma'am. Thank you.

22 A You are welcome.

23 (Pause.)

24 MR. HALL: We have no questions of this witness, Your
25 Honor.

Brenda Sue Kean
Direct examination by Mr. Barnette

1 MR. BARNETTE: Your Honor, we'd ask for the witness to
2 be excused.

3 MR. HALL: No objection.

4 THE COURT: She may be.

5 (Whereupon, the witness was excused.)

6 MR. BARNETTE: I would like to Brenda Kean to the
7 stand.

8 BRENDA SUE KEAN, having been
9 first duly sworn, testified as follows:

10 DIRECT EXAMINATION BY MR. BARNETTE

11 Q Ms. Kean, if you would, state your full name for the
12 record, please.

13 A Brenda Sue Kean.

14 Q And, Ms. Kean, do you know the defendant in this case?

15 A Yes.

16 Q How do you know him?

17 A We have been together for about ten years.

18 Q Okay. And do y'all have a child together?

19 A Yes.

20 Q And what is her name?

21 A McKenna B. [REDACTED].

22 Q And how old is she now?

23 A She's ten now.

24 Q And back in October, November of 2014 how old was she?

25 A Seven, eight.

Brenda Sue Kean
Direct examination by Mr. Barnette

1 Q Okay. Back on October 29th and 30th, who did Mark
2 Bradberry live with at that time?

3 A His mother.

4 Q And that was in the Montgomery Avenue?

5 A Montgomery Avenue.

6 Q Okay. And would he come over and take care of McKenna
7 at times to help you, try to help you, out when you was
8 working?

9 A Yes.

10 Q Okay. And where was you working at that time, ma'am?

11 A Walgreens.

12 Q Okay. And where was the Walgreens at?

13 A Cedar Springs.

14 Q So Cedar Springs. There is Bi-Lo in that area right
15 there. I guess the new -- the new Wal-Mart there.

16 A Yes.

17 Q And there's the ball fields. The 295 ball field, is
18 right down from there.

19 A Yes.

20 Q To give the jury an idea.

21 The -- was he supposed to come and take care of
22 McKenna that week, supposed to help take care of her? Did
23 he ever -- did he show up like he was supposed to?

24 A No, he didn't show up. He was supposed to be there.
25 I saw him Wednesday, because I came home late from work,

Brenda Sue Kean
Direct examination by Mr. Barnette

1 and then he was supposed to be back Friday morning, and he
2 didn't show up.

3 Q So he never showed up that Thursday night, Friday,
4 whatever. He didn't show up those days.

5 A No.

6 Q And who -- who had to help you with McKenna then since
7 he didn't show up?

8 A My friend Kerri.

9 Q Did he ever call you or anything about this?

10 A No.

11 Q As a matter of fact, did he leave his phone at your
12 house?

13 A Yes. It was left there with some other things.

14 Q Okay. So he left some other things at your house.
15 Like what did he leave? And I guess you found this on
16 Thursday night or sometime around that time.

17 A It was Thursday when I got home from work.

18 Q And what time did you get home from work that night?

19 A It was probably about 7:00, 8:00. I can't exactly
20 remember.

21 Q So what did -- he left at your house?

22 A His cell phone, a lottery ticket.

23 Q Let me show you what's been marked as State's
24 Exhibit 104. Is that a picture of the lottery ticket he
25 left you, ma'am?

Brenda Sue Kean
Direct examination by Mr. Barnette

1 A Yes, it is.

2 MR. BARNETTE: Your Honor, permission to enter this
3 into evidence at this time.

4 MR. HALL: No objection.

5 (Photograph marked State's Exhibit No. 104.)

6 MR. BARNETTE: Permission to publish 104 to the jury,
7 Your Honor.

8 THE COURT: You may.

9 Q So this is a lottery ticket he left with his phone and
10 others things there, ma'am.

11 A Yes. On the kitchen table.

12 Q Okay. But you never heard from him. He never called
13 you or anything.

14 A I didn't -- haven't seen or talked to him since
15 Wednesday night when he left.

16 Q So you haven't talked to him since that time.

17 A No.

18 Q Or not heard from him or anything like that.

19 A No.

20 Q Well, haven't spoke to him, I guess, is more --

21 A Right, right.

22 Q Did he ever call you about -- anything about Connie or
23 anything like that on the phone or anything?

24 A No. I called Friday when I came home from work. I
25 called Connie's phone and left a message asking if Connie

Brenda Sue Kean
Direct examination by Mr. Barnette

1 had seen Mark, because he was supposed to be there Friday
2 morning. And there was no answer on the phone. And then I
3 was getting ready to take McKenna trick or treating and
4 called again and left a message for Mark, and no response.

5 Q Let me mark this. I believe it's State's Exhibit 143.

6 (Cell phone marked State's Exhibit No. 143 for
7 Identification.)

8 Q Let me go ahead and open this up. Showing you State's
9 Exhibit 143, ma'am. Was that his cell phone?

10 A That's the cell phone.

11 MR. BARNETTE: Your Honor, I'd like to enter State's
12 Exhibit 143 into evidence at this time.

13 MR. HALL: No objection.

14 (Cell phone marked State's Exhibit No. 143.)

15 Q So this was his cell phone.

16 A Uh-huh.

17 Q And he left it at your house.

18 A Yes, on the kitchen table.

19 Q On the kitchen table. Later on did you receive an
20 envelope from him that was sent to you?

21 A Monday.

22 Q Was that on November 3rd you received it?

23 A Yes.

24 Q Let me show you State's Exhibits 109 and 110. I
25 believe that's a picture of it. And is that the actual

Brenda Sue Kean
Direct examination by Mr. Barnette

1 envelope?

2 A Yes, it is.

3 Q And is that his handwriting?

4 A Yes, it is.

5 Q Okay.

6 MR. BARNETTE: Your Honor, I'd like to mark State's
7 Exhibits 110 and 109 into evidence at this time.

8 MR. HALL: No objection.

9 (Photograph marked State's Exhibit No. 109; envelope
10 marked State's Exhibit No. 110.)

11 MR. BARNETTE: Permission to publish, Your Honor.

12 THE COURT: You may.

13 Q Showing you. I've got the -- the actual picture of
14 it. This is actually the envelope itself. State's
15 Exhibit 110. Is this a letter that was addressed to you?

16 A Yes.

17 Q And it was addressed from him?

18 A Yes.

19 Q And what was the date that, I guess, it was post
20 marked?

21 A Friday.

22 Q And where was it from?

23 A Pacolet.

24 Q I mean, where -- you see. I know you put Pacolet
25 there, but can you read what that says?

Brenda Sue Kean
Direct examination by Mr. Barnette

- 1 A I can't read that.
- 2 MR. BARNETTE: Go ahead and turn the light up a little
- 3 bit if you would.
- 4 A Columbia.
- 5 Q Okay. Instead of doing through all of the pictures,
- 6 again, the -- the car that was still at the house when they
- 7 came in there and found Connie, whose car is that?
- 8 A That's my car.
- 9 Q And who did you give permission to drive that to?
- 10 A Mark.
- 11 Q So Mark Bradberry is the one that drives that car all
- 12 of the time.
- 13 A Yes.
- 14 Q And that's a white Buick LeSabre, is that right?
- 15 A Yes.
- 16 Q It's a 2002 model, I believe.
- 17 A '94.
- 18 Q '94.
- 19 (Pause.)
- 20 Q Let me show you what's been marked as State's
- 21 Exhibit 133, ma'am -- 132, 130, 128, 127. Are these
- 22 letters that's been written by the defendant in his
- 23 handwriting?
- 24 A Yes.
- 25 Q That's 133, 132, 131, 130, 128 and 127. Are these,

Brenda Sue Kean
Direct examination by Mr. Barnette

1 all of these, items in -- in his -- is his handwriting?

2 A Yes. That's all his handwriting.

3 MR. BARNETTE: Your Honor, I'll enter them when the
4 appropriate time, the foundation, is.

5 Q Now, in the letter that you received from him, did you
6 receive a money order with that, ma'am?

7 A Yes.

8 Q And how much was the money order for?

9 A \$300.

10 Q Let me show you State's Exhibit No. 11 or 111. Is
11 that a picture of the --

12 A Money order, yes.

13 Q -- money order?

14 MR. BARNETTE: Your Honor, I'd like to enter this into
15 evidence at this time.

16 MR. HALL: No objection.

17 (Photograph marked State's Exhibit No. 111.)

18 Q And State's Exhibit 112. Is this a copy of that money
19 order?

20 A Yes.

21 MR. BARNETTE: Like to enter that into evidence also,
22 Your Honor.

23 MR. HALL: A copy of the same.

24 (Copy of money order marked State's Exhibit No. 112.)

25 MR. BARNETTE: Permission to publish this to the jury,

Brenda Sue Kean
Direct examination by Mr. Barnette

1 Your Honor.

2 THE COURT: You may.

3 Q This is a copy of the money order that you received
4 from him.

5 A Yes.

6 Q And is that his handwriting, ma'am?

7 A Yes.

8 Q And was the date of it October the 31st of 2014? And
9 this might help better. It's State's Exhibit 11 [sic].
10 It's a little bit more --

11 A Yeah. That's it.

12 Q And did you turn that over to law enforcement after
13 you received it, ma'am?

14 A I did.

15 Q So you never heard from him after that.

16 A No.

17 Q And he never came back for McKenna or anything like
18 that.

19 A No.

20 Q And he left his phone in your house.

21 A Uh-huh.

22 Q Did you ever see him drive Connie's car?

23 A Not in Pacolet, no.

24 MR. BARNETTE: One moment, Your Honor, please.

25 (Pause.)

Brenda Sue Kean
Direct examination by Mr. Barnette

1 Q Let me take you back to October 31st. Did you take
2 McKenna out trick or treating that night?

3 A I did after I made the -- a couple of phone calls.
4 And I was supposed to take Con -- McKenna to Connie's. She
5 had a big bag of candy for her. She was always
6 complaining, because she's diabetic. And she had this bag
7 of candy for her, and she'd always eat it before McKenna
8 could get it.

9 Q Did she always get something ready for special
10 holidays like Halloween and Christmas?

11 A Yes.

12 Q And she'd always -- Connie would always prepare that
13 for McKenna.

14 A Yes.

15 Q And did y'all go to Connie's house that night?

16 A Yes.

17 Q And tell the jury about that.

18 A McKenna and I went over about 5:30. And we were --
19 she was dressed in her costume. And we were ready to go
20 and pulled up, and Connie's car was gone.

21 My car was still setting there. The house was dark.
22 It's very unlike -- she -- Connie knew she was going to be
23 there. And she is one -- she always looked out for her
24 grandchildren and -- one way or another. But we knocked on
25 the door, and there was no answer.

Brenda Sue Kean
Cross-examination by Mr. Hall

1 McKenna was disappointed. So I told her that we would
2 leave and we would call again -- call or we would come back
3 on Saturday.

4 Q And later on did you call trying to find out what
5 happened to Connie or anything?

6 A I had actually called Tiffany, the oldest daughter,
7 because my car was there and her car was gone. And it was
8 unlike Connie not to be there, especially when she knew
9 McKenna was going to be there. And I had asked Tiffany if
10 she had heard anything from her dad or her grandmother.

11 Q And when did you hear about Connie, what had happened
12 to her?

13 A I heard about it Sunday afternoon.

14 Q And who did you hear it from?

15 A Mark's cousin Andy came down and got me.

16 Q Like I say, Mark never called you about any of this.

17 A No.

18 Q Please answer any questions Mr. Hall may have for you.

19 CROSS-EXAMINATION

20 BY MR. HALL

21 Q I apologize. Let me ask you. Did you ever know Mark
22 to drive Connie's car? I couldn't hear you. I didn't
23 understand your answer.

24 A No.

25 Q Now, you and Mark had been together for about ten

Brenda Sue Kean
Cross-examination by Mr. Hall

1 years, you said.

2 A Uh-huh.

3 THE COURT: Please answer yes or no.

4 A Yes.

5 Q Had y'all moved to Texas at one point?

6 A McKenna and I had left to go to Texas, yes.

7 Q And do you remember how long you were gone?

8 A We were gone about two years, two and a half years.

9 Q Okay. And you came back when?

10 A It was May.

11 Q Of?

12 A 2012.

13 Q 2012. Okay. Now, even though you had a relationship
14 with Mark, he lived with his mother a lot, is that correct?

15 A There towards the end we were having problems and --

16 MR. BARNETTE: Your Honor, I would -- can we approach
17 the bench for a second?

18 THE COURT: Yes.

19 (Bench conference held off the record in the presence
20 of the jury but out of the hearing of the jury.)

21 Q And, specifically, at the time of these events he was
22 living with his mother.

23 A Yes.

24 Q And had been there for a while.

25 A Yes.

Brenda Sue Kean
Cross-examination by Mr. Hall

1 Q His mother kind of looked out for him, helped him.

2 A Yes.

3 Q Do you know anything about jewelry his mother may have
4 planned on giving him?

5 A I know he had some jewelry he said that his mother
6 gave to him.

7 Q And this was prior to her death.

8 A Yes.

9 Q Okay. Do you know -- do you know if Mark had a bank
10 account?

11 A No.

12 Q okay. Do you know if he used his mother's bank
13 account?

14 A Yes.

15 Q Did you know if he ever used her debit card?

16 A Yes.

17 Q okay. No further questions.

18 MR. BARNETTE: No further questions of this witness,
19 Your Honor.

20 THE COURT: You may step down.

21 MR. BARNETTE: We would ask for the witness to be
22 excused, Your Honor.

23 THE COURT: She may be.

24 (Whereupon, the witness was excused.)

25 THE COURT: All right. Ladies and gentlemen, we're

1 going to rest for the afternoon or recess for the
2 afternoon. And we'll resume in the morning at 9:30.

3 Keep in mind the caution I provided you before lunch.
4 No discussions in any fashion whatsoever with any person
5 whatsoever; no investigation; no research; no media
6 exposure.

7 Do have a good evening. Please report to your jury
8 room at 9:30 in the morning, 9:30 in the morning. Have a
9 good afternoon.

10 (The following takes place outside the presence of the
11 jury.)

12 THE COURT: Court is in recess until 9:30 in the
13 morning.

14 END OF PROCEEDINGS JUNE 20, 2016
15
16
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Kathy Ballenger
Direct examination by Mr. Barnette

1 (Proceedings June 21, 2016)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Are we ready for the jury?

5 MR. BARNETTE: The state is ready, Your Honor.

6 MR. HALL: Yes, sir.

7 THE COURT: Bring them in.

8 (The following takes place in the presence of the
9 jury.)

10 THE COURT: Good morning, ladies and gentlemen.

11 Now that everyone is here, we will continue with the
12 trial of the case. As you know, when we recessed yesterday
13 the state was in the midst of their presentation. So we'll
14 continue with that presentation this morning.

15 Mr. Barnette.

16 MR. BARNETTE: May it please the Court. Your Honor,
17 I'd like to call Kathy Ballenger to the stand, please.

18 KATHY BALLENGER, having been
19 first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MR. BARNETTE

21 Q Ms. Ballenger, if you would, state your full -- and
22 you're soft-spoken. If you would, talk loud enough so the
23 jury can hear you. Okay.

24 A My name is Kathy Ballenger.

25 Q And where do you work at, ma'am?

Kathy Ballenger
Direct examination by Mr. Barnette

1 A Bi-Lo pharmacy.

2 Q And what's your position there, ma'am?

3 A I am full-time certified pharmacy technician.

4 Q And how long have you been in that position, ma'am?

5 A I have worked there for, since 2013.

6 Q Okay. Back on October 31st or October 30th of 2014,
7 was you working that morning, ma'am?

8 A I was.

9 Q And where is this pharmacy located, which Bi-Lo?

10 A This is the Bi-Lo in Hillcrest at Fernwood Drive in
11 Spartanburg.

12 Q And that morning did you see the defendant in this
13 case, Mark Bradberry?

14 A I did.

15 Q And do you see him in the courtroom here today?

16 A Uh-huh.

17 Q Could you describe what he's wearing, ma'am?

18 A A tie and a white shirt.

19 Q Okay. Is he the gentleman sitting to the far right
20 from the table there?

21 A Yes, sir.

22 MR. BARNETTE: Your Honor, I'd ask for the record to
23 identify -- she's identified the defendant in this case.

24 THE COURT: It shall.

25 Q If you would, tell the jury a little bit about how he

Kathy Ballenger
Direct examination by Mr. Barnette

1 came up to the counter, what happened once he come up to
2 the counter.

3 A As usual, I had -- I had just started working there.
4 He came up. I recognized him because he was a regular
5 patient.

6 Q Let me ask you a question.

7 when did you first start working there at that Bi-Lo?

8 A I started working there around 2014, that early in the
9 year.

10 Q Okay. So you had seen him. He was regular and he
11 came in often.

12 A Uh-huh.

13 Q Okay.

14 A So I recognized him when he walked up. I pulled his
15 bag, and I proceeded to go through his medications like I
16 do with everybody -- checked date of birth. And he talked
17 very casually, and we had a casual conversation as I rang
18 him up.

19 Q Okay. Now, in the past had he had other people with
20 him when he came to the pharmacy?

21 A He has.

22 Q And who -- who would he bring with him?

23 A His daughter.

24 Q Did you know what her name was?

25 A McKenna.

Kathy Ballenger
Direct examination by Mr. Barnette

- 1 Q Okay. So you know -- had --
- 2 A I did. I recognized his daughter.
- 3 Q Okay. And whose prescriptions would he pick up there?
- 4 A He would sometimes pick up his own but also sometimes
- 5 McKenna's.
- 6 Q Okay. McKenna had a prescription too?
- 7 A She has.
- 8 Q What was that for, do you remember?
- 9 A It was pain medicine.
- 10 Q Okay. And that day when he came up, what did he ask?
- 11 Did he ask you anything that day?
- 12 A That day he asked me about my car.
- 13 Q And what did you tell him when he asked about your
- 14 car?
- 15 A He asked about it because he knew I had a Honda from a
- 16 previous conversation. And he asked if I had gotten the
- 17 air conditioning fixed. And I had told him that I hadn't
- 18 because it's too expensive. And he proceeded to talk about
- 19 cars.
- 20 Q Okay. And did he pick up a prescription that morning?
- 21 A He did.
- 22 Q Okay. Let me show you what's been marked as State's
- 23 Exhibit No. 12. Is that a picture from the video from that
- 24 morning?
- 25 A Yes, it is.

Kathy Ballenger
Direct examination by Mr. Barnette

1 Q Okay. And that was him paying for the prescriptions
2 or whatever?

3 A Yes.

4 Q Okay.

5 MR. BARNETTE: Your Honor, I'd like to enter State's
6 Exhibit 12 at this time into evidence.

7 MR. HALL: No objection.

8 (Photograph marked State's Exhibit No. 12.)

9 MR. BARNETTE: Your Honor, I'd like to enter this into
10 evidence at this time and publish it to the jury, Your
11 Honor.

12 THE COURT: You may.

13 Q Okay. So this is Mark Bradberry at the counter there
14 at the pharmacy?

15 A Yes, sir.

16 Q And that's where y'all had the conversation at?

17 A Yes, sir.

18 Q And that was you. I believe you told me you had
19 shorter hair back then.

20 A I did. I had just began working there earlier in the
21 year, and I had cut my hair.

22 Q Okay. And is there a time on this too? I'm going to
23 see if I can blow it up where we can -- let's see here.

24 Can you see the time there, ma'am?

25 A I don't see the time, but I remember it being right

Kathy Ballenger
Cross-examination by Mr. Hall

1 when we opened. He was our first customer. It should have
2 been around 9:02.

3 Q Okay. And I think it shows 9:14 in the morning.
4 Would that be correct?

5 A Okay. Yes, sir.

6 Q And he picked up the prescription. Then he left after
7 that.

8 A Correct.

9 Q Okay. And there's also -- this came from the video in
10 the store, is that right?

11 A Yes, sir.

12 Q And we're actually going to have the manager testify
13 about that. But the video, there's several cameras
14 throughout the store, is that right?

15 A Yes, sir.

16 Q Thank you, ma'am. Please answer any questions that
17 Mr. Hall may have for you.

18 CROSS-EXAMINATION

19 BY MR. HALL

20 Q Do you remember what prescriptions he picked up or
21 prescriptions --

22 A He had a set. I don't remember quite because it was
23 so long ago and I rang up so many people per day with
24 multiple prescriptions. I remember, I think, Laveta, maybe
25 a prescription, Ativan, and some maintenance heart -- heart

Kathy Ballenger
Cross-examination by Mr. Hall

1 medicine, blood pressure, just regular maintenance
2 medicines.

3 Q And you had dealt with him before because you had
4 conversations.

5 A I have, yes, sir.

6 Q How did he usually pay for his prescriptions?

7 A Cash.

8 Q Cash.

9 A Yeah.

10 Q Do you remember him ever using a debit card?

11 A I don't recall. That's not to say that he didn't. I
12 just do not recall.

13 Q And what you said is assuming -- the pharmacy opens at
14 9:00?

15 A Yes, sir.

16 Q But you would only know about the times that you dealt
17 with him.

18 A Right.

19 MR. HALL: No further questions.

20 MR. BARNETTE: Just one question on follow up, Your
21 Honor.

22 (Photograph marked State's Exhibit No. 157 for
23 Identification.)

24

25

Kathy Ballenger
Redirect examination by Mr. Barnette

1 REDIRECT EXAMINATION

2 BY MR. BARNETTE

3 Q Let me show, ma'am, what's been marked State's
4 Exhibit 157. Did this come from y'all's Bi-Lo?

5 A It did.

6 Q Okay. And that was -- obviously, these are warning
7 labels and things that are put on there and everything.

8 A Yes, sir.

9 MR. BARNETTE: Your Honor, I'd like to enter State's
10 Exhibit 157 into evidence at this time.

11 MR. HALL: No objection.

12 (Photograph marked State's Exhibit No. 157.)

13 Q And a lot of times the prescription's ordered or
14 whatever and they're picked up later after the --

15 A They are. So the date printed will be the date it was
16 actually filled, not the date usually when it's picked up.

17 Q Okay. So this could have easily been picked up on
18 October 30th.

19 A We hold a prescription for ten days before it's
20 legally had to be put back.

21 Q Okay. So most likely these are the prescription drugs
22 that he picked up that day.

23 A Uh-huh, uh-huh.

24 MR. BARNETTE: May I publish these to jury, Your
25 Honor?

Kathy Ballenger
Redirect examination by Mr. Barnette

1 THE COURT: You may.

2 Q So, for example, the 10/28/14 is when it was called
3 in.

4 A Right.

5 Q And then this -- if it was picked up two days later,
6 it appears to be packaged the same way that you had it
7 packaged that day, is that right?

8 A Uh-huh.

9 Q Is that the way you would have packaged it?

10 A That's how I would have, yes.

11 Q And these are the warning labels that comes with it.

12 A Yes.

13 Q Thank you, ma'am. Please answer any questions
14 Mr. Hall may have for you.

15 MR. HALL: No further questions.

16 THE COURT: You may step down.

17 MR. BARNETTE: We'd ask the witness be excused, Your
18 Honor.

19 MR. HALL: No objection.

20 THE COURT: She may.

21 (Whereupon, the witness was excused.)

22 MR. BARNETTE: Daniel Reveles if he would.

23

24

25

Daniel Reveles
Direct examination by Mr. Barnette

1 DANIEL REVELES, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. BARNETTE

4 Q If you would, sir, please state your full name for the
5 record.

6 A My name's Daniel Reveles.

7 Q I am going to ask you to speak up a little bit louder,
8 so to make sure you get it to the back.

9 A My name's Daniel Reveles.

10 Q Thank you, sir.

11 Where do you work at, sir?

12 A Bi-Lo on Hillcrest.

13 Q And what's your position there, sir?

14 A I'm the assistant store manager.

15 Q And how long have you been working with Bi-Lo, sir?

16 A Since September of 2013.

17 Q Okay. Back in October 30th of 2014 did the Bi-Lo at
18 Hillcrest-Fernwood, did it have cameras in it at that time?

19 A Yes, sir.

20 Q And like -- is it 16 different cameras throughout the
21 store and the parking lot?

22 A Yes, sir.

23 Q And you supplied or the store supplied a video tape of
24 the day of October 30th, is that correct?

25 A Yes, sir.

Daniel Reveles
Direct examination by Mr. Barnette

1 Q Back in '14. Let me show you what's been marked as
2 State's Exhibit, I believe, No. 11. Is a copy of the
3 videos that were taken from those cameras?

4 A Yes, sir.

5 Q And that was what was supplied to law enforcement, is
6 that right?

7 A Yes, sir.

8 MR. BARNETTE: Your Honor, I'd ask for State's
9 Exhibit 11 to be entered into evidence at this time.

10 Q Just to follow up, question, did you review the video
11 on this, look at this video itself?

12 A Yes, sir.

13 Q And is this the video that was from that day,
14 October 30th of 2014?

15 A Yes, sir.

16 MR. HALL: No objections.

17 THE COURT: It's admitted.

18 (Bi-Lo videotape marked State's Exhibit No. 11.)

19 MR. BARNETTE: I'm not going to show it at this point.
20 We're going to show it with another witness.

21 Q But the 16 cameras angles are from different parts of
22 the store, is that right?

23 A Yes, sir.

24 Q And two, I believe, is from the parking lot.

25 A Yes, sir.

Daniel Reveles
Direct examination by Mr. Barnette

1 Q And there's, of course, the pharmacy where we saw the
2 pictures comes from.

3 A Yes, sir.

4 Q And other -- I guess entrances and things like that.

5 A Yes, sir.

6 Q Let me show you State's Exhibit No. 10. Do y'all a
7 Coinstar machine in your Bi-Lo store?

8 A Yes, sir, we do.

9 Q And what is a Coinstar machine?

10 A Instead of rolling your coins and taking them to the
11 bank, you put it in there and it counts it out. And it
12 charges you.

13 Q And is this Coinstar received from y'all's machine
14 there at Bi-Lo?

15 A Yes, sir.

16 Q Is it from October 30th of 2014?

17 A Yes, sir.

18 Q Okay. And was that given to law enforcement at their
19 request?

20 A Yes, sir.

21 MR. BARNETTE: Your Honor, I'd like to enter State's
22 Exhibit No. 10 into evidence at this time.

23 MR. HALL: No objection.

24 THE COURT: It's admitted.

25 (Coinstar receipt marked State's Exhibit No. 10.)

Daniel Reveles
Direct examination by Mr. Barnette

1 MR. BARNETTE: Thank you, Your Honor. Permission to
2 publish.

3 THE COURT: You may.

4 Q And was this the Coinstar receipt that was cashed in
5 at Bi-Lo?

6 A Yes, sir.

7 Q And how much was it, sir?

8 A \$85.22.

9 Q And do you see what date this transaction occurred?

10 A Yes, sir.

11 Q Could you read that to us, please?

12 A October 30th of 2014 at 9:08 a.m.

13 Q And they can cash this in at any Bi-Lo at the -- any
14 part of the store or at the main counter?

15 A It can be cashed in somewhere else in the store,
16 however, Coinstars require management override so --

17 Q So he has to go to the main desk and do that.

18 A Yes.

19 Q And it appears that he did go the main desk, I guess,
20 before he went to the pharmacy if I remember right.

21 A Yes, sir.

22 Q Thank you, sir. Please answer any questions that
23 Mr. Hall may have for you.

24

25

Daniel Reveles
Cross-examination by Mr. Hall

1 CROSS-EXAMINATION

2 BY MR. HALL

3 Q Did you cash this for him or --

4 A I did not.

5 MR. HALL: No further questions.

6 MR. BARNETTE: We'd ask this witness be excused, Your
7 Honor.

8 MR. HALL: No objection.

9 THE COURT: You may step down. You may also be
10 excused.

11 (Whereupon, the witness was excused.)

12 MR. BARNETTE: Your Honor, the state would like to
13 call Jimmy Tobias to the stand.

14 JAMES GORDON TOBIAS, having
15 been first duly sworn, testified as follows:

16 DIRECT EXAMINATION BY MR. BARNETTE

17 Q If you would, sir, please state your full name.

18 A James Gordon Tobias.

19 Q And are you known as Jimmy?

20 A Yes. That is my nickname, yes, sir.

21 Q And where do you work at, sir?

22 A I own the Camp Croft Pawn Shop.

23 Q And how long have you owned that, sir?

24 A Over 20 years.

25 Q And can you tell the jury where that's located at?

James Gordon Tobias
Direct examination by Mr. Barnette

- 1 A It's located in southern Spartanburg County right out
2 of the city limits on 1680 Union Street.
- 3 Q It's off Union Street. If I can describe, it's near
4 Cedar Springs.
- 5 A That's correct.
- 6 Q You've got the McDonald's there, the Wal-Mart.
- 7 A Yes, sir. It's a little bit hard to find because
8 Union Street turns to the left that goes to Union, and they
9 don't have the sign right on the street.
- 10 Q They don't.
- 11 A No.
- 12 Q So you actually, instead of going straight in towards
13 the Cedar Springs area, you actually take a left on Union
14 Street. You're located right there.
- 15 A Yes, sir. That's correct.
- 16 Q On the morning of October 30th of 2014, did you see
17 Mark Bradberry that day, sir?
- 18 A Yes, I did.
- 19 Q And had he been a customer before?
- 20 A I recognized him as a customer, but I didn't know his
21 name.
- 22 Q Okay. And do you see the man that came in the morning
23 of October 30th of 2014 in your store?
- 24 A Yes, sir.
- 25 Q Can you describe what he's wearing and where he's at?

James Gordon Tobias
Direct examination by Mr. Barnette

1 A He's sitting at the desk with a white shirt and a
2 brown tie.

3 MR. BARNETTE: Your Honor, I'd like to -- that he's
4 identified the defendant in this case.

5 THE COURT: It shall.

6 Q Did he come in the pawn shop? Did he bring some
7 jewelry in, sir?

8 A Yes, he did.

9 Q And did he sell that jewelry to you?

10 A Yes, he did.

11 Q Let me show you several exhibits here. State's
12 Exhibit 13. Is that a copy of the pawn ticket from that
13 transaction?

14 A Yes, it is, sir.

15 Q Okay. And let me show you. And here's actually the
16 original, I believe, of that.

17 A That's correct.

18 Q And there was, I guess, a pair of earrings and two
19 rings that was pawned, is that right, or sold?

20 A Yes. There might have been a little necklace in there
21 too. I'm not sure.

22 Q Okay. And, actually, this is the original bag with
23 all three of them or all --

24 A Everything was in that bag, because I bagged it.

25 Q And that's State's Exhibit 14. Is that your writing

James Gordon Tobias
Direct examination by Mr. Barnette

1 on the back of that bag?

2 A Yes, sir.

3 Q Okay. And these are the items. These were also -- we
4 had to separate them to show them as different exhibits.
5 But State's Exhibits 15 and 16 was also in State's
6 Exhibit 14.

7 A Yes, sir.

8 Q Okay.

9 MR. BARNETTE: Your Honor, at this time I'd like to
10 introduce State's Exhibits 13, 14 and 15 and 16 into
11 evidence at this time.

12 MR. HALL: No objection.

13 (Pawn ticket marked State's Exhibit No. 13; two sets of
14 earrings marked State's Exhibit No. 14; ring marked State's
15 Exhibit No. 15; ring marked State's Exhibit No. 16.)

16 MR. BARNETTE: Permission to publish these to the jury
17 at this time.

18 THE COURT: You may.

19 MR. BARNETTE: Your Honor, what I'm going to do, I'm
20 going to attach the original to the copy if that's okay,
21 make it a joint exhibit, State's Exhibit 13.

22 Q Was this the pawn ticket where he sold the items to
23 you, Mr. Tobias?

24 A Yes, sir.

25 Q And is this the date the transaction was made? Is

James Gordon Tobias
Direct examination by Mr. Barnette

1 that right?

2 A That's correct.

3 Q And was this the time the transaction was made?

4 A Yes, sir.

5 Q Is that 11:20 a.m.?

6 A That's correct.

7 Q And of course this is the gentleman that came into
8 your store and provided identification and everything to
9 you, is that correct?

10 A Yes. I asked him for his I.D., and the computer
11 remembered him.

12 Q And then these are the items that he sold to you, is
13 that right?

14 A That's correct.

15 Q And showing you State's Exhibit 14. Was that the
16 earrings and the item with the earrings?

17 A Yes, sir.

18 Q Showing you State's Exhibit 15. Is this the ring?

19 A Yes, sir.

20 Q And showing you State's Exhibit 16. Was that the
21 other ring, sir?

22 A Yes, sir.

23 Q And do you have, also have, a camera that takes, I
24 guess, still photos when people come into your shop?

25 A That is correct. We previously installed a camera for

James Gordon Tobias
Direct examination by Mr. Barnette

1 security.

2 Q Before I forget, is this where Mr. Bradberry signed
3 his name?

4 A Yes, sir.

5 Q Let me show you State's Exhibits 17, 18, 19 and 20.
6 Do those pictures fairly represent your store on the
7 morning of October 30th, 2014, about this time, sir?

8 A Yes, sir.

9 Q Okay.

10 MR. BARNETTE: Your Honor, I would like to enter these
11 into evidence at this time.

12 Q Mr. Tobias, just to follow up a question the defense
13 attorney had, did you pull these things from the police or
14 was pulled off the video image from there that you had?

15 A Well, they contacted me, and we looked on the hard
16 drive. They tried to transfer it onto a kind of a chip,
17 and we were having trouble. So they took my whole laptop
18 and --

19 Q But you reviewed these with them.

20 A Oh, yeah.

21 Q And these are the videos that you had.

22 A Yes.

23 Q And that's what you saw that morning.

24 A That's correct.

25 MR. HALL: No objection.

James Gordon Tobias
Direct examination by Mr. Barnette

1 (Photographs marked State's Exhibits Nos. 17, 18, 19
2 and 20.)

3 MR. BARNETTE: Permission to publish these, Your
4 Honor.

5 THE COURT: You may.

6 Q This is State's Exhibit 18. Is this Mr. Bradberry
7 walking into the store, sir, coming into your -- into the
8 shop?

9 A Yes, sir.

10 Q State's Exhibit 19. Is that just another picture of
11 him in the shop itself?

12 A Yes, sir.

13 Q State's Exhibit 20. Is this him leaving the shop?

14 A Yes, sir.

15 Q And State's Exhibit 17 is actually when he's going
16 back out the door, is that right?

17 A That's correct.

18 Q Mr. Tobias, you said he had been in the store before
19 this.

20 A Yes. My computer remembered him. He'd come in maybe
21 ten times in the last three years.

22 Q And all of the times prior to this did he pawn or sell
23 the stuff to you?

24 A He pawned and usually got between, the computer said
25 he got between, \$20 and \$80. So that's how I came up with

James Gordon Tobias
Cross-examination by Mr. Hall

1 the \$60. I weighed out the jewelry and itemized it and put
2 it in the computer and had him sign the contract, and I
3 handed him his money.

4 Q And this time he was selling it to you. He wasn't
5 pawning it.

6 A Yeah. He decided to sell it this time. He wasn't
7 coming back.

8 Q Thank you, Mr. Tobias. If you would, answer any
9 questions Mr. Hall may have for you. Thank you, sir.

10 A Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. HALL

13 Q Did you check all of the other times to make sure that
14 they were pawns instead of purchases?

15 A The computer remembers all of the transactions, and it
16 said that he had not redeemed anything, that even he pawned
17 it, he never redeemed it. So he ended up losing. It was
18 zero redemptions.

19 Q So, in essence, he never picked it up. So, in
20 essence, he sold it to you.

21 A Well, he forfeited.

22 Q Forfeited.

23 A He never paid me the loan back. So, he forfeited his
24 collateral.

25 Q Did you look to see what he had pawned those other

James Gordon Tobias
Cross-examination by Mr. Hall

1 times?

2 A I have looked and he -- that initial day I didn't
3 look. I just saw he'd pawned like ten times, 20 to 80
4 average, zero redemptions. The computer helps me remember
5 things.

6 Q Yes, sir.

7 A And I have looked at the history, and he'd pawned a
8 lawnmower and some jewelry in the past.

9 Q So he has pawned jewelry in the past.

10 A That's correct.

11 Q Did you check to see what that was, what kind?

12 A Yeah. I believe it was some rings and a necklace
13 going back a year or two.

14 Q And just to clear up, I think the earrings -- I'm not
15 sure where all of that is now.

16 (Pause.)

17 Q Let's look at State's 14. You said earring and
18 something else. Look at that good. Is that two sets of
19 earrings?

20 A It's two sets of earrings.

21 MR. HALL: No further questions.

22 MR. BARNETTE: Just one on followup, Your Honor.

23

24

25

James Gordon Tobias
Redirect examination by Mr. Barnette
Recross-examination by Mr. Hall

1 REDIRECT EXAMINATION

2 BY MR. BARNETTE

3 Q But he simply told you he was selling this time, where
4 in the past he had pawned it.

5 A I asked him, and he said I want to sell it. But when
6 I went to hit the button, I hit the wrong button, and it
7 came out a pawn. So I wrote sold on it, stuck it in the
8 envelope and filed it away.

9 Q So that was your handwriting that says sold.

10 A Yes.

11 Q Thank you, sir.

12 RECROSS-EXAMINATION

13 BY MR. HALL

14 Q Just one followup on that.

15 A Okay.

16 Q Are you sure in the past -- well, when you did that
17 transaction as pawned did you change it in the computer as
18 sold or just on the ticket?

19 A I just wrote it on the ticket as sold. I was going to
20 continue to hold it.

21 Q Okay. Is it possible that happened in some of the
22 other transactions in the past?

23 A No.

24 Q If you did it this time, you couldn't have done it
25 before?

Loretta Norris
Direct examination by Mr. Barnette

1 A No.

2 Q All right.

3 MR. HALL: No further questions.

4 MR. BARNETTE: No further questions, Your Honor. We'd
5 ask the witness be excused.

6 THE COURT: You may step down. You're excused. Thank
7 you.

8 MR. BARNETTE: Your Honor, I'd like to call Loretta
9 Norris to the stand.

10 LORETTA NORRIS, having been
11 first duly sworn, testified as follows:

12 DIRECT EXAMINATION BY MR. BARNETTE

13 Q If you would, ma'am, please, state your full name for
14 the record.

15 A Loretta Gore Norris.

16 Q And where do you work at, ma'am?

17 A Suntrust Bank.

18 Q And what is your position there, ma'am?

19 A I'm the regional security coordinator for South
20 Carolina for the investigations part.

21 Q And how long have you been in that position, ma'am,
22 with Suntrust?

23 A Eleven years.

24 Q And before that was you in law enforcement too?

25 A Yes, sir.

Loretta Norris
Direct examination by Mr. Barnette

- 1 Q And how long was you in law enforcement?
- 2 A Eleven years.
- 3 Q Okay. Was you asked to look at a bank record from the
- 4 Suntrust involving an account, ma'am?
- 5 A Yes, sir.
- 6 Q Let me show you what's been marked as State's
- 7 Exhibit 116. Is that a copy of the record from the
- 8 Suntrust account we asked you to look at, ma'am?
- 9 A Yes, sir, it is.
- 10 Q And who was the owner of that bank or who was the
- 11 people listed on that bank account?
- 12 A The account was titled Connie B. Bataille. I
- 13 apologize. I'm not sure if I'm pronouncing it right. Or
- 14 Jack Looney.
- 15 Q And did you -- is this part of the official records
- 16 that you can review and take care of and look at during
- 17 your investigations at Suntrust?
- 18 A Yes, sir.
- 19 Q And was this record pulled, I guess, for this
- 20 investigation in this case?
- 21 A Yes, sir.
- 22 Q And did this record come from Suntrust?
- 23 A Yes, it does.
- 24 Q And is that from her account?
- 25 A Yes, sir.

Loretta Norris

Direct examination by Mr. Barnette

1 Q And did it show transactions around the date, around
2 October 30th of 2014, and some other areas?

3 A Yes, sir. It shows all of that.

4 MR. BARNETTE: Your Honor, I'd like to enter this into
5 evidence at this time.

6 MR. HALL: No objection.

7 (Copy of Suntrust records marked State's Exhibit No.
8 116.)

9 MR. BARNETTE: Permission to publish the document to
10 the jury, Your Honor.

11 THE COURT: You may.

12 Q Okay. Showing you page two of the exhibit. This is
13 the personal signature card. It's Connie Bataille -- but I
14 can never say that correctly -- Bataille or Jack Looney was
15 the two people that was authorized on this account.

16 A Correct.

17 Q And this is actually their signatures.

18 A Correct.

19 Q Mark Bradberry is not located on there. You don't see
20 his name, do you?

21 A No, sir, I don't.

22 Q And that's all through the document. On page three of
23 this, it shows the account summaries.

24 A Yes, sir.

25 Q And, basically, it was showing her checking account,

Loretta Norris
Direct examination by Mr. Barnette

1 her deposits, as well as, I guess, her loans that was
2 involved with that.

3 A Yes, sir. Those are all to her account.

4 Q Okay. And you have revolving credit line, is that
5 right?

6 A Yes, sir.

7 Q And that was in the amount of \$9,410.83?

8 A Yes, sir.

9 Q And then her total assets, I guess -- well, this
10 statement -- I'm sorry. That was a month before. Her
11 checking assets was \$802.78.

12 A Yes, sir.

13 Q And then her total loan balance was ninety-one
14 eighty-six ninety-four.

15 A Yes, sir.

16 Q Is that like credit cards, things like that, ma'am?

17 A Yeah, yes, sir. The home equity, L.O.C. account, that
18 is a loan against the home equity.

19 Q Uh-huh.

20 A The revolving credit is usually a credit card.

21 Q Simply going to October 30th -- excuse me. I'm sorry.
22 October 30th here, was there an A.T.M. withdrawal of
23 \$403.95?

24 A Yes, sir. That does show that.

25 Q And where was that? Was that in Columbia?

Loretta Norris
Cross-examination by Mr. Hall

1 A Yes, sir, it is.

2 Q Okay. And there was also a balance from there, a
3 balance inquiry, in Columbia also.

4 A Yes, sir.

5 Q So would that have been done at an A.T.M. machine at
6 this Columbia location?

7 A Yes, sir.

8 Q So the A.T.M. had to be used in Columbia that day. It
9 couldn't have been used anywhere else except at that A.T.M.
10 machine there.

11 A Correct. That is in Columbia.

12 Q Thank you, ma'am. Please answer any questions
13 Mr. Hall may have for you.

14 CROSS-EXAMINATION

15 BY MR. HALL

16 Q All right. Ms. Norris, if I can go back to State's
17 Exhibit 116 and the transactions, I'm going to hand you the
18 actual document so you can see it. I'm referring to pages
19 three and four where they have the transactions on the
20 account. I'll hand it to you -- page three.

21 Now, do transactions always hit on the exact date or
22 sometimes they have -- you may do things on Thursday and it
23 hits the computer as transaction on Friday?

24 A Correct.

25 Q Okay. But they never would be before -- obviously,

Loretta Norris
Redirect examination by Mr. Barnette

1 couldn't be before the date they happened. They always hit
2 the account either on that date or after.

3 A Well, you have posting date, and then you have
4 transaction date. And that's what you're talking about.

5 Q Yeah. And what's reflected in this posting date?

6 A May I see it again?

7 Q Yes. That's what -- I appreciate it. That's what I
8 was trying to get to.

9 A Okay. All right. So what you're looking at here in
10 the date in this column is the posting date. When you look
11 inside the description, the description if it's a different
12 date will show differently. So you have your transaction
13 date in here. This is the posting-to-the-account date.
14 Sometimes they are the same; sometimes they are different.
15 It just depends.

16 Q Thank you very much.

17 MR. HALL: Beg the Court's indulgence.

18 (Pause.)

19 MR. HALL: No further questions.

20 MR. BARNETTE: Just one clarification, Your Honor.

21 REDIRECT EXAMINATION

22 BY MR. BARNETTE

23 Q Just to explain what y'all were talking about so the
24 jury can see it --

25 A Yes, sir.

Loretta Norris
Redirect examination by Mr. Barnette

1 Q What you were talking about here. The A.T.M.
2 withdrawal, which is in Columbia --

3 A Correct.

4 Q -- the \$403.95 --

5 A Yes, sir.

6 Q -- that was done on October 30th. There's no
7 different date, is there? So that would be the transaction
8 date in there.

9 A Correct. In that incidence for the \$403.95, that is
10 absolutely correct. The date of the posting on this side
11 is the same as the transaction date. If you'll notice
12 under where it says A.T.M. cash withdrawal, and then it
13 says 10/30, that is the date, the transaction date, right
14 there, sir.

15 Q Right there.

16 A Yes, sir.

17 Q So that's -- so the transaction date's the same as the
18 posting date.

19 A Correct.

20 Q So that definitely happened on October 30th.

21 A Yes, sir.

22 Q 2014.

23 A Yes, sir.

24 Q Thank you, ma'am. I just wanted to clear that for the
25 jury.

Richard Phillip Carter, Jr.
Direct examination by Mr. Barnette

1 MR. HALL: No other questions.

2 THE COURT: You may step down.

3 MR. BARNETTE: We'd ask the witness be excused, Your
4 Honor.

5 THE COURT: She may be.

6 (Whereupon, the witness was excused.)

7 MR. BARNETTE: I'd like to call Investigator Phil
8 Carter to the stand, please.

9 RICHARD PHILLIP CARTER, JR.,
10 having been first duly sworn, testified as follows:

11 DIRECT EXAMINATION BY MR. BARNETTE

12 THE COURT: Be aware of that microphone.

13 THE WITNESS: Yes, sir.

14 Q If you would, sir, please state your full name for the
15 record.

16 A My name is Richard Phillip Carter, Jr.

17 Q And where do you work at, sir?

18 A United States Postal Inspector.

19 THE COURT: Excuse me. You can't turn your back to
20 the court reporter. She can't hear you.

21 THE WITNESS: Oh, sorry, sir.

22 A My name is --

23 Q Speak a little bit louder.

24 A Okay. My name is Richard Phillip Carter, Jr.

25 Q And where do you work at, sir?

Richard Phillip Carter, Jr.
Direct examination by Mr. Barnette

1 A United States Postal Inspection Service.

2 Q And what is your position there, sir?

3 A I am the supervisor for the Upstate Financial Crimes
4 Task Force and I'm the National Director of the Postal
5 Inspection National Football League Security Group.

6 Q And how long have you been in that position, sir?

7 A I've been a postal inspector almost ten years.

8 Q And prior to that was you in law enforcement, sir?

9 A I was. I was a deputy sheriff in Colleton County and
10 an investigator for six years. And I was a secret service
11 agent for five.

12 Q Did -- in this investigation was you asked to track
13 down a money order and where that was done and when it was
14 done?

15 A I was.

16 Q And let me show you what's been marked as State's
17 Exhibits 112, 111, 110, 113 and 109. Let you look at those
18 items, sir, and see if you recognize them.

19 (Pause.)

20 A Yes, sir, I do.

21 Q Okay. Was these items of money order that you was
22 asked to look and see where the location was of it and when
23 it was taken out and what time?

24 A Yes, sir, I was.

25 Q And was there also an envelope that you was asked to

Richard Phillip Carter, Jr.
Direct examination by Mr. Barnette

1 look at to see where it was obtained at?

2 A Yes, sir.

3 Q Okay. And in this investigation was these things
4 determined they were obtained at Myrtle Beach Post Office
5 in South Carolina -- Myrtle Beach, South Carolina?

6 A That's correct, sir.

7 Q Okay. And these items was actually -- Mark Bradberry
8 appears to be the one that did the money order, and it was
9 mailed to a Brenda Kean or sent to a Brenda Kean.

10 A That's correct, sir.

11 MR. BARNETTE: Your Honor, I'd like to introduce --
12 109, 110, 112, 111 and 113 into evidence.

13 MR. HALL: No objection.

14 (Photograph marked State's Exhibit No. 109; envelope
15 marked State's Exhibit No. 110; photograph marked State's
16 Exhibit No. 111; copy of money order marked State's Exhibit
17 No. 112; copy of envelope marked State's Exhibit No. 113.)

18 MR. BARNETTE: May I publish it to the jury, Your
19 Honor?

20 THE COURT: You may.

21 Q Showing you State's Exhibit 112. Was this the -- and
22 it might be actually -- 111 is actually a carbon copy of
23 it. Was this the money order that you was asked to
24 investigate and look into where the location was, sir?

25 A Yes, sir, it was.

Richard Phillip Carter, Jr.
Direct examination by Mr. Barnette

1 Q And where was this money order taken out, sir?

2 A That money order was purchased at the Myrtle Beach
3 Post Office, 505 North Kings Highway, Myrtle Beach.

4 Q And was there an envelope purchased at that time?

5 A There was.

6 Q And showing you State's Exhibit 110. Was this the
7 envelope that was purchased there at the post office also?

8 A Yes, sir, it was.

9 Q And how do we know that, sir?

10 A We know that from the transaction record from the
11 transaction where it was purchased. The money order and
12 the envelope were purchased at the same time.

13 Q Okay. And let me show you what's been marked State's
14 Exhibit 13, which is actually a copy of the letter or the
15 envelope on there. But here's the transaction history as
16 to it.

17 If you would, step on down here, because you may be
18 able to explain this better than I can. And I may separate
19 these right now, so that way you can take them.

20 (Whereupon, the witness left the stand.)

21 A Yes, sir.

22 Q And what it is, these pages actually continue on.
23 It's like a spreadsheet from that standpoint. They're
24 actually -- there's the -- page two will go to this, and
25 then page three is actually this. So I'll let you go ahead

Richard Phillip Carter, Jr.
Direct examination by Mr. Barnette

1 and describe this part if you would, sir.

2 A Okay. This is -- this is the United States Postal
3 Service printout of the transaction. So this is all one
4 transaction where one purchase was made.

5 So you look, and there was a purchase -- the top one,
6 cash, domestic money -- domestic money order. That's where
7 the actual money order was purchased.

8 The second one is the fee that we charge for -- it's
9 just the fee they charge for the processing the money
10 order.

11 And the third line is the Folk Art Eagle No. 10
12 envelope. And I didn't know before I went to work at the
13 post office. You can buy an envelope that already has
14 postage printed on it so you don't have to put a stamp on
15 it. They've got them behind the counter. You can just buy
16 the envelope there, and it costs 62 cents, I think.

17 Q And, like I said, if you need this pointer -- if you
18 need it. And this is actually the envelope that was
19 purchased.

20 A It is.

21 Q And that's the forever showing there.

22 This is the second page of the spreadsheet. If you
23 would, sir, please describe what this is too. Smaller.
24 There we go.

25 A That is -- that is a -- that is the same transaction,

Richard Phillip Carter, Jr.
Direct examination by Mr. Barnette

- 1 just with the money order that the -- that the amounts --
2 I'm sorry. The top is the money order. It's a \$300 money
3 order that was purchased. The \$1.25 is our fee that we
4 charge. The 62 cents is for the envelope. So that would
5 be \$301.87, is the entire. So you add them up -- three
6 hundred, plus one twenty-five, plus sixty-two. The 302 on
7 the side is the cash amount that was given to our clerk at
8 the counter. So the -- it was \$301.87, was the charge.
9 The purchaser gave the clerk \$302.
- 10 Q And the money order was actually -- well, all three of
11 these items was bought October the 31st of 2014.
- 12 A Correct, sir.
- 13 Q And this is the transaction, when it began, I guess.
- 14 A Yes.
- 15 Q And that was 12:56 p.m.
- 16 A Yes, sir.
- 17 Q And then it ended at 12:57, 52 seconds, p.m., is that
18 right, sir?
- 19 A Yes, sir.
- 20 Q And showing you the last page of this. Was this
21 the -- and I know this is spread out. It usually goes all
22 the way across. Was that how much change he received back?
- 23 A That's the change, yes, sir.
- 24 Q So he got 13 cents back.
- 25 A Correct.

Richard Phillip Carter, Jr.
Cross-examination by Mr. Hall

1 Q Showing the last page of this here. This shows it was
2 bought in Myrtle Beach's post office. Is that the location
3 of the post office?

4 A It is.

5 Q And of course that was the city, transaction date, and
6 the amount and the fee that was charged with it.

7 A Correct.

8 Q And I guess it's given a number. That's how y'all
9 help keep track of things like this.

10 A It is; it is.

11 Q So this envelope was definitely purchased in Myrtle
12 Beach post office that day at that time.

13 A That's correct.

14 Q As well as that money order.

15 A Yes, sir.

16 Q Thank you, sir. Please have a seat.

17 (Whereupon, the witness returned to the stand.)

18 Q If you would, please answer any questions Mr. Hall may
19 have for you, sir.

20 CROSS-EXAMINATION

21 BY MR. HALL

22 Q Now, not very postal savvy, but understand the money
23 order. And you can see that's definitely one purchased on
24 a particular day. But the envelope.

25 A Yes, sir.

Richard Phillip Carter, Jr.
Cross-examination by Mr. Hall

1 Q Did it have a number like, or is it you're just basing
2 that on it's the same type envelope that was bought?

3 A Well, I base it on that they were bought at the same
4 time and the fact that it is -- if you look at it the
5 postmark, wherever it's canceled, is Columbia, South
6 Carolina.

7 All mail -- mail from Myrtle Beach -- if you mail a
8 letter from Myrtle Beach, it's going to show a Columbia
9 cancellation because that's where the plant is. That's
10 where -- that's where it hits.

11 So if you mail, say, a letter from Asheville, North
12 Carolina, it's going to show Greenville, South Carolina, as
13 the cancellation, because it doesn't hit. When he hands it
14 across the counter or he puts it in or whoever, if you mail
15 one today, if you hand it across the counter here in
16 Spartanburg, it's going to show Greenville. If you hand it
17 across the counter in Myrtle Beach, it's going to show
18 Columbia, because that's where the mail goes.

19 They had a plant in Fayetteville, North Carolina, that
20 they closed several years ago. So in 2010, for example,
21 that would have said Fayetteville. But they closed that
22 plant. So now it's Columbia. All the mail from the coast
23 comes into Columbia.

24 Q Charleston doesn't have its own?

25 A Charleston has one but not -- not that coast, not up

Richard Phillip Carter, Jr.
Cross-examination by Mr. Hall

1 there, no, sir. And I don't know why they do it like that,
2 but that's the way they do it.

3 Q If we could understand everything and how they do
4 things we would --

5 A It's a government operation, yes, sir.

6 Q All right. But you can't definitely -- to go back to
7 my original question, you're making assumptions since that
8 type of money order was bought with the money order that
9 it's probably the same one.

10 A I'm making -- and I don't want to get into what --
11 where the -- the origin of where they recovered that. But
12 I'm -- I'm basing it on where it was recovered, who it was
13 recovered from, where it was postmarked. And they were
14 bought together.

15 Q No further questions.

16 A Yes, sir.

17 MR. BARNETTE: No further questions, Your Honor. We'd
18 ask the witness be excused.

19 THE COURT: You may step down. You're excused.

20 (Whereupon, the witness was excused.)

21 Q Thank you, sir.

22 A Yes, sir.

23 MR. BARNETTE: Your Honor, we're just checking to see
24 if there's a witness outside there and I have no -- I'm
25 ready to call another one, ready. I will call for sure.

Robert Charles Talanges
Direct examination by Mr. Barnette

1 (Pause.)

2 MR. BARNETTE: Your Honor, I'm going to go ahead and
3 call my next witness, Robert Talanges.

4 ROBERT CHARLES TALANGES,
5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION BY MR. BARNETTE

7 Q If you would, sir, please, state your full name for
8 the record.

9 A Robert Charles Talanges.

10 Q And where do you work at, sir?

11 A I work at Spartanburg County -- Spartanburg County
12 Sheriff's Department.

13 Q And what's your position there, sir?

14 A They call us the I.D. unit or crime scene
15 investigating unit.

16 Q And how long have you been in that position, sir?

17 A Total about 17 years now.

18 Q And prior to working at the sheriff's department did
19 you work somewhere else before that?

20 A I worked at the city of Spartanburg.

21 Q And how long did you work for them, sir?

22 A Over 15 years.

23 Q And what was your position with them or what --

24 A Started as a patrol officer, and from patrol officer I
25 went to becoming an AFIS operator, which is automated

Robert Charles Talanges
Direct examination by Mr. Barnette

1 fingerprint operator, and then to crime scene
2 investigations.

3 Q Back on November 2nd of 2014 was you called to a crime
4 scene at [REDACTED], Pacolet?

5 A Yes, I was.

6 Q And is that in Spartanburg County?

7 A Yes, it is.

8 Q And working that, did you take several pictures, look
9 through the whole house and so forth from there?

10 A When our unit gets called out we have a -- there's a
11 2-team unit, myself and Deputy Stepp.

12 Upon arrival my -- my arrival -- I waited for him to
13 get there. And we both walked together while photographing
14 the exterior of the residence. Yes, sir. We were taking
15 pictures.

16 Q And as you walked through the house did you -- did all
17 of the other rooms seem normal?

18 A Yes, they did. Everything was neat and very tidy.

19 Q And when you got to the victim's bedroom, what did you
20 find, sir?

21 A Victim's bedroom had been ransacked.

22 Q And, obviously, let me get some pictures here. Let me
23 just go through these slowly so we can go -- I will turn
24 them over here real quick. State's Exhibit 21, 22, 23, 24.

25 MR. BARNETTE: Did you want to watch these as I'm

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1 doing it?

2 MR. HALL: Yes.

3 Q 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37,
4 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52,
5 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68,
6 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83,
7 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98.

8 If you would, review those, sir, and see if those pictures
9 fairly represent what you saw that day.

10 (Pause.)

11 Q Sir, if I can ask you to look at these pictures too
12 from the scene, State's Exhibits 101, 102, 103, 137, 138
13 and 158. See if these pictures fairly represent what you
14 saw at the scene too.

15 (Pause.)

16 A Yes, they act -- accurately.

17 Q Accurately represent what you saw?

18 A Accurately represent the photos, that's correct, of
19 the scene.

20 Q And that's on November 2nd when y'all were called to
21 the scene and everything -- 2014.

22 A That's correct.

23 MR. BARNETTE: Your Honor, I'd like to move these into
24 evidence at this time.

25 MR. HALL: Your Honor, I have some objection to

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1 several of them.

2 THE COURT: Let me see those you have objections to.

3 (Bench conference held off the record in the presence
4 of the jury but out of the hearing of the jury.)

5 THE COURT: All right. State's Exhibits Nos. 60 and
6 No. 63 are withdrawn, and the other exhibits, all being
7 photographs, are admitted.

8 There is still objections to which numbers?

9 MR. BARNETTE: Your Honor, I think the numbers that
10 he's got objections to are 59, 76 and 78. I think 76 was
11 modified by the Court.

12 THE COURT: So 59 and 78 are objected, but they're
13 admitted over that objection.

14 MR. HALL: Thank you.

15 MR. BARNETTE: And, Your Honor, just for the record,
16 76, the corner's been cut out. I think Your Honor did that
17 just to make sure the picture is not...

18 THE COURT: Well, I understand there's no objection to
19 76, is that true?

20 MR. BARNETTE: But I think since --

21 MR. HALL: Not with the corner.

22 THE COURT: Okay.

23 (Photographs marked State's Exhibits Nos. 25, 26, 27,
24 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42,
25 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58,

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1 59, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75,
2 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90,
3 91, 92, 93, 94, 95, 96, 97, 98, 101, 102, 103, 137, 138 and
4 158.)

5 Q Permission to publish the pictures to the jury, Your
6 Honor.

7 THE COURT: You may.

8 Q I show you these pictures. I think they're already in
9 evidence before Your Honor, but just to go through, State's
10 Exhibit 21, is this the picture of the front of the house
11 or the location?

12 A Yes, sir, the front.

13 Q Showing you State's Exhibit 22. Is this the back of
14 the residence there, sir?

15 A Yes, it is.

16 Q And was this the car that was there when y'all got
17 there?

18 A Yes, sir.

19 Q Showing you State's Exhibit 23. Is that just another
20 picture of that location?

21 A Back of the house, that's correct.

22 Q And State's Exhibit 24. This is the back of the
23 porch, is that right?

24 A That's the -- the rear entrance for this house was the
25 main entrance. That's what they used.

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1 Q Right. It's really their main entrance, but that was
2 the back of the house, is that right?

3 A That's correct.

4 Q And what was this here, sir?

5 A You've got two plastic chairs and a newspaper that had
6 not been picked up.

7 Q Let me show you State's Exhibit 137. Is that another
8 picture of the paper and the two chairs, sir?

9 A Yes, it is.

10 Q And State's Exhibit 138 is the actual newspaper that
11 was setting on that chair.

12 A That's correct.

13 Q And showing you State's Exhibit 101. This is the
14 picture of the white Buick that was there at the house, is
15 that right?

16 A Yes, sir.

17 Q And 102 is just another picture of it?

18 A Showing the front hood area, that's correct.

19 Q And 103 is another picture of the -- of the vehicle,
20 is that right?

21 A That's correct.

22 Q Okay. Going back to the house, showing State's
23 Exhibit 25. Can you tell us what area this is, sir?

24 A Pardon me?

25 Q Can you tell me what area of the house this is?

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1 A That's going to be the kitchen area showing the
2 countertops to the kitchen table, the stove, the
3 refrigerator.

4 Q And showing you State's Exhibit 57. I believe this is
5 already entered into evidence, but we'll enter it again
6 just to make sure. Was this a diagram that was done by
7 you, sir?

8 A Yes, sir.

9 Q And when we're talking about the kitchen area,
10 obviously, the kitchen is when you come in the rear
11 entrance, you walk across the hallway, which I guess white
12 and black tile was in the hallway. And you go across the
13 kitchen, living room and den area, is that right?

14 A Yes, sir. That's correct.

15 Q And was the victim found here in her bedroom?

16 A Yes, she was.

17 Q Okay. And show you State's Exhibit 26. Is this
18 another picture in the kitchen?

19 A Yes, sir, it is.

20 Q Was anything messed up in the kitchen whatsoever from
21 what you could tell?

22 A Throughout the house or --

23 Q In the kitchen. Was there any -- was it just like we
24 see it here?

25 A The kitchen exactly how we photographed it, nothing

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1 disturbed.

2 Q And State's Exhibit 27. Is this the paper that was on
3 the kitchen table?

4 A Yes, sir.

5 Q State's Exhibit 28. What's that a picture of, sir?

6 A Showing from the ceiling to the countertops and -- and
7 across. That's your countertop, your sink area if you're
8 showing how neat this house really was.

9 Q State's Exhibit 29. Can you tell us about this, sir?

10 A That's going to be your living room area.

11 Q Okay. And was there -- showing you State's Exhibit
12 30. Is this just another picture just showing the corner
13 of that area?

14 A Yes, sir, it is.

15 Q And was any -- everything fairly neat, no nothing
16 messed up or anything?

17 A Nothing throughout the house other than the bedroom.

18 Q State's Exhibit 31. What was this, sir?

19 A That's your remote laying -- laptop computer that's in
20 the living room.

21 Q And was that also -- wound up being the victim's
22 phone?

23 A That's correct.

24 Q State's Exhibit 32. Can you tell us what this is,
25 sir?

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1 A Another picture of the living room showing the --
2 where they, I guess, sat. And you've got some books that
3 were placed on the couch.

4 Q State's Exhibit 33.

5 A That's looking from the living room area back towards
6 the kitchen.

7 Q And, like I say, and I will show you State's
8 Exhibit 34. Was there any -- everything was just set in
9 place, is that right, in the living room?

10 A Everything was neat and orderly.

11 Q State's Exhibit 34. Is this just another area of the
12 living room area?

13 A Yes, sir, it is.

14 Q And State's Exhibit 36. Can you tell us what this
15 area is, sir?

16 A That's the hallway area looking back towards the
17 washer-dryer room.

18 Q And State's Exhibit 37. Was the clothes and
19 everything in order? Was anything out of order from that
20 standpoint?

21 A Everything was -- was hung up and neat, and neat and
22 orderly.

23 Q State's Exhibit 38. Is that a picture from a
24 different -- looking the other way or other angle?

25 A That's coming from the laundry room back towards the

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- 1 front door.
- 2 Q State's Exhibit 39.
- 3 A Showing the closet.
- 4 Q State's Exhibit 40.
- 5 A That's items that are stacked up.
- 6 Q State's Exhibit 41.
- 7 A That's your laundry room area and hallway.
- 8 Q State's Exhibit 42.
- 9 A Washer and dryer.
- 10 Q State's Exhibit 43.
- 11 A That's -- that's the bathroom.
- 12 Q State's Exhibit 44.
- 13 A I believe that's one of the closets.
- 14 Q State's Exhibit 45.
- 15 A That's inside closet.
- 16 Q And, obviously, nothing's messed up or anything.
- 17 A No, no, sir.
- 18 Q State's Exhibit 46.
- 19 A That's going to be a spare bedroom or a storage room
- 20 that they had in the residence.
- 21 Q Was this the bedroom right here, sir?
- 22 A Yes, sir.
- 23 Q So that's the bedroom we're looking at now. State's
- 24 Exhibit 47.
- 25 A That's another picture of the bedroom.

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- 1 Q And, obviously, you had storage things and boxes that
2 was not disturbed or appeared to be disturbed.
- 3 A Nothing appeared to be disturbed, correct.
- 4 Q State's Exhibit 48. Is this the other side of that
5 room?
- 6 A Yes, it is.
- 7 Q State's Exhibit 49. Is this another part of that
8 room?
- 9 A Yes, sir, it is.
- 10 Q And, like I say, but nothing was disturbed as far as
11 you could tell.
- 12 A Correct.
- 13 Q State's Exhibit 50. Was this the book shelf?
- 14 A Book shelf in that room.
- 15 Q State's Exhibit 51. Was this the closet in that room?
- 16 A Yes, sir.
- 17 Q Appear to be anything disturbed in it?
- 18 A Didn't appear to be.
- 19 Q Let me show you State's Exhibit 52. Which bedroom is
20 this, sir?
- 21 A That's going to be --
- 22 Q Let me show you the diagram here. Is it --
- 23 A Yeah. That last room on the right before the entrance
24 door -- exit.
- 25 Q And was that Mark Bradberry's room as you found out

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- 1 later -- his bedroom?
- 2 A Yes, sir, it was.
- 3 Q And is this another picture of that room?
- 4 A Yes, sir.
- 5 Q Is that the other side?
- 6 A That's the other side.
- 7 Q And did it appear the bed had been -- the bed was
- 8 made?
- 9 A Bed was actually made.
- 10 Q State's Exhibit 54. Is this the bottom of that bed --
- 11 a chair?
- 12 A Yes, sir.
- 13 Q State's Exhibit 55. Is that just the corner where the
- 14 T.V. set and some items were?
- 15 A Yes, sir, it is in Mark -- in the bedroom, his
- 16 bedroom, that's correct.
- 17 Q State's Exhibit 56. Was this also in that bedroom?
- 18 A Yes, sir, it is.
- 19 Q And what was that, sir?
- 20 A Appears to be some kind of tool chest, Craftsman tool
- 21 chest.
- 22 Q And it's still setting in the bedroom undisturbed.
- 23 A Yes, sir.
- 24 Q State's Exhibit 58. Is this doorway going into the
- 25 victim's bedroom?

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1 A There were two, actually two, doorways, one in the
2 hallway leading in and one from the living room leading in.

3 Q So was these, this, from the hallway in? Is this from
4 the living room in? And that's the victim's bedroom?

5 A That's correct.

6 Q Is this the one leading from the living room into the
7 victim's bedroom -- this door?

8 A Yes, it is.

9 Q Showing you State's 59. If you would, tell us what
10 you see, what this is here, sir.

11 A Okay. Looking into the victim's room this is -- this
12 is looking from the living room into the bedroom standing
13 in the doorway. You have the bed; you have items that are
14 piled on top of it; and you have the victim in -- in that
15 pile of items. The victim's underneath there.

16 Q And State's -- I know it's hard to see on this picture
17 because of the lighting, but State's Exhibit 61, what did
18 you find on the end of the bed there?

19 A Left end of the bed was a used piece of chewing gum.

20 Q And did you collect that, sir?

21 A Yes, we did.

22 Q And was these T.V. remotes?

23 A T.V. and a cable remote, that's correct.

24 Q Let me show you what's been marked as State's
25 Exhibit 2. I believe that's it. Was that the gum that

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1 you -- did you collect and put that into evidence, sir?

2 A Yes, I did.

3 Q Okay. And was that sent to SLED for testing later?

4 A Yes, it was.

5 MR. BARNETTE: Your Honor, I'd like to enter State's
6 Exhibit 2 into evidence at this time.

7 MR. HALL: No objection.

8 THE COURT: It's admitted.

9 (Used gum marked State's Exhibit No. 2.)

10 Q Showing you State's Exhibit 62. Did you later put a
11 placard beside the gun showing where it was located?

12 A Yes, we did.

13 Q Showing you State's Exhibit 64. If you would, tell us
14 what this is, sir.

15 A Okay. From the living room still looking into the
16 bedroom, the other door there shows the hallway and it
17 shows the room had been ransacked.

18 Q Okay. And across that hall, is that the bedroom that
19 Mark Bradberry stayed in?

20 A Yes, sir.

21 Q State's Exhibit 65. How was the victim when you got
22 in there? Was she covered up?

23 A Items were piled on top of her. We're talking
24 blankets, sheets, pillows. And of course you could see all
25 kinds of bank statements, covered her.

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1 The only thing that was visible when we walked in were
2 her feet were sticking out towards the headboard because
3 she was laying at the foot of the bed.

4 Q And, like I said, these bank statements were on top of
5 the pillows, the blankets and everything else on top of
6 her.

7 A That is correct, on top of her.

8 Q And here's just another picture showing the items as
9 well as the -- another bank statement on top of her.

10 A Yes, sir.

11 Q State's Exhibit 67. Just shows a -- just a bank
12 account statement, is that right, that was found in the
13 materials?

14 A Bank paperwork, that's correct.

15 Q State's Exhibit 68. Is this just another angle of
16 what was on top of her and things like that?

17 A Yes, sir.

18 Q State's Exhibit 69. Same thing?

19 A Yes, sir.

20 Q Just from a different angle?

21 A Another view.

22 Q State's Exhibit 70. Can you tell the jury what this
23 is, sir?

24 A That's showing the floor if you were facing the foot
25 of the bed to the right, and that's the hallway door that's

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1 open to the bedroom. That's all the items that were either
2 removed from the closet or knocked off the dresser. But
3 that's the items that were ransacked in the floor.

4 Q State's Exhibit 72.

5 A That's another picture of it, different angle.

6 Q That's from a different angle, is that right?

7 A Yes, sir.

8 Q State's Exhibit 73.

9 A That's a closeup of a lot of the items that were in
10 the floor.

11 Q Looking here, was there two pairs of gloves out?

12 A There were just two gloves there, period.

13 Q Showing you State's Exhibit 74. Was this the same?
14 This is just a different angle showing the mops and things
15 like that?

16 A Yes, sir.

17 Q Showing State's Exhibit 71. Was this on top of like a
18 desk area beside where you go out to the hallway?

19 A Desk or small dresser.

20 Q Okay. There was a key left on top of that, right?

21 A Yes, sir.

22 Q Okay. State's Exhibit 76, which has been cut off by
23 the Court earlier. Is this just showing the drawers that
24 were open?

25 A To the -- facing of course the foot of the bed, that'd

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1 be to the left side. Those are the dresser drawers that
2 were open.

3 Q And apparently -- there's really not a whole lot done
4 on this side, is there, from there? Really, was there much
5 done in those drawers other than being open?

6 A Other than being open, no, there was not.

7 Q And showing you State's Exhibit 77. Was this the T.V.
8 that was in the corner of her bedroom?

9 A Yes, it is.

10 Q Was anything messed up in this area?

11 A No, there was not.

12 Q Now, you marked placards. You made another diagram
13 concerning the items that you collected, as well as the
14 position of the body of the victim, is that right?

15 A Correct.

16 Q Let me show you State's Exhibit 79. Was this the
17 diagram you did showing how her body -- once you uncovered
18 the body and had everything out, was that the position of
19 the body basically?

20 A Yes, it is.

21 Q And which way was her head pointing towards?

22 A Looking -- after removal, she was laying, appeared to
23 be, on her left side or extended and like in a sleeping
24 position.

25 Q And was her head pointed towards the T.V.?

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- 1 A Yeah. That would have been a more natural way to
2 watch television if you were in the bedroom, how the T.V.
3 was positioned, laying at the foot of the bed.
- 4 Q And the remotes, was they approximately beside her
5 hand?
- 6 A Very close in proximity to the hands, that's correct.
- 7 Q And the piece of gum was in that corner pointing
8 towards the T.V.
- 9 A That's correct.
- 10 Q Let me show you what's been marked as -- on the back
11 of this you actually have listed what the items are that
12 you collected and things like that on the second page, is
13 that right?
- 14 A Yes, sir.
- 15 Q Showing you State's 78. Can you tell us what this is,
16 sir?
- 17 A It's another picture of, of course, the bed. And
18 those are items that were being taken into evidence and
19 marked.
- 20 Q And they correspond with the diagram on some of the
21 items.
- 22 A Yes, they do.
- 23 Q Now, was there blood splatter in the room?
- 24 A Yes.
- 25 Q Let me show you State's Exhibit 80. Is this the roof

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1 of the house -- of the room, the victim's bedroom?

2 A That's the ceiling area.

3 Q And showing you State's 81. Is this actually a
4 closeup picture of it?

5 A Yes, it is.

6 Q Was that blood splatter up on the ceiling?

7 A Yes, it is.

8 Q And State's Exhibit 82. What was that, sir?

9 A That's the floor showing you had blood splatter in the
10 floor as well.

11 Q And State's Exhibit 83. What was that, sir?

12 A That's up on top of, I guess --

13 Q Is that the T.V. or the top of the T.V. stand?

14 A The T.V. stand area, we would call it.

15 Q And State's Exhibit 78. Is that just a closeup of
16 those spots that was found there?

17 A Yes, it is.

18 Q State's Exhibit 85. What was that? What are those,
19 sir?

20 A That's the foot of the bed, and those are markings
21 where we found blood spatter.

22 Q And State's Exhibit 86. What is this, sir, just a
23 closeup picture of some of those spots?

24 A Another picture of a different angle.

25 Q State's Exhibit 87. Can you tell us what that is,

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1 sir?

2 A That's showing more -- the markings, the tape. It's
3 showing more blood spatter on the floor.

4 Q State's Exhibit 88. Did you put placards for certain
5 spots to be used for testing potentially?

6 A Those are areas that we -- we collected spatter from
7 or blood from with those markings.

8 Q State's 32. Was that a closeup of one of the spots
9 you collected for testing?

10 A That -- yes, sir. That's next to, I guess you would
11 call it, the -- the fireplace area, the mantle area
12 beyond -- but it's on the floor.

13 Q Let me show you what's State's Exhibits 3 and 4. If
14 you would, take a look at those, sir.

15 A It's going to be item No. 31 and item No. 32, which
16 are going to be a collection of blood.

17 Q Thirty-two is one of those two places. And you
18 collected the blood from those areas, is that right?

19 A Yeah, by the fireplace.

20 Q Was these the samples that you placed into evidence,
21 sir?

22 A Yes, they are.

23 Q And was those sent to -- to SLED for D.N.A. testing?

24 A Yes, they were.

25 MR. BARNETTE: Your Honor, I'd like to enter these two

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1 things into evidence at this time.

2 MR. HALL: No objection.

3 THE COURT: What are those numbers?

4 MR. BARNETTE: Your Honor, it is No. 3 and No. 4.

5 (Swabs marked State's Exhibit No. 3; swab marked
6 State's Exhibit No. 4.)

7 Q But that wasn't the only blood you found, just in that
8 room, is that right, sir?

9 A That's correct.

10 Q Across the hall on the other bedroom door, which was
11 Mark Bradberry's door to his bedroom, did you find blood
12 swiped or a blood mark?

13 A Blood swipe. It was located on the door. It was
14 photographed and scaled.

15 Q Let me show you what's been marked as State's Exhibit
16 No. 90. I guess this is actually the way it should be that
17 one, but you got a placard 36, is that right, sir?

18 A Yes, sir.

19 Q And a closeup of that picture is State's Exhibit
20 No. 91. Was that the blood swipe you found on that door?

21 A Yes, it is.

22 Q And I guess the blue, is that where you test,
23 presumption test, for blood?

24 A That was a presumptive test. Yes, sir, it is.

25 Q And did it test positive for blood?

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- 1 A Yes, it did.
- 2 Q And is it this swipe here that you were testing?
- 3 A That's correct.
- 4 Q And did you collect that, sir?
- 5 A Yes, we did.
- 6 Q And let me let you see State's Exhibit No. 5.
- 7 A This is my item No. 36, which is going to be a Q-tip
- 8 swab of blood from the bedroom door.
- 9 Q And that was one of your placards. That's where you
- 10 got it from, is that right?
- 11 A Yes. It does.
- 12 Q And was that the item that you collected from that
- 13 door?
- 14 A Yes. I did.
- 15 Q And was that put into evidence, sir?
- 16 A Yes, it was.
- 17 Q And was it sent to SLED for testing?
- 18 A Yes, it was.
- 19 MR. BARNETTE: Your Honor, I'd like to move State's
- 20 Exhibit No. 5 into evidence at this time.
- 21 MR. HALL: No objection.
- 22 THE COURT: It's admitted.
- 23 (Swab marked State's Exhibit No. 5.)
- 24 MR. BARNETTE: May I publish this to the jury, Your
- 25 Honor?

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1 THE COURT: Yes.

2 Q Just to show what you have been talking about and
3 you -- you've gave it a number, and 36 is that number, is
4 that right?

5 A Which corresponds with the diagram, correct.

6 Q So that was the diagram with the placard. And you
7 also placed it on -- State's Exhibit 79. You placed it on
8 the diagram itself.

9 A That's correct.

10 Q Going back. Give an example to the jury. State's
11 Exhibit 92. You went back and added placards to different
12 items.

13 A Yes, we did.

14 Q Like the computer, the remote, the different items
15 that you saw throughout the rooms and stuff.

16 A Yes. We did.

17 Q Did you collect a blanket and her blouse in this
18 case -- the victim's?

19 A Yes, I did.

20 Q And let me show you State's Exhibit 100, as well as
21 State's Exhibit 99. Was that -- 100, is that the blouse
22 that you collected from the victim? You went to the
23 autopsy, is that right, sir?

24 A I attended the autopsy. I collected all evidence at
25 that location. This is the black shirt she was wearing.

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1 Yes, sir. This is going to be the -- the shoes and a
2 blanket.

3 MR. BARNETTE: Your Honor, I'd like to enter State's
4 Exhibits 99 and 100 into evidence at this time.

5 MR. HALL: No objection.

6 THE COURT: They're admitted.

7 (Blanket marked State's Exhibit No. 99; victim's shirt
8 marked State's Exhibit No. 100.)

9 Q Instead of pulling those out, I'd like to just show
10 you some pictures from there. Showing the blanket, State's
11 Exhibit 93. Is this the blanket that was over the top of
12 her?

13 A Yes, it was. It's showing the scale and it's showing
14 cut marks to the cloth.

15 Q So the white -- the white -- the small white parts,
16 that's the cloth itself.

17 A That's correct.

18 Q Closeup of different other cut marks.

19 A Yes, sir.

20 Q Ninety-four. I'm sorry.

21 A This was all done in the lab after everything dried.
22 That's -- you'll see these are lab photos.

23 Q And State's Exhibit No. 95. Was this the shirt that
24 she was wearing?

25 A Yes, it was.

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- 1 Q And are these cut marks over here, sir?
- 2 A Yes, sir.
- 3 Q State's Exhibit 96. Was these also cut marks
- 4 indicated at those spots?
- 5 A Yes, sir.
- 6 Q And is this dried blood, I guess, on the shirt?
- 7 A Yes, it is.
- 8 Q Ninety-seven. Is this another picture of some of the
- 9 cuts that's in the shirt?
- 10 A Yes, it is.
- 11 Q Ninety-eight. And do you identify the number of marks
- 12 there or cuts that you could find from there?
- 13 A What I located was a total number of 12.
- 14 Q And you attended the autopsy, is that correct, sir?
- 15 A Yes, I did.
- 16 Q At that time did you obtain the blood sample from Dr.
- 17 Wren of -- and watched him take the blood sample from the
- 18 victim in this case?
- 19 A Yes, I did.
- 20 Q And also the fingernail scrapings that was also taken?
- 21 A And I collected all of the items from him.
- 22 Q Okay. I believe that's going to be State's 1 and
- 23 State's 7, I believe. Yeah. Just look at those, sir, and
- 24 see if those items verify the blood sample you got from
- 25 her -- or not from her but Dr. Wren in your presence, as

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1 well as the fingernail scrapings that were taken from her.

2 A The fingernail scrapings, yes.

3 Q And I believe they used it, but those are the forms or
4 documents that they put in.

5 A SLED does, that's correct. Yes, sir.

6 MR. BARNETTE: Your Honor, I'd like to enter State's
7 Exhibits 1 and 7 into evidence at this time.

8 MR. HALL: No objection.

9 THE COURT: They're admitted.

10 (Dried blood standard marked State's Exhibit No. 1;
11 fingernail scrapings marked State's Exhibit No. 7.)

12 Q A few more pictures just going back to the house.

13 State's Exhibit 75. Was that her closet?

14 A Yes. It's a closet.

15 Q And it seemed like there are just some cards in the
16 bottom, but there's, basically, nothing really was done in
17 that closet, was it?

18 A That's correct. I mean, on the bottom of the picture
19 you'll see where credit cards and items were, I guess,
20 altered in the closet.

21 Q Okay. And let me show you State's Exhibit 158. Did
22 y'all look around to see if any weapons were around in the
23 location?

24 A We did. And the only item we found missing was we
25 found an empty slot on the -- on the butcher block with the

Robert Charles Talanges
Direct examination by Mr. Barnette

1 knives in the kitchen area.

2 Q And was that knife ever located or seen in that
3 residence?

4 A No, it was not.

5 Q Okay. Did you also obtain a blood or a D.N.A. sample
6 from the defendant in this case, Mark Bradberry?

7 A Yes, I did.

8 Q Let me let you look at that there. It's marked as
9 State's Exhibit No. 8.

10 A Clocked it in 11/3/2014 at 1530 -- p.m. It'd be at
11 the sheriff's office investigations area.

12 Q And did you put that into evidence, sir?

13 A Yes, I did.

14 Q And was that sent to SLED for testing also?

15 A Yes, it was.

16 MR. BARNETTE: Your Honor, I'd like to enter this into
17 evidence at this time.

18 MR. HALL: Defendant has no objection.

19 THE COURT: It's admitted.

20 (Buccal swabs marked State's Exhibit No. 8.)

21 Q Just to publish just to show the jury there. It was
22 collected from the defendant in this case, is that right?

23 A That's correct.

24 Q At the autopsy, what kind of injuries did -- did you
25 see that happened to the victim in this case?

Robert Charles Talanges
Direct examination by Mr. Barnette

1 A I seen head trauma, as well as multiple stab wounds.

2 Q And Dr. Wren -- I know he'll be testifying later, but,
3 obviously, several stab wounds, obviously.

4 A Yes, sir.

5 Q Trauma to the head and the face and so forth?

6 A Head -- head trauma because we found bits and pieces,
7 appeared to be skull fragments on some of the -- the
8 pillow, and a big laceration to the face. And it looked
9 like a large laceration to the neck area, beside stab
10 wounds.

11 Q Later on did you go to [REDACTED] to collect
12 some items there?

13 A Yeah, yes, I did.

14 Q And what items did you collect, sir?

15 A It's going to be a prescription, cell phone.

16 Q Let me show you what's been marked as State's
17 Exhibits 157, 143. And I believe there's one other item
18 you collected if I can find that real quick. Here you go.
19 And State's Exhibit 108.

20 A Yeah, yeah. Cell phone charger, the Bi-Lo
21 prescription, bag with prescriptions. There was a total of
22 four. And a lottery ticket, a lottery card.

23 MR. BARNETTE: Your Honor, I think two of these items
24 are already into evidence, but I'm going to make sure all
25 three of them are. But I'd like to move State's

Robert Charles Talanges
Direct examination by Mr. Barnette

1 Exhibits 157, 108 and 143 into evidence.

2 MR. HALL: No objection.

3 THE COURT: Tell me what 143 and 157 are. 157 is in.

4 MR. BARNETTE: Yes, sir. 108 and 143.

5 THE COURT: And 143 is what?

6 MR. BARNETTE: 143 is the cell phone with charger, and
7 then 108 is the Mega million lottery ticket.

8 THE COURT: Thank you.

9 (Mega millions ticket marked State's Exhibit No. 108;
10 photograph marked State's Exhibit No. 143.)

11 MR. BARNETTE: May I publish these to the jury, Your
12 Honor?

13 THE COURT: You may.

14 Q Just showing here. These were all collected. 130
15 Holiday. I said 120. 130 Holiday Court is the home of
16 Brenda Kean, is that right?

17 A That's correct.

18 Q And that was a Mega millions lottery ticket. And this
19 was also the prescription bag, I think, we saw earlier.

20 A Yes, sir.

21 Q Was that also collected there?

22 A Yes, sir.

23 Q Let me show the jury. It was, actually, the Bi-Lo bag
24 that we saw earlier.

25 And then the cell phone was recovered at 130 Holiday

Robert Charles Talanges
Direct examination by Mr. Barnette

1 Court in Pacolet from Brenda Kean.

2 A That is correct.

3 Q And was this later found out to be the defendant's
4 cell phone?

5 A Yes, sir.

6 MR. BARNETTE: One moment, Your Honor, please.

7 (Pause.)

8 Q If you would, sir, please answer any questions that
9 the defense may have for you, sir.

10 THE COURT: Any juror need a break before we continue
11 with the examination?

12 All right. I do have at least one. Let me ask you to
13 go to your jury room. Don't discuss the case. We'll bring
14 you back after that break.

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

17 THE COURT: The witness can step down. You can't
18 discuss your testimony during the break.

19 We'll be at ease for 15 minutes.

20 (Whereupon, a recess was taken.)

21 THE COURT: All right. Are we ready for the jury?

22 MR. BARNETTE: Yes, sir.

23 THE COURT: Bring them in.

24 (The following takes place in the presence of the
25 jury.)

Phyllis Vandergriff
Direct examination by Mr. Barnette

1 THE COURT: Mr. Hall.

2 MR. HALL: The defense has no questions of this
3 witness, Your Honor.

4 THE COURT: You may step down.

5 MR. BARNETTE: May this witness be excused, Your
6 Honor?

7 THE COURT: He may be.

8 (Whereupon, the witness was excused.)

9 MR. BARNETTE: Your Honor, I'd like to call Phyllis
10 Vandergriff.

11 PHYLLIS VANDERGRUFF, having
12 been first duly sworn, testified as follows:

13 DIRECT EXAMINATION BY MR. BARNETTE

14 Q If you would, ma'am, please, give your full name for
15 the record.

16 A It's Phyllis Vandergriff.

17 Q I'm going to have to ask you to speak up because
18 they're going to need to be able to hear you in the back
19 row.

20 A Phillips Vandergriff.

21 Q Thank you, ma'am. I appreciate it.

22 Where do you work at, ma'am?

23 A Pilot Flying J.

24 Q And what's your position there, ma'am?

25 A C.C.T.V. support specialist.

Phyllis Vandergriff
Direct examination by Mr. Barnette

1 Q And what's part of your duties? Is part of your
2 duties to maintain video cameras at the Flying J throughout
3 the Southeast?

4 A Yeah. Pilot and Flying Js all over the U.S. and
5 Canada.

6 Q Okay. And how many of those are there, ma'am?

7 A Roughly 700 if you include the c-stores and dealers.

8 Q Okay. The Flying J in Columbia, did you maintain the
9 videos on those stores also?

10 A Yes, sir.

11 Q And did we -- we ask you to pull the video from one of
12 those stores, and from October 30th of 2014? And did you
13 do that, or was that done for us, ma'am?

14 A Yes, sir.

15 Q And let me show you what's been marked State's Exhibit
16 117. Was that the video from the Flying J store in
17 Columbia?

18 A Yes.

19 Q And this is the video that came from that camera or
20 those cameras, I should say.

21 A Yes.

22 Q Because this also has the inside of the store, as well
23 as the gas pumps, is that right?

24 A Correct.

25 MR. BARNETTE: Your Honor, I'd like to enter State's

Lance King
Direct examination by Mr. Barnette

1 Exhibit 117.

2 MR. HALL: No objection.

3 THE COURT: It's admitted.

4 (D.V.D. marked State's Exhibit No. 117.)

5 Q And that was provided to law enforcement per you, is
6 that right, ma'am?

7 A Yes.

8 Q If you would, please answer any questions that
9 Mr. Hall may have for you.

10 MR. HALL: I have no questions of this witness, Your
11 Honor.

12 THE COURT: Step down.

13 MR. BARNETTE: We ask for the witness to be excused,
14 Your Honor.

15 THE COURT: She may be.

16 (Whereupon, the witness was excused.)

17 MR. BARNETTE: Your Honor, our next one will be Lance
18 King.

19 LANCE KING, having been first
20 duly sworn, testified as follows:

21 DIRECT EXAMINATION BY MR. BARNETTE

22 Q If you would, sir, please, give your full name for the
23 record.

24 A My name's Lance King.

25 Q And where do you work at, sir?

Lance King
Direct examination by Mr. Barnette

1 A I work for Sears Holdings Corporation -- K-Mart. It's
2 all one entity.

3 Q Okay. It's one -- the K-Mart.

4 A Yes, K-Mart, correct, K-Mart, yeah.

5 Q And what's your job with them, sir?

6 A I do asset protection.

7 Q I'm going to ask you to speak up so they can hear you.

8 A I do asset protection. I manage the cameras and theft
9 work.

10 Q So part of your duty is the cameras here at K-Marts in
11 South Carolina, the Myrtle Beach area.

12 A Correct.

13 Q And there is a K-Mart in North Myrtle Beach or the
14 Myrtle Beach area. Did law enforcement contact K-Mart to
15 receive a copy of videos from cameras inside the K-Mart
16 there?

17 A They did.

18 Q And did you review this video to make sure it was from
19 those cameras?

20 A I did.

21 Q Is this State's Exhibit 18, is that a copy of that
22 K-Mart surveillance that was done at Myrtle Beach, that
23 Myrtle Beach store?

24 A Yes, it is.

25 MR. BARNETTE: Your Honor, I'd like to introduce

Michael Sean Nix
Direct examination by Mr. Barnette

1 State's Exhibit 118 into evidence.

2 MR. HALL: No objection.

3 THE COURT: It's admitted.

4 (D.V.D. marked State's Exhibit No. 118.)

5 Q And this was provided to law enforcement, is that
6 right, sir?

7 A Absolutely, yes, sir.

8 Q Thank you, sir.

9 MR. BARNETTE: We'd ask the witness be excused, Your
10 Honor.

11 MR. HALL: No questions; no objections.

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

13 MR. BARNETTE: Your Honor, I'd like to call
14 Investigator Sean Nix to the stand.

15 MICHAEL SEAN NIX, having been
16 first duly sworn, testified as follows:

17 DIRECT EXAMINATION BY MR. BARNETTE

18 Q If you would, sir, state your full name for the
19 record.

20 A Michael Sean Nix, Spartanburg County Sheriff's Office.

21 Q And what is your position with the sheriff's
22 department, sir?

23 A I work in the forensics unit.

24 Q And how long have you been with the sheriff's
25 department, sir?

Michael Sean Nix
Direct examination by Mr. Barnette

1 A The sheriff's department, I've been with them a little
2 over 15 years.

3 Q Back on November 3rd of 2014 was you called to a
4 location in Pauline, South Carolina?

5 A On November 2nd, I was called.

6 Q Oh, I'm sorry. November 3rd. I'm sorry. I jumped
7 ahead of myself.

8 A Yes, sir, I was.

9 Q On November 3rd. Well, let me ask you this. On
10 November 2nd was you actually called to a crime scene in
11 Pacolet?

12 A Yes, sir, I was.

13 Q I was kinda jumping ahead. But actually you was
14 called to another scene on November 3rd of 2014.

15 A Yes, sir, I was. I'm sorry.

16 Q And where was that location in Pauline?

17 A In Pauline it's right before Highway 56 runs into
18 Blackstock, not far from it.

19 Q And what was the location with the address?

20 A Oh, I'm sorry. It is [REDACTED]

21 Q And when you arrived was y'all notified that the
22 defendant was possibly there in a vehicle?

23 A When I arrived I was advised by investigators on the
24 scene that the defendant was at that address with that
25 vehicle or with a vehicle, yes, sir.

Michael Sean Nix
Direct examination by Mr. Barnette

1 Q And did you take pictures of the vehicle once inside
2 the vehicle?

3 A Yes, sir.

4 Q Let me show you what's been marked as State's
5 Exhibits 119, 120, 121, 122, 123, 124, 125 and 126. See if
6 those pictures fairly represent what you saw on
7 November 3rd of 2014.

8 A Yes, sir.

9 MR. BARNETTE: Your Honor, I'd like to move these into
10 evidence at this time.

11 MR. HALL: No objection.

12 (Photographs marked State's Exhibits Nos. 119, 120,
13 121, 122, 123, 124, 125 and 126.)

14 MR. BARNETTE: Permission to publish to the jury, Your
15 Honor.

16 THE COURT: They're admitted. You may.

17 Q This location, was this where the car was located when
18 you arrived there, sir?

19 A Yes, sir.

20 Q And was it behind the shed?

21 A Yes, sir.

22 Q And is the road back towards this way?

23 A Yes, sir, the road is back towards this way. We're
24 looking in the picture.

25 Q Okay. And 120. Is this another picture of the

Michael Sean Nix
Direct examination by Mr. Barnette

1 vehicle?

2 A Yes, sir, it is.

3 Q And was this vehicle registered to Connie Bataille, to
4 the victim in this case?

5 A Yes, sir. If I remember correctly, it is.

6 Q Inside the vehicle -- showing you State's
7 Exhibit 121 -- was there several letters and items found
8 inside the car?

9 A Yes, sir.

10 Q Did you collect and put those into evidence, sir?

11 A Yes, sir.

12 Q State's Exhibit 122. Did you look in the back of the
13 car also?

14 A Yes, sir.

15 Q And did you find some prescriptions or bottles in the
16 back?

17 A Yes, sir. I found prescription bottles. They were
18 actually inside of a black bag containing some other items
19 as well.

20 Q Okay. Going back to 120, is that the black bag that
21 you're talking about, the back there?

22 A Yes, sir. It's hard to see, but that is it.

23 Q And 123. 124, is that the bottles that you found
24 inside of the bag?

25 A Yes, sir.

Michael Sean Nix
Direct examination by Mr. Barnette

1 Q 125, is that something else you found inside of the
2 car?

3 A Yes, sir. That is a receipt.

4 Q Okay. And 126, is that a copy of the receipt that --
5 or picture of the receipt that was found in the bag?

6 A Yes, sir.

7 Q Okay. And that was dated October 31st of 2014?

8 A Yes, sir.

9 Q 10:39 p.m. or a.m. Excuse me.

10 A A.M., yes, sir.

11 Q And does that appear to be a Chick-Fil-A in Myrtle
12 Beach?

13 A It does. Double drive through.

14 Q Going back to the letters that you found -- and that's
15 in State's Exhibit 121 -- you collected and put those into
16 evidence, is that right, sir?

17 A Yes, sir.

18 Q And let me show you State's Exhibit 159. Are those
19 the actual letters that you collected?

20 A Yes, sir.

21 Q And I know you reviewed them earlier and looked
22 through them earlier. Those are the actual letters?

23 A I'm sorry, sir?

24 Q Those are the actual letters you collected from the
25 scene?

Michael Sean Nix
Direct examination by Mr. Barnette

1 A Yes, sir, yes, sir.

2 Q Okay. I know you reviewed this earlier or whatever.

3 Let me show you State's Exhibits 127, 128, 130, 129, 131,

4 132 and 133. I know those are copies and these are the

5 original in those. Was those the copies of the letters

6 that you obtained out of that car that day?

7 A Yes, sir.

8 Q And you placed them into evidence, is that right, sir?

9 A Yes, sir, I did.

10 MR. BARNETTE: Your Honor, I'd like to enter State's

11 Exhibits 127 through 133 into evidence at this time.

12 MR. HALL: Your Honor, we don't object to them coming

13 in as what was found in the car through the author and

14 everything else. We -- we might have objections on that.

15 They were found at the -- in the car but --

16 THE COURT: You do have an objection, or you do not?

17 MR. HALL: We have an objection as to if they're going

18 to say who wrote them.

19 MR. BARNETTE: Your Honor, can I be heard on that?

20 THE COURT: Let me see y'all just a minute.

21 (Bench conference held off the record in the presence

22 of the jury but out of the hearing of the jury.)

23 THE COURT: Overrule the objection.

24 MR. BARNETTE: Thank you, Your Honor.

25 And, Your Honor, State's Exhibit 159 is the original

Michael Sean Nix
Direct examination by Mr. Barnette

1 letters. I was going to enter those in too.

2 MR. HALL: No additional objection, Your Honor.

3 THE COURT: You're introducing the copies and the
4 originals?

5 MR. BARNETTE: Well, the copies are easier to read.

6 THE COURT: Okay.

7 (Last will and testament marked State's Exhibit No.
8 127; letters marked State's Exhibits 128 through 133;
9 original letter marked State's Exhibit No. 159.)

10 MR. BARNETTE: Permission to publish.

11 THE COURT: You may.

12 Q Just showing what the letter -- just different things
13 that was introduced. State's Exhibit 127. Was that the
14 last will and testament of Mark Allen Bradberry? Is that
15 what it appears to be?

16 A Yes, sir. I'm sorry.

17 Q State's Exhibit 128 was a letter to Brenda, is that
18 right?

19 A Yes, sir.

20 Q State's Exhibit 129 is a letter to McKenna.

21 A Yes, sir.

22 Q And I believe the letter actually goes in there.

23 And State's Exhibit 130 is a letter to Matthew Bataille
24 and family, is that right?

25 A Yes, sir.

Michael Sean Nix
Direct examination by Mr. Barnette

1 Q And letter 131 is a letter to Mark, Jr.

2 A Yes, sir.

3 Q And State's Exhibit 132 was just a letter to Tiffany.

4 A Yes, sir.

5 Q And State's Exhibit 133 was a letter to Jack Looney.

6 A Yes, sir.

7 MR. BARNETTE: One moment, Your Honor, please.

8 (Pause.)

9 Q Did you also take a picture of the defendant in this
10 case?

11 A Yes, sir, I did.

12 Q Let me show you what's been marked at State's
13 Exhibit 141. Does that picture fairly represent the cut
14 mark that you took off the defendant's arm that day?

15 A Yes, sir.

16 MR. BARNETTE: Your Honor, I'd like to enter State's
17 Exhibit 141 into evidence.

18 MR. HALL: No objection.

19 THE COURT: 141?

20 MR. BARNETTE: Yes, sir.

21 THE COURT: It's admitted.

22 (Photograph marked State's Exhibit No. 141.)

23 MR. BARNETTE: May I publish that to the jury, Your
24 Honor?

25 THE COURT: You may.

Michael Sean Nix
Cross-examination by Mr. Hall

1 Q And this was taken on November 3rd of 2014, is that
2 right?

3 A Yes, sir.

4 Q And does that picture fairly represent the cut mark
5 that was on his arm?

6 A Yes, sir.

7 Q If you will, please, answer any questions Mr. Hall may
8 have for you, sir. Thank you.

9 CROSS-EXAMINATION

10 BY MR. HALL

11 Q Investigator Nix --

12 A Uh-huh.

13 Q -- you took photographs and collected what you found.

14 A Yes, sir.

15 Q And as far as the -- what you refer to as a cut --

16 A Uh-huh.

17 Q A cut or a scratch or -- did it appear to be bleeding
18 or --

19 A At the time of the photograph it was not bleeding.

20 Q Okay. He didn't need any medical attention. I'm just
21 trying to see how bad this injury was. Was there any kind
22 of band-aid on it beforehand?

23 A I don't recall there being one, yes, sir.

24 Q Did you or the jail feel that it needed to be tended
25 to?

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 A I can't speak for the jail, but, no, I don't think it
2 needed to be tended to.

3 Q And you didn't know how that scratch got there.

4 A I do not.

5 MR. HALL: I have no further questions.

6 MR. BARNETTE: No further questions of the witness,
7 Your Honor. May he be excused?

8 THE COURT: You may step down.

9 (Whereupon, the witness was excused.)

10 MR. BARNETTE: May we approach for a second, Your
11 Honor?

12 THE COURT: Sure.

13 (Bench conference held off the record in the presence
14 of the jury but out of the hearing of the jury.)

15 MR. BARNETTE: I would like to call Investigator
16 Letterman to the stand.

17 MURRAY BRANDON LETTERMAN,
18 having been first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. BARNETTE

20 Q If you would, sir, please state your full name for the
21 record.

22 A It's Murray Brandon Letterman.

23 Q And where do you work at, sir?

24 A Spartanburg County Sheriff's Office.

25 Q And what is your position there, sir?

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 A I'm sergeant over violent crimes, criminal
2 investigation division.

3 Q And how long have you been at the sheriff's
4 department, sir?

5 A I've been at the sheriff's office for 11 years.

6 Q Was you called in to investigate the death of Connie
7 Bataille?

8 A I was.

9 Q And was y'all notified on November the 2nd of 2014?

10 A We were.

11 Q And did you go to the location of her home?

12 A We went to the location of her home, yes, sir.

13 Q And was that [REDACTED] in Pacolet?

14 A Yes, sir.

15 Q And when you arrived there, if you would, tell the
16 jury what -- what you did at that point.

17 A When we first got on the scene we met with family
18 members who had discovered the body inside. Spoke with
19 them.

20 We then secured a search warrant for the residence.
21 Once the search warrant was secured for the residence we
22 entered the residence to process the scene.

23 When we entered the residence we found the victim,
24 Mrs. Bataille, in her bedroom laying in her bed with a
25 blanket covering her and the room ransacked and several

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 what appeared to be bank statements laying on top of the
2 blanket on top of her body.

3 Q Was there any other rooms messed up or anything else
4 wrong with any of the other rooms as far as you could tell?

5 A No. Everything else looked like it was in place and
6 normal.

7 Q What did the crime scene look to you based off your
8 experience and working, I mean, working cases like this?

9 A It appeared to me based off my experience to be a
10 staged crime scene.

11 Q Okay. So have you worked other burglaries, break-ins,
12 things like that?

13 A Yes, sir. Before going to violent crimes I'd worked
14 property crimes, yes, sir.

15 Q And when you normally go in those type of cases what
16 do you usually see in houses like that?

17 A See the entire house ransacked, valuables missing,
18 things along those lines.

19 Q And did you -- was her car there when you got there?

20 A Her car was not there.

21 Q And who was supposed to living with her at the time?

22 A We had learned during the initial investigation and
23 talking with family members that her son, Mark Allen
24 Bradberry, had lived, was living there with her.

25 Q Was he in the residence or anywhere in the area?

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 A No, sir.

2 Q Did y'all try to look for him?

3 A We did.

4 Q If you would, tell -- tell how the investigation took
5 off and went from that direction after.

6 A Once upon viewing the scene and determining that
7 Mr. Mark Allen Bradberry lived with her at the house, we
8 initially wanted to speak to him to see what he might have
9 seen as a person of interest.

10 We were not able to locate him initially, so therefore
11 we placed Mrs. Bataille's vehicle into the N.C.I.C.
12 computer, which is the national crime information computer,
13 and placed it as a possible stolen vehicle and
14 Mr. Bradberry as a person of interest we'd like to speak
15 with.

16 That system is utilized by all law enforcement
17 agencies in the whole United States. So if they were to
18 run the tag on the car it would come back with a message
19 that we had added to it, which they were to stop the car
20 and notify us.

21 Q And what happened with the investigation from that
22 point after you put it in, the car stolen -- the car was
23 stolen in N.C.I.C.?

24 A And once we placed it in N.C.I.C. we didn't receive
25 any hits or anything on it like that.

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 I believe the next day, November the 3rd, we were
2 notified. I overheard -- well, somebody called me from the
3 sheriff's office stating that some officers were headed to
4 an address on Highway 56 in Pauline in reference to
5 Mr. Bradberry being seen there asleep in his car.

6 We then headed down to that address in Pauline --
7 myself and several investigators -- at which point we
8 approached the car, and Mr. Bradberry was inside the
9 driver's seat of Mrs. Bataille's car.

10 We got Mr. Bradberry out of the car, spoke with him
11 there at the scene, then transported him to the Spartanburg
12 County Sheriff's Office where we interviewed him at that
13 point.

14 Q And at the time was he -- whose car was he in at the
15 time y'all were --

16 A Mrs. Connie Bataille, his mother's car.

17 Q And the letters that we saw and everything, were they
18 in the front seat of that car?

19 A Yes.

20 Q And did you review those letters later?

21 A I did.

22 Q Afterwards going through that. And showing you
23 State's Exhibit 127. Did this appear to be his last will
24 and testament he done on November 1st of 2014?

25 A Yes, sir.

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 Q And he had told where -- what he wanted -- where he
2 wants the items to go and everything from there?

3 A That's correct, yes.

4 Q Let me show you what's been marked and entered into
5 evidence as State's Exhibit 128. Was this the letter to
6 Brenda, his girlfriend?

7 A Yes, it is.

8 Q And going to page four of the -- page four of the
9 letter to Brenda -- if you would, read the first paragraph
10 or down to -- read from here to here, sir, if you would.

11 A Okay. Do you mind if I step down?

12 Q Yeah, if you want to step down.

13 (Whereupon, the witness left the stand.)

14 Q And I may can make that bigger, sir.

15 A Where did you want me to step -- stop at?

16 Q If you would, go to the top, to the right here.

17 A Okay. "Then they wouldn't refill my meds and I tried
18 to tell you that needed to move back in and get away from
19 my mom. Every day all she did was put you down and say --
20 and say bad things about you because she didn't like the
21 name McKenna. She bitched and moaned and complained about
22 any and every thing we did. I couldn't take it any
23 longer."

24 (Whereupon, the witness returned to the stand.)

25 Q We could read some more of the other letters but --

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 A Okay.

2 Q -- that was in the letter that was written to his
3 girlfriend, Brenda, which is McKenna's mom, is that right?

4 A That's correct.

5 Q Through your investigation and those other letters
6 with other members of the family -- we'll get into those
7 later too -- did you locate where he had went to Bi-Lo at
8 Fernwood?

9 A We did.

10 Q And did you get the video from the Fernwood Bi-Lo?

11 A I did, yes, sir.

12 Q I know the jury has already seen this, State's
13 Exhibit 12. Was a still taken from that video? Is that
14 right?

15 A That's correct.

16 MR. BARNETTE: Your Honor, permission to play State's
17 Exhibit No. 11 for the jury.

18 THE COURT: You may.

19 Q In the video there's -- the Bi-Lo video there are 16
20 different cameras, is that right?

21 A That's correct.

22 (Whereupon, the video was played for the jury.)

23 Q If you would, come on and step down. It might be
24 easier to see.

25 (Whereupon, the witness left the stand.)

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 Q Okay. Starting out here, we've got several. We've
2 got actually the parking lot ones here. Is this the
3 entrance where the Coinstar is coming into --

4 A I do believe so, yes, sir.

5 Q And then the pharmacy one is actually up here?

6 A Correct.

7 Q And I want to try to center in these as they come in.
8 Shows the parking lot and things like that.

9 I believe you were shuffling the driver's viewing in
10 the north part of the picture here.

11 A Okay.

12 Q When you get out of the car here and then walk, I
13 guess on the left side of the parking lot here, is that
14 correct, sir?

15 A That's correct, yes.

16 Q Is that him coming on the side of the screen there?

17 A That is.

18 Q Is this the exit into where the Coinstar is on the
19 right there?

20 A It is.

21 Q That's the machine.

22 A It is.

23 Q Is that him?

24 A Yes. That's him entering the store.

25 Q And does he appear to have something in his right

Murray Brandon Letterman
Direct examination by Mr. Barnette

- 1 hand?
- 2 A He does.
- 3 Q And that's when he goes to the Coinstar and cashes the
- 4 coin in, is that right?
- 5 A Yes.
- 6 Q Is this the front of the store there at Fernwood, the
- 7 Fernwood Bi-Lo at Hillcrest?
- 8 A It is.
- 9 Q Is this him going right here?
- 10 A It is.
- 11 Q And does he go to the desk to cash in his Coinstar?
- 12 A He does.
- 13 Q And is that Mr. Bradberry going to the desk?
- 14 A It is.
- 15 Q At some point he goes to the pharmacy, is that right?
- 16 A Yes.
- 17 Q And then after that he leaves the store, is that
- 18 right?
- 19 A That's correct.
- 20 Q And leaving the store?
- 21 A Yes.
- 22 Q He goes back to the car, and then he pulls off, is
- 23 that correct?
- 24 A That's correct.
- 25 Q And that car he is driving at this point appears to be

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 his Buick, is that -- or he'd drove or that was left at the
2 house?

3 A That's correct.

4 Q And, again, this is his car or...

5 A Yes.

6 Q Is that the car pulling out now?

7 A It is, yes.

8 Q Thank you, sir. Please have a seat.

9 (Whereupon, the video was completed.)

10 (Whereupon, the witness returned to the stand.)

11 Q Through your investigation did you check Connie
12 Bataille's bank records and so forth?

13 A We did. We executed a search warrant on her bank
14 records.

15 Q And did you obtain those bank records?

16 A We did.

17 Q Did you find that he had actually went to a bank
18 machine in Columbia, South Carolina?

19 A We did.

20 Q Was that on October the 30th?

21 A That's correct.

22 Q And prior to that did you find out about him going to
23 a pawn shop here in Spartanburg for that?

24 A Yes.

25 Q And did you get the bank -- was you the one that went

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 and got or talked to Mr. Tobias about the ticket and so
2 forth?

3 A I am.

4 Q I know the jury's already seen the ticket. From the
5 ticket itself, he had actually pawned jewelry items on
6 October 30th at 1:20 a.m., is that right?

7 A That's correct.

8 Q Then the Flying J. You verified A.T.M. Did you
9 contact them about getting the video for that?

10 A I did.

11 Q And instead of showing the whole video to the jury
12 like we just did, did you do a still off that video?

13 A Yes.

14 Q And this is actually inside, is that right?

15 A That's correct.

16 Q And which Flying J is this in Columbia, do you know?
17 If you need to refer to your notes, you can.

18 A Yeah. If you don't mind. I believe it's 5901
19 Fairfield Road in Columbia.

20 Q Okay. And does this picture fairly represent what was
21 on the video?

22 A Yes.

23 Q And that's where he made the \$400 withdrawal out of
24 the A.T.M. machine?

25 A That's correct.

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 Q Using Connie Bataille's account.

2 A That's correct.

3 MR. BARNETTE: Your Honor, I'd like to enter State's
4 Exhibit 142 into evidence at this time.

5 MR. HALL: No objection.

6 THE COURT: It's admitted.

7 (Photograph marked State's Exhibit No. 142.)

8 Q And this is the Flying J in Columbia where he used the
9 A.T.M. machine, is that right?

10 A That is correct.

11 Q And is that him in the blue shirt? I guess similar to
12 what he was wearing that -- earlier when we saw him.

13 A Yes, sir.

14 Q Underneath that. And based off your investigation
15 where did you track him to? Where did he go from there?

16 A To Myrtle Beach.

17 Q And did you actually go to Myrtle Beach?

18 A I did.

19 Q And you collected items down there?

20 A I did sir, yes, sir.

21 Q Did you find where he had been staying at?

22 A Yes. He had stayed at the Bar Harbor Motel --
23 hotel -- there in Myrtle Beach.

24 Q And did you get a receipt from them showing it?

25 A Yes.

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 Q Let me show you what's been marked as State's
2 Exhibit 114. And that's a receipt that you received.

3 A Yes.

4 Q And is that the copy -- does that copy fairly
5 represent that?

6 A Yes.

7 MR. BARNETTE: Your Honor, I'd like to enter State's
8 Exhibit 114 into evidence at this time.

9 MR. HALL: No objection.

10 (Copy of guest registration marked State's Exhibit No.
11 114.)

12 MR. BARNETTE: Permission to publish it to the jury,
13 Your Honor.

14 THE COURT: You may.

15 Q And he checked in there, I believe, in October 31st of
16 2014, is that right? It's hard to read.

17 A I believe that's the 30th.

18 Q 30th. And when did he depart? Does this say?

19 A On the 2nd.

20 Q On the 2nd. And did he sign the bottom that he
21 agreed?

22 A Yes.

23 Q That's his signature.

24 Back here, I guess, actually shows the charges. Put it
25 down where you can see. Shows the charges that were

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 incurred. So he came in October 30th of 2014, and he was
2 charged through November 1st of 2014.

3 A That's correct.

4 Q Where else -- where else did you find out he had been
5 to?

6 A We found out that he had been to the K-Mart there in
7 Myrtle Beach.

8 Q Okay. And did you obtain the video from that, from
9 K-Mart, concerning that?

10 A I did.

11 Q Instead of showing you the whole video let me show you
12 several stills from that. And I believe they're marked,
13 and I've got different -- I believe it's 147, 148, 149,
14 150, 151, 152, 153, 154, 155 and 156. If you would, look
15 at those. See if those fairly represent what you saw on
16 the video.

17 THE COURT: While he is looking at those, let me see
18 y'all.

19 (Bench conference held off the record in the presence
20 of the jury but out of the hearing of the jury.)

21 A Yes, sir, they do.

22 Q Okay.

23 MR. BARNETTE: Your Honor, I'd like to enter these
24 into evidence at this time.

25 Your Honor, we can stop at that. We can stop at this

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 point.

2 MR. HALL: No objection.

3 THE COURT: They're admitted.

4 (Photographs marked State's Exhibits Nos. 147, 148,
5 149, 150, 151, 152, 153, 154, 155 and 156.)

6 THE COURT: All right. Ladies and gentlemen, we're
7 going to recess for lunch. We'll continue after lunch.

8 Keep in mind my caution. No discussions, no research,
9 no investigation, no media exposure.

10 Do have a good lunch, and please report promptly --
11 not later than -- 2:30 this afternoon to your jury room.

12 (The following takes place outside the presence of the
13 jury.)

14 THE COURT: Witness can step down. Don't discuss your
15 testimony during the lunch break.

16 THE WITNESS: Yes, sir.

17 THE COURT: Court is in recess until 2:30.

18 (Whereupon, a recess was taken.)

19 THE COURT: All right. Bring the jury in, please.

20 (The following takes place in the presence of the
21 jury.)

22 THE COURT: Good afternoon.

23 We're going to continue with the direct examination of
24 the witness by the prosecutor.

25 Mr. Barnette.

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 MR. BARNETTE: Thank you, Your Honor. May it please
2 the Court.

3 BY MR. BARNETTE

4 Q I believe you had just -- and it'd been introduced
5 into evidence -- some picture from the K-Mart video.

6 A Yes, sir. That's right.

7 Q If you would, come on down for a second.

8 (Whereupon, the witness left the stand.)

9 MR. BARNETTE: May I publish these to the jury, Your
10 Honor?

11 THE COURT: You may.

12 Q To let the jury know, we've got some that actually we
13 copied over again. I don't know how we ended up.

14 Showing you State's Exhibit 144. And some pictures are
15 better than others. But is this over here the defendant,
16 Mr. Bradberry?

17 A It is.

18 Q State's Exhibit 145. And this is the K-Mart at Myrtle
19 Beach, is that right?

20 A That's correct.

21 Q Is this him again?

22 A Yes.

23 Q And showing 146. And this shows the best. Is this
24 him again here, sir?

25 A Yes, that's him.

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 Q Showing you State's Exhibit 147. Is this another
2 camera at the K-Mart store?

3 A It is.

4 Q And is Mark Bradberry in this picture also?

5 A Yes, he is.

6 Q Is this him right here?

7 A Yes.

8 Q And what does he appear to be shopping for, what you
9 could tell, or what did he buy there?

10 A I believe he bought a pair of men's shorts, items --
11 items -- razors, toothpaste, items like that.

12 Q And we have that receipt, I believe.

13 A We do.

14 Q And is this him here, right here?

15 A Yeah. He actually has shorts in his hand, his left
16 hand.

17 Q And that's Exhibit -- State's Exhibit 148.

18 A Yes.

19 Q Showing you State's Exhibit No. 49. Is this just
20 another picture from that?

21 A It is.

22 Q Showing you State's Exhibit 50. Is he in this picture
23 also?

24 A He is.

25 Q And is that him right there?

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 A Yes.

2 Q Showing State's Exhibit 152, which is another camera
3 in the store. Do we see him in this picture?

4 A Yes.

5 Q And is this him right here?

6 A Yes, it is.

7 Q Is that the same shorts he had earlier?

8 A Correct.

9 Q Showing State's Exhibit 153. Is this him here also
10 again?

11 A That is.

12 Q Showing State's Exhibit 154. Is this him again too
13 going through the store?

14 A It is.

15 Q And showing State's 155. Is this him here again?

16 A Yes.

17 Q And showing State's 156. Is this Mark Bradberry
18 leaving the K-Mart --

19 A It is.

20 Q -- with the items he purchased?

21 A Yes.

22 Q If you would, stand right there for a second.

23 Showing you State's Exhibit 115. Was these items that
24 he bought from K-Mart there in Myrtle Beach?

25 A They are.

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 Q And you received this from K-Mart, is that right?

2 A I did, yes, sir.

3 MR. BARNETTE: Your Honor, I'd like to enter State's
4 Exhibit 115 into evidence at this time.

5 MR. HALL: No objection.

6 THE COURT: It's admitted.

7 (Copy of receipt marked State's Exhibit No. 115.)

8 MR. BARNETTE: Permission to publish, Your Honor.

9 THE COURT: You may.

10 Q State's Exhibit 15 [sic]. Were these the items that
11 he purchased from the K-Mart that day?

12 A It is.

13 Q And what was the date that he purchased it?

14 A October the 31st of 2014.

15 Q And what time did he purchase it?

16 A 10:31 a.m.

17 Q And what items did he buy?

18 A Looks like some toothpaste. I'm not sure what the
19 second one is. Some razors, some shaving cream and some
20 shorts.

21 Q And it looks like he paid cash for them, is that
22 right?

23 A Yes, cash.

24 Q Paid \$18.37, I believe, is that right?

25 A Correct.

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 Q Please have a seat. Thank you, sir.

2 (Whereupon, the witness returned to the stand.)

3 Q Through your investigation did you also find out that
4 he went to the post office in Myrtle Beach?

5 A Yes, we did.

6 Q And did he purchase a money order at that time?

7 A He did.

8 Q And he purchased a pre -- I guess a prestamped
9 envelope.

10 A Yes.

11 Q And I know the jury's already seen these items, but
12 was State's Exhibit 110 the envelope that he purchased?

13 A It is.

14 Q And is 112 a copy of the money order that he
15 purchased?

16 A Yes, it is.

17 MR. BARNETTE: Your Honor, may I publish these to the
18 jury?

19 Q Investigator Carter from the postal service got these
20 items for you, is that -- or actually got the information
21 about the money order, is that right?

22 A That's correct.

23 Q State's Exhibit 112. And he found out the time and
24 date that that was taken out on October 31st,
25 approximately, I think 12:56 p.m.

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 A Yes.

2 Q And then Ms. Kean, Brenda Kean, actually gave this
3 envelope to y'all once she received the money order.

4 A That's correct.

5 Q And that's where you received that. But that was also
6 purchased at the post office in Myrtle Beach.

7 A Yes.

8 Q And just for reference, State's Exhibit 6. Is this a
9 map of the Pacolet Mills, South Carolina, specifically, I
10 guess, Pacolet Mills area of Pacolet?

11 A It is.

12 Q And does this show the location of the victim's house?

13 A It does.

14 MR. BARNETTE: Your Honor, I'd like to enter State's
15 Exhibit No. 6 into evidence.

16 MR. HALL: No objection.

17 (Map marked State's Exhibit No. 6.)

18 MR. BARNETTE: Permission to publish it to the jury,
19 Your Honor.

20 THE COURT: You may.

21 Q State's Exhibit No. 6. Is this the Pacolet,
22 specifically the Pacolet Mills, area here?

23 A It is.

24 Q And her house is where the location is right here
25 where the dot is, is that right?

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 A That's correct.

2 Q And then right down the road from that's the post
3 office, is that right?

4 A That's correct.

5 Q How far is Myrtle Beach from that area, do you know,
6 approximately?

7 A I'm not exactly sure in miles, but probably close to
8 three-and-a-half-or-four-hour drive.

9 MR. BARNETTE: One moment, Your Honor, please.

10 (Pause.)

11 Q Show you just two other maps here.

12 (Map marked State's Exhibit No. 6-A for Identification;
13 map marked State's Exhibit No. 6-B for Identification.)

14 Q Let me show you here. It's a google map of 6-A, I
15 guess, from [REDACTED] to the Holiday Court
16 area, [REDACTED] in Pacolet.

17 A Yes. It is.

18 Q Okay. And is this a map of from [REDACTED]
19 to the post office in Myrtle Beach?

20 A It is.

21 MR. BARNETTE: Your Honor, I'd like -- and these are
22 State's Exhibit 6-A and 6-B. I'd like to enter those into
23 evidence at this time.

24 MR. HALL: No objection.

25 THE COURT: They're admitted.

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 (Map marked State's Exhibit No. 6-A; map marked State's
2 Exhibit No. 6-B.)

3 Q Showing you 6-A. Does this show approximately from
4 [REDACTED] to [REDACTED] or [REDACTED]?

5 A Yes.

6 Q And it shows the direction there.

7 A Yes, sir.

8 Q That's six miles from there, is that right?

9 A That's correct.

10 Q Showing you State's Exhibit 6-B. Is this the map from
11 245 Magnolia Avenue or Montgomery Avenue to the post office
12 in Myrtle Beach?

13 A It is.

14 Q And is that approximately 216 miles?

15 A Yes.

16 Q If you take the shortest route.

17 A Yes.

18 Q I do want to return back to what I think is going to
19 be 128, is going to be the exhibit I'm going to talk about.
20 If you would, sir, come on down.

21 (Whereupon, the witness left the stand.)

22 MR. BARNETTE: Your Honor, permission to publish 128
23 into the jury.

24 THE COURT: You may.

25 Q Is this a letter to Brenda that he had wrote and left

Murray Brandon Letterman
Direct examination by Mr. Barnette

1 in the car?

2 A Yes.

3 Q And page eight of it. If you would, read the second
4 line -- the second line all the way down to the -- to the
5 dot here if you would.

6 A Right down from right there to the dot?

7 Q Yes, sir.

8 A "By the way, if years ago when I told you I was
9 molested, well, it was by my mom. That is why she always
10 took care of me. I guess she felt guilty. I don't know.
11 But she hated for you -- hated you for that or hated you
12 for what I did to you. She is hateful, spiteful. She made
13 you and McKenna cry for no reason, just to be mean."

14 Q Thank you, sir.

15 (Whereupon, the witness returned to the stand.)

16 MR. BARNETTE: One moment, Your Honor, please.

17 (Pause.)

18 Q And I'm not going to put on these, but the cut on the
19 defendant's arm that was in the picture we saw earlier in
20 State's Exhibit 141, did you also see that cut on his arm?

21 A I did.

22 Q And that was on November 3rd of 2014.

23 A Correct.

24 Q So this is several days afterwards.

25 A Yes.

Murray Brandon Letterman
Cross-examination by Mr. Hall

1 Q And this location is in Spartanburg County.

2 A Yes.

3 Q If you would, please, answer any questions that are
4 Mr. Hall may have for you, sir. Thank you.

5 CROSS-EXAMINATION

6 BY MR. HALL

7 Q All right. Let's start where he stopped -- the cut.
8 You have no idea where it came from, do you?

9 A No, sir.

10 Q Now, all of this -- K-Mart, Flying J, post office --
11 that came from your investigation.

12 A That's correct.

13 Q Okay. Where did you get all of that information?

14 A The information in reference to the Bi-Lo was received
15 from the search warrant that was executed on her bank
16 account, assuming that her card had been used at the Bi-Lo.
17 The other locations had been indicated by Mr. Bradberry
18 when we interviewed him.

19 Q All right. Now, you said based on your investigation
20 and your experience you thought it was a staged crime
21 scene. Exactly what do you mean by that?

22 A Based off my experience and the scenes that I've been
23 on and worked for robberies, the house was normally
24 completely ransacked. Items of value were missing from the
25 residence. Not -- that wasn't the case in this situation.

Murray Brandon Letterman
Cross-examination by Mr. Hall

1 Q Okay. Have you ever in your experience worked a
2 burglary where the burglar got scared off before he did a
3 lot?

4 A I can't recall, really recall, any off the top of my
5 head at this time.

6 Q Okay. Now, when you interview somebody like
7 Mr. Bradberry who is a suspect do y'all video tape any of
8 that?

9 A At the time we were not equipped to video tape.

10 Q When did you become equipped?

11 A Approximately a year ago.

12 Q Year ago. Do you know why they started or got that
13 equipment?

14 MR. BARNETTE: Objection, Your Honor. Asks for
15 speculation.

16 THE COURT: He asked if he knew. Overruled.

17 If you know, you can answer it. If you don't, you
18 don't.

19 A About a year ago a T.V. show came down and videotaped
20 an episode called "Justice on a Cold Case". And they --
21 they -- what's the word I'm looking for -- they gave that
22 equipment to the sheriff's office to use in the interview
23 room.

24 Q They donated it.

25 A Donated, correct.

Jennifer Bartman
Direct examination by Mr. Barnette

1 Q Now, you reviewed the Bi-Lo pharmacy, I believe it
2 was, video, which showed -- did it appear that he used a
3 debit card there?

4 A Yes. It appears in the pharmacy he used a debit card.

5 Q Okay.

6 MR. HALL: Ask the Court's indulgence.

7 (Pause.)

8 MR. HALL: No further questions.

9 MR. BARNETTE: No further questions of this witness,
10 Your Honor.

11 THE COURT: You may step down.

12 MR. BARNETTE: I would like to call Jennifer Bartman
13 to the stand, please.

14 JENNIFER BARTMAN, having been
15 first duly sworn, testified as follows:

16 DIRECT EXAMINATION BY MR. BARNETTE

17 Q If you would, ma'am, please state your full name for
18 the record.

19 A Jennifer Bartman.

20 Q And where do you work at, ma'am?

21 A I work at the South Carolina Law Enforcement Division,
22 commonly known as SLED.

23 Q And what's your position there, ma'am?

24 A I'm a D.N.A. analyst in the D.N.A. casework
25 department.

Jennifer Bartman
Direct examination by Mr. Barnette

1 Q And how long have you been there, ma'am?

2 A Just over three and a half years.

3 Q And could you tell the jury and the Court a little bit
4 about your training that you received for this position and
5 what education you have, ma'am?

6 A I have a bachelor's degree in biology from Hope
7 College in Michigan, and I also have a master's degree in
8 forensic science with a concentration in forensic biology
9 from Virginia Commonwealth university.

10 At SLED I also received approximately a year of
11 on-the-job training with a court-qualified analyst in the
12 proper techniques and procedures of the laboratory.

13 Q And have you received in-house training there at SLED
14 also?

15 A Yes. I do. We are required to have at least eight
16 hours of continuing education every year.

17 Q And how many times -- before you become a full-fledged
18 on that, start your own analysis by yourself, how many
19 practices do you do, or how many trainings?

20 A We do a lot of practicing. We do training samples.
21 We do competency samples. There are many samples that we
22 do before we're deemed competent to perform casework.

23 Q Do you have any idea how many you did?

24 A Hundreds probably.

25 Q And have you been qualified in state court as an

Jennifer Bartman
Direct examination by Mr. Barnette

1 expert in D.N.A.?

2 A Yes, I have.

3 Q How many times have you been qualified in state court?

4 A Thirteen times.

5 MR. BARNETTE: Your Honor, I would move her as an
6 expert in D.N.A. analysis at this point.

7 MR. HALL: No objection.

8 THE COURT: She is so qualified.

9 Q Ms. Bartman, did you receive some samples in this
10 case?

11 A Yes, I did.

12 Q Let me hand up these. This one is State's Exhibit 8.
13 State's Exhibit 7, State's Exhibit 5, State's Exhibits 3,
14 4, 2 and 1 from there. If you would, take a look at those
15 and see if those are the items that you received, ma'am.

16 (Pause.)

17 A Yes, they are.

18 Q And was these items sealed once you received them,
19 ma'am?

20 A Yes, they were.

21 Q And was you the one that opened them after -- after
22 they were sealed and given to you?

23 A That's correct.

24 Q And did you do a report on your analysis?

25 A I did.

Jennifer Bartman
Direct examination by Mr. Barnette

1 Q Let me show you what's been marked as State's Exhibit
2 No. 9 in this case.

3 A Yes. This is my report for this case.

4 MR. BARNETTE: Your Honor, I'd like to move State's
5 Exhibit No. 9 into evidence at this time.

6 MR. HALL: No objection.

7 THE COURT: It's admitted.

8 (SLED D.N.A. report marked State's Exhibit No. 9.)

9 MR. BARNETTE: Permission to publish it to the jury,
10 Your Honor.

11 THE COURT: You may.

12 Q Basically, you received a blood standard from the
13 victim, Connie Bataille, is that correct?

14 A That's correct.

15 Q And then there was a piece of used gum that was
16 submitted as an exhibit, is that right?

17 A That's correct.

18 Q And did you receive three different swabs?

19 A Yes. I also received the swabs from the bedroom wall,
20 from the bedroom floor and from Mark Bradberry's door.

21 Q The outside of the door, is that right?

22 A That's correct.

23 Q And you also received fingernail scrapings from the
24 left and right hands of the victim.

25 A That's correct.

Jennifer Bartman
Direct examination by Mr. Barnette

1 Q And you also got a buc -- buccal swab from Mark
2 Bradberry where that was his D.N.A. sample.

3 A That's correct.

4 Q And you did analysis on those items, is that right,
5 ma'am?

6 A That's correct.

7 Q Okay. The items on two, three and four, whose D.N.A.
8 profile did they match?

9 A The D.N.A. profile of the victim.

10 Q Okay. In this case. And that was the piece of gum
11 that was found.

12 A Yes. That would be the used gum from the foot area of
13 the bed, the swabs to the bedroom wall by the fireplace and
14 the swabs of the bedroom floor by the fireplace.

15 Q And they were one in 110 quadrillion match, is that
16 right?

17 A That is a fact, yes.

18 Q And then you also got a D.N.A. profile from the swab
19 that was on the bedroom door of Mark Bradberry, is that
20 right?

21 A That's correct.

22 Q And who did that match?

23 A It matched the D.N.A. profile of Mark Bradberry.

24 Q And approximately what's the odds of that?

25 A The probability of randomly selecting an unrelated

Jennifer Bartman
Direct examination by Mr. Barnette

1 individual having a D.N.A. profile matching that item is
2 approximately one in 3.6 billion.

3 Q And how many people are in the world today?

4 A In the world there's approximately 7 billion.

5 Q So the odds of this is one out of 3.6 billion. This
6 is a match to Mark Bradberry.

7 A Yes. That's correct.

8 Q As well as it's a match to Connie Bataille, the gum
9 and two swabs found in the bedroom near the fireplace.

10 A That's correct.

11 Q And the fingernail scrapings was consistent with her
12 D.N.A., is that right?

13 A That's correct.

14 MR. BARNETTE: If I can approach up there for a
15 second.

16 Q Looking at State's Exhibit No. 5 which is already in
17 evidence, swab from the bedroom door. Mark Bradberry had
18 inventory No. 36, is that right, ma'am?

19 A That's correct.

20 Q If you would, please, answer any questions that
21 Mr. Hall may have for you.

22 MR. HALL: No questions of this witness, Your Honor.

23 THE COURT: You may step down.

24 MR. BARNETTE: May this witness be excused, Your
25 Honor?

1 THE COURT: She may be.

2 (Whereupon, the witness was excused.)

3 MR. BARNETTE: May we approach for one second?

4 THE COURT: Yes.

5 (Bench conference held off the record in the presence
6 of the jury but out of the hearing of the jury.)

7 MR. BARNETTE: Your Honor, Dr. Wren will be our next
8 witness, and he's supposedly on his way. We were shooting
9 for 3:15.

10 THE COURT: All right. Let me ask the jury to please
11 go to your jury room.

12 Don't discuss the case. We'll bring you back just as
13 soon as the witness arrives.

14 (The following takes place outside the presence of the
15 jury.)

16 THE COURT: Let me see y'all just a minute.

17 (Bench conference held off the record.)

18 THE COURT: We will be at ease while we wait for the
19 witness.

20 (Whereupon, a recess was taken for a bomb threat at the
21 courthouse. No further proceedings on the record this
22 date.)

23 END OF PROCEEDINGS JUNE 21, 2016

24

25

Dr. John David Wren
Direct examination by Mr. Barnette

1 (Proceedings June 22, 2016)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Bring the jury in, please.

5 (The following takes place in the presence of the
6 jury.)

7 THE COURT: Good morning, ladies and gentlemen.

8 I apologize for the delay in having you brought in,
9 but there was a miscommunication, and you were provided
10 with the wrong start time this morning. You were told to
11 come at 9:00. It should have been 9:30 because everybody
12 wasn't available that we needed before 9:30. So I do
13 apologize for that delay. But we are ready now to continue
14 with the state's presentation of evidence.

15 Mr. Barnette.

16 MR. BARNETTE: May it please the Court, Your Honor.
17 I'd like to call Dr. Wren to the stand, please.

18 DR. JOHN DAVID WREN, having
19 been first duly sworn, testified as follows:

20 DIRECT EXAMINATION BY MR. BARNETTE

21 Q If you would, Dr. Wren, state your full name for the
22 record, please.

23 A John David Wren.

24 Q And where do you work at, sir?

25 A I'm employed by Carolinas Pathology Group, and I work

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1 at Spartanburg Regional Medical Center. I'm the laboratory
2 medical director of the hospital there, hospital for
3 restorative care and at North Grove Medical Center.

4 Q And how long have you been a medical doctor, sir?

5 A I got my M.D. degree in -- I think it was June, late
6 May or early June, of 1979.

7 Q And how long have you performed autopsies, sir?

8 A I did some autopsies when I was a junior in medical
9 school, so that started in about summer of 1977. So I've
10 been doing them for thirty-eight or nine years.

11 Q How many autopsies have you done, Doctor?

12 A Well over 5,000.

13 Q And how many times have you been qualified as a
14 forensic pathologist, sir?

15 A Probably close to 500 by now.

16 MR. HALL: Your Honor, we will stipulate to his
17 qualifications. I'm well aware of his --

18 MR. BARNETTE: Your Honor, we'd just ask the Court to
19 find him qualified as a forensic pathologist.

20 THE COURT: All right. He is so qualified.

21 Q Dr. Wren, was you asked to do an autopsy on Connie
22 Bataille in this case?

23 A Yes. I did. I did the autopsy on November 3rd of
24 2014. I began at approximately 4:20 p.m. at the
25 Spartanburg Medical Center Autopsy Room.

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1 Q And observing her body and everything, did it appear
2 that she had had some decomposition from -- for a period of
3 time?

4 A Yes. She -- decomposition sort of depends on the
5 environmental temperature, as well as the surroundings, of
6 course.

7 She did have marbling which usually starts about three
8 days after one dies, which is the blood vessels in the skin
9 start leaking a considerable amount of blood. And you can
10 see the outlines of the vessels as dark lines over the
11 body.

12 Q So her decomposition would be consistent with four or
13 five or six days of being dead, is that correct?

14 A Depending on the temperature, yes.

15 Q And in doing the autopsy and everything did you do a
16 chart showing the wounds on the victim in this case?

17 A Yes. These are two of the diagrams I did.

18 MR. BARNETTE: Your Honor, I'd like move these into
19 evidence as State's Exhibit 160.

20 MR. HALL: No objection.

21 (Diagram marked State's Exhibit No. 160.)

22 MR. BARNETTE: May I publish it to the jury, Your
23 Honor?

24 THE COURT: You may.

25 Q Dr. Wren, would you describe the type of wounds that

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1 the victim had in this case?

2 A First let me tell you the medical terms for a stab
3 wound, of course, is what everybody knows of what a stab
4 wound is. A stab is just a -- just like a sharp pointed
5 object going into the skin and coming back out.

6 It can be in and out, meaning that as it goes in it
7 makes one track. As it comes out it might -- the knife or
8 the body may twist somewhat, and you can see it. As it
9 comes out, it comes out in a little different direction.
10 Those are stab wounds.

11 The -- an incized wound medically means a wound that
12 is made with a cutting edge of a knife or some object like
13 that.

14 And then a laceration is basically a torn piece of
15 skin or tissue that is done by either stretching or an
16 irregular jagged object going in, where when you look down
17 into the wound you can see tissue bridging between the two
18 sides of the wound because it's an incomplete incision. An
19 incision has a straight -- borders on the sides, and
20 there's no tissue bridging between the two at all.

21 So she had considerable lacerations to her head, and
22 she had stab wounds to her right chest as shown in the
23 right back and shoulder region.

24 I might add that the reason I didn't go to medical
25 school until I was a little bit older is because I can't

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1 draw very well, and you was supposed to be able to draw
2 when you went to medical school. So I didn't go until they
3 dropped those requirements.

4 Q Dr. Wren, if you could, could you describe the
5 wounds -- I guess you have another diagram here. Maybe
6 better do it this way.

7 A No. The head wounds are -- there were considerable
8 head wounds. Starting with the major wounds there were
9 four or five lacerations to the scalp.

10 Q There you go, Dr. Wren. If you want to, use that
11 laser pointer.

12 A To the scalp that exposed through that area. There
13 were fractures, a large gaping fracture of the skull in
14 this area. And you can tell -- one can tell that there's
15 more than one because as -- let's say we've got one blow.
16 You would have a fracture line.

17 Now, if you get another blow you have an intercepting
18 fracture line from the other direction if it happens to be
19 in the other direction. But you will have intercepting
20 lines of fracture.

21 These had at least four separate areas, along with a
22 stab type wound in the middle of it. But there were four
23 or five lacerations here that intercepted and looked
24 similar to that.

25 Now, the dark area is the open wound itself.

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1 Then the fracture here and there would cover at least
2 two, even if you had a large flat object that hit this and
3 broke it like an eggshell fracture. But I counted four
4 lacerations and the little stab wound here that did not go
5 into the scalp -- skull itself.

6 And then over the eye in the right side there was
7 another one, a gaping laceration that had irregular edges
8 and then -- see what I wrote down.

9 (Pause.)

10 A And this is an abrasion, as well as these are
11 abrasions where the skull actually stretched the skin and
12 caused an abrasion, which is like as you stretch the skin,
13 it's like falling against an object. And you will have
14 abrasions. And some of that was decomposition effect too.

15 Beginning at the corner of her right mouth and
16 extending almost to the ear was a large gaping laceration
17 or rather an incised type laceration that was ten
18 centimeters in length and undermined inferiorly to five
19 centimeters. Ten centimeters is about four inches and five
20 centimeters is a little over two inches.

21 So this wound was lacerated and incised along this
22 border, clean border, on this side. And it was -- it was
23 undermined inferiorly toward the side of her neck.

24 There was a sharp edge at the corner of her mouth, and
25 then it trailed off as the weapon came out through that

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1 area. And it gaped open to about an inch or more.

2 Those were the -- and I need to add that in her hair
3 there was brain tissue had come out of the skull and
4 actually out of the wound and came into her hair. So I
5 felt like there were at least four, possibly five, blows to
6 the head, and then some abrasions to the scalp.

7 The eye was completely recessed in the socket, the
8 right one, from fractures at the base of the skull. And
9 then the abrasions and lacerations.

10 Those were the main wounds she had on her head and on
11 her head above her -- the angle of her jaw.

12 Q Go back to page one here. Can you describe the wounds
13 to the body, sir, if you could?

14 A Okay. The major wound, I consider the major wound,
15 was a stab and incised wound to the neck that started just
16 to the right of -- left of midline that went all the way up
17 to the back into the hair at the back of the neck.

18 And it had irregular borders, some from drying and
19 decomposition. But I think in my opinion there was some
20 hesitation type marks that where a person pulls the knife
21 across there, and then they redirect it or either move it
22 again.

23 with the decomposition it was kind of hard to tell,
24 but that wound was 17 and a half inches in length and up to
25 seven centimeters in width. It was over almost three

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1 inches in width.

2 It extended into the trachea and cut the carotid
3 artery, which is the main artery on the right side to the
4 neck -- to the head.

5 It cut the jugular vein, internal jugular vein, that
6 takes blood out of the brain and takes it back to the
7 heart. And the vagus nerve, which is the main nerve that
8 comes out of the -- the base of the brain and actually goes
9 all the way down into the abdomen doing various functions
10 in the body. There are two vagus nerves, so you can do
11 without one. In fact, you can do without the vagus nerve
12 if -- if it's below the diaphragm.

13 They cut the vagus nerve or branches of the vagus
14 nerve during ulcer surgery to keep from producing acid,
15 which is one of its main functions.

16 This was -- actually went all the way to the spinal
17 column, an extremely deep wound, almost like one you would
18 see with the terrorists in the Mid East, although it wasn't
19 all the way across, and it didn't go through the base of
20 the -- through the vertebral spine.

21 Then she had three stab wounds in the chest over on
22 the right side. Two of them went into the chest cavity and
23 caused a small hemothorax as it was bleeding. It went into
24 the lung itself causing bleeding. And let's see how much
25 blood was in there.

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1 (Pause.)

2 A She only had 175 ccs, which is not very much blood,
3 meaning that she probably passed -- passed away before she
4 had a chance to bleed very much, although the wounds were
5 superficial in the lung, so wouldn't have bled very much or
6 very fast at all.

7 Then she had three stab wounds in the upper -- upper
8 shoulder, and I think six more in the back. They were
9 variously directed, as you can see, and they have a sharp
10 edge, a definitely sharp edge, on one end and a blunt edge
11 on some of those that I could tell. Some of the others, I
12 could not tell exactly whether it was a single edge or a
13 double edge blade, but by inference they were probably all
14 double edge blades.

15 The blade itself was about a tenth of a centimeter,
16 which is about a millimeter in width, at the -- on the
17 blunt side.

18 The deepest wound I could find and measure because of
19 the decomposition was 4.75 centimeters in depth, meaning
20 that that's almost two inches went into the body without a
21 hilt mark, which the hilt mark is where the handles would
22 go in, and it widens out -- of course everyone knows -- and
23 if it hits the skin it usually causes an abrasion or a mark
24 you can tell is a hilt mark. I could not find any hilt
25 marks, which may have been -- so it meant that the blade

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1 was at least two inches in length.

2 Now, some of the wounds in the back actually hit bone
3 and so didn't cause much injury. And none of them in the
4 back went through the chest, through into the pleural
5 cavity around the lungs. So these were -- although she
6 probably bled some from them, they were -- probably didn't
7 cause her death.

8 The blows to the head were probably, that along with
9 the deep incised laceration was -- probably happened after
10 the blows to the head, although I couldn't tell for sure.

11 And then I forgot to mention. There was a stab wound
12 in the left neck, which was very superficial. But it was
13 definitely a stab wound in that area. Went on in about
14 half an inch probably.

15 So those were the injuries she had. No -- no defense
16 wounds to her hands, meaning that she didn't put her hands
17 up to protect herself, or her arms. All of the injuries
18 were either to the back, a shoulder or the chest on the
19 right side and to the head.

20 Q And so the cause of death was, obviously, the wounds
21 that was caused to the neck and the head from the stab
22 wounds, is that correct, Doctor?

23 A Yes. Once they start decomposing it's a little hard
24 to tell. And I didn't go to the scene, so I don't know how
25 much blood was around. So I actually assigned the cause of

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1 death as multiple stabbing and incised wound with blunt
2 force trauma to the head with open skull fractures.

3 Q Thank you, Dr. Wren. Answer any questions for
4 Mr. Hall.

5 MR. HALL: Your Honor, the defense has no questions.

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

7 MR. BARNETTE: We'd ask the witness be excused, Your
8 Honor.

9 THE COURT: He may be.

10 (Whereupon, the witness was excused.)

11 MR. BARNETTE: Your Honor, the state -- allow me to
12 check on something, and I can tell the Court about my next
13 possible witness or rest at that point if I can check.

14 THE COURT: Okay.

15 (Pause.)

16 MR. BARNETTE: Your Honor, the state would rest at
17 this time. We'll just check on one piece of evidence to
18 make sure it was entered. We want to make sure about that.

19 THE COURT: Well, that's Exhibit 12?

20 MR. BARNETTE: Exhibits 144, 145 and 146.

21 THE COURT: Oh.

22 MR. BARNETTE: It was the K-Mart photos. And I
23 believe I entered those in as a packet off the video.

24 THE COURT: Well, there's no objection, is there?

25 MR. HALL: I don't think, no, sir. I don't -- I think

1 they were offered.

2 THE COURT: All right.

3 (Photographs marked State's Exhibits Nos. 144, 145 and
4 146.)

5 MR. BARNETTE: The state would rest then, Your Honor.

6 THE COURT: Okay. Ladies and gentlemen, that is all
7 of the testimony or evidence to be offered by the state, at
8 least in their case in chief.

9 Before we go further I've got a couple of legal
10 matters I'll need to address. Shouldn't take but a few
11 minutes. Then I'll bring you back to continue with the
12 trial.

13 So please go to your jury room, but don't yet discuss
14 the case.

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

17 THE COURT: Any motions or other matters to address?

18 MR. HALL: Your Honor, we're -- at this point we make
19 the usual motion for a directed verdict. There's not
20 sufficient evidence to submit the case to the jury. It's a
21 circumstantial case against my client. No direct evidence.

22 THE COURT: All right. Well, based upon my
23 remembrance of the evidence that has been presented, I do
24 find that there is substantial circumstantial evidence, as
25 well as some direct evidence, of the defendant's commission

1 of the crime as alleged. And there is evidence to support
2 each of the essential elements; and therefore your motion
3 for a directed verdict is denied as to each of the counts
4 in each of the indictments.

5 Have you talked to Mr. Bradberry about his right to
6 testify, or not?

7 MR. HALL: Yes, sir. We have addressed that.

8 He indicated he will probably testify but would want
9 to speak with me again before that final decision was made.
10 We spoke this morning, and the last thing he said was I
11 will get a chance to speak with you before I have to make
12 the final decision. And I said I thought that would be
13 allowed.

14 THE COURT: Okay. Mr. Bradberry, you've heard Mr.
15 Hall tell me that you and he discussed your right to
16 testify, as well as not testify. Is that true?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Do you understand when you're charged with
19 a crime, as you are now, you have an absolute right to
20 remain silent?

21 Nobody can make you take the witness stand and
22 testify. Nobody can make you make any statement. Nobody
23 can require that you answer any questions that relate to
24 these charges, certainly not any questions that might tend
25 to prove your own guilt.

1 You always have an absolute right to remain silent,
2 and that includes the trial of the case. You can't be
3 required to testify during the trial. You can't be called
4 by your lawyer, by the prosecutor, even by the Court. It's
5 your decision as to whether or not you will testify.

6 If you choose not to testify I will instruct the jury
7 again, as I already have, that they can't hold that against
8 you. They can't consider it in any way. They can't allow
9 that fact to influence their decision on whether or not the
10 evidence in the case supports a verdict of guilty beyond a
11 reasonable doubt.

12 In the event that you make a decision to testify, when
13 you do testify you have to answer all of the questions that
14 are asked of you not only by your lawyer but by the
15 prosecutor to the extent that they're relevant even if the
16 responses to those questions might tend to prove you
17 guilty.

18 Have you and Mr. Hall discussed the advantages and
19 disadvantages of your testifying, as well as your not
20 testifying?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And do you appreciate what those
23 advantages and disadvantages are?

24 THE DEFENDANT: Yes, sir, Your Honor.

25 THE COURT: And do you wish to discuss your decision

1 with your lawyer further before we go forward?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: All right. We'll take ten minutes. You
4 discuss it with your lawyer. We'll come back.

5 (Whereupon, a recess was taken.)

6 THE COURT: Mr. Hall, have you talked with
7 Mr. Bradberry about his decision?

8 MR. HALL: Yes, I did, Your Honor.

9 THE COURT: Has he indicated he has one?

10 MR. HALL: Yes, sir, he has.

11 THE COURT: What has he indicated?

12 MR. HALL: He indicates that he would like to testify,
13 Your Honor.

14 THE COURT: Okay. Mr. Bradberry, you've heard your
15 lawyer tell me you made a decision. You and he have
16 discussed it and you've decided you do wish to testify?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Is that true?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Is that a decision that you've made of
21 your own free will and accord?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: You're satisfied with it?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: And you understand the consequences of it?

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1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Okay. Bring the jury in, please.

3 (The following takes place in the presence of the
4 jury.)

5 THE COURT: All right. As you know, the state has
6 rested, so we'll continue with any additional evidence to
7 be offered by the defense.

8 Mr. Hall.

9 MR. HALL: May it please the Court, Your Honor. The
10 state -- excuse me -- the defense calls Mark Allen
11 Bradberry.

12 MARK ALLEN BRADBERRY, SR.,
13 having been first duly sworn, testified as follows:

14 DIRECT EXAMINATION BY MR. HALL

15 Q All right. Mr. Bradberry, if you will, give the court
16 reporter your full name.

17 A Mark Allen Bradberry, Sr.

18 Q Okay. And you're the person we've been hearing a lot
19 about here today.

20 A Yes, sir.

21 Q And it's your mother who we -- the doctor just
22 testified about her autopsy.

23 A Yes, sir.

24 Q And at the time of her passing did you live with her?

25 A Yes, sir.

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1 Q And where was that?

2 A At [REDACTED] in Pacolet Mills.

3 Q And at that time you were how old?

4 A Forty-nine.

5 Q Okay. How long had you been living with your mother
6 at this point?

7 A About a year this time.

8 Q Okay. And do you remember what happened on, I think
9 it was, the 29th, 30th of October of 2014?

10 A Yeah, mostly.

11 Q Start with the 29th, that afternoon or evening.

12 A I was over at my friend's house -- Brenda. I'd been
13 over there watching our child and putting up some Halloween
14 decorations. And we made plans, because working with her
15 schedule that weekend where I needed to be there and all
16 for, you know, to watch McKenna and after that --

17 Q And McKenna is your daughter?

18 A Yes, sir.

19 A'ter that I went home and took my mom. She was
20 playing her solitaire on her computer, watching T.V. like
21 she always does. And we talked and discussed stuff, and
22 she -- she said Bi-Lo called and had -- they call when your
23 medicine's ready. And she had give me the debit card to
24 get my medicine the next day, which she does most all of
25 the time, because I don't -- I don't have no bank, no way

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1 to write a check or nothing. She -- I always let her have
2 my money, so just used her card when I gotta buy stuff like
3 that.

4 And then I don't know if I worked on the porch that
5 morning -- that afternoon or not, but I usually work on the
6 front porch scraping -- scrap, getting metal out of pieces
7 and copper out of T.V.s and things. And other than I just
8 stayed in my room and was drinking some beer and watching
9 movies. Then I left.

10 Q Okay. Did you have beer at the house already?

11 A I brought it home with me.

12 Q You brought it home with you.

13 And you scrap things on the front porch.

14 A Yeah. I'll ride around like in the alleyways in
15 Pacolet there and just find old T.V.s and things like
16 that -- lamps, something I can get copper or wires out of
17 to sell.

18 Q Okay. Do you drink beer on the porch or --

19 A I do when I'm working or -- and in my room.

20 Q This evening did you drink on the porch or in the
21 house, or where?

22 A I don't recall, but mostly I would. I'd probably go
23 out there and smoke a cigarette. We didn't like to smoke
24 in the house too much.

25 Q And you said you left.

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1 A Yes, sir. I left for a little while and come back and
2 drank a little bit and watched some more movies.

3 Q Okay. Do you know what time it was that you left?

4 A No, sir. I didn't really pay attention. It might
5 have been -- I don't know. It was at'er dark.

6 Q why did you leave?

7 A I went to go find some marijuana.

8 Q You smoke marijuana too.

9 A Yes, sir.

10 Q And why do you smoke marijuana?

11 A It helps with my pain. I got a lot of pain from
12 different things.

13 Q Such as?

14 A Arthritis. I got all of my bulging discs. I's
15 getting epidural shots once a month and taking pain
16 medicine that I didn't really like to take that, but it
17 helped. And marijuana would help with all of that.

18 Q Did you find any marijuana?

19 A No, sir.

20 Q How long were you gone, do you know?

21 A I'd estimate at least two hours maybe.

22 Q Where did you go to find marijuana?

23 A I went to several different places. I went over by
24 the apartment complex there in Pacolet by the elementary
25 school. I don't know the name of it. That guy wasn't

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1 there. And I rode around the back way and went up to
2 Travel Lodge on Business 85. That guy there, he didn't
3 have any, or said he didn't. I don't know. And I rode up
4 to Boiling Springs, and the house I went to, nobody was in
5 it at that time.

6 Q Are those the places you usually buy marijuana?

7 A Yes. I have in the past.

8 Q Okay. All right. When you got back did you notice
9 anything wrong or different?

10 A I got -- I's sitting in my room drinking some beer,
11 and when I had to go out on the front porch. I keep my
12 empty cans out there to where I squoosh them.

13 The -- the metal part of the door where the door
14 shuts, the threshold thing, I like stepped on it. It was
15 between the wood door and the glass door. And I kicked it,
16 and I seen, you know, that wasn't supposed to be like that.

17 Q Okay. What metal part of the door are you talking
18 about?

19 A It's where the hasp thing goes in. I don't know what
20 you call it.

21 Q Talking about the thing that's on the frame of the
22 door?

23 A Yeah.

24 Q Where the latch, the --

25 A Yes.

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- 1 Q So is there a storm door or a screen door --
- 2 A Yeah.
- 3 Q -- on the front door?
- 4 A Yes.
- 5 Q All right. Did you leave once or twice?
- 6 A Twice.
- 7 Q Twice. Okay.
- 8 A So that was the second time I came back.
- 9 Q Second time. Let's go to the -- when you got back the
- 10 first time.
- 11 A Okay.
- 12 Q Anything unusual?
- 13 A No, nothing unusual. I stayed home, you know. I
- 14 don't know how long -- 30 or 45 minutes -- and took off
- 15 again.
- 16 Q Where was your mother?
- 17 A I assume she was in her room. She don't go nowhere at
- 18 night. She goes and lays down early, about 8:00, and
- 19 watches T.V. and passes out on the bed.
- 20 Q And goes to sleep.
- 21 A Yes.
- 22 Q When she goes to her room does she close the door?
- 23 A Yes.
- 24 Q But you got back. Her door is closed.
- 25 A Yes.

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1 Q Could you hear her T.V.?

2 A I'm sure I did because you could always hear it.

3 Q Okay. How long did you stay?

4 A Probably about 30 or 45 minutes, something like that.

5 Not long.

6 Q Why did you leave again?

7 A I went back to check to see if I could get ahold of
8 anybody, just give me something to do to get out of the
9 house a few minutes too. Looking for some more marijuana.

10 Q Looking for marijuana. Okay. How long were you gone
11 this time?

12 A It was about the same amount. I went through the
13 same -- well, not all the way the same. I didn't go all
14 the way to Boiling Springs because that house was empty.
15 So probably cut it back about 30 minutes. Probably an hour
16 and a half, hour 45.

17 Q Now, when you come back to your house or leave your
18 house -- you've seen the diagram. Which -- which door do
19 you go to?

20 A I go to that back door.

21 Q Back door.

22 A That's the door everybody uses where the cars are
23 parked.

24 Q And the second time you'd gone out looking for
25 marijuana, you come back. Did you go back in the house

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1 from the back door?

2 A Yes, sir.

3 Q What did you do, walk in the house?

4 A Yeah. I just came in and went right down the hallway
5 where -- to -- my room is back down the hallway on the
6 right.

7 Q Uh-huh.

8 A And then I went out on the porch, and that's when I
9 seen the hasp was there, or whatever that metal piece, the
10 latch thing.

11 Q And that's a strike plate.

12 A Okay.

13 Q Did you go in your room first, or straight out?

14 A I stopped in my room first to get the light on and
15 T.V. going and stuff like that.

16 Q So when you come out of your room to go to the porch,
17 what do you do?

18 A What you mean, how, when I saw it?

19 Q Yeah, no. When you walked out of your room, you're
20 going to go on the porch. You turned to the left, right
21 or --

22 A Oh, I come out of my room, turn right. It's right
23 there. The door is right there.

24 Q Door is right there. And you say you go out there.
25 Do you leave your beer on the porch?

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1 A Yeah. I keep it in a cooler.

2 Q why don't you just put beer in the refrigerator?

3 A It's not that cold in the refrigerator. It stayed
4 colder there and it's closer to my room.

5 Q okay. And is that when you found the strike plate?

6 A Yes, sir.

7 Q Anything else unusual you saw?

8 A Not at that time, not on the front. I just knowed
9 that wasn't supposed to be there.

10 Q what happened after that?

11 A I -- I saw the strike plate there and, you know, I was
12 kind of confused why it would be there. So I come back in,
13 the only other way to do.

14 I had to open my mom's door, and she was laying there
15 all bloody on the bed, and I didn't know what to do. I --
16 I -- I didn't know what to do. I just stood there for a
17 while. I could see her feet was hanging out, and I touched
18 it and it was cold.

19 I just -- I knowed she was dead. I mean, I didn't
20 know what to do because I was -- I don't know. I was, as
21 you say, shock, panicking. I don't know, and been drinking
22 too. And I was still mourning where my son had got killed
23 a few years before that. And just me and him was home
24 alone and --

25 MR. BARNETTE: Your Honor, I'm going to object to

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1 this.

2 May we approach the bench for a second?

3 THE COURT: Okay.

4 (Bench conference held off the record in the presence
5 of the jury but out of the hearing of the jury.)

6 Q Let's stay away from the son. Just tell what you were
7 experiencing that night.

8 A Oh, just panic attack and couldn't think of what to
9 do. So I just stayed in there, and I guess just stayed
10 there looking around in the room for a while and --

11 Q Looking for something?

12 A I was trying to look and see what we would be missing,
13 but I really couldn't tell what was gone. There was stuff
14 all over the place.

15 Q Now, you've seen the pictures and the discovery and
16 what's presented here.

17 A Yes, sir.

18 Q Is that the way the room looked?

19 A Yes, sir.

20 Q When you looked in the room were the bank statements
21 and whatever on top of the bed?

22 A I didn't know it was bank statements. I just saw
23 paper.

24 Q Well, saw the paper on top.

25 A Right.

Mark Allen Bradberry, Sr.
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1 Q Now, at -- during this evening did you already have
2 that debit card?

3 A Yes, sir. I got it when I came home. I usually just
4 come in and sit down on the little love seat while she sits
5 at her chair and plays her solitaire and watches the news
6 and whatever is on.

7 Q All right. So do you know how long you were in her
8 room?

9 A Later that night? Probably -- I don't know. Probably
10 a couple of hours or so. It was a pretty good while.

11 Q You stood there with your mother, you said you
12 believed was dead --

13 A Yes, sir.

14 Q -- for a couple of hours.

15 A Yes, sir.

16 Q You had telephones, didn't you?

17 A Yes, sir.

18 Q Why didn't you call 9-1-1?

19 A I don't even know. I -- I just from my experience,
20 just watching like T.V. shows and things of that nature,
21 and I had a little bit of -- I don't know. I just know
22 that whoever calls first, they usually use them for a
23 suspect or whatever. So I did wrong doing that and I'm
24 still a suspect.

25 Q How much had you drank?

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1 A A lot. I bought a box of Busch Ice beers and --

2 Q Hold on. What's a box?

3 A I think it was 12 or 18. I don't know how many I
4 bought.

5 Q Okay. Had you drank most of that 12 or 18?

6 A Yes, sir. And I had a little bit of wine.

7 Q All right. You say you're panicking, thought you
8 would be accused, and you didn't call 9-1-1. What did you
9 do?

10 A I just stayed there, and then the next morning I knew
11 Brenda'd be going for work early. So I went over to her
12 house, and then I stayed there a little while and went up
13 to Bi-Los and got my medicine.

14 I don't know. I just still didn't know exactly
15 what -- what I should do. I knew it wasn't probably the
16 right thing at that time. But I went and got my medicine
17 and come back. And I was trying to decide, because I'd
18 done -- I'd tried before. But I was wondering. I just had
19 lost everything, you know, and all the death in my family.

20 And I just wanted to commit suicide. So I decided I
21 didn't want nobody to find me. So I was going to go to the
22 beach and kill myself at the beach, because that's the last
23 place I was at with my son before he got killed.

24 Q And did you take some jewelry from the house and pawn
25 it?

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1 A Yes, sir, I took my jewelry. I have had it for years,
2 and I took it to the pawn shop. I'd been to the pawn shop
3 there before.

4 Q Now, you seen the jewelry that was put into evidence
5 that was recovered.

6 A Yes, sir.

7 Q Mr. Tobias -- you pawned. Is that what you're talking
8 about?

9 A Yes, sir.

10 Q Now, the state -- this earrings and rings appear to be
11 women's rings.

12 A Yes, sir.

13 Q Okay. Why do you have women's jewelry?

14 A My mama had give it to me years ago. It was her
15 grandma's, most of it. I mean, it was my grandmother's.
16 She passed away.

17 Q And that's what you pawned, was your property.

18 A Yes, sir.

19 Q Okay. So you'd gone to Bi-Lo. You went to Bi-Lo in
20 Brenda's Buick.

21 A Yes, sir.

22 Q And where did you go after Bi-Lo?

23 A Back to Brenda's.

24 Q Okay. Is that when --

25 A That's when I decided I -- you know, I'd been thinking

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1 about it, and I just had -- you know, and I'm feeling I had
2 lost everything that -- you know, I don't know. I mean, me
3 and mama was close forever. I mean, I always lived with
4 her sometime, another, in my life. I don't know. I just
5 didn't want to live any longer. And I didn't want to be
6 found over there at Brenda's with McKenna, or I didn't know
7 what to do. So that's why I went and got my mom's car and
8 took -- took it to the beach.

9 Q Why did you take your mom's car and not the Buick you
10 were driving?

11 A Well, the Buick, it's just a little around --
12 around-town car there. It's -- you wouldn't want to drive
13 it that far.

14 Q You didn't think the Buick would make it to the beach?

15 A No.

16 Q So you decided to take your mother's car because it
17 was a better car, a newer car?

18 A Yes, sir.

19 Q Did you have an idea how you were going to commit
20 suicide?

21 A Well, I was just going to go out in the ocean and dive
22 off the pier there or something like that. Or I had went
23 up to the top floor of the motel, and I just couldn't do
24 it.

25 Q You just decided not to?

Mark Allen Bradberry, Sr.
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1 A Yes, sir.

2 Q All right. Well, when you decided that you weren't
3 going to end your life at the beach -- at what point did
4 you decide you were not going to commit suicide?

5 A A few times. I -- I went there a few times over the
6 period I was there, I think, three days maybe. And I just
7 couldn't do it. I didn't know what else to do.

8 Q Are you talking in the water or from the building?

9 A The building. I just went on that dock one time and
10 just --

11 Q Okay. How many times did you go up in the building?

12 A About four or five times.

13 Q Do you remember how many stories the hotel was?

14 A Eight.

15 Q Eight stories.

16 A I think it's eight.

17 Q At any point during this had it occurred to you that
18 maybe I ought to call 9-1-1 and let them know what
19 happened?

20 A Yes, sir. And I don't know why I didn't, because I
21 figured by then I'd -- you know, I'd just be in more
22 trouble. So I think, well, I'll just kill myself, it ain't
23 going to matter now anyways. And then I couldn't do it, so
24 I come back to Pacolet.

25 Q What were you going to do when you came back?

Mark Allen Bradberry, Sr.
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1 A I generally just -- I was going to get in touch with
2 somebody and, you know, go back home. But when I got back
3 close to the house I seen an ambulance there, and I went.
4 I turned around and went the other way.

5 Q Okay. Where did you go?

6 A I rode down through the countryside there. Just from
7 our house you can just go like a mile or so and be on
8 Jerusalem Road, and right there is Union County. And
9 there's just some woods off of -- I don't know -- the side
10 road off Jerusalem -- the name of it. I just went down
11 there to the woods and stayed down there.

12 Q And this is a day before you were arrested or --

13 A Yes. This was that Sunday.

14 Q Sunday. Okay. All right. And drove into Union
15 County in some woods. And what happened?

16 A Just stayed there all night. Then I left out the next
17 morning and went to Pauline to my friend's house,
18 Mr. Keeler.

19 Got out and knocked on his door, but he didn't come to
20 the door. So I went back down there and got my car and
21 moved it back around by his shed. That's where his brother
22 usually parks his truck right there. And I had a bunch of
23 pills I had. They was my prescription, so I just took them
24 all, whatever I had at the car.

25 Q what kind of pills?

Mark Allen Bradberry, Sr.
Direct examination by Mr. Hall

1 A Sir?

2 Q What kind of pills did you have?

3 A Klonopins. And took I some blood pressure medicine
4 and some diabetes medicine.

5 Q Now, Klonopin. What's that?

6 A I think it's some type of sedative for anxiety and
7 depression and things like that.

8 Q Okay. Do you know how many of those you took?

9 A It was a hand full of all of the pills. I'd say about
10 30.

11 Q Okay. After you took the pills, what happened?

12 A I don't know. Passed out.

13 Q All right. What's the next thing you remember?

14 A Being over at the -- the county detention center, at
15 the jail.

16 Q Do you know what day that was?

17 A At first I didn't. I was like I was coming to. I
18 don't know. But I was coming into -- into the pod. They
19 got different pods there, and you go in a little room and
20 watch a video about something for the jail. And I found
21 out later it was -- I think it was Wednesday afternoon
22 late. I'm pretty sure. I's -- I was there a couple of
23 days.

24 Q All right. Now, the neighborhood you lived with your
25 mother --

Mark Allen Bradberry, Sr.
Direct examination by Mr. Hall

1 A Yes, sir.

2 Q -- tell the jury about that.

3 A What --

4 Q What kind of neighborhood was it?

5 A It's just a mill -- mill houses, like on a mill hill,
6 Pacolet Mills. And just I live right on the 150, on the
7 main drag. It's Montgomery Avenue. But to get to the
8 house you gotta go around the post office and come down
9 this little tiny alley and park in the alleyway. And
10 they're all about set up like that over by -- beside of the
11 mill hill and across the river.

12 Q So it's a pretty typical mill village with alleys
13 behind on slopes?

14 A Uh-huh, yeah, it's like, uh-huh.

15 Q Okay. And I believe from the pictures it was clear.
16 The front of the house is much higher than the street.

17 A Oh, yeah, yeah. You just a thing, and then you get
18 some steps over there in between two houses. And you can
19 go down to the sidewalk.

20 Q Is there much foot traffic, people moving, milling
21 around?

22 A Yeah. There's a pretty -- good amount of people
23 moving. After school the kids move, and then all during
24 the day and nights and all the -- you see all kind of
25 people out walking dogs and just people you don't know

Mark Allen Bradberry, Sr.
Direct examination by Mr. Hall

1 walking around.

2 Q You ever have people around, hanging around the house,
3 in the evening or anything?

4 A Yes, sir. One -- one evening me and my mother was in
5 the house. I's in the kitchen. I don't know what we were
6 doing exactly.

7 But we have a motion detector on the back, and it came
8 on. So I walked out the back door and looked around. And
9 our neighbor lady, Ms. Hazel next door, has a privacy fence
10 there. And I can see somebody ducked behind there, and
11 they had a shadow there.

12 I asked him what he was doing, and he said he was
13 waiting on somebody. And I told him you're not going to be
14 waiting on them here.

15 So I went in and had my mom call the police. And I
16 think Officer Bishop had come out. And they looked for him
17 but couldn't find him.

18 And one night -- I think it was like in the
19 wintertime, the last winter there -- I'd come out about
20 1:00 in the morning on the porch and smoked me a cigarette.
21 And there was somebody on her front steps, right at the
22 front porch on the outside of the screen. And I said, hey,
23 you know, what's going on. I don't recall what he said,
24 but I told him he needed to leave because I was going to go
25 call the police.

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Direct examination by Mr. Hall

1 And I went and got the phone and come back out and he
2 was gone. And I heard the dogs barking on the alley part
3 of the house. And I found out later he'd went through that
4 part of the yard in between our house and Hazel's. And we
5 have a small wooden fence about this high, and you could
6 see where he put his hand up on the wall of the house. His
7 handprint's still there where he broke that fence down. I
8 never did know who that guy was.

9 Q Okay.

10 A And my mom's car broke -- broke into one time, but I
11 don't know what they got.

12 Q All right. Pretty typical small mill village.

13 A Yeah. The house behind us got broke into and they --
14 I don't know what they did in that house.

15 Q Mark, did you cause any of the injuries to your mother
16 that we heard about today?

17 A No, sir.

18 Q All right. Now, I'm sure people will want to know.
19 You come in and find your mother like that. Tell us again.
20 why didn't you call 9-1-1 that night, the next day, the day
21 after, or the day after?

22 A I don't know. I was just scared just from finding --
23 just from finding her that way. I didn't know what to do.
24 Confused, scared.

25 Q Now --

Mark Allen Bradberry, Sr.
Direct examination by Mr. Hall

1 A I don't know.

2 Q You heard -- you told the jury a little while ago how
3 your mother was important to you. But in that letter that
4 you wrote, I think to Brenda, you talked about her being
5 bad, mean. Which is it?

6 A Well, just depend on what was going on. Maybe not all
7 of that but -- all of that bad-bad -- but just depends on
8 what she would say or something like that.

9 Q Okay. When things were going bad for you, you had no
10 place to go, where did you go?

11 A Back to Brenda's.

12 Q I'm talking if you're with Brenda --

13 MR. BARNETTE: Objection, Your Honor. Leading the
14 witness.

15 THE COURT: Sustained.

16 Q If you had -- could not be with Brenda, where would
17 you go?

18 A Oh, I'd go to my mom's, you mean? Or I don't know
19 what you mean, what house I was at or --

20 Q If -- now, you've been married before. You've got
21 children.

22 A Oh, yeah, uh-huh.

23 Q All right. Times if -- when your marriage broke up.

24 A Oh, I'd be back at my mom's. I stayed there in and
25 out my whole life with her. She moved to Arizona one time.

Mark Allen Bradberry, Sr.
Direct examination by Mr. Hall

1 I moved out there to be with her.

2 Q Okay. And as far as your finances was scrapping
3 your --

4 A That's all I was doing at the time, and some yard
5 work.

6 Q Okay. Get paid in cash?

7 A Yeah. A little bit.

8 Q Did you deposit your money into an account?

9 A If I had enough to save up a little bit I'd give it to
10 my mom to put up.

11 Q Put it in her account?

12 A Yes. She put it in there. Or if she used it, she
13 would leave money in there that she already had or
14 whatever.

15 Q And you used her debit card quite often?

16 A Mainly off my medicine, and sometimes I'd go to the
17 Bi-Los at Cedar Springs and get her medicine for her if she
18 didn't feel like going. And she'd send me on grocery store
19 runs sometimes.

20 Q But you used her account like it was yours.

21 A Just when she asked me to go buy her stuff.

22 Q But if you were going to purchase your prescription --

23 A Oh, yeah. I'd use her card.

24 Q Used her card. Okay.

25 MR. HALL: Beg the Court's indulgence.

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 (Pause.)

2 Q Please answer any questions Mr. Barnette has.

3 MR. BARNETTE: May it please the Court, Your Honor.

4 THE COURT: Mr. Barnette.

5 CROSS-EXAMINATION

6 BY MR. BARNETTE

7 Q So your mother let you use the debit card and put in
8 the account and everything like that, is that right?

9 A I'd give her my money. And if she didn't put it in
10 her account she would use the money that she already had in
11 there and just keep the cash for whatever purpose.

12 Q Let me ask you a question. Why is your brother on the
13 account and you're not?

14 A I have no idea. I didn't know he was on the account.
15 His name is not on the card. She never told me he was on
16 the account.

17 Q He was on the account there.

18 A Yeah. I didn't that until yesterday or whatever day
19 you showed me that paper.

20 Q Okay. And in this neighborhood you'd had some people
21 around the house.

22 A Yes, sir.

23 Q You'd called the police on them and things like that.

24 A Yes, sir.

25 Q Well, you told the jury just a little bit ago you came

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 home one, of the trips back, and you saw the front door
2 with the plate in the floor.

3 A Yes, sir.

4 Q You go in the house and you back out and get marijuana
5 or try to get marijuana after that.

6 A No. I saw the plate on the second time I came home.

7 Q No. You said something was wrong with the front door.
8 I heard you when you testified to him that you said
9 something was wrong with the front door. Why didn't you
10 call the police then or check on your mom at that point?

11 A I checked on my mom as soon as I saw it.

12 Q Well, isn't it true this is broke off from the inside
13 of the house, not the outside of the house? Wasn't it?

14 A I have no idea how it was broken.

15 Q Well, how --

16 A I mean, there's scratches out there on the front door.

17 Q Yeah. But the thing was broke from the inside.
18 You've seen the pictures.

19 A I don't know.

20 Q Somebody tried to scratch it to make it look like
21 somebody was trying to break in from the outside, but
22 actually the doorjamber, the part you're talking about, was
23 broke in from the inside.

24 A I don't know. I don't know how it got broke.

25 Q Okay. You keep talking about these T.V. shows you

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 keep watching and everything.

2 A Usually movies.

3 Q Movies and stuff. You watched crime movies or shows
4 and movies and everything, is that right?

5 A Just what I get D.V.D.s at the library. We didn't
6 have no cable or nothing.

7 Q Your mom watched T.V.

8 A Yeah. We had antenna, like the digital antenna.

9 Q Well, yeah. So you could watch Channel 3, Channel 7,
10 Channel 13.

11 A Oh, yeah. I could get some news or something.

12 Q Well, you can get T.V. shows on that. You're trying
13 to tell this jury you can't get T.V. shows on those
14 channels?

15 A Well, yeah. But I didn't -- I watched movies all the
16 time. I'd watched T.V., regular cable, if I's at Brenda's.
17 She had satellite over there.

18 Q Oh, so you be over at Brenda's. Brenda's is where you
19 went when you got in trouble or whenever you had a
20 situation, isn't that right?

21 A No. I went there every day to see my daughter and
22 help take care of her.

23 Q Well, you didn't go to take care of her on the
24 Thursday night, did you?

25 A Not Thursday.

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

- 1 Q You didn't go take care of her Friday night, did you?
- 2 A No.
- 3 Q Didn't go take care of her Saturday night, did you?
- 4 A No.
- 5 Q You didn't call anybody, did you?
- 6 A No.
- 7 Q You didn't call the police when you thought that the
- 8 house might have been broke into or something happened to
- 9 the front door to start with. You didn't call when you
- 10 came back and found your mom.
- 11 A No.
- 12 Q You didn't check to see what injuries she had?
- 13 A I could tell there was lots of blood out and she
- 14 was -- wasn't moving or nothing.
- 15 Q Well, the jury's got the pictures, and they'll have it
- 16 too. Where do you see all of the blood at? How did you
- 17 know there's a lot of blood and whatever?
- 18 A There was stuff sitting around.
- 19 Q And you sat in there for hours, right?
- 20 A Yes.
- 21 Q Well, if you sit there for hours there's blood
- 22 splatter everywhere. Where's the smeared blood? Where was
- 23 all of that at?
- 24 A I don't know if there is any smeared blood.
- 25 Q I'll be able to show the jury the pictures. So you

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

- 1 stayed in there for -- for a couple of hours at least.
- 2 A Probably.
- 3 Q And you looked to see what was taken, is that right?
- 4 A I looked around in that area there by the -- by the
5 desk, basically, but I didn't know what all was missing.
- 6 Q So you don't even know what was missing then.
- 7 A No.
- 8 Q And you wrote the letters that you had in the car with
9 you when the police got you -- your mother's car -- isn't
10 that right?
- 11 A That's my handwriting, but I don't remember what all I
12 wrote on them until I read them, reread them, later.
- 13 Q Okay. Well, you've got a date November the 1st on the
14 letters, is that right?
- 15 A I'd have to look and see.
- 16 Q On your last will and testament.
- 17 (Pause.)
- 18 Q Let me show you State's Exhibits 127, 128, 129, 130,
19 131, 132, 133.
- 20 A The first is on that one.
- 21 Q Well, let me ask you a question. When did you write
22 these?
- 23 A I wrote them at the beach I guess, yeah. I mean, I
24 don't -- I don't got no date on that. I mean, I don't
25 remember what I wrote until I read it and reread it, I

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 mean. I ain't got no date on that. It looks like the
2 date's on one letter on the -- says the 1st of November.

3 Q When? When did you write them, sir?

4 A The letters?

5 Q Yes, sir.

6 A I don't know exactly what day. I wrote this on the
7 1st because it's written up there.

8 Q Well, it's amazing. You remember some details you
9 want to, like when you go to Brenda's house and everything
10 else, but there are certain things you just can't remember,
11 is there, sir?

12 A Well, a'ter I find my mom murdered and dead you kind
13 of miss a few spots coming in and out, I'm thinking. And I
14 remember I went to Brenda's. That's when I decided to
15 leave town.

16 Q Okay. Let's go back. You find your mom dead. Okay.
17 What time of day was this?

18 A Late at night. I don't know what time it was.

19 Q The 29th or the 30th?

20 A Without looking at a calender, I don't know.

21 Q Was it after midnight or before midnight?

22 A I don't know what time it was, I mean. I was there
23 all night a'ter I got back so. Transpired until the next
24 day if it wasn't already past midnight. I don't know what
25 time it was.

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 Q Okay. So you just stayed in the house the whole time?

2 A Yes.

3 Q You never went outside the house.

4 A No.

5 Q So you got out of the house, and the first thing you
6 do was go to Brenda's house or -- went to Brenda's. Was
7 that the first thing you did from your mom's house?

8 A Yes.

9 Q Okay. So you stayed. How long did you stay in the
10 house with your mom dead?

11 A Until -- I don't know what time. Well, I don't know
12 what time I found her, so I'd say for a couple of hours at
13 least. I don't know how long I was there. And then I went
14 to Brenda's early in the morning.

15 Q Okay. So you never left the house.

16 A No.

17 Q Okay. When you came back in. And that's where you
18 came back in when you'd been looking for marijuana in
19 different places.

20 A Yes, sir.

21 Q How many times did you go out looking for marijuana
22 that night?

23 A Twice.

24 Q Twice. Okay. And you spent at least two hours doing
25 that.

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 A Yeah. A little less the second time.

2 Q Okay. And you went. Okay. You went to Boiling
3 Springs, I-85 Business, all of that.

4 A Yes, sir.

5 Q Is that right? The second time where did you go?

6 A I just went off and made it back to Business 85.

7 Q So you drove back to Business 85 --

8 A Yes, sir.

9 Q -- during that time. So that takes some time to go up
10 to there from Pacolet Mills.

11 A Yeah, oh, yeah.

12 Q So we're looking at, what, half an hour at least one
13 way?

14 A Probably. Wasn't a lot of traffic that night, not
15 late at night.

16 Q Okay. So you're driving the car. The Buick's the one
17 that Brenda had let you drive. It's actually her car,
18 right?

19 A Yes.

20 Q And that's for taking care of McKenna, to help make
21 sure you get over there for that.

22 A Oh, well, no. I -- I'd been there anyways. It's just
23 a matter of what -- when I lived there I drove the car.

24 Q Okay. So what time do you get back in? So you spent
25 at least three hours out on the road trying to find

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 marijuana that night.

2 A Maybe two different times, but probably sounds about
3 right.

4 Q Okay. And you come back in. You find your mother
5 dead. You spend at least a couple of hours with her in the
6 room.

7 A Yes, sir.

8 Q Okay. When you get outta the room where do you go,
9 when you finally decide? Do you go through her stuff to
10 see what's stolen or whatever? Is that what you did?

11 A I -- I was just looking around to see. I don't know
12 what I was looking for exactly to notice if something was
13 missing. But I don't recall if anything was missing.

14 Q So you did go through the stuff.

15 A Sir?

16 Q You did go through the stuff.

17 A Nah. I kind of looked at everything but, you know,
18 not like picking it up and looking at it. I might have
19 picked up some of it and looked at it or moved it, but just
20 looking around in nonbelief. I was still in shock.

21 Q Okay. When you finally decide to leave your mom's
22 room, where did you go or what did you do?

23 A I went to Brenda's.

24 Q So you went to Brenda's.

25 A Yes.

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 Q Drove to Brenda's. And did you see your -- Brenda's
2 neighbor as you drove out?

3 A She said she talked to me, but I don't recall. I
4 don't remember talking to her.

5 Q Well, you asked her about her truck and everything.

6 A Yeah.

7 Q And she was driving a different -- different car than
8 she normally does and said you acted like nothing was going
9 on.

10 A Yeah. I don't even remember seeing her.

11 Q So you don't remember that now.

12 A No.

13 Q Okay. So, but you remember going to Brenda's house.

14 A I remember being at Brenda's house. I mean, I had to
15 go there, drive there. I drove her car there.

16 Q Okay. And what did you do at Brenda's house?

17 A I don't even know. Sit around and waited on Bi-Los to
18 open. And then I went to Bi-Los, come back from Bi-Los.
19 And that's when I decided I wanted to commit suicide and
20 went and got my mom's car and went to the beach to do that.

21 Q Okay. So you go to the Bi-Lo. And we've seen the
22 video on the Bi-Lo. You act like nothing's wrong. You go
23 cash some coins to get some money there, and go to the
24 thing and cash in the Coinstar and go over and get the
25 prescription, is that right?

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

- 1 A Yes.
- 2 Q Did you get money back when you used the debit card
3 there at the bank or at the thing?
- 4 A At the Bi-Los?
- 5 Q Yes, sir.
- 6 A Seemed like I did. I might have did.
- 7 Q Okay. So you get back out in your car, and you drive
8 back to -- you drove back to Brenda's in -- in the Buick,
9 is that right?
- 10 A Right.
- 11 Q Okay. And then that's when you decided you would
12 commit suicide at that point.
- 13 A Right.
- 14 Q What did you do next?
- 15 A I went and got my mom's car and left.
- 16 Q Okay. So you didn't go back into the house or
17 anything after that. You just went to the car and got in
18 and left.
- 19 A I went in the back door. The keys is hanging right
20 there at the -- beside the stove.
- 21 Q Okay. So you just went in and got the keys and came
22 back out, is that right?
- 23 A Right.
- 24 Q So where did you drive after that?
- 25 A I went by the pawn shop.

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 Q Okay. So you go to the pawn shop, and you pawn the
2 jewelry.

3 A Yes.

4 Q Okay. And you sold it to Mr. Tobias.

5 A What?

6 Q You sold it to him, is that right?

7 A I sold it?

8 Q Yes, sir.

9 A Yes. Every time I brought jewelry there I had sold
10 it.

11 Q Okay. But you sold it that day, is that right?

12 A Every time I brought jewelry I sold it to him.

13 Q Okay. And then after you went to Mr. Tobias' where
14 did you go? And this is about 11:20 in the morning.

15 A Went by Mr. Keeler's.

16 Q Okay. What happened then?

17 A We talked a few minutes, and then I left. That was
18 it.

19 Q And where did you go after that?

20 A To the beach.

21 Q Okay. Did you stop anywhere while you was going to
22 the beach?

23 A I stopped at a gas station somewhere down there on
24 Interstate 20 right outside of Columbia.

25 Q What did you do once you got to that gas station?

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

- 1 A I got a drink, probably something to eat, and I cashed
2 in that debit card.
- 3 Q Okay. So you took \$400 out on the debit card.
- 4 A Yes.
- 5 Q And that's your mom's debit card.
- 6 A Yes.
- 7 Q Okay. What did you do next?
- 8 A Went to the beach.
- 9 Q Okay. Did you get a hotel room?
- 10 A Yes.
- 11 Q I believe we've seen the receipt.
- 12 A Oh, yeah.
- 13 Q And that was on October the 30th.
- 14 A Oh, yeah. I guess it was.
- 15 Q Okay. And you stayed there until when?
- 16 A Until Sunday. I don't know what day the 30th is.
- 17 Q Okay. And you've already decided you're going to
18 commit suicide, is that right?
- 19 A Do what, now?
- 20 Q You'd already decided by the time you checked into
21 this hotel you're going to commit suicide.
- 22 A Yeah. I decided that earlier at Brenda's house.
- 23 Q Okay. So you go down there and you get in the hotel
24 room. And what did you do next?
- 25 A A lot of crying and trying to figure out what I was

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 going to do and walked out on the dock, and it was like a
2 pier down there, and I just couldn't do it.

3 I went up to the top floor and was going to jump off
4 of that several times but just didn't do it. And I come
5 back, and I was going to come back and get in touch with
6 somebody, and because I didn't know if anybody had been by
7 or not. I noticed somebody hadn't been by. There was
8 ambulance out there.

9 Q Okay. Well, if you was going to commit suicide why
10 did you go to K-Mart and buy you a pair of shorts, shaving
11 cream, personal items?

12 A I have no idea why I did it.

13 Q Okay. So, you mean, you're just walking through the
14 store.

15 A Yeah.

16 Q We've got the pictures --

17 A Right.

18 Q -- where you're buying things while your mom is dead
19 at her house.

20 A Yes.

21 Q You go to Chick-Fil-A and buy you a Chick-Fil-A
22 sandwich.

23 A Yeah. It was right there in the same parking lot as
24 K-Mart.

25 Q You remember that, but you don't remember a lot of

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 other stuff, do you, sir?

2 A I remember a lot, when I went to K-Mart and went on
3 the dock and went upstairs.

4 Q Okay. And you also went to the post office.

5 A Yes. I don't remember what day it was. It was a
6 business day because it was still open.

7 Q Okay. And you sent Brenda Kean the money order, is
8 that right?

9 A Yes.

10 Q And you bought the envelope there too.

11 A Yes.

12 Q And you're still driving your mom's car, is that
13 right?

14 A Well, yeah.

15 Q The whole time. You've got her debit card.

16 A Yeah.

17 Q Still got it. It doesn't have your name on that
18 account.

19 A No.

20 Q Okay. And so you come back. And this whole time you
21 never called 9-1-1 or told or called anybody. You didn't
22 call your family members.

23 A No.

24 Q Didn't call anybody about your mother.

25 A Nah.

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 Q Well, you know, it's funny. When you went to Brenda's
2 house the first time you left your cell phone.

3 A Well, it was like a joint phone on the food stamps
4 thing. We had food stamps. So I left it.

5 Q Well, you know the police can track those phones.

6 A I don't know what they can track. It's just a little
7 cheap phone.

8 Q I mean, we watch it on T.V. all of the time.

9 A Right.

10 Q Things like that. But you decided to leave this phone
11 at the house. You left your prescriptions at the house,
12 didn't you?

13 A Yes.

14 Q And you can't remember when you wrote these letters
15 other than the one you dated, the last will and testament.

16 A No. They might have been all been that day. I don't
17 know. I didn't put a date on them.

18 Q Well, sir, if you were so tore up -- you heard the
19 pharmacy lady come in and testify -- Ms. Ballenger.

20 A Yes.

21 Q You carried on a normal conversation. You even asked
22 about her car, didn't you?

23 A Yes.

24 Q You talked to the person at the desk there when you
25 cashed in your Coinstar.

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

- 1 A I may have. I don't know.
- 2 Q You talked to Mr. Tobias, didn't you, that morning?
- 3 A Well, yeah. I had to ask him how much he'd sell --
- 4 give me if I sold it to him, because the price is different
- 5 if you sell it and pawn it.
- 6 Q Oh, so the price is different if you sell it or pawn
- 7 it.
- 8 A Oh, yeah.
- 9 Q And of course Mr. Tobias knows that, doesn't he?
- 10 A Yeah.
- 11 Q Okay. They didn't see anything unusual. The jury's
- 12 going to see the videos and everything. You're not
- 13 acting -- if you're so tore up, it didn't show, anything we
- 14 have seen. If I saw my mom die what would you think? What
- 15 would a normal person think?
- 16 A Probably be like I was those hours when I's with her.
- 17 Like I said earlier, I done seen a lot of death. I was
- 18 there when my brother got killed and my son got killed.
- 19 Q Well, let's ask about your son.
- 20 A All right.
- 21 Q You called 9-1-1 that day, didn't you?
- 22 A Yes.
- 23 Q You didn't have anything to do with that, did you?
- 24 A What do you mean?
- 25 Q Your son. You called 9-1-1.

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

- 1 A I called 9-1-1, yeah.
- 2 Q But you don't call 9-1-1 when you come home and find
- 3 your mom dead?
- 4 A No. I don't know why I didn't.
- 5 Q Is it because you did it?
- 6 A No. I didn't kill my mother.
- 7 Q Okay.
- 8 A I love my mama still.
- 9 Q That's not what you said in the letters. The jury's
- 10 going to have these letters to read too.
- 11 A That's all right.
- 12 Q And your mom kept the neatest house as ever was,
- 13 didn't she?
- 14 A Oh, yeah.
- 15 Q She kept everything as clean as a spot.
- 16 A Yeah.
- 17 Q She'd made sure everything was clean. Well, we can
- 18 see the other rooms. She tried to keep everything clean as
- 19 she could, didn't she?
- 20 A Oh, yeah. Every time we ate, we'd wash the dishes
- 21 right then. We didn't stack them up and wait until later
- 22 or anything. Kept everything neat.
- 23 Q Yeah. And her grandkids would come over and stay in
- 24 the spare bedroom, isn't that right too?
- 25 A Not while I was there. I don't know -- I don't know.

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

- 1 They might have.
- 2 Q So she didn't want the grandkids around you then.
- 3 A Well, I had some of her grandkids.
- 4 Q Uh-huh.
- 5 A So when mine would come, they would stay in her room
- 6 with her -- McKenna.
- 7 Q But the bottom line is your mom, she did all of the
- 8 work at the house. She kept everything clean and spotless
- 9 and everything.
- 10 A On the inside. I'd clean my room, and I'd do all the
- 11 grass and bushes and all of that stuff outside.
- 12 Q Okay. But she kept everything clean and nice.
- 13 A On the inside, yeah.
- 14 Q And you're talking about you do the work on the front
- 15 porch. You're the one that used the front porch
- 16 basically -- the copper and the stuff like that.
- 17 A Oh, yeah. I do a little of scrapping -- what I call
- 18 it -- out there.
- 19 Q And you've got tools out there and things like that --
- 20 A Uh-huh.
- 21 Q -- where you go get the T.V.s and work on them and
- 22 everything.
- 23 A Right.
- 24 Q From there. So you got the tools to do that kind of
- 25 work.

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 A Well, yeah. Just you'd need a few basic things.

2 Q Okay. Like screwdrivers, things like that. What
3 tools do you need?

4 A You need some side cutters, a couple of different
5 sizes of screwdrivers and nut drivers, sockets, socket set,
6 a few little wrenches, wire strippers and stuff like that,
7 or either a razor to strip some of it loose of the wires.

8 A magnet.

9 Q Okay.

10 (Photographs marked State's Exhibits Nos. 161, 162 and
11 163 for Identification.)

12 Q Sir, let me let you see 161, 162 and 163.

13 A All right.

14 Q Do these pictures fairly represent the way the door
15 looked when you saw it that night?

16 A Yes, sir. That's the part I stepped on, whatever was
17 there, one of them kind of things.

18 Q Okay. So these pictures fairly represent the way that
19 looked that night when you came back in.

20 A I guess, yeah.

21 Q Okay.

22 MR. BARNETTE: Your Honor, I'd like to enter State's
23 Exhibits 161, 162 and 163 into evidence.

24 MR. HALL: Without objection.

25 THE COURT: They're admitted.

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 (Photographs marked State's Exhibits Nos. 161, 162, and
2 163.)

3 Q Let me show you what's been marked as 162, sir, or
4 163. Excuse me. This is State's Exhibit 163. This is the
5 storm door, isn't it, sir?

6 A Yes.

7 Q That's the outside, right?

8 A Yes, after the wood part.

9 Q Okay. And right here was where the -- this is, I
10 guess, a strike place, it's what you called it from there.
11 There was a strike plate that wound up in the floor, is
12 that right?

13 A Yes.

14 Q Where's the damage to the door where the plate was
15 taken off on the outside?

16 A I don't know about the door, but on the frame it's all
17 around that thing.

18 Q From the inside. It's not the outside.

19 A Well, I don't know how we got, I like --

20 Q Basically, with the door open.

21 A I ain't never broke in the house, so I don't know how
22 we'd do it.

23 Q Basically, with the door open, is when it was taken
24 off, wasn't it?

25 A It shouldn't have been. I don't know. I didn't take

Mark Allen Bradberry, Sr.
Cross-examination by Mr. Barnette

1 it off of there.

2 Q Okay. 162. The edges are good. There's no prying on
3 the edges of the door, is there, sir?

4 A Not that I can see there. I mean, I'm not -- I don't
5 know.

6 Q Let's look at 161 where you said the scratching was on
7 it. Is that the scratch mark you saw on the outside of the
8 door?

9 A Yes, I think so, yeah.

10 Q Why isn't it continued to past the edge where you
11 actually pry the door open with?

12 A I don't know. I -- I mean, I ain't a carpenter or
13 nothing. I don't know how that operates except you open
14 and close it.

15 Q But your earlier testimony was you saw this earlier
16 and you didn't call the police or anything.

17 A When I saw that I checked with my mom, and I never
18 called anybody since that.

19 Q Okay.

20 MR. BARNETTE: One moment, Your Honor, please.

21 (Pause.)

22 Q If you would, sir, please answer any questions your
23 attorney has.

24

25

Mark Allen Bradberry, Sr.
Redirect examination by Mr. Hall

1 REDIRECT EXAMINATION

2 BY MR. HALL

3 Q Just to clarify. That evening how many times did you
4 leave the house?

5 A I left two times.

6 Q All right. When did you see that strike place [sic]
7 on the floor, after the first time or the second time?

8 A The second time.

9 Q When did you find your mother, after the first time or
10 the second time?

11 A The second time.

12 MR. HALL: No further questions.

13 MR. BARNETTE: No further questions of this witness,
14 Your Honor.

15 THE COURT: You may step down.

16 MR. HALL: That's the defendant's case, Your Honor.

17 THE COURT: Any reply?

18 MR. BARNETTE: Yes, sir.

19 THE COURT: Okay.

20 MR. BARNETTE: Like to call Investigator Talanges back
21 up.

22

23

24

25

Robert Charles Talanges
Direct examination by Mr. Barnette

1 ROBERT CHARLES TALANGES,
2 having been previously duly sworn, testified as follows:

3 THE COURT: You have previously been placed under
4 oath.

5 THE WITNESS: Yes, sir.

6 THE COURT: You're still under oath for the purpose of
7 these questions.

8 THE WITNESS: Yes, sir.

9 DIRECT EXAMINATION BY MR. BARNETTE

10 MR. BARNETTE: Permission to republish 161, 162 and
11 163.

12 THE COURT: You may.

13 Q Sir, I know the jury knows this. You went to the
14 crime scene, I believe, on November 2nd of 2014, is that
15 right, sir?

16 A Yes, sir. I did.

17 Q Okay. And looking at these, if you would, how many
18 burglary cases have you worked over your years?

19 A I would say hundreds.

20 Q Okay. Showing you what's been marked as State's
21 Exhibit 163. If you would, tell the jury. Let me see if I
22 can lighten that up just a little bit. If you would, tell
23 them about your observations. Hand this to you. Here is a
24 laser pointer for you.

25 A You have your storm door here with a locking latch and

Robert Charles Talanges
Direct examination by Mr. Barnette

1 you have your -- your wood framing for the main door. This
2 is where the deadbolt latches. Down here is the striking
3 plate where the handle or the turn knob -- that's where
4 that striking plate would have been, this location.

5 what brought my attention to this was you have a metal
6 strip here that's in front of the door when it closes, make
7 it air tight, seal. No damage at all found here. And then
8 looking at the door from the side view you don't find
9 any --

10 Q 162.

11 A The edges of the door. And it is such a tight fit,
12 you don't find any pry marks or any damage whatsoever. And
13 it would have been because there's -- there's the handle.
14 Here's the -- the -- I call it the knob or the locking
15 bolt. And the strike plate would have been on the other
16 side in this location here. These are -- these are clean.
17 There's no prior marks; there's no physical damage
18 whatsoever.

19 Q Let me show you what's been marked as 161. Darken
20 that a little bit for you. If you would, tell us about
21 this mark here.

22 A This is the exterior of the door. Here is the edge
23 here and where they -- where you're looking at the clean
24 area here is where that -- I guess the weather sealed that
25 strip I was talking about where the -- where the door meets

Robert Charles Talanges
Direct examination by Mr. Barnette

1 when it closes to keep out, you know, of course cold air or
2 warm air. But there's no damage. You've got chipping here
3 between the deadbolt and the doorknob, but no physical
4 damage whatsoever on the other side.

5 Q Let me ask you another question too. There was
6 actually two locks on this door. You've got the door
7 handle, which was the plate knocked off, but you also had
8 the deadbolt lock, isn't that right?

9 A Deadbolt, that's correct.

10 Q And the deadbolt lock is still in place, isn't it?

11 A Yes, sir. That means that the -- the deadbolt wasn't
12 locked.

13 Q Or, yeah, I mean it had to be unlocked.

14 A Had to be unlocked, that's correct.

15 Q So you had actually had two locks. One of them was
16 still intact.

17 A Yes, sir.

18 Q So the deadbolt had to be unlocked for -- without any
19 damage whatsoever.

20 A Correct.

21 Q And you had -- basically, does this look like a staged
22 situation to you, sir?

23 A Yes, it does.

24 Q And of course the inside of the bedroom, did it look
25 staged to you also?

Robert Charles Talanges
Direct examination by Mr. Barnette

1 A The bedroom?

2 Q Yes.

3 A Yes, it did.

4 Q The victim's bedroom, I mean.

5 A Yes, sir.

6 MR. BARNETTE: One moment, Your Honor, please.

7 Q Please answer any questions Mr. Hall may have for you,
8 sir.

9 MR. HALL: No questions, Your Honor.

10 THE COURT: Step down.

11 MR. BARNETTE: We'd ask the witness be excused, Your
12 Honor.

13 THE COURT: He may be.

14 (Whereupon, the witness was excused.)

15 MR. BARNETTE: The state would rest, or that'd be the
16 only witness we would call.

17 THE COURT: Okay. That's all the testimony and
18 evidence to be presented.

19 What remains to be done are the lawyers' final
20 summations. I'll instruct you on the law. Then you'll
21 begin with your deliberations.

22 I've got a couple of matters I'll need to address
23 first. So I'll ask you to please go to your jury room. Do
24 not yet discuss the case. I'll bring you back shortly to
25 conclude.

1 (The following takes place outside the presence of the
2 jury.)

3 THE COURT: Okay. Any other matters we need to
4 address before we conclude?

5 MR. HALL: Your Honor, just need to make a motion --
6 renew my motion for a directed verdict based on the
7 insufficiency of the evidence that has been presented.

8 THE COURT: All right. That motion is again denied
9 for the same reasons as previously provided.

10 Any requests for instructions?

11 MR. BARNETTE: Your Honor, I have one. May we
12 approach the bench?

13 (Bench conference held off the record.)

14 THE COURT: Any others? We will take ten minutes and
15 then conclude.

16 (Whereupon, a recess was taken.)

17 THE COURT: How much time do y'all anticipate needing
18 for your argument?

19 MR. HALL: Mine's going to be relatively brief. I'd
20 assume I'll be finished in 20 minutes or less, you know,
21 15, may be shorter.

22 MR. BARNETTE: I'd say 20 to 25, Your Honor. I don't
23 expect it to be long.

24 THE COURT: All right. Are we ready for the jury?

25 MR. BARNETTE: The state's ready, Your Honor.

Closing arguments

1 MR. HALL: Yes, sir.

2 MR. BARNETTE: Your Honor, I was planning on waiving
3 openings and closings.

4 THE COURT: Okay.

5 (The following takes place in the presence of the
6 jury.)

7 THE COURT: All right. Ladies and gentlemen, as you
8 know, the evidence has been received. We're now going to
9 hear the final summations of the lawyers. Then I'll
10 provide you with the instruction on the law. And then
11 you'll begin with your deliberations in the case.

12 So please give the lawyers your attention now as they
13 give you their final summations.

14 Mr. Hall.

15 MR. HALL: May it please the Court -- Solicitor.

16 Madam forelady, ladies and gentlemen of the jury, I
17 want to thank you for your attention. You appeared to have
18 paid attention to what's going on, and that's what you have
19 to do to be able to do your job. If you don't do that this
20 system doesn't work.

21 This has been a bad case. I told you it wasn't going
22 to be highly technical, you'd be hearing some D.N.A. and
23 big numbers but not very -- the C.S.I. stuff that we see on
24 T.V. Pretty straightforward.

25 It's horrible, tragic. A woman lost her life over

closing arguments

1 what looks like to be violent circumstances. But in our
2 system, even with a case like this, when someone's accused,
3 they get to stand before you and be presumed innocent. And
4 it's incumbent upon the state to prove him guilty beyond a
5 reasonable doubt.

6 I'll be the first to tell you Mr. Bradberry didn't do
7 a whole lot for himself by his actions. He did some things
8 that most people would think are very odd, peculiar or
9 stupid. But he got on the stand, and he got on the stand
10 to talk to you about it.

11 Now, we've got two basic charges. Actually, three
12 charges. Two basic charges is the murder of Mrs. Bataille
13 with malice aforethought, intent to or to take the life of
14 that person. Armed robbery and possession of a weapon
15 during a violent crime while armed with a deadly weapon,
16 taking the property of another, permanently deprive them of
17 that property. And actual weapon.

18 First of all, we assume some weapon or weapons were
19 used, but we don't have any weapon here, nothing that we
20 can say this caused this damage. But we do have testimony
21 this type of weapon or object would have done that.

22 Mr. Bradberry is, I guess, not that unusual type
23 person in our society. He's 49 years old, kind of almost
24 totally dependent upon his mother at times for being able
25 to pay a bill, purchase something, either through his money

Closing arguments

1 or her money through her account. He lives with his mama
2 and depends on his mama.

3 Like a lot of people have mixed emotions about his
4 living with his parents, in this case his mother. He feels
5 some animosity towards her but he is the -- she is the one
6 that allows him to have a place to live to be able to
7 function in society. Basically, totally dependent on her.

8 We have the debit card as part of the robbery. It's a
9 debit card that Brenda Kean -- you heard her testify --
10 that has a child with him, been in a relationship with him
11 for ten years. He drives her car. So, yeah, he used that
12 car, put the money in her account. He used the car. She
13 allowed him to do that. He told you that.

14 He told you she -- he had jewelry, and the jewelry he
15 pawned is the jewelry his mother had given him. Brenda
16 said that she knew about that.

17 And he borrowed her car to go kill himself. He's not
18 trying to keep the car forever. He just takes the car.
19 It'll make it to the place where he said he wanted to kill
20 himself.

21 Now, he did not have to testify. You know, the judge
22 tells you that. But he -- he wanted to get up there and
23 tell you I was stupid, I panicked, I didn't know what to
24 do. Even though to most people it was obvious, he didn't
25 know what to do. His thought, my mother's dead, that's --

Closing arguments

1 I -- she's such a big part of my life. Some people may
2 have bad feelings about it, but she's such a big part of my
3 life, that tragedy in my life, I'm going to end my life.

4 He's thinking about that. Goes and gets the script,
5 decides, leave the scripts here, I'm headed to the beach, I
6 want off to myself. Didn't have the courage to do it. A
7 lot of people do that. Went on top on the building, top of
8 the building, in the daytime. Went out on the pier.

9 But when he came back to Spartanburg County, Pacolet,
10 he saw the ambulance. He decided to go to a friend's
11 house. Knocked on the door. Thinking nobody's there,
12 parked his car and takes all the pills he can to kill
13 himself.

14 Now, the state presented some evidence through five
15 investigators to say this looks like a staged robbery to
16 them, a staged burglary.

17 I don't know if the strike plate just fell off, been
18 loose for a while. Nobody knew that. I don't know how
19 those things got there. I don't think anybody does.

20 They want you to believe that Mr. Bradberry did that
21 to make it look like a burglary and maybe somebody else did
22 it.

23 This is a normal mill village. People wandering
24 around. Sometimes not the best people in the world.
25 Sometimes those are the best -- in those towns and villages

closing arguments

1 you have some of the best people in the world, even though
2 they don't look like everyone else. You get all kinds of
3 people going through there.

4 when we look at what has been presented, they made a
5 big deal about the blood on his door going into his room
6 and the cut. I think it was on his right, cut or scratch
7 on his right, arm.

8 well, who knows? Nothing tells you how it got there
9 or when it got there. We do have testimony that
10 Mrs. Bataille was a very neat person and cleaned up, made
11 things straight.

12 There was a little mess in the house, but based on a
13 lot of things I've seen, that was a very neat house.
14 Mr. Bradberry told you I clean my room, I take care of the
15 outside and my room.

16 Now, as I recall, that was the door that if it was
17 closed swung open like this, and, exactly, get blood on the
18 end of the door from there would almost have to be this
19 type motion. I don't know. I don't know how it got there.

20 But does it tell you anything? It tells you at some
21 point Mr. Bradberry had some injury and some blood got on
22 the door. We don't know if it'd been there three days,
23 four days, seven days. We don't know that. I don't
24 believe it tells you anything.

25 what do we have -- the blood? The judge will charge

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1 you about that. It's we have a circumstantial case.
2 There's not really a whole lot of direct evidence that says
3 Mark Bradberry did this.

4 We have him making some poor decisions. Instead of
5 calling 9-1-1 thinks and thinks and thinks the best he can,
6 and he goes to kill himself, but he can't do it.

7 He knew enough. And his son was shot sometime ago,
8 injured, called 9-1-1. Different circumstances. This is
9 an additional tragedy in his life.

10 He didn't have to testify, but he chose to because he
11 wanted to tell you what happened. Shame he wasn't man
12 enough just to call the police. He decided. He thought
13 about himself, I'm going to kill myself, I'm going to go
14 kill myself. But then he didn't.

15 He came back and he tried to do it. For whatever
16 reason -- there weren't enough pills, wasn't enough there
17 to kill him. The police got him, and he's before you
18 today.

19 When you look at the case, his testimony, the
20 testimony of everybody, his testimony, he didn't have to do
21 that, but he wanted to come and testify. Very little
22 direct evidence. A lot of circumstantial evidence. And
23 the judge will talk to you about it.

24 At the very end it's not that could he have done that.
25 That's not enough. At the very end when you weigh this

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1 evidence and apply it to the law as the judge's giving it,
2 gives it to you, you must believe beyond a reasonable doubt
3 that Mark Allen Bradberry, Sr. took his mother's life and
4 took his property. I told you property. Well, he had the
5 account, use of the account. He had money in the account.
6 The jewelry was his. Nothing wrong in taking what's yours.

7 So I think the big question is did he take his
8 mother's life. Tragic circumstances. Not a very
9 intelligent reaction to those circumstances on the part of
10 Mr. Bradberry.

11 Mr. Bradberry and I thank you for your attention. I
12 thank you in advance for going back there and deliberating
13 and weighing the evidence. Give it the value you think it
14 should have. And I ask that when you look at it, give it
15 the benefit of the doubt in a circumstantial case. Give
16 him the benefit of the doubt and find him not guilty of the
17 charges. Thank you.

18 MR. BARNETTE: May it please the Court, Your Honor.

19 THE COURT: Yes, sir.

20 MR. BARNETTE: Just to follow up with something he
21 said there where he said supposedly the defendant told you
22 he was going to take his life when he took all the pills.
23 And he couldn't remember anything else.

24 Do you remember when Mr. Hall asked Investigator
25 Letterman? He said how did you find all of the places he'd

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1 been to. He said he told me about most of them. That's
2 how they found he went to Myrtle Beach and that's how they
3 found out he went to Columbia. But he can't remember any
4 of that now.

5 And the one thing the judge will be telling you about
6 is you'll get to look at the credibility of the witnesses.
7 You'll weigh what's true and what's not true. You're going
8 to be judges of the facts. And I'll tell you the
9 credibility of the defendant, there isn't any credibility.

10 I mean, if you go through that, his testimony alone,
11 here's a man that said he never -- I mean, he goes in, and
12 his mother that he don't even check on her, he just goes
13 and feels her and sits in there for two hours.

14 He comes up with this story that he tells you about
15 the strike plates and all of that, about the locks. And I
16 am going to go through all the evidence with you. I'm
17 going to go step by step. And I know you've seen it all,
18 but I just want to cover it all because this family here
19 deserves justice. The rest of them do.

20 What happened to Connie Bataille should never happen
21 to anybody. And what's terrible is the person she took the
22 care of the most is the one that did this to her.

23 I know a lot -- all of these pictures you've seen
24 before, but I just wanted to point out a couple of things
25 to you. Showing you State's Exhibit 23. Obviously, he

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1 left his car at the scene. He took his mother's car.

2 THE COURT: Excuse me just one minute.

3 Let me ask Ms. Paone -- I think it is -- do you want
4 to take that front seat there so you can see that a little
5 bit better?

6 THE JUROR: Thank you.

7 MR. BARNETTE: Showing you State's Exhibit No. 24. Do
8 you remember the newspaper? Do you remember I asked him
9 did you ever go outside of the house or do anything else.
10 He said, no, I stayed with my mom and I went and got in the
11 car and drove down the road. He went to Brenda's home.

12 Showing you -- this exhibit, State's Exhibit 37. That
13 was the paper that was there. That was Friday morning's
14 paper.

15 Okay. You remember Ms. Looney went, and said she went
16 in. The first thing she noticed was a paper on the table.
17 Show you State's Exhibit 36. Like I said, she kept it
18 immaculate. I mean, you can look at this kitchen and look
19 at everything. She had everything set in a certain spot.
20 There's a paper on that. Guess which paper that is?
21 Thursday's morning edition. Do you think he picked it up?
22 No.

23 You heard from Connie -- her brother. She takes care
24 of everything. She did everything. Here it is. How did
25 that paper get from that chair, where I guess the newspaper

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1 person put it in. Of course, you know, the Herald-Journal
2 is dropping in the early morning, 5:30 or 6:00 o'clock.

3 He wants you to believe his story. He wants you to
4 believe all of this happened. Well, that paper didn't get
5 there by itself, ladies and gentlemen.

6 Like I said, she kept everything. There's her phone,
7 her computer and everything. Supposedly, this is a
8 burglary case.

9 well, first thing, I submit to you, people steal all
10 of the time is computers, electronics, things like that
11 they want to get rid of.

12 In the defendant's own room, there's a Craftsman set
13 in there. All kinds of stuff in there. There was a
14 storage room in the other room. That would have been stuff
15 that they would take, pawn, get rid of, anything like that.
16 None of that was gone.

17 Instead, we've got her room -- well, bank statements.
18 Now, why would a burglar go through bank statements unless
19 they're looking for debit cards and things like that that
20 they want to use? A burglar is not going to use those.
21 They're going to use tools and things like that.

22 He's even testified about stuff he had on the front
23 porch -- tools and things he had out there too.

24 And of course you've got this room ransacked all the
25 way through. Everything's dumped in a certain -- look how

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1 it's dumped. It's all dumped in one area. It's not like
2 it's thrown through or gone through everything. It's just
3 dumped in one major area. And you see it's just in that
4 one -- it's like a circular area in the middle of the room.

5 And then you had two sets of gloves there too. But of
6 course he lived there, so any fingerprints or D.N.A.,
7 they're going to argue, just like Mr. Hall argued this,
8 well, it's going to be there anyway because he lived there.

9 Her closet. Look at it. The only thing that is
10 messed up is her cards. Somebody went through the cards to
11 get it.

12 He claims he had the right to use the debit card.
13 well, his name is not even on the account, ladies and
14 gentlemen. We've got proof of that. I've got the actual
15 document. We'll go through that in a second.

16 Show you this exhibit. This is the other side of her
17 room, the T.V. that her head was pointed to either watching
18 or when she fell asleep.

19 Nothing's messed up other than the blood splatter all
20 the way over there that you see. There's nothing.
21 Nobody's went through any of this.

22 That side of the room was fairly -- there was nothing
23 wrong with it. Even the drawers are pulled out. You can
24 see the clothes was in those.

25 And you're right. I am going to talk about the blood

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1 sample from that standpoint. On the door there there's a
2 blood swipe. And this lady kept a meticulous house. Even
3 the defendant admitted to that. And that's a good
4 noticeable blood swipe right there. We know it's the
5 defendant's blood because it was testified D.N.A. And
6 you'll have that report back with you too. State's Exhibit
7 No. 9. It's listed as No. 5 on her report. It's actually
8 if you go to -- it's No. 36 as I showed you earlier in the
9 testimony.

10 And it comes back to his blood sample there. And it
11 was found on the bedroom door right there. No. 36. And
12 the reason why this is key, let me point something else out
13 to y'all.

14 Look at diagram 79. That is the diagram on there.
15 And this is the way her body was. She's leaning this way.
16 I mean, she's sitting on her side towards the T.V. She's
17 either asleep. We see the gum on the corner of the bed was
18 hers. It matched her D.N.A.

19 But she's looking right at the T.V. She's either
20 watching T.V. or had fell asleep watching T.V. The remotes
21 are right near her, as the testimony showed.

22 Look whose bedroom is right across the hall. Just
23 come right through. She wouldn't expect anything,
24 especially if she's asleep and especially if she knew that
25 he was in the house. He's always in the house.

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1 She had no defense wounds. You heard Dr. Wren say
2 that. There was nothing on her hands. All of the injuries
3 was on her right side, just like she was laying basically.

4 Then he said afterwards, you know, he said I was
5 shocked I didn't call 9-1-1. He had a telephone. So what
6 does he do? He goes back to Brenda's house. He leaves the
7 cell phone there at her house, which is later collected by
8 the law enforcement when Brenda calls them.

9 And he watches T.V. He sees shows. He knows they can
10 track the phone. So he leaves it at her house.

11 And during this time -- you will have this. You have
12 the video we watched from Bi-Lo. Here's a man that is so
13 shocked, so distraught, he don't know what to do. He don't
14 know to call 9-1-1. He don't know to do anything. But he
15 can go pick up his prescription with a debit card that
16 supposedly his mom gave permission that you saw the debit
17 card at the bottom of that. The only thing that was messed
18 through that closet.

19 He also takes coins, cashes those in for \$85.22, but
20 then he goes and gets a prescription at the pharmacy and
21 uses the debit card and get money off the debit card, as
22 you can see in the transaction. So he don't even use this
23 money that he gets for the transaction.

24 Then he goes to Jimmy Tobias' -- I mean, he's still so
25 tore up and everything. And, like I said, you've heard

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1 these people testify. You saw the videos and things. He
2 goes over and pawns it. He says, well, this jewelry, this
3 is women's jewelry. My mom gave this to me.

4 Well, you heard Ms. Looney. I submit her testimony's
5 a whole lot more credible than his ever will be. And she
6 said that was her -- had been given to her family, I think,
7 her mother's ring and the items that she described.

8 Then he decides he's going to go to the beach and kill
9 himself. Okay. So he stops by the Flying J in Columbia.
10 He decides to gets him -- gets him something. Looks like a
11 Pepsi and maybe a sand -- I can't tell if it's chips or a
12 sandwich. But he's getting something to eat and drink. I
13 mean, he looks like he's really tore up about this, ladies
14 and gentlemen.

15 He goes down to Myrtle Beach. He go, gets -- he go,
16 gets a letter, sends a -- gets a money order, sends it to
17 Brenda Kean. He goes down and gets him a hotel room, pays
18 cash for it, stays in it for a couple of days, says he's
19 going to kill himself, so he goes out on the pier or he
20 goes, going to jump off of the roof of it. Obviously, he
21 didn't do that.

22 Said he decides to go to K-Mart. At K-Mart he goes
23 shopping. He walks through the K-Mart, gets him a pair of
24 shorts, walks out of the K-Mart like he don't have a care
25 in the world just carrying that. Looks like a man

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1 committing suicide, doesn't it, ladies and gentlemen?

2 He buys him personal items -- shaving cream, razors,
3 shorts, Crest toothpaste. Where are you going to need that
4 if you're going to kill yourself?

5 This is about as cold as you get. Let's say you
6 believe this story. He just saw his mom dead in a bed
7 supposedly. He just doesn't care.

8 And talking about the bank account, you'll have the
9 bank records showing where he pulled out the \$400 at the
10 Flying J in Columbia. You'll see that Jack Looney, his
11 brother, is actually on the account with her. It's not the
12 defendant. And I submit to you the reason why for that is,
13 is obviously you can't trust him with money or anything
14 else from that standpoint.

15 Then he decides he's going to come back, and he
16 sees -- and of course this is his story. He sees the
17 ambulance there. He leaves and goes into Union County and
18 spends the night there. Then he comes to a friend's house
19 down in Pauline.

20 When he knocks on the door, he says he's not there.
21 So then all of a sudden he said, well, I'll just move my
22 car. Look where he moves it to. He moves his mother's car
23 back behind the building, the shed.

24 Why are you moving it back there? I mean, if it's
25 your friend just leave the car out there, but, instead, he

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1 parks it back there where it's hidden.

2 The friend of his had heard that, obviously, they was
3 looking for him, so he calls the police, and the police
4 comes to the scene.

5 And in the car there's letters and things that he has
6 written. And you'll have these letters. He writes last
7 will and testament. But what was interesting in the letter
8 he wrote to Brenda -- like I said, you'll have this and
9 you'll be able to read it. I know this has been read to
10 you, again, but I just want to make sure, because, like I
11 said, I'm presenting everything I can to you to show you.

12 "I tried to tell you that I needed to move back, get
13 away from my mom. Every day all she did was put you down
14 and say things you do because she didn't like the name
15 McKenna. She bitched and moaned and complained about any
16 and every thing we did. I couldn't take it any longer."

17 And then he tells a story later in the letter,
18 basically justifying what he's doing.

19 "By the way, a few years ago I was -- told you I was
20 molested. Well, it was by my mom -- by my mom. That's why
21 she always took care of me. I guess she felt guilty. But
22 she hated you for what I did to you. She is hateful,
23 spiteful. She made you and McKenna cry for no reason, just
24 to be mean."

25 Here's a man that has a hatred for his mother. He is

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1 trying to set up a reason why he killed his mom. He says
2 that I was molested. Making up these things. Like I said,
3 you'll have these letters to read in detail in the back.

4 And then he testifies about the door. And, ladies and
5 gentlemen, in fact -- this speaks volumes about his
6 testimony. He tells you about I'll see these people out,
7 I'll see these people doing things. And he infers that
8 somebody from the outside did this, somebody else. But
9 when you look at the evidence of the door, and, like the
10 officer described to you, there was no damage on the metal.
11 There's no damage into the door. All the damage was from
12 inside. Basically, the door was open when he popped it
13 off.

14 And what's really bad, you have two locks, and the
15 deadbolt lock's the top one. The deadbolt lock has to be
16 unlocked for you to get inside the house. There's no
17 damage to it. All of the damage is to the -- supposedly
18 the one.

19 But look here. Even, let's say, that the deadbolt was
20 unlocked or whatever. There's no damage to the side of
21 either one of the locks.

22 You talk about being staged -- and what was
23 interesting, even when I showed the defendant, he said,
24 well, I don't see the damage either, especially on the
25 edges there. And you can weigh the testimony the way you

Closing arguments

1 saw it. But look. There's no damage to the edge of that
2 door. So if you're going to jam it or do anything from the
3 outside, that's where you could. Obviously, he staged
4 everything.

5 Ladies and gentlemen, the judge is going to charge you
6 the law in this case, and please follow his charge. But if
7 this evidence doesn't leave you firmly convinced what this
8 man did to his own mama, in my opinion nothing will.

9 I mean, common sense is what you bring here in the
10 courtroom today. Every one of us has got it. And common
11 sense is a person, normal person, walks in and sees a
12 family or sees anybody dead, much less a family member,
13 you're going to call 9-1-1. You don't do everything that
14 this gentleman did.

15 And he knows how to call 9-1-1. He's done it before,
16 and tells you, to be honest with you, can you imagine a
17 more traumatic situation supposedly with your son?

18 He did this, ladies and gentlemen. All of the
19 evidence points to it. He staged the event. You see the
20 evidence at the scene. You see where the items are dumped
21 in the floor. You see the fake damage to the door. And
22 even if the damage is done there, you still have deadbolt.
23 You have two locks on this door.

24 He has the tools. He had the items on the front
25 porch. And he's the one that worked on the front porch.

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1 You have a newspaper. He claims that this murder -- I
2 mean, he went out, and to say he's scared of the criminal,
3 he goes out and he says he's been to Business 85, Boiling
4 Springs, all of these different places.

5 Ladies and gentlemen, his credibility is not there.
6 You heard this lady. You see the family come up, and the
7 brother, John, come in and testify. That's the reaction
8 you see from true family members, people that wouldn't walk
9 in on a situation like that. You wouldn't see a reaction
10 from that man unless he did it. And something, he just
11 decided he wanted to commit suicide, and he just can't do
12 it.

13 Ladies and gentlemen, he murdered Connie; he took her
14 items; he used the knife. And you'll have this too.
15 There's a kitchen knife missing that never was found. And
16 this is a lady that meticulously kept items in her house.
17 You can look through it and tell. She wouldn't have left
18 it like this. You remember the wounds, and you'll have the
19 chart. This a crime of anger, a crime, personal. Somebody
20 hated this person.

21 He couldn't take it any more, ladies and gentlemen, so
22 he stabbed her and he stabbed her and he stabbed her and
23 left her in that bed for days for Mrs. Looney's daughter,
24 her own granddaughter, to find her.

25 Ladies and gentlemen, there's only one true verdict in

Jury charge

1 this case, and it's guilty on all three counts. Thank you
2 again for your time.

3 Thank you, Your Honor.

4 THE COURT: Madam forelady and ladies and gentlemen of
5 the jury, you of course have heard and seen all of the
6 evidence. You've now heard the final summations of the
7 lawyers, and so I'm going to instruct you on the law.

8 Can you turn that off?

9 MR. BARNETTE: Yes, sir. I apologize.

10 (Pause.)

11 THE COURT: I'm going to instruct you on the law
12 that's applicable in the case, and then you'll be asked to
13 go back and begin with your deliberations. And through
14 that process you'll examine all of the evidence, you'll
15 decide the facts, apply the law and arrive at a fair and
16 just decision, whatever that decision may be.

17 It is your exclusive duty to determine what the facts
18 are. You do that through your own common sense examination
19 and evaluation of all of the testimony and other evidence
20 received during the course of this trial.

21 You 12 jurors alone will decide what weight, value and
22 effect to give to any particular witness' testimony, or
23 other evidence in the case. But your sole objective is to
24 simply reach a fair and impartial decision based upon the
25 evidence presented and the law that's applicable as I will

Jury charge

1 have provided it to you.

2 Now, in this case, as you know, the state through the
3 prosecutor and by way of these indictments has charged the
4 defendant, Mark Allen Bradberry, Sr., with three separate
5 and distinct criminal offenses, although they are alleged
6 to have arisen out of one particular event or a course of
7 events which the state alleges occurred back on October the
8 30th of 2014. But there are three separate and distinct
9 charges that you will be considering. There are -- there
10 will be three separate and distinct verdicts that you will
11 be rendering.

12 The defendant is charged with murder; he's charged
13 with armed robbery; he's charged with possession of a
14 weapon during the commission of a violent crime.

15 Now, as to the allegations in each of those
16 indictments and as to those charges the defendant has
17 entered a plea of not guilty. As I told you, that plea of
18 not guilty places upon the state the burden of proving the
19 allegations that they have made by way of each of these
20 indictments, the burden of proving each of the essential
21 elements that constitute the crimes that are alleged in
22 each of these separate indictments; and therefore the
23 burden is upon the state to establish the defendant's guilt
24 to the satisfaction of you 12 jurors beyond a reasonable
25 doubt before any verdict of guilty could be returned as to

Jury charge

1 any of the separate indictments.

2 The indictments are not evidence in the case. They
3 don't establish anything. They don't prove anything. They
4 will be in the jury room with you, Madam Forelady, when you
5 go back, but they are there strictly to serve as the
6 verdict forms. They serve no other purpose so far as you
7 jurors are concerned. But you will be indicating the
8 jury's decision on the back of each of those indictments
9 once you have concluded with your deliberations.

10 The burden is never upon a defendant to prove that he
11 or she is not guilty or to prove that he or she is
12 innocent, because in some cases that might not be possible.
13 The burden is always upon the state because they've brought
14 these charges against the defendant to establish his guilt
15 beyond a reasonable doubt.

16 You are instructed that it is a vital, important and
17 cardinal rule of law that every defendant in a criminal
18 trial, no matter how serious might be the offense for which
19 that person stands charged, that person shall always be
20 presumed innocent of that charge.

21 That presumption of innocence remains with every
22 defendant, as it does with this defendant, from the time
23 that he is placed under arrest and throughout the course of
24 the criminal process and even throughout the course of the
25 actual trial in the case.

Jury charge

1 As I told you, that presumption of innocence will be
2 with Mr. Bradberry even as you go back into your jury room
3 to begin with your deliberations at this trial's
4 conclusion.

5 That presumption of innocence will be with him in that
6 jury room, and it'll be with him forever unless you 12
7 jurors determine that he's no longer entitled to that
8 presumption of innocence.

9 In other words, after you have carefully considered
10 all of the evidence in the case, and from that evidence you
11 have determined what you believe to be the facts, and after
12 deciding those facts you apply the law that I will have
13 provided you, if you 12 jurors unanimously determine that
14 his guilt as to a particular charge has been proven beyond
15 a reasonable doubt, then he would no longer be entitled to
16 that presumption of innocence as it relates to that charge.
17 But it is only if, unless and until you are satisfied of
18 his guilt beyond a reasonable doubt as to a particular
19 charge that the presumption of innocence would no longer be
20 applicable.

21 Now, the state does have the burden of proving the
22 defendant's guilt to your satisfaction beyond a reasonable
23 doubt. This doesn't mean that the state has to prove his
24 guilt beyond all doubt or beyond any possible doubt, but it
25 does require the state to prove his guilt to your

Jury charge

1 satisfaction beyond a reasonable doubt.

2 The term reasonable doubt should be given its plain
3 and ordinary meaning. A reasonable doubt is the kind of
4 doubt that would cause a reasonable person to hesitate to
5 act upon the information provided.

6 In any given case there are various forms of evidence,
7 and while there are various forms of evidence such as
8 testimony, photographs, documents, charts and other types
9 of physical exhibits, there are really only two types of
10 evidence. Either or both of those types of evidence may be
11 used to prove any fact in issue. But the two types of
12 evidence are direct evidence and circumstantial evidence.

13 Direct evidence is the testimony of a person who
14 testifies from actual knowledge of the fact. It is
15 testimony by a person who has perceived the existence of
16 some fact by means of his or her senses and then they come
17 into court and they testify as to what they have previously
18 seen, heard or felt.

19 Direct evidence proves the existence of a fact
20 directly and does not require any deduction or inference in
21 order to establish that fact.

22 Circumstantial evidence, on the other hand, is the
23 proof of some other fact or set of facts which taken either
24 singly or collectively may prove the existence of a fact in
25 question as a necessary consequence. That is through a

Jury charge

1 deduction or an inference.

2 An inference is simply a deduction of fact that may
3 logically and reasonably be drawn from the proof of some
4 other facts or set of facts.

5 In other words, it's not a fact proven by the direct
6 testimony of a witness based upon their personal
7 perception, but it is a conclusion which might reasonably
8 be drawn from the proof of other facts.

9 In other words, you may infer that a particular event
10 occurred or that a particular fact exists based upon the
11 proof of sufficient factual circumstances which would
12 reasonably warrant your arriving at a particular
13 conclusion.

14 The commission of a crime, and any particular element
15 necessary to prove a particular crime, may be proven by
16 direct evidence or by circumstantial evidence or by a
17 combination of direct and circumstantial evidence.

18 The law makes no distinction between the weight or the
19 value to be given to direct or circumstantial evidence.
20 However to the extent that the state relies upon
21 circumstantial evidence in order to establish the
22 commission of a crime, all of the circumstances proven must
23 be consistent with each other and when taken together point
24 conclusively to the guilt of the accused beyond a
25 reasonable doubt.

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1 If these circumstances merely portray the defendant's
2 behavior as suspicious, the proof is insufficient and it
3 fails.

4 The burden rests with the state regardless of whether
5 the state relies upon direct evidence or circumstantial
6 evidence or some combination of the two in order to prove
7 the defendant guilty beyond a reasonable doubt.

8 Proof beyond a reasonable doubt is proof that leaves
9 you firmly convinced of the defendant's guilt. There are
10 very few things in this world that we know with absolute
11 certainty. And in criminal cases the law does not require
12 proof that overcomes every possible doubt.

13 If, based on your consideration of the evidence in
14 this case, you are firmly convinced that the defendant is
15 guilty of some crime that the state claims he committed,
16 you must find the defendant guilty. And if, on the other
17 hand, you think that there a real possibility that the
18 defendant is not guilty of that particular crime for which
19 he has been charged, then you must give him the benefit of
20 that doubt and return a verdict of not guilty as to that
21 charge.

22 A defendant is entitled to any reasonable doubt that
23 arises from the evidence or lack of evidence in a case.
24 And if upon any factual issue essential to a finding of a
25 verdict of guilty you have some reasonable doubt as to how

Jury charge

1 that issue should be resolved, it would your duty to
2 resolve that reasonable doubt in favor of the defendant.

3 Now, the same law that provides that you are the
4 judges of the facts also provides that I am the judge of
5 the law, and that simply means that nobody's going to tell
6 you how to arrive at your determination of fact in this
7 case.

8 You do that, as I've already stated, through the
9 exercise of good judgment and common sense conscientiously
10 applied to the testimony and evidence received during the
11 course of this trial.

12 You must however under your oaths as jurors accept the
13 law as I provide it to you as being the law that you are to
14 apply in the case.

15 In other words, you're not to concern yourself with
16 what you thought the law was before you came to serve as a
17 juror this week or what you think the law ought to be. You
18 must simply accept the law as I provide it to you as being
19 the law that you are to apply in the case, and then you
20 take that law and you apply it to the facts as you 12
21 jurors determine those facts to be based upon your common
22 sense examination and evaluation of the evidence in the
23 case.

24 Now, you are the sole judges of the facts in this
25 case, and you are therefore necessarily the sole judges of

Jury charge

1 the credibility, that is the believability, of each of the
2 witnesses that have testified during the course of this
3 trial. You 12 jurors alone will decide what weight, value
4 and effect to give to any particular witness' testimony or
5 even portions of that testimony.

6 There are a number of factors which you should
7 consider in arriving at your assessment as to a particular
8 witness' credibility, and I'm going to list those factors
9 for you.

10 You should consider the demeanor of the witness. That
11 is how the witness appeared to you when the witness
12 testified from that witness stand. Was the witness
13 straightforward in responding to questions, or was the
14 witness hesitant or evasive in responding to questions that
15 were asked of the witness.

16 Simply put, did the witness appear to you to be
17 telling the truth and to have knowledge of the facts to
18 which that witness has testified.

19 You should also consider whether or not the testimony
20 of a witness is consistent, or is it inconsistent with that
21 witness' own testimony, and whether it be from statements
22 made by the witness in court or outside of court, as well
23 as whether or not the testimony of a witness is consistent
24 or inconsistent with other witnesses' testimony or other
25 evidence received during the course of the trial.

Jury charge

1 You should also consider how the witness came to know
2 the facts to which a witness has testified. In other
3 words, what was that particular witness' opportunity and
4 ability to perceive the existence of those facts to which
5 that witness has testified by having previously used his or
6 her senses, and then what is that witness' ability to be
7 able to come into court and to accurately recollect to you
8 as what they have previously perceived.

9 You should consider any bias, prejudice or interest
10 that the witness might have with regard to a case. In
11 other words, do you find some reason that a particular
12 witness would come into court and would testify one way or
13 another to help or hurt one side or the other. And you may
14 consider any interest that a witness might have in the
15 outcome of the case if you determine that that witness does
16 have such an interest and you find that that interest would
17 bear upon that particular witness' credibility.

18 You should also consider whether or not the testimony
19 of a witness is strengthened, or is it weakened by other
20 testimony or other evidence received during the course of
21 the trial.

22 Now, you as the judges of the facts in this case and
23 you as the judges of the credibility of each witness that
24 has testified are permitted to believe as much or as little
25 of what a witness has testified to as you deem is

Jury charge

1 appropriate.

2 Therefore you may believe everything that a witness
3 testified to. You may choose to believe none of it. You
4 may believe some portion of a witness' testimony and reject
5 some other portion of that same witness' testimony.

6 You can believe one witness as opposed to several, or
7 several as opposed to one. But whatever your good judgment
8 and common sense tells you is the most believable and
9 credible testimony is the testimony you should accept, and
10 you should reject any testimony or evidence that you find
11 not to be credible or believable. Again, your sole
12 objective is to simply render a fair and impartial decision
13 based upon the evidence and the law that's applicable.

14 Now, in this case, as you know, the defendant is
15 charged with the crimes of murder, armed robbery and
16 possession of a firearm -- excuse me -- possession of a
17 deadly weapon during the commission of a violent crime.

18 Each of those are statutory offenses. Statutory
19 offenses are just those that are contained in these blue
20 volumes. Every year the legislature meets in session from
21 January to June. Every year they pass a number of laws and
22 rules and regulations that govern our conduct in a variety
23 of ways.

24 Some of those laws are criminal penalty statutes or
25 penal statutes. What they do is when they pass such a

Jury charge

1 statute, is that they prohibit us from engaging in certain
2 types of conduct. And where you are found to have engaged
3 in that conduct in violation of the law, then it subjects
4 you to some form of punishment or penalty for having
5 violated the statute.

6 Please keep in mind however that you are never to be
7 concerned with any punishment or penalty as a result of
8 your decision. That's not something that you decide.
9 You're not to consider that in any way.

10 Your sole obligation and duty in the case is to
11 determine based upon your consideration of the evidence and
12 application of the law whether or not the defendant's guilt
13 or violation of the statute has been proven beyond a
14 reasonable doubt.

15 The first statute that I'm going to instruct you as to
16 is the statute defining the crime of murder. And that's
17 set forth in 16-3-10 of the Code of Laws of South Carolina.

18 That statute provides that murder is defined as the
19 killing of any person with malice aforethought, either
20 expressed or implied -- the killing of any person with
21 malice aforethought either expressed or implied.

22 In order for you to find the defendant guilty of the
23 crime of murder it would be necessary that the evidence in
24 this case has established to your satisfaction beyond a
25 reasonable doubt that the defendant did commit some act or

Jury charge

1 acts which proximately caused the death of the decedent --
2 in this case that's Connie Bataille -- and that that
3 killing was done with malice aforethought. Malice
4 aforethought is an essential element of the crime of
5 murder.

6 Now, when I refer to the defendant committing some act
7 or acts which proximately caused the death of the decedent,
8 the law defines the proximate cause of a death to be
9 something which brings about a chain of events which in the
10 end brings about the death of that person. In other words,
11 the proximate cause of a death is a cause without which the
12 death would not have occurred.

13 The killing must be accompanied by malice
14 aforethought. Malice as an essential element of the crime
15 of murder is a state of mind connoting an ill will and
16 having the intent to do harm.

17 Intent means the state of a person's mind which
18 directs his actions towards a specific object or goal.
19 Intent would include those consequences which represent the
20 very purpose for which an act is done, as well as those
21 consequences which are known to be substantially certain to
22 result, whether actually intended or not.

23 Malice is a technical term importing wickedness and
24 excluding just cause or legal excuse. It is something
25 which springs from depravity, from a heart devoid of social

Jury charge

1 duty and fatally bent on mischief. It is a state of mind
2 indicating an extreme disregard for and an extreme
3 indifference to human life.

4 Malice may be likewise defined as a state of mind
5 which indicates a formed purpose and design to do a
6 wrongful act under circumstances that exclude any right to
7 do it.

8 Malice may be expressed or implied. The words
9 expressed or implied in relationship to malice do not mean
10 different kinds of malice but merely the manner in which
11 malice may be shown to have existed, that is to say either
12 by direct evidence or by circumstantial evidence implying
13 or inferring the existence of malice.

14 Malice may be expressed as where there is an expressed
15 threat to kill or where it's shown there was a lying in
16 wait or where the circumstances show otherwise directly
17 that the intent to kill was entertained by the killer.

18 Malice may be inferred, though no expressed intent to
19 kill is proven by direct evidence, where the facts and
20 circumstances which have been proven by the evidence in
21 this case satisfy you beyond a reasonable doubt that malice
22 was present in the mind of the killer at the time any
23 killing took place.

24 The existence of malice may be inferred from acts,
25 declarations and conduct of the killer, as well as from any

Jury charge

1 other circumstances shown to have existed at the time of
2 the event from which you might reasonably infer the
3 existence of malice, as often the state of a person's mind
4 can only be proven by circumstantial evidence.

5 Malice as an essential element of the crime of murder
6 does not necessarily require proof of an actual or a
7 specific intent to take human life, although there may be
8 evidence tending to establish that in a case, but rather it
9 does mean a state of mind accompanying conduct signifying a
10 general malignant recklessness and an extreme disregard for
11 or an extreme indifference to human life.

12 So even if the facts proven in this case are
13 sufficient to raise an inference of malice, such an
14 inference would simply be an evidentiary fact to be taken
15 into consideration by you 12 jurors along with all the
16 other evidence in the case. And you shall give it such
17 weight, if any, that you determine it should receive, if
18 any.

19 The state is required to prove malice just as it must
20 prove any other essential element of the crime of murder,
21 and it is for you 12 jurors to determine whether or not the
22 evidence in this case does establish malice beyond a
23 reasonable doubt.

24 It is also essential that there exist not only malice
25 but that it be malice aforethought. The law does not

Jury charge

1 require that malice must be proven to have existed for any
2 appreciable length of time before the commission of any act
3 proximately causing the death or fatal result. Indeed, it
4 may be conceived at the very moment that the fatal act is
5 committed.

6 It is sufficient in the law so long as the state has
7 proven beyond a reasonable doubt both the existence of
8 malice and the commission of an act or acts by the
9 defendant which proximately caused the fatal result.

10 You must determine whether or not malice aforethought
11 existed based upon your consideration of all of the
12 evidence in this case and introduced during the trial and
13 any reasonable inferences that might be drawn from that
14 evidence.

15 while the state does have to prove beyond a reasonable
16 doubt that a killing did occur and that it was accompanied
17 by malice aforethought in order to establish the crime of
18 murder, it is not necessary that the state prove any motive
19 for such a killing, although there may be evidence
20 presented during the trial of the case relating to the
21 issue of motive. But motive is not an essential element of
22 the crime of murder which has to be proven, even though
23 evidence might be introduced in that regard.

24 Now, the second indictment charges two separate
25 offenses. One is the crime -- count one charges armed

Jury charge

1 robbery. Count two charges possession of a weapon during
2 the commission of a violent crime. I'll instruct you on
3 the law as it relates to the crime of armed robbery first,
4 then followed by the instruction on the crime of possession
5 of a weapon during the commission of a violent crime.

6 Section 16-11-330 of the Code of Laws provides that a
7 person who commits the crime of robbery while armed with a
8 pistol, dirk, slingshot, metal knuckles, razor or any other
9 deadly weapon is guilty of the crime of armed robbery.

10 Armed robbery necessarily includes the crime of
11 robbery, so I'll define for you that term so that you'll
12 understand the crime of armed robbery.

13 Robbery is defined as a larceny by force or by the
14 threat of the use of force. Robbery is defined in the law
15 as the taking, the stealing and the carrying away of the
16 personal property of another with intent to steal it from
17 that person or from the presence of that person by the use
18 of force or violence, or by the threat of the use of force
19 or violence or intimidation in order to accomplish the
20 theft.

21 A thing is deemed to be in the presence of a person
22 with respect to the crime of robbery when the property is
23 so within his or her reach, observation or control that he
24 or she could, if not overcome by violence or prevented by
25 fear, retain possession of it.

Jury charge

1 A robbery is the forcing of a person to surrender
2 property with an intent to steal it by the use of force or
3 violence in order to accomplish the theft. Taking property
4 of another with an intent to steal it by the use of force
5 or violence is a robbery under the law.

6 A robbery becomes an armed robbery when the robbery is
7 accomplished through the use of a pistol or other deadly
8 weapon as defined in the statute. A deadly weapon is
9 defined as any device or instrument which in the manner it
10 is intended to be used or in the actual manner that it is
11 put to use is known to be capable of producing death or
12 serious bodily harm. And that would include firearms, as
13 well as edged weapons.

14 Ordinary objects such as sticks, tools, hands, fists
15 or feet which generally are not considered to be a deadly
16 weapon in the ordinary sense of the word may under some
17 circumstances be used in such a fashion or in such a manner
18 as to constitute a deadly weapon.

19 So whether or not an object has been utilized as a
20 deadly weapon depends upon the facts and circumstances of a
21 particular case. But it is for you 12 jurors to determine
22 whether or not a deadly weapon was used.

23 And therefore before you could find the defendant to
24 be guilty of the crime of armed robbery it would be
25 necessary that the state has proven beyond a reasonable

Jury charge

1 doubt that the defendant did commit the crime of robbery
2 and that the robbery was accomplished through the use of
3 some deadly weapon.

4 Count two of the indictment alleges a violation of
5 Section 16-23-490. That particular section of law provides
6 that it shall be unlawful to possess a firearm or to
7 visibly display what appears to be a firearm or a knife
8 during the commission of a violent crime.

9 Section 16-1-60 of the Code of Laws of South Carolina
10 provides that the crime of armed robbery is classified as a
11 violent crime under the law.

12 So in order for the defendant to be found guilty of a
13 violation of this particular section of law it would be
14 necessary that the evidence in this case does establish to
15 your satisfaction beyond a reasonable doubt that the
16 defendant did commit the crime of armed robbery and that
17 during the commission of that crime he did possess or
18 visibly display a knife during the commission of that
19 crime.

20 Now, madam forelady and ladies and gentlemen of the
21 jury, I am not in any way concerned with what your
22 decisions are, but, as I previously stated, your verdicts
23 have to be unanimous. All of you must be in agreement
24 before any decision may be reached and returned to the
25 court.

Jury charge

1 Madam forelady, as I told you, you will have these
2 indictments in the jury room. There are two indictments,
3 but there are three charges.

4 One indictment charges the crime of murder. On the
5 back of that indictment you'll see in the lower left-hand
6 corner the word verdict. It's beneath that word that
7 you'll indicate the jury's unanimous decision.

8 In this case there are two potential verdict forms on
9 that indictment. Those two potential verdict forms are
10 guilty and not guilty. So whatever the jury's unanimous
11 decision is, you indicate it in the space provided and sign
12 your name as the foreperson and date it the appropriate
13 date. You are the only juror that needs to sign the
14 verdict form.

15 The other indictment charges two separate offenses.
16 One is armed robbery and the other is possession of a
17 weapon during the commission of a violent crime.

18 In that case you've got two decisions to render.
19 Count one is armed robbery; count two is possession of a
20 weapon during the commission of a violent crime.

21 With respect to count one, armed robbery, you, again,
22 have two potential verdict forms. Those potential verdict
23 forms are guilty and not guilty. So whatever that decision
24 is, indicate it in the space provided as to count one. And
25 then count two, you must determine guilty or not guilty.

Jury charge

1 You may not find the defendant guilty of count two
2 unless you find the defendant to be guilty of armed
3 robbery, because count two requires the commission of the
4 crime of armed robbery, which is the violent crime the
5 state alleges the defendant committed. So if count one is
6 not guilty, count two must be not guilty.

7 So, again, you have two potential verdict forms in
8 regard to count two, and that is guilty and not guilty.

9 Once you have decided the case and you've indicated
10 the verdicts on the verdict forms, Madam Forelady, if
11 you'll knock on the door, tell the bailiff that you have
12 reached a unanimous decision, we'll bring you back to
13 receive that decision.

14 You may give the evidence to the bailiff. Do not give
15 him these verdict forms. You'll maintain possession of
16 them, and I'll take them from you after you and your fellow
17 jurors return to the courtroom for us to receive those
18 verdicts. So you'll maintain possession of the verdict
19 forms.

20 Now, during your deliberations -- I don't know if we
21 have any smokers on the jury. If we do, you can smoke, but
22 you can't smoke in the jury room. You have to go outside
23 in order to accomplish that purpose. So if anybody wants
24 to smoke, let the bailiff know. They'll take you outside.

25 Please understand that the deliberations have to stop.

Jury charge

1 They may not be engaged in and may only be resumed when all
2 12 jurors are present so that all may participate.

3 During your deliberations there may come a time where
4 you have a question about the evidence in the case. In
5 fact, you may wonder if there's something else you can
6 have. You might think, well, there's something out there
7 we think would help us, does it exist, can we have it.

8 Well, you can't have it. If it does exist, it doesn't
9 matter because the case is closed now. All of the evidence
10 has been introduced. So even if there is something out
11 there that could be introduced, it can't be introduced now.
12 So don't inquire about evidence that has not been
13 introduced because you can't have it even if it would be
14 helpful.

15 If you have a question about a witness' testimony and
16 that question can be answered by having a witness'
17 testimony replayed in whole or in part, we can bring you
18 back into the courtroom to have that testimony replayed.

19 We don't have transcripts of the witnesses' testimony,
20 but if you need to hear or rehear a witness' testimony, let
21 me know through the bailiff and we'll bring you back into
22 the courtroom to have the testimony replayed in its
23 entirety or in just some portion if that's all you need.

24 If at any time you need an additional reinstruction on
25 the law, I am permitted to provide that. So I can give you

Jury charge

1 the entire instruction again, I can provide you with some
2 clarification if that's what you need, or I can provide you
3 with some additional explanation if that's what you need.
4 But I am always permitted to give you an additional
5 instruction or clarification or an explanation on the law
6 that you are to apply should you need it.

7 So, Madam Forelady, if at any time you need to address
8 any matter to me, if you'll write it on a piece of paper,
9 give it to the bailiff, he'll provide it to me, and I'll
10 respond to that issue accordingly.

11 I think that covers everything, but if it does not I'm
12 certain one of these lawyers will remind me that I
13 neglected to provide you with some information that I
14 should have. And if that's the case I'll bring you back
15 into the courtroom to provide you with that additional
16 information.

17 If I don't need to bring you back I'll simply send
18 word by way of the bailiff that you may begin with your
19 deliberations. In that event he'll bring to the jury room
20 all of the exhibits which have been introduced.

21 And to you, Madam Forelady, he'll also bring these
22 indictments which will serve as the verdict forms.

23 Now, there are a couple of videos which have been
24 introduced, and so we will send those back. We'll also
25 send a computer back for you to play those videos on if you

Jury charge

1 like. If you can't figure it out for some reason, let me
2 know. We'll help you operate the computer. But I'm
3 satisfied somebody over there can figure it out.

4 Okay. Right now I'm going to ask the two alternates
5 to stay in the courtroom with me.

6 Ms. Paone, if you will, move back to that seat so they
7 can get back out.

8 I'm going to ask these 12 jurors to go to your jury
9 room. But do not begin deliberations until I send you word
10 to do so.

11 One thing. Your lunch has been ordered. It should be
12 here or arrive shortly. You can do what you want to about
13 that. If you want to eat lunch first and then begin
14 deliberations, that's up to you. If you'd rather do a
15 break while you eat lunch, that's up to you. I'm not going
16 to tell you how to do that. You'll do that in your own
17 discretion.

18 But please retire to your jury room. But don't begin
19 discussions until I send you word to do so.

20 (Whereupon, the jury retired to deliberate at
21 1:10 p.m.)

22 THE COURT: All right. Now, my two alternates, as you
23 know, you can't participate in jury deliberations because
24 the original 12 look like they're able to do that. However
25 something could occur during the course of the

Jury charge

1 deliberations that would prevent some juror from continuing
2 to deliberate. And if that occurs, then one or both of you
3 are going to be needed to become the 12th juror.

4 So we're going to keep you separate from the other
5 jurors. The bailiff will take you to some other room. It
6 will just be you two.

7 You can't discuss the case. You can talk all you want
8 to, but you can't discuss the case. You're only permitted
9 to do that if you're in deliberations. So don't talk about
10 the case. But your lunches will be brought to you there in
11 that room.

12 And once the jury has concluded or we need to see you
13 further, we'll bring you back.

14 Okay. So please go with the bailiff to your separate
15 room, and we will be with you as necessary.

16 (Whereupon, the alternate jurors were excused from the
17 courtroom.)

18 THE COURT: Are there any exceptions taken to the
19 instruction or requests for additions to the instruction by
20 the state?

21 MR. BARNETTE: None from the state, Your Honor.

22 THE COURT: By the defendant?

23 MR. HALL: None from the defense, Your Honor.

24 MR. BARNETTE: May we approach for one second?

25 THE COURT: Yes. I'm going to need y'all to verify

Verdict

1 the exhibits.

2 (Bench conference held off the record.)

3 THE COURT: All right. Y'all verify the exhibits for
4 me.

5 (Pause.)

6 THE COURT: All of the exhibits are accounted for?

7 MR. BARNETTE: Yes, sir.

8 MR. HALL: Yes, sir.

9 THE COURT: All right. Send them back. Ask the jury
10 to begin deliberations and notify us when they've
11 concluded.

12 We will be at ease while the jury is deliberating.

13 (Whereupon, the exhibits were submitted to the jury at
14 1:25 p.m.)

15 THE COURT: I am told the jury has reached a decision.
16 Are you ready for the verdict?

17 MR. BARNETTE: Yes, sir. I apologize.

18 THE COURT: All right. Bring them in.

19 (Whereupon, the jury returned to the courtroom at
20 3:25 p.m. to report its verdict.)

21 THE COURT: Madam Forelady, have you and your fellow
22 jurors reached a unanimous decision on each of the separate
23 counts of the indictments?

24 THE FOREPERSON: Yes, we have.

25 THE COURT: And have you reflected those decisions on

Verdict

1 the back of the indictments as requested?

2 THE FOREPERSON: Yes.

3 THE COURT: Did you sign your name and date it?

4 THE FOREPERSON: Yes, I did.

5 THE COURT: All right. If you will, please, hand
6 those forms up by way of the bailiff.

7 You may publish the verdicts.

8 THE CLERK: In the State of South Carolina, the County
9 of Spartanburg, Indictment No. 2015-GS-42-0445, the State
10 vs. Mark Allen Bradberry, Sr., indictment for murder, we,
11 the jury, find the defendant guilty. Signed by the
12 foreperson, Kathy W. Green, this date, June 22nd of 2016.

13 Indictment No. 2015-GS-42-0446, the State vs. Mark
14 Allen Bradberry, Sr., indictment for armed robbery,
15 possession of a weapon during the commission of a violent
16 crime, we, the jury, find the defendant guilty on count
17 one, guilty on count two. Signed by the foreperson, Kathy
18 W. Green, this date, June 23rd of 2016.

19 Ladies and gentlemen of the jury, if this is your
20 verdict and still your verdict, please raise your right
21 hand.

22 (Whereupon, all jurors responded in the affirmative.)

23 THE CLERK: So say you all.

24 THE COURT: Does the defendant wish to have the jury
25 polled?

verdict

1 MR. HALL: Mr. Bradberry requests polling of the jury.

2 THE COURT: All right. Poll the jury please, ma'am.

3 THE CLERK: Ladies and gentlemen of the jury, I'm
4 about to ask you a question, and the question being is this
5 your verdict and still your verdict. As I call your name
6 and your juror number, please answer by saying yes or no.

7 Juror No. 2, Anita Aiken, is this your verdict and
8 still your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Juror No. 178, Brandon Hamilton, is this
11 your verdict and still your verdict?

12 THE JUROR: Yes.

13 THE CLERK: Juror No. 158, Thaddeus Troxell, is this
14 your verdict and still your verdict?

15 THE JUROR: Yes.

16 THE CLERK: Juror No. 86, Fennix Jones, is this your
17 verdict and still your verdict?

18 THE JUROR: Yes.

19 THE CLERK: Juror No. 165, Jamarius Whiteside, is this
20 your verdict and still your verdict?

21 THE JUROR: Yes.

22 THE CLERK: Juror No. 72, Shannon Hart, is this your
23 verdict and still your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Juror No. 102, Donna Mayes, is this your

Verdict

1 verdict and still your verdict?

2 THE JUROR: Yes.

3 THE CLERK: Juror No. 147, Ashley Skipper, is this
4 your verdict and still your verdict?

5 THE JUROR: Yes.

6 THE CLERK: Juror No. 160, Dana Underwood, is this
7 your verdict and still your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Juror No. 12, Phyllis Blair, is this your
10 verdict and still your verdict?

11 THE JUROR: Yes.

12 THE CLERK: Juror No. 66, Kathy W. Green, is this your
13 verdict and still your verdict?

14 THE JUROR: Yes.

15 THE CLERK: Juror No. 98, Kayla N. Lipscomb, is this
16 your verdict and still your verdict?

17 THE JUROR: Yes.

18 THE CLERK: The jury has been polled.

19 THE COURT: All right. All jurors have affirmed their
20 decision.

21 Any other matters we need to address with the jury
22 present?

23 MR. BARNETTE: None from the state, Your Honor.

24 MR. HALL: None, Your Honor.

25 THE COURT: All right. Thank you, ladies and

Sentence

1 gentlemen, for your participation in the trial of this
2 case. You're excused for the balance of the afternoon.

3 Please call back to the number that you have on your
4 juror information pamphlet. Call after 6:00 o'clock this
5 evening to receive further reporting information, with the
6 exception of Ms. Underwood who is excused for the balance
7 of the week.

8 Okay. You will need so stay, Ms. Underwood, and talk
9 with the clerk about your pay voucher for your service this
10 week. So do that before you leave.

11 The others please call back after 6:00 this evening.
12 Thank you again for your participation.

13 (Whereupon, the trial jury was excused.)

14 (Rap sheet of the defendant marked Court's Exhibit No.
15 21.)

16 THE COURT: All right. Any other matters on behalf of
17 the state?

18 MR. BARNETTE: No, sir. I marked the prior record as
19 a court -- I don't know what court's exhibit number it is,
20 but I've marked as a court's exhibit.

21 Your Honor, you've heard the case. I talked with the
22 family. They don't want to address the Court. They do
23 appreciate everything the Court has done. They know you
24 know the facts of the case.

25 THE COURT: Okay. Mr. Hall.

Sentence

1 MR. HALL: Your Honor, I think it's incumbent upon me
2 at this point in trial after the conviction to make a
3 motion for a new trial.

4 The only thing we can come up with, Your Honor, is
5 that the evidence was circumstantial. I understand the
6 jury's verdict, but just make that motion.

7 THE COURT: All right. That motion is denied.
8 Anything else you'd like to tell me?

9 MR. HALL: Your Honor, any sentence under these
10 charges that he would get, minimum 30, is -- excuse me --
11 30 is the least possible sentence he can get. It would be
12 the same as a life sentence.

13 I've had that discussion with him several times over
14 the past year and a half or so and, Your Honor, ask you to
15 consider that. He whatever -- pretty much whatever the
16 sentence is going to be is going to be a life sentence.
17 And he will die in the department of corrections.

18 THE COURT: Okay. Mr. Bradberry, anything you want to
19 add?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: On Indictment 2015-445, that's the
22 indictment for murder, wherein you have been found guilty
23 by a jury of that offense, Sentence of the Court is you,
24 Mark Allen Bradberry, Sr., be confined to the South
25 Carolina Department of Corrections for the period of your

Sentence

1 natural life.

2 Indictment 2015-446, indictment for armed robbery,
3 wherein you have been found guilty by the jury of that
4 offense, Sentence of the Court is you be confined to the
5 South Carolina Department of Corrections for a period of 30
6 years.

7 Indictment 2015-446, count two, possession of a
8 firearm -- excuse me -- possession of a knife during the
9 commission of a violent crime, wherein you have been found
10 guilty by the jury of that offense, the Sentence of the
11 Court is you be confined to the South Carolina Department
12 of Corrections for a period of five years. That sentence
13 is consecutive to any other sentence imposed.

14 Mr. Bradberry, you have a right to appeal the verdict
15 of the jury and the Sentence of the Court. You must file
16 your notice of your intention to appeal those decisions
17 within ten days of today's date. Do you understand?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Okay.

20 MR. HALL: Thank you.

21 MR. BARNETTE: Thank you, Your Honor.

22 THE COURT: Okay.

23 END OF REQUESTED TRANSCRIPT OF RECORD

24

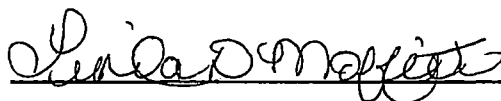
25

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 20th, 21st and 22nd days of June 2016.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

September 30, 2016

A handwritten signature in cursive script, reading "Linda D. Moffitt", written over a horizontal line.

Linda D. Moffitt
Circuit Court Reporter

Spartanburg Co. Courthouse
RANDOM STRIKE SHEET

385

JUDGE NAME : Derham J. Cole
TRIAL TYPE : Criminal
PANEL ID : 2015GS4200445
COURTROOM WA

DESCRIPTION : State vs. Mark Allen Bradberry Sr

Sorted by: Random Nbr

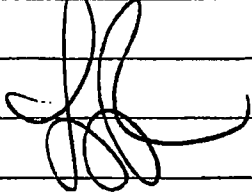
Trial

NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
1 Aiken, Anita L	2	W	F	(✓)	(✓)	()	
2 Hamilton, Brandon C	178	W	M	(✓)	(✓)	()	
3 Troxell, Thaddeus J	158	W	M	(✓)	(✓)	()	
4 Coggins, Debra E	34	W	F	(X)	()	()	
5 Alexander, Christopher A	4	W	M	(✓)	(X)	()	
6 Jones, Fennix L	86	B	M	(✓)	(✓)	()	
7 Cunningham, Vivian C	43	B	F	()	()	(X)	
8 Whiteside, Jamarius R	165	B	M	(✓)	(✓)	()	
9 Hart, Shannon N	72	M	M	(✓)	(✓)	()	
10 Sellers, Lynn W	144	W	F	(✓)	(X)	()	
11 Dauenhauer, Arthur J	44	W	M	(X)	()	()	
12 Mayes, Donna M	102	B	F	(✓)	(✓)	()	
13 Skipper, Ashley H	147	W	F	(✓)	(✓)	()	
14 Mullinax, Kelly K	115	W	F	(✓)	(X)	()	
15 Underwood, Dana M	160	W	F	(✓)	(✓)	()	
16 Crowe, Nicholas A	42	W	M	(X)	()	()	
17 Blair, Phyllis R	12	W	F	(✓)	(✓)	()	
18 Harris, Tyquan D	71	B	M	(X)	()	()	
19 Green, Kathy W	66	W	F	(✓)	(✓)	()	
20 Lipscomb, Kayla N	98	W	F	(✓)	(✓)	()	
21 Pritchett, Darlene	130	B	F	(X)	()	()	
22 Pruitt, Rebecca C	131	W	F	(✓)	(✓)	()	
23 Ray, Lakeatha	132	B	F	(X)	()	()	
24 Paone, Susan	124	W	F	(✓)	(✓)	()	

385

WITNESSES

Spartanburg County Sheriff's Office



ARREST WARRANT NUMBER

2014A4210203503

ACTION OF GRAND JURY

FILED

JAN 28 2015

Foreperson of Grand Jury

Date:

VERDICT



Foreperson of Petit Jury

Date:

Kathy W. Green
June 22, 2016

DOCKET NO. 2015-GS-42-0445

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

FEB 09 2015

TERM

THE STATE

v.

MARK ALLEN BRADBERRY, SR.

Indictment for

MURDER

SC Code 16-03-0010, 0020

CDR Code 116

Class FEL-EXM

2015 FEB -5 AM 9:16

M. HOPE BLACKLEY



STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JAN 28 2015, the
Grand Jurors of Spartanburg County present upon their oath:

MURDER

That the Defendant, Mark Allen Bradberry, Sr., did in Spartanburg County on or about October 30, 2014, feloniously, willfully, and with malice aforethought, kill one Connie Bataille by striking her about the head with an unknown object and stabbing her several times about the body, and the victim died as a proximate result thereof, all in violation of §16-3-0010, 0020, *The South Carolina Code of Laws*, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
 STATE VS.
Mark Allen Bradberry Sr

AKA:

Race: WHITE Sex: M Age: 51
 DOB: [REDACTED] SS#: [REDACTED]

City, State, Zip: PACOLET MILLS, SC 29373DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Murder / Murder 30 years to Life

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS4200445A/W#: 2014A4210203503Date of Offense: 10/30/2014S.C. Code § : 16-03-0010; 16-03-0020CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 13039 [Signature] [Signature] 2596
BARNETTE, BARRY 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 LIFE days/months/years or ☐ under the Youthful Offender Act not to exceed — years
 and/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or payment
 of \$ —; plus costs and assessments as applicable*; the balance is suspended with probation for —

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.

☐ 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 ☐ OrderedTotal: \$ — plus 20% fee: — \$ —Payment Terms: —☐ Set by SCDPPPS —Recipient: —

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 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	\$ <u>25.00</u>
§ 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	\$ <u>5.00</u>
3% to County (if paid in installments)		\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u>

PTUP —— days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. —May serve W/E beginning —Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ — beginning —\$ — paid to Public Defender FundOther: —

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

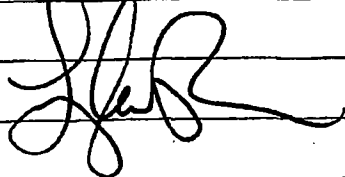
Clerk of Court/ Deputy Clerk [Signature]Court Reporter: L. M. Hitt

SCCA/217 (03/2011)

Presiding Judge [Signature]Judge Code: 2093Sentence Date: June 22, 2016

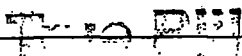
WITNESSES

Spartanburg County Sheriff's Office


ARREST WARRANT NUMBER

Count One – 2014A4210203504

Count Two – D/I

ACTION OF GRAND JURY


Foreperson of Grand Jury

Date:

JAN 23 2015

VERDICT

Count 1.

Guilty

Count 2.

Guilty

Foreperson of Petit Jury

Date:

 Kathy W. Green
 June 22, 2014
DOCKET NO. **2015-GS-42-0446****The State of South Carolina**

County of Spartanburg

Barry J. Barnette, Solicitor**COURT OF GENERAL SESSIONS**

FEB 09 2015

TERM**THE STATE**

v.

MARK ALLEN BRADBERRY, SR.**Indictment for****ARMED ROBBERY; POSSESSION OF A
WEAPON DURING COMMISSION OF A
VIOLENT CRIME**

SC Code: 16-11-330 (A); 16-23-490

CDR Code: 139; 549

Class: FEL/A; FEL/F

FILED
CLERK OF COURT
SPARTANBURG COUNTY

2015 FEB -5 AM 9:16

M. HOPE BLACKLEY



STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

INDICTMENT

At a Court of General Sessions, convened on JAN 28 2015, the Grand Jurors of Spartanburg County present upon their oath:

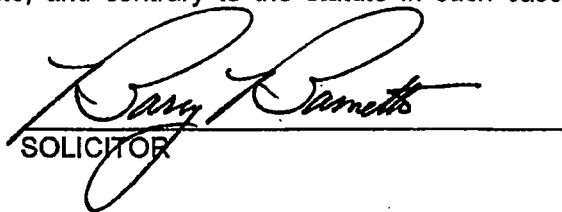
COUNT ONE – ARMED ROBBERY

That the Defendant, Mark Allen Bradberry, Sr., did in Spartanburg County on or about October 30, 2014, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, feloniously take property and/or currency from the person or presence of Connie Bataille, including but not limited to, a Suntrust Debit Card and miscellaneous jewelry, by means of force, violence, and/or intimidation with the intent to deprive her permanently of such property, in violation of §16-11-330 (A), *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

**COUNT TWO – POSSESSION OF A WEAPON DURING
 COMMISSION OF A VIOLENT CRIME**

That the Defendant, Mark Allen Bradberry, Sr., did in Spartanburg County on or about October 30, 2014 possess or visibly display a knife during the commission of a violent crime, to-wit: ARMED ROBBERY, in violation of Code §16-23-490, *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.
Mark Allen Bradberry Sr

AKA:

Race: WHITE Sex: M Age: 51

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: PACOLET MILLS, SC 29373

DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Armed Robbery, robbery while armed or allegedly armed with a deadly weapon 10-30 years - COUNT ONE

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

BARNETTE, BARRY

13039 SC Bar#

Defendant

Attorney for Defendant

2596 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$ -; provided that upon the service of days/months/years and/or payment

of \$ -; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ 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

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. or Job Corp.

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$100

\$100

\$12

\$25

\$500

\$25

\$150

\$50

\$40/ea

\$5

\$3.90

\$133.90

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

2093

June 22, 2016

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Mark Allen Bradberry Sr

AKA:

Race: WHITE Sex: M Age: 51

DOB: SS#:

City, State, Zip: PACOLET MILLS, SC 29373

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Possession of a weapon during violent crime, if not also sentenced to life without parole - COUNT TWO

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation ☐ Negotiated Sentence ☐ Recommendation by the State.

ATTEST:

BARNETTE, BARRY

SC Bar# 13039

Defendant

Attorney for Defendant

SC Bar# 2596

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed 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.☐ 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	\$100.00
§ 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	\$25.00
§ 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	\$5.00
3% to County (if paid in installments)		\$3.90
TOTAL		\$133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS420446A

A/W#: 2015GS4200446A

Date of Offense: 10/30/2014

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

Presiding Judge

Judge Code:

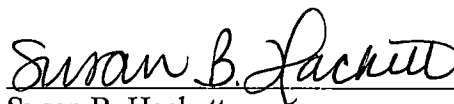
Sentence Date:

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

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,



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 29th day of March, 2017.

RECEIVED

MAR 29 2017

SC Court of Appeals