

20777

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Lexington County

Honorable Thomas A. Russo, Circuit Court Judge

THE STATE,

RECEIVED

RESPONDENT, AUG 10 2016

SC Court of Appeals

V.

DARRYL VINCENT JONES

APPELLANT

APPELLATE CASE NO. 2014-002680

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

ALAN WILSON
Attorney General

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

MARK FARTHING
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

DONALD V. MYERS
Solicitor, Eleventh Judicial Circuit
205 E. Main Street
Lexington Judicial Center
Lexington, SC 29072
(803) 785-8352

ATTORNEYS FOR RESPONDENT

INDEX

INDEX.....	i
TRIAL TRANSCRIPT COVER PAGE.....	1
TRIAL TRANSCRIPT DATED DECEMBER 8-10, 2014.....	2-4
OPENING STATEMENT BY MS. RADLEIN.....	5-8
OPENING STATEMENT BY MS. FULLWOOD	8-10
TESTIMONY	
JEANINE BARTELL	
Direct Examination by Ms. Mayes.....	10-60
Cross Examination by Ms. Fullwood.....	61-75
Redirect Examination by Ms. Mayes.....	75-77
KIMBERLY GUNTER	
Direct Examination by Ms. Radlein.....	78-88
Cross Examination by Ms. Fullwood.....	89
RYAN HAMILTON	
Direct Examination by Ms. Radlein.....	90-95
Cross Examination by Ms. Fullwood.....	95-98
Redirect Examination by Ms. Radlein.....	98-99
Recross Examination by Ms. Fullwood.....	99-102
TIMOTHY BAIRE	
Direct Examination by Ms. Radlein.....	102-111
Cross Examination by Ms. Fullwood.....	112
MINOR CHILD OF JEANINE BARTELL	
Direct Examination by Ms. Mayes.....	113-118
AZALEA AUSTIN	
Direct Examination by Ms. Mayes.....	118-122
BOBBY YORK	
Direct Examination by Ms. Radlein.....	122-124
DONALD RENTIER	
Direct Examination by Ms. Mayes.....	125-128
Cross Examination by Ms. Fullwood.....	129-131
Redirect Examination by Ms. Mayes.....	131-133
STEVEN HAYES	
Direct Examination by Ms. Mayes.....	133-143
Cross Examination by Ms. Fullwood.....	143

Redirect Examination by Ms. Mayes.....	143
WAYNE WILSON	
Direct Examination by Ms. Mayes.....	144-165
Cross Examination by Ms. Fullwood.....	166-175
Redirect Examination by Ms. Mayes.....	175-178
Recross Examination by Ms. Fullwood.....	178
JOSHUA ANGLE	
Direct Examination by Ms. Radlein.....	179-185
Cross Examination by Ms. Fullwood.....	185-186
RICHARD MCCARROLL	
Direct Examination by Ms. Mayes.....	187-190
In-Camera Examination by Ms. Mayes.....	191
Direct Examination by Ms. Mayes.....	192-202
Cross Examination by Ms. Fullwood.....	203-208
Redirect Examination by Ms. Mayes.....	208-211
Recross Examination by Ms. Fullwood.....	211-212
LAURA HASH	
Direct Examination by Ms. Mayes.....	213
Cross Examination by Ms. Fullwood.....	214
Redirect Examination by Ms. Mayes.....	214
DEFENSE MOTION FOR DIRECTED VERDICT.....	215
TESTIMONY	
DARRYL JONES	
Direct Examination by Ms. Fullwood.....	217-255
Cross Examination by Ms. Mayes.....	255-285
RENEWED DEFENSE MOTION FOR DIRECTED VERDICT.....	286
CONFERENCE ON JURY INSTRUCTIONS.....	287-292
DEFENSE CLOSING ARGUMENT.....	294-307
STATE CLOSING ARGUMENT.....	307-319
COURT'S INSTRUCTIONS TO THE JURY.....	319-334
CONFERENCE ON JURY QUESTION.....	335-342
VERDICT.....	342-345

SENTENCING.....	346
TRUE BILL INDICTMENTS.....	347-350
COURT'S EXHIBIT 1.....	351
COURT'S EXHIBIT 2.....	352
SENTENCING SHEETS.....	353
CERTIFICATE OF COUNSEL FOR APPELLANT.....	355

State of South Carolina
County of Lexington

Court of General Sessions

State	)	
	)	
	)	Transcript of Record
v.	)	2014-GS-32-1757; 1758
	)	
Darryl Vincent Jones	)	
	)	
<u>Defendant.</u>	)	

December 8-10, 2014
Lexington, South Carolina

B E F O R E:

The Honorable Thomas A. Russo, Judge; and a
jury.

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

Suzanne Mayes, Assist. Solicitor
Sutania Radlein, Assist. Solicitor
Attorneys for the State

Elizabeth Fullwood, Assist. Public Defender
Attorney for the Defendant

Bethanie K. Creppon
Circuit Court Reporter

1 (The following proceedings were held December
2 8-10, 2014.)

3 THE COURT: All right. I would recognize the
4 State to call the first case.

5 MS. MAYES: May it please the Court.

6 THE COURT: Yes, ma'am.

7 MS. MAYES: Your Honor, before you is State of
8 *South Carolina vs. Darryl Vincent Jones* -- he is
9 present in court and represented by his attorney,
10 Ms. Elizabeth Fullwood -- Indictment No.
11 2014-GS-32-1758, attempted murder; Indictment No.
12 2014-GS-32-1757, kidnapping.

13 The State is ready for trial in this case, Your
14 Honor.

15 THE COURT: All right. Thank you, ma'am.

16 Ladies and gentlemen, you heard the State call
17 for trial the case of *State of South Carolina vs.*
18 *Darryl Vincent Jones* and you heard the solicitor
19 read the charges that are contained in these
20 indictments that the State has brought against
21 Mr. Jones. Before I go any further, let me just
22 explain to you briefly: An indictment, ladies and
23 gentlemen, is simply a piece of paper. It's the
24 formal document that brings a charge into court.
25 It's not in any way evidence against a person, it is

1 not in any way evidence in the case at all; it is
2 merely the allegations that the State has made
3 against another individual.

4 To these indictments or to these charges,
5 Mr. Jones has pled not guilty, and that plea of not
6 guilty places upon the State the burden of proving
7 the elements of these charges. Now, even though
8 these indictments are not evidence in the case, I am
9 going to read to you what the allegations are so
10 that you'll understand what the charges are that the
11 State is alleging against Mr. Jones.

12 In indictment 2014-GS-32-1757, the State
13 alleges that Darryl Vincent Jones did in Lexington
14 County, South Carolina, on or about August the 6th
15 of 2013, knowingly, willfully and unlawfully seize,
16 confine, inveigle, decoy, kidnap, abduct, or carry
17 away another person by means whatsoever without any
18 authority of law, except when a minor is seized or
19 taken by his parent; to wit, he did seize, confine,
20 inveigle, kidnap, abduct, or carry away the victim,
21 Jeanine Renee Bartell, without her consent and in
22 violation of South Carolina Code Section 16-3-910 of
23 the Code of Laws of South Carolina 1976 as amended.
24 That is the allegations against Mr. Jones with
25 regard to the kidnapping charge.

1 As to Indictment 2014-GS-32-1758, the attempted
2 murder charge, that indictment reads that the
3 defendant, Darryl Vincent Jones, did in Lexington
4 County, South Carolina, on or about August the 6th
5 of 2013, did willfully and unlawfully commit the
6 offense of attempted murder, being a person who,
7 with the intent to kill, attempted to kill another
8 person with malice aforethought, either expressed or
9 implied; to wit, he did asphyxiate and/or choke
10 and/or strike or bludgeon the victim, Jeanine Renee
11 Bartell, in violation of South Carolina Code Section
12 16-3-29 of the South Carolina Code of Laws 1976 as
13 amended.

14 Ladies and gentlemen, those are the allegations
15 or the charges that have been made against
16 Mr. Jones. Is there any member of the jury panel
17 who knows anything about these charges that you just
18 heard me read out? If so, please stand. Thank you.
19 There are none.

20 I'm going to ask that the attorneys stand and
21 introduce themselves to you. If you would, please
22 listen carefully.

23 MS. MAYES: My name is Suzanne Mayes. I am the
24 prosecutor here at the 11th Circuit Solicitor's
25 Office representing Lexington County.

1 the Court's opening remarks from the State?

2 MS. MAYES: Nothing from the State, Your Honor.

3 THE COURT: From the Defense?

4 MS. FULLWOOD: No, sir, Your Honor.

5 THE COURT: All right. Please give your
6 attention to the attorneys as they address you with
7 their opening remarks.

8 MS. RADLEIN: Thank you Your, Honor.

9 This case is a serious case, it is a violent
10 case. This case is about the defendant, Darryl
11 Vincent Jones, attempting to murder and kidnap
12 Jeanine Renee Bartell who is seated in the first row
13 at the end.

14 On August 5th of 2013, Jeanine was having chest
15 pains. She decided to go get checked out either at
16 the emergency room or at the Urgent Care. The
17 defendant is an acquaintance of Jeanine. He decided
18 to go with her. She drove herself to the emergency
19 room. That's where they ended up and that's why
20 we're here today. Jeanine didn't know that in going
21 to the emergency room that night, that she would be
22 violently assaulted by someone she knew and trusted,
23 Darryl Jones.

24 Once she got to the emergency room parking lot,
25 she was beaten and strangled. The evidence will

1 show that prior to arriving at the emergency room,
2 Jeanine and the defendant argued about where to go
3 for her to receive medical treatment for her chest
4 pains. Once they ended up at the ER on Sunset
5 Boulevard here in Lexington County, in her very own
6 van, in her own vehicle, he assaulted her. Not only
7 did he punch her, he held her down, he strangled
8 her; he strangled her to the point of losing
9 consciousness. You will hear from Jeanine that
10 while he was violently assaulting her, he was
11 yelling at her. He told her that she was going to
12 die tonight. He told her that she needs to tap out
13 because it's done. Darryl Jones intended to kill
14 Jeanine on August 6th of 2013.

15 It is our belief that the evidence will show
16 that after he was done assaulting her in her van in
17 the parking lot of the emergency room, he then held
18 her down and drove her back to her apartment complex
19 where he left her, then where he left the scene.
20 Law enforcement was an able to find him on that
21 night.

22 As a result of her beating and her
23 strangulation, Jeanine had to spend eight days --
24 eight days at Palmetto Health Richland to receive
25 treatment for her injuries. She was originally

1 transported by ambulance to Lexington Medical Center
2 emergency room where the assault occurred, but once
3 they were able to take a look at her and examine
4 her, they realized that due to the severity of her
5 trauma, they had to send her to the trauma unit at
6 Palmetto Health Richland. There, she was treated
7 for facial fractures, bleeding behind her eye, and
8 several other injuries.

9 Now the law on this case, it's quite simple.
10 As you heard earlier, the defendant is charged with
11 attempted murder and kidnapping. Attempted murder
12 is the intent -- is the attempt to kill another with
13 malice aforethought. Darryl Jones' actions, his
14 very own words, is an example of malice in this
15 case, not to mention the beating and the
16 strangulation. No lengthy premeditation is required
17 for attempted murder, for the intent to kill -- the
18 attempt to kill can be formed at the very moment
19 before the strangulation or the beating occurred.

20 Now for kidnapping, it's exactly what you think
21 it is. It's confining someone, it is carrying them
22 away by any means necessary against their will.
23 Here, Darryl Jones, after she was beaten and
24 helpless and going in and out of consciousness,
25 continued to hold her down and drive her back to

1 Richland County where he left her.

2 We have the burden of proof in this case, as
3 the Judge just mentioned a few moment ago, and it's
4 a burden we welcome. We have to prove to you beyond
5 a reasonable doubt that these crimes occurred; that
6 Darryl Jones attempted to murder Jeanine and that he
7 kidnapped her. It is our belief that after you
8 receive all of the evidence in this case and hear
9 from all the witnesses that will take that witness
10 stand, that you will side with the State in this
11 case and find the defendant guilty of murder.

12 I thank you in advance for your service here.
13 And like the Judge said moments ago, I thank you in
14 advance for paying attention to all of the evidence
15 and testimony in this case. All of you will play a
16 major part in bringing justice to Jeanine Bartell.
17 Thank you.

18 THE COURT: Thank you.

19 Ms. Fullwood.

20 MS. FULLWOOD: May it please the Court.

21 Ladies and gentlemen of the jury, this is an
22 unusual case. Darryl Jones isn't in front of you
23 men and women trying to say, hey, I didn't do it.
24 He's not saying somebody else did it, he's not
25 saying, I have an alibi, he's not saying that what

1 happened was in any way justifiable under the law.
2 He's saying, yes, in fact, on that night, I got into
3 a fight with my girlfriend, Jeanine Bartell, and
4 during the course of that fight, I did assault her.
5 We're not trying to play any tricks here. You know,
6 that is just -- we're going to be frank with you and
7 that's what the situation is.

8 Now, you're probably sitting there thinking,
9 well, if that's the case, then what are we doing
10 here? Well, I'll tell you. Part of a jury's
11 function is to make sure that the law is applied to
12 the right person, and another part of a jury's
13 function is to make sure the law is applied in the
14 right way. And after you hear all of the evidence,
15 while we know you're going to come back with some
16 type of verdict of guilty, we don't think it's going
17 to be guilty of attempted murder or guilty of
18 kidnapping. We think -- well, this is a -- in a
19 case like this, it all depends on the circumstances
20 surrounding the incident. And like Ms. Radlein was
21 telling you, you're going to have to hear all of the
22 evidence before you can correctly assess what
23 happened that night.

24 But we think once you hear all of the
25 surrounding facts, you're going to find that there

10

1 is no evidence of malice, there is no evidence of an
2 intent to kill in this case, and there is no
3 evidence that Ms. Bartell was confined or seized or
4 carried away by Mr. Jones. While you're probably
5 going to find him guilty of something, we think
6 you're going to find him not guilty of attempted
7 murder and not guilty of kidnapping.

8 We appreciate you being here today serving and
9 helping all of us dispose of this case. And at this
10 point, I think I'm going to sit down so we can get
11 on with you folks hearing the evidence. Thank you
12 very much.

13 THE COURT: Thank you, ma'am.

14 All right. The State may call their first
15 witness.

16 MS. MAYES: The State calls Jeanine Bartell.

17 JEANINE BARTELL

18 being first duly sworn, testified as follows:

19 THE WITNESS: I do.

20 THE CLERK: Have a seat over here. State your
21 full name and spell your last for the record.

22 DIRECT EXAMINATION

23 BY MS. MAYES:

24 Q. Ms. Bartell, first state your full name for the
25 record, and we're going to test and see if the

1 microphone is able to pick up your voice well enough
2 there for even this last juror to hear you.

3 A. Jeanine Bartell, B-A-R-T-E-L-L.

4 Q. Have you ever lived here in Lexington County?

5 A. No, ma'am.

6 Q. What I mean by that is, have you ever had a
7 residence here in Lexington County?

8 A. No, ma'am. It was Richland County.

9 Q. And specifically in Richland County, What
10 residence were you at?

11 A. [REDACTED]

12 Q. All right. And that residence in Richland
13 County, about how close is it to Lexington County?

14 A. I believe it's right on the border.

15 Q. Okay. Now, I'm going to ask you a little bit
16 of information just so we can find out more about
17 you. Approximately what year was it that you moved
18 here to the state of South Carolina?

19 A. 2011.

20 Q. All right. And where had you resided prior to
21 moving here in 2011?

22 A. Detroit, Michigan.

23 Q. Are you a native of Michigan?

24 A. Yes, ma'am.

25 Q. And I want to ask you specifically what it was

1 that brought you from Michigan to South Carolina.

2 A. My daughter was diagnosed with a brain tumor in
3 October of 2011. She graduated in December of 2011.
4 So I decided to stay here with her so that she could
5 have moral support.

6 Q. What is your daughter's name?

7 A. Azalea Austin.

8 MS. FULLWOOD: I object to this on the grounds
9 of relevance.

10 THE COURT: Overruled. I think it's
11 foundation.

12 BY MS. MAYES:

13 Q. Now, going back to the time period of 2011 when
14 you moved here. What is your daughter's name?

15 A. Azalea Austin.

16 Q. Why was she here in South Carolina?

17 A. She went to Benedict College.

18 Q. All right. Had she lived in Michigan prior to
19 attending Benedict College?

20 A. Yes, ma'am.

21 Q. When you discovered her condition, did you move
22 here alone or did you take any other family members
23 with you?

24 A. I brought my sons with me.

25 Q. All right. How many children do you have?

1 A. I have four.

2 Q. Can you tell us their names and ages.

3 A. Sure. Azalea Renee Austin, Paul Andre Austin

4 Clark, [REDACTED]

5 Q. All right. And your daughter Azalea, how old

6 is she now?

7 A. Twenty-five.

8 Q. And your youngest sons, how old are they now?

9 A. Fifteen and 17.

10 Q. All right. Do they currently reside with you?

11 A. Yes, ma'am.

12 Q. And once you relocated here to South Carolina

13 in 2011 to be with your daughter, were your two

14 youngest sons with you?

15 A. Yes, ma'am.

16 Q. And you gave us their names, but do they go by

17 the names [REDACTED] ?

18 A. Yes, ma'am.

19 Q. What was the first place you moved to upon

20 relocating here to South Carolina in 2011?

21 A. Permanently at [REDACTED].

22 Q. Okay. And the [REDACTED], those

23 are the apartments you mentioned previously that are

24 right on the border of Richland and Lexington,

25 pretty much?

14

1 A. Yes, ma'am.

2 Q. Did your sons reside with you there?

3 A. Yes, ma'am.

4 Q. Did anyone else live there other than the three
5 of you?

6 A. My oldest son did originally.

7 Q. All right. And I want to take you through to
8 the summer of 2013. Can you tell us in the summer
9 of 2013 where you were residing?

10 A. At [REDACTED]

11 Q. So you were still at that same location?

12 A. Yes, ma'am.

13 Q. Were [REDACTED] still residing with you
14 as well?

15 A. Yes, ma'am.

16 Q. How is it, Ms. Bartell, that you know the
17 defendant in this case, Darryl Jones?

18 A. He was my neighbor.

19 Q. And what location was that?

20 A. At [REDACTED]

21 Q. All right. So you met him at the [REDACTED]
22 Apartments?

23 A. Yes, ma'am.

24 Q. And do you know why it is that Mr. Jones was
25 residing or staying at Cypress Run Apartments?

1 A. He was living with his mother.

2 Q. Okay. And what is the name of his mother?

3 A. We called her GG, but I think it was Cathleen
4 or Cathrene.

5 Q. All right. Would that be Ms. Cathrene Gholson?

6 A. Yes, ma'am.

7 Q. How close or in what proximity was the
8 apartment of Darryl Jones and his mother in relation
9 to the apartment that you and your sons lived in?

10 A. He lived downstairs at the door right next to
11 the steps and I lived directly above him, one door
12 over.

13 Q. All right. Now, would this be different
14 buildings between the complex or the same building?

15 A. The same building.

16 Q. Where were you working the majority of time
17 that you were living here in the Columbia area?

18 A. Motel 6 Columbia West.

19 Q. All right. And what did you do there?

20 A. My last job there was the manager on duty.

21 Q. All right. And while you were living there at

22 [REDACTED] how often did you and Mr. Jones have
23 contact with one another?

24 A. After April, almost every day.

25 Q. When you say almost every day, how did that

14

1 come about?

2 A. Originally I worked the night audit from 11:00
3 to 7:00 and I would see him outside at 7:00 in the
4 morning and we would speak in passing. And then the
5 first part of March, my job changed when I became
6 MOD and I would go to work at 7:00 in the morning,
7 so I would still see him in passing. I think when I
8 was coming home or going to work at that 7:00 hour,
9 he was waiting on his ride to go to work.

10 Q. All right. And eventually did you and he start
11 spending any time together?

12 A. Yes, ma'am.

13 Q. Did he ever visit your apartment?

14 A. Yes, ma'am.

15 Q. What are some things that the two of you did
16 together once you got to know one another?

17 A. We went out on a couple occasions to karaoke
18 and to a cook-out once.

19 Q. Okay. What was your initial impression of
20 Darryl Jones?

21 A. He was friendly and kind of curious. He had a
22 lot of questions about Michigan.

23 Q. When you say curious, what do you mean?

24 A. He was always asking questions about Michigan
25 and different things around the Detroit area.

17

1 Q. So he'd ask questions about you and inquire as
2 to certain aspects of your life?

3 A. Yes, ma'am.

4 Q. Did he seem friendly at that point?

5 A. He did.

6 Q. Can you tell us whether or not Darryl Jones
7 ever met your sons?

8 A. Yes, ma'am.

9 Q. All right. And you mentioned that he has
10 visited your apartment. Can you tell us whether or
11 not he ever stayed over at your apartment?

12 A. Yes, ma'am.

13 Q. Did there come a point in time, Ms. Bartell,
14 when that initial impression of Mr. Jones changed in
15 any way?

16 A. Yes, ma'am.

17 Q. How so?

18 A. Toward the end.

19 MS. FULLWOOD: Your Honor, I'm going to object
20 to any sort of bad-character-type evidence. It
21 wouldn't really be admissible, I don't think.

22 THE COURT: Where are you going with this?

23 MS. MAYES: May we approach?

24 THE COURT: Yeah.

25 (Sidebar conference.)

1 BY MS. MAYES:

2 Q. Let me phrase it this way, and this is just a
3 yes-or-no question: At the point in time that would
4 be approximately August of 2013, can you tell us
5 whether or not there was tension in your
6 relationship with Mr. Jones?

7 A. Yes.

8 Q. Can you tell us whether or not you still wanted
9 to be in the relationship?

10 A. No, I didn't.

11 Q. Can you tell us whether or not you made him
12 aware of that?

13 A. Yes, ma'am.

14 Q. Did you remain in contact as neighbors or as
15 friends?

16 A. I was trying to stay cordial.

17 Q. Now, moving forward to the point in time of
18 August 6th of 2013, are you familiar with that date?

19 A. Yes, ma'am.

20 Q. And backtracking even earlier than that into
21 the late evening hours of August 5th of 2013, are
22 you familiar with that night as well?

23 A. Yes, ma'am.

24 Q. Now, looking here at a calendar, we are talking
25 specifically about the late night of August 5th,

1 which would be a Monday, into the early morning
2 hours of August 6th, being a Tuesday.

3 A. Correct.

4 Q. Were you still residing at [REDACTED] ?

5 A. Yes, ma'am.

6 Q. And was Mr. Jones still residing there at his
7 mother's residence?

8 A. Yes, ma'am.

9 Q. During those evening hours of August 5th, what,
10 if anything, occurred? Did you see Mr. Jones?

11 A. Yes, ma'am.

12 Q. Where did you see him that night?

13 A. Originally at my front door.

14 Q. And what happened next?

15 A. He came over to talk. This was after I told
16 him I didn't want to be with him. He came to talk,
17 we got into an argument, I asked him to leave, he
18 left. A little while later, he came back saying he
19 wanted to talk.

20 Q. All right. Let me stop you right there.
21 Approximately what time was it that you recall him
22 coming over the first time when you had requested
23 that he leave?

24 A. About 8:30.

25 Q. Okay. And you mentioned your sons resided with

20

1 you at [REDACTED] Were they with you that night
2 or were they at home at the apartment that night
3 when he came over?

4 A. Yes, ma'am.

5 Q. And you said he came back. Approximately what
6 time was it he then came back to your residence?

7 A. About an hour later.

8 Q. All right. And then what happened?

9 A. He said he wanted to talk. At this point I was
10 laying in my bed, he sat in the chair next to me. I
11 told him I wasn't feeling well and I didn't want to
12 argue, my heart was bothering me. We had a
13 discussion about calling 911, but I decided, no, I'd
14 just rather take myself to the hospital.

15 Q. All right. Let me ask you a few questions
16 about what you said, that your heart was bothering
17 you. What were the physical symptoms you were
18 experiencing?

19 A. My heart was palpitating, felt like it was
20 squeezing, my left arm was hurting. That was what I
21 originally felt. And then I think when I brought
22 the conversation back up about my heart bothering
23 me, my mouth was salivating, my stomach was turning,
24 and my jaw was hurting, so I became concerned that I
25 might be having a heart attack.

- 1 Q. Okay. And how old are you?
- 2 A. Forty-four.
- 3 Q. Okay. So having these symptoms of chest pain
- 4 as well as what you described as the pain in the
- 5 jaw, how did that concern you?
- 6 A. My grandmother had congestive heart failure and
- 7 heart disease at 42, and that's what I remembered
- 8 and was alarmed to go to the hospital.
- 9 Q. All right. And you said ultimately a decision
- 10 was made that you would drive to a hospital?
- 11 A. Yes, ma'am.
- 12 Q. Okay. Did you let your sons know where you
- 13 were going?
- 14 A. I did. I told my youngest son who was still
- 15 awake at the time that I was going to the hospital.
- 16 I believe Glen was asleep.
- 17 Q. All right. Now, was Mr. Jones still at your
- 18 apartment at this point in time?
- 19 A. Yes, ma'am.
- 20 Q. What, if anything, did he say concerning your
- 21 expression that you wanted to have your chest pains
- 22 examined by a hospital?
- 23 A. He initially wanted to drive, but I wouldn't
- 24 let him because he didn't have a driver's license.
- 25 I insisted on driving.

1 Q. All right. Who had the vehicle?

2 A. Initially, I had the vehicle.

3 Q. All right. And what type of vehicle is this
4 that you were driving that night?

5 A. A 1998 Ford Windstar.

6 Q. A 1998 Ford Windstar. Is that -- what type of
7 vehicle is that?

8 A. It's a minivan.

9 Q. Okay. And was that your van?

10 A. Yes, ma'am.

11 Q. And you said you were driving. Where were --
12 where was the defendant located in the van?

13 A. He was in the passenger's seat.

14 Q. Was anyone else with the two of you?

15 A. No, ma'am.

16 Q. Approximately what time was it that you left to
17 have your chest pains checked out?

18 A. About 11:30.

19 Q. Okay. So you leave the [REDACTED].
20 And I know you told us it's in Richland County, but
21 specifically what area in Richland County? What is
22 the street address?

23 A. [REDACTED].

24 Q. Okay. What happened once you got in the van
25 with the intent to go to the hospital due to your

1 chest pains?

2 A. I started out to go to the emergency room, but
3 Darryl insisted we go to the Urgent Care on
4 St. Andrews. We argued all the way to Urgent Care.
5 I was telling him it was closed, and I knew because
6 I took [REDACTED] that day and it was closed. So in
7 order to keep the peace, I was like, all right,
8 fine, we'll go to Urgent Care.

9 We get all the way to Urgent Care and I pull
10 all the way up to the entrance. He got out and
11 checked and saw it was closed. He got back in the
12 car and he was kind of like, yeah, it was closed.
13 And I was like, see, I told you I was right. And so
14 he started yelling and screaming at me.

15 At this point, I'm just driving to try to find
16 my way back through the back streets to get to the
17 hospital. And he's yelling at me and this, that and
18 the third, and I'm trying to ignore him. I started
19 singing, I started praying, doing whatever I could
20 to try to ignore him. Mind you, I'm not feeling
21 well.

22 We get there, I park my car, and I calmly was
23 putting the car in park and I calmly looked over at
24 Darryl. He had gotten out of the car. And I said,
25 Darryl, you keep telling me you care about me, you

1 keep telling me that you want to be in a
2 relationship with me, but I'm not feeling that you
3 care about me. I'm here about my heart and because
4 you won't stop yelling and arguing with me, I'm not
5 feeling that you care about me and I don't feel that
6 I want to take you home.

7 When I said that, at that point, Darryl jumped
8 back into the car, he hit me. It happened so fast.
9 He hit me and I landed partially in the backseat. I
10 started kicking my horn to try to get someone's
11 attention. He started beating me in the back of my
12 head, beating my legs, beating me all over. And he
13 said, oh, shit -- oh, can I cuss? I'm sorry.

14 Q. Let me stop you right there. Where are you at
15 this point?

16 A. In the car.

17 Q. In what location?

18 A. In the middle seat. There's three seats.

19 Q. And was the car located?

20 A. In the parking lot.

21 Q. Of what facility?

22 A. The Lexington hospital.

23 Q. Lexington Medical Center?

24 A. Yes, ma'am.

25 Q. Okay. So to summarize, you originally drove to

25

1 the Urgent Care at the request of Mr. Jones?
2 A. Yes, ma'am.
3 Q. And it was closed?
4 A. Yes, ma'am.
5 Q. And from there, you went to what facility?
6 A. Lexington Medical Center.
7 Q. Okay. So from Urgent Care on St. Andrews Road
8 to the Lexington Medical Center. And we're talking
9 about the hospital. Do they have an emergency room?
10 A. Yes, ma'am.
11 Q. Where were you parked in relation to the
12 emergency room?
13 A. At the very last parking space near the
14 entrance by the bushes.
15 Q. And when you say near the entrance, you're
16 referring to what?
17 A. The entrance to the emergency room.
18 Q. To the ER?
19 A. Yes, ma'am. Furthest from the door.
20 Q. Now, in relation to your statement about what
21 Mr. Jones said to you, if it's something that he
22 said to you, you can say it on the record.
23 What was it he said after he delivered that
24 first blow?
25 A. He said, oh, shit, I'm going to prison tonight,

26

1 I might as well kill you. And then he hit me again.
2 And then I asked him, please, Darryl, stop, just let
3 me go inside, I'll just tell them I'm here for this.
4 He said, no, you're too smart for that, I have to
5 kill you. He said, bitch, you're going to die
6 tonight. He said, your kids are going to hear about
7 you tomorrow on the news. And then he took the
8 seatbelt and he started strangling me.

9 Q. All right. And at that point he took the
10 seatbelt and started strangling you, where were you?

11 A. I was still in the back seat.

12 Q. Now, I want to show you what's marked as
13 State's Exhibit 29. And I want to ask you whether
14 or not this is a fair and accurate representation of
15 the interior of your 1998 Ford Windstar.

16 A. Yes, ma'am.

17 Q. And, specifically, did you have two seats up
18 front?

19 A. Yes, ma'am.

20 Q. And what type of seat did you have behind the
21 two seats up front?

22 A. The one like that.

23 Q. A middle seat such as this?

24 A. Yes, ma'am.

25 Q. Is there yet another seat behind this one?

1 A. Yes, ma'am. It's longer.

2 Q. So the middle seat is not divided, it's one
3 long seat?

4 A. Yes, ma'am.

5 Q. Ms. Bartell, if you could, step down and show
6 us where you were in the van originally.

7 Ms. Bartell, if you could step on this side so the
8 court reporter can hear your response.

9 A. Yes, ma'am. Originally I was here in the
10 driver's seat. He was here in the passenger's seat.
11 (Indicating)

12 Q. And when you say he, you're referring to the
13 defendant, Darryl Jones?

14 A. Yes, ma'am. He came in back through that door
15 and he hit me. And I landed at a diagonal angle
16 with my face here and my feet here in the back seat.
17 (Indicating)

18 Q. All right. Now let me stop you for one moment.
19 If you could, back up just a little.

20 When you say he came in through the door, once
21 you had parked at the Lexington Medical Center
22 emergency room parking lot --

23 A. Yes, ma'am.

24 Q. -- did you remain in the car?

25 A. I did.

29

1 Q. Did the defendant at any point ever get out of
2 the car?

3 A. He was getting out then. Yes, ma'am.

4 Q. Was that door open on the passenger's side?

5 A. It was.

6 Q. All right. And what was it or at what point in
7 the argument was it that he came back into the van?

8 A. It was after I told him I didn't want to take
9 him home. And he's like, you're not leaving me way
10 out here, and he went and struck my face.

11 Q. At this point, does he re-enter the van?

12 A. Yes, ma'am.

13 Q. All right. And where is he when he re-enters
14 the van?

15 A. He re-enters on the passenger's side. And then
16 he got in -- he walked around this way, because he
17 was knocking my feet down so I couldn't kick the
18 horn anymore. I think I kicked it, like, five times
19 with the attempt to get someone's attention. And he
20 started to choke me with the seatbelt.

21 Q. All right. Now, specifically, which seatbelt
22 is it that he used to choke you with?

23 A. It's right here. (Indicating)

24 Q. All right. And where was your body at this
25 point in time?

29

- 1 A. My legs were now on the floor.
- 2 Q. If you could, point and show us.
- 3 A. Like, right here. (Indicating)
- 4 Q. Okay.
- 5 A. And my face was down here. (Indicating)
- 6 Q. Okay. Was your face looking up or down?
- 7 A. It was down.
- 8 Q. Okay. So to better describe, is your body
- 9 facing upward or if your body facing down?
- 10 A. It's facing down towards the seat.
- 11 Q. Okay. And where is he in relation to your
- 12 body?
- 13 A. He's on top of me.
- 14 Q. Okay. And you're facing down, he takes the
- 15 seatbelt. And what happens next?
- 16 A. He was struggling with the seatbelt. At --
- 17 somehow or another, the seatbelt broke or it came
- 18 aloose [sic]. And when the seatbelt came aloose, I
- 19 was able to flip around and he was right here, like,
- 20 in the middle. And I went to hit him.
- 21 When I went to hit him, he grabbed my hand and
- 22 he started biting my finger. And that's when he
- 23 started telling me he was going to mess me up so
- 24 nobody would recognize me.
- 25 Q. All right. And when you said you went to hit

1 him, for what reason did you attempt to strike him
2 back?

3 A. Because I was trying to get free. He said he
4 was going to kill me. And I was scratching at him.
5 I was trying to scratch at him.

6 Q. Okay. Now, while you're here and the seatbelt
7 is being used, where, specifically, was the seatbelt
8 in relation to your body?

9 A. Around my neck.

10 Q. Okay. And who placed it around your neck?

11 A. Darryl Jones.

12 Q. All right. And at this point you're facing
13 down?

14 A. Yes, ma'am.

15 Q. How, if at all, did he control your body at
16 this point?

17 A. After I was able to -- when the seatbelt broke
18 and I was able to flip around, then he hit me again
19 in the back of the eye. At that point he also took
20 the keys and shoved them in my eye and said he was
21 going to pluck my eye out. And he had me now
22 facedown over here with his knee in my back. And he
23 was choking me with his hand and had his knee in my
24 back.

25 At some point during that time, there was

1 another belt that went around my neck and it was
2 tighter and it was smaller. But I was pulling at it
3 the whole time. I was pulling at that belt the
4 whole time. He was pulling it and he kept saying,
5 why are you so f-ing strong? How come I can't kill
6 you? You're too f-ing strong. It shouldn't take
7 this long.

8 Q. Okay. Now, why were you pulling at the belt?

9 A. So he couldn't kill me.

10 Q. Okay. You may return to your seat.

11 A. Thank you.

12 Q. You made reference to another belt. Was that a
13 different belt than the seatbelt?

14 A. Yes, ma'am; it was his waist belt.

15 Q. All right. And what did he do with that second
16 belt?

17 A. He wrapped it around my neck like a dog leash.

18 Q. All right. And how did that affect your
19 ability to breathe?

20 A. It -- well, it was very difficult for me to
21 breathe. It felt like my head was going to pop off.
22 I don't know how many times, but I know I lost
23 consciousness a couple of times. It seems like
24 hours that I was in there. It just seemed like a
25 long time. But he was choking me and I remember

1 begging him to stop. And he had my face down in a
2 cushion, so not only could I not breathe from here,
3 I couldn't breathe from my nose. It was extremely
4 hot in there. I'm begging him to let me go. He
5 wouldn't let me go.

6 Eventually my hands started flailing
7 uncontrollably and I was hitting the seat. And as I
8 was hitting the seat, he was like, that's right,
9 bitch, that's right, tap out, bitch, tap out, say
10 goodnight, Jeanine, I'll see you on the other side.
11 And I lost consciousness again. Then --

12 Q. Let me stop you right there.

13 A. Yes, ma'am.

14 Q. When he made the statement to tap out, good
15 night, what did you interpret that to mean?

16 A. I interpreted it to mean that he thought I was
17 dead.

18 Q. Did you ever attempt to make him believe you
19 were dead?

20 A. Yes, ma'am.

21 Q. How so?

22 A. By trying to hold my breath and lay as still as
23 possible.

24 Q. And why did you do that?

25 A. Why? So he could stop choking and beating me.

1 Q. At that point in time, what is your belief
2 about if he thought you were dead?

3 A. If he stopped -- if he thought I was dead, then
4 his purpose was over. I laid there as quietly as I
5 could. He tousled my body around looking for the
6 keys. Eventually he found the keys and he dragged
7 me around the car and we drove somewhere. I don't
8 know where. But the next thing you know, I woke up
9 in the car and I was back at [REDACTED].

10 Q. All right. When you say he pulled you around,
11 were you conscious at the point that the van started
12 moving?

13 A. Semiconscious. I was pretending not to be
14 though.

15 Q. Who was driving?

16 A. Darryl.

17 Q. At when you say that he pulled you around, at
18 that point in time, what direction was your body?

19 A. It was still over here. But I think at this
20 point it was on the floor. My head was facing that
21 way, because when he finished, he got out of the van
22 for a moment. And after he tousled me around
23 looking for the keys, he got out of the van and then
24 get back in the van. And when he got back in the
25 van, I was still laying here pretending to be dead.

1 And then he urinated on me back and forth, back and
2 forth.

3 Q. Okay. Now let me stop you right there. When
4 you say that he pulled you around, was your head
5 facing towards the driver's seat or away?

6 A. Right. It facing here and he pulled me around
7 this way, facing this way.

8 Q. Okay. So at that point, once he pulled you
9 around, your head is facing that way? (Indicating)_

10 A. Yes, ma'am.

11 Q. And your feet are where?

12 A. They're facing this way. (Indicating)

13 Q. Okay. And can you tell us where the belt was
14 that had been around your neck at that point?

15 A. It's still around my neck.

16 Q. Was it still choking you?

17 A. He fastened it sort of, kind of, around the arm
18 of the -- the car. And I think when he fastened it
19 that way, it made me raise up off the floor, so he
20 let it go. And he was driving with one hand on the
21 steering wheel and the other hand around the leash
22 on my neck.

23 Q. So while he was driving, there was still a hand
24 on the belt that was wrapped around your neck?

25 A. Yes, ma'am.

1 Q. You mentioned that you were semiconscious.

2 A. Yes, ma'am.

3 Q. While you were being strangled, was there ever
4 a point in time where you lost control of your
5 bodily function?

6 A. I did.

7 Q. How so?

8 A. I urinated on myself. And I told Darryl, it's
9 over, I just released, it's over. And after that,
10 my hands started to flail and he was like, that's
11 right, bitch, tap out.

12 Q. And you mentioned that there was another point
13 in time where he stopped and got out of the vehicle
14 himself.

15 A. Yes, ma'am.

16 Q. Do you know where the vehicle was at that point
17 in time?

18 A. It was still in the parking lot.

19 Q. Okay.

20 A. Of the hospital.

21 Q. When he got out, what did he do?

22 A. I don't know. I was laying there with my head
23 facing the driver's side and I didn't want to move.
24 I was playing possum.

25 Q. Did you feel anything?

36

1 A. I didn't. But he was only out for a second,
2 not that long.

3 Q. And what happened once he got back in?

4 A. That's when he decided to urinate all over me.

5 Q. All right. And, specifically, where on your
6 body did he urinate on you?

7 A. Everywhere. He went back and forth like a
8 water hose from my head to my feet.

9 Q. And did that make the upper part of your body
10 wet from his urination?

11 A. My entire body was wet. Yes, ma'am.

12 Q. How did your body respond not only to the
13 choking but to the actual beating that had occurred?
14 Were you able to remain fully alert?

15 A. No, ma'am.

16 Q. Were you able to defend yourself?

17 A. Unsuccessfully. I tried.

18 Q. And after that last event occurred where he
19 urinated on you, you said he have driving, how long
20 do you think you were in that van when he was
21 driving and had the belt around your neck?

22 A. I don't know exactly for sure. I remember
23 hearing several songs on the radio, 30, 35 minutes
24 worth of music on the radio. But then I was in and
25 out of consciousness. I could feel the motion of

1 the car, but I was not going to move and look up to
2 see anything.

3 Q. Did he continue to make any statements?

4 A. At one point, he stopped the car. I don't know
5 where we were. I was laying there as still as
6 possible, and he was talking about dumping the body.

7 Q. Do you believe he may have been talking to
8 himself?

9 A. I'm not sure.

10 Q. And what happened next?

11 A. After that, the car was moving again.

12 Q. And where, ultimately, did the car end up?

13 A. At [REDACTED]

14 Q. [REDACTED] Apartments where you reside and he
15 resides and his mother resides?

16 A. Yes, ma'am.

17 Q. What did you hear once you arrived back at
18 [REDACTED] Apartments?

19 A. I heard Darryl make a phone call to his mother.
20 And he said, Ma, I'm out here with Jeanine, we got
21 into a real bad fight and she's hurt really bad.
22 And we sat there for a few minutes and then his
23 phone rang. And I heard him say, I'm right here,
24 Ma, I'm right here, and then the car moved.

25 The next thing you know, the car was stopped,

1 he got out of the car. And the next thing I heard
2 after that was his mom, and she was on the phone
3 with 911.

4 Q. All right. Let me stop you right there. When
5 you say you heard his mom, you recognize her voice?

6 A. Yes, ma'am.

7 Q. Okay. So who is the person who actually called
8 911 in this case?

9 A. Darryl's mother.

10 Q. And did an ambulance ultimately arrive?

11 A. Yes, ma'am.

12 Q. Prior to the ambulance arriving, do you know
13 what happened to the belt around your neck?

14 A. He took it off somewhere when I -- when we
15 first got there before he got the car where he said,
16 yes, I'm over here, over here, he took the belt off
17 my neck.

18 Q. All right. And when he got out of the van, at
19 that point had you made him aware that you were, in
20 fact, alive?

21 A. No, ma'am.

22 Q. And could you hear him speaking with anyone
23 once he was out of the van?

24 A. No, ma'am, I didn't hear.

25 Q. How, ultimately, did you get out of the van?

1 A. When I heard his mom make the 911 call, I felt
2 safe enough to get up. So I raised up out the back
3 and got out the side door.

4 Q. How was your vision at this point?

5 A. It was very blurry.

6 Q. Why?

7 A. Because Darryl had beaten me and put the keys
8 in my eye -- in my left eye.

9 Q. Were you able to see clearly out of both eyes?

10 A. No, ma'am.

11 Q. Were your eyes swollen?

12 A. Yes, ma'am.

13 Q. What, if any, reaction did he have when you got
14 out of the van?

15 A. It sort of looked like he was shocked.

16 Q. And did you go anywhere for assistance? Did
17 his mother assist you in any way?

18 A. She did.

19 Q. Where did she take you?

20 A. She took me inside to the restroom.

21 Q. And when you say inside, was that your
22 apartment or her apartment?

23 A. Her apartment.

24 Q. And did she give you -- well, can you tell us
25 whether or not the clothing you had on originally

40

1 was still the clothing you had on when EMS arrived?

2 A. No, ma'am. She gave me a pink top and some
3 pajama pants.

4 Q. Why was that?

5 A. Because my clothes were soaked with urine.

6 Q. Did she give you a new set of clothing to wear
7 when EMS arrived?

8 A. Yes, ma'am.

9 Q. And when EMS arrived, were you conscious at the
10 scene?

11 A. Semi.

12 Q. When was the last time you heard the
13 defendant's voice at the scene that night at [REDACTED]
14 [REDACTED] ?

15 A. On the phone with his mom.

16 Q. When EMS arrived, did you hear his voice at
17 that point?

18 A. No, ma'am.

19 Q. And, ultimately, did law enforcement arrive,
20 the Columbia Police Department?

21 A. Yes, ma'am.

22 Q. Who is the person that gave up the Columbia
23 Police Department the suspect name and suspect
24 description?

25 A. His mother.

41

1 Q. Such as the type of clothing he was wearing and
2 things of that nature?

3 A. Yes, ma'am.

4 Q. Were you capable of doing that yourself at that
5 point?

6 A. Not really.

7 Q. To your knowledge, did Darryl Jones ever return
8 back to the scene that night as you were being
9 treated by EMS and law enforcement?

10 A. Not to my knowledge.

11 Q. Have you had any relationship with him since
12 that night?

13 A. No, ma'am.

14 Q. I want to show you some pictures, starting with
15 State's Exhibit 1, and ask you if you recognize the
16 person in this photograph. This is actually State's
17 Exhibit 2.

18 A. Yes, ma'am.

19 Q. Who is the person in this photo?

20 A. That would be me.

21 Q. Where were these photos taken?

22 A. The hospital.

23 Q. Okay. So once EMS arrived there at [REDACTED]
24 Apartments, where were you taken?

25 A. Originally, to Lexington Medical Center.

42

1 Q. Okay. And once you arrived at the Lexington
2 Medical Center, what hospital were you transferred
3 to?

4 A. To Richland Palmetto.

5 Q. For what reason?

6 A. They were concerned about my eye. They didn't
7 have the trauma team that they felt was capable to
8 look after my eye.

9 Q. So you were transferred to the trauma unit at
10 Palmetto Health Richland?

11 A. Yes, ma'am.

12 Q. Now, while you were still at the emergency room
13 at Lexington Medical, did any law enforcement
14 officers come to visit you there?

15 A. Yes, ma'am.

16 Q. Can you tell us ultimately whether law
17 enforcement officers from the Lexington Medical
18 Center Department of Public Safety came to the
19 emergency room that night?

20 A. I believe so. Yes, ma'am.

21 Q. And when we talk about this particular offense,
22 you've testified that it started in the parking lot
23 of the Lexington Medical Center and then went back
24 to [REDACTED], which is where you ultimately were
25 left --

1 MS. FULLWOOD: Your Honor, I'm going to object
2 to the leading. That's really more testimonial than
3 a question.

4 THE COURT: Just get to your question. You
5 don't have to do all that leading.

6 BY MS. MAYES:

7 Q. Where were you when the outset of the
8 strangulation and the beating occurred?

9 A. The hospital parking lot.

10 Q. Did you ever give Darryl Jones permission to
11 leave that Lexington Medical Center parking lot with
12 you in the van?

13 A. No, ma'am.

14 Q. What was the whole reason you were at the
15 Lexington Medical Center parking lot?

16 A. Because I was having chest pains.

17 Q. What was your intent concerning those chest
18 pains?

19 A. To see a doctor. I was concerned.

20 Q. At the point he left Lexington Medical Center
21 to go back to [REDACTED] Apartments, were you in
22 need of medical attention at that point?

23 A. Yes, ma'am.

24 Q. Did you ever give him consent to leave or take
25 you back to Richland County?

44

1 A. No, ma'am.

2 Q. I'm going to show you the remainder of these
3 photos and ask if you recognize who is in the photo
4 and whether they're a fair and accurate
5 representation. That would be State's Exhibit 2,
6 State's Exhibit 3, State's Exhibit 4, State's
7 Exhibit 5, State's Exhibit 6, State's Exhibit 7,
8 State's Exhibit 8, State's Exhibit 9, and then
9 State's Exhibit 1. Can you tell us who is in the
10 photos?

11 A. They're me.

12 Q. And where were these photos taken?

13 A. At Lexington Medical Center.

14 Q. And in what county?

15 A. Lexington.

16 Q. That's before you got transferred?

17 A. Yes, ma'am.

18 Q. And can you tell whether or not they were taken
19 by law enforcement?

20 A. I cannot.

21 Q. Okay. You recall being there?

22 A. Yes, ma'am.

23 Q. And these are a fair and accurate
24 representation --

25 A. Yes, ma'am.

45

1 Q. -- of your condition that night?

2 A. Yes, ma'am.

3 MS. MAYES: Your Honor, this would be State's
4 Exhibits 1 through 8 as evidence.

5 THE COURT: Any objection?

6 MS. FULLWOOD: No, Your Honor.

7 THE COURT: Without objection, State's 1
8 through 8 in evidence.

9 MS. MAYES: Correction, Your Honor; that would
10 be State's 1 through 9.

11 THE COURT: All right. Exhibits 1 through 9
12 without objection.

13 (State's Exhibits 1-9 admitted into evidence.)

14 MS. MAYES: Your Honor, may we publish?

15 THE COURT: Yes, ma'am.

16 (State's Exhibits 1-9 published to the jury.)

17 BY MS. MAYES:

18 Q. Now I want to ask you specifically about this
19 injury here to the head in State's Exhibit 7.

20 A. Yes, ma'am.

21 Q. How was that injury obtained?

22 A. That was because I kept -- when he had me on
23 the leash and he was driving with his hand around
24 the belt, my head kept running into the plastic
25 console in the car.

46

1 Q. All right. So this was as your head -- once
2 you had been turned back around and your head is
3 facing this direction towards the console?

4 A. Correct.

5 Q. Could you feel whether your head made contact
6 with the console?

7 A. I could feel it bumping. Every time he would
8 stop, I would go forward and it would bump against
9 the console.

10 Q. These marks here in State's Exhibit 6 and
11 State's Exhibit 9 --

12 A. Yes, ma'am.

13 Q. -- what area of your body are we looking at?

14 A. The neck.

15 Q. Did you have any bruising or marks on your neck
16 prior to entering the van that night with Darryl
17 Jones?

18 A. No, ma'am.

19 Q. This photo here, State's Exhibit 5, what is
20 shown in that photo?

21 A. That's my left leg, outer leg.

22 Q. And how did you obtain that injury?

23 A. That's a bite mark.

24 Q. Did he bite you once or more than once?

25 A. More than once.

47

1 Q. What are some locations on your body in which
2 you recall him biting you?

3 A. My leg, my ear, my finger, on my back, my upper
4 thigh.

5 Q. This photo, which is State's Exhibit 3, earlier
6 you had described the clothing that you received
7 from his mother --

8 A. Yes, ma'am.

9 Q. -- once you were back at [REDACTED]
10 Apartments. What clothing was that?

11 A. The pink top and the flowered pajama pants.

12 Q. All right. So the pink top that we're seeing
13 here in this particular photograph is the pink top
14 you received from his mother?

15 A. Correct.

16 Q. Once you had been left at [REDACTED]
17 Apartments?

18 A. Yes, ma'am.

19 Q. Ms. Bartell, how did the pink shirt get wet?

20 A. Because Mr. Jones urinated on me and I had on
21 my bra still and it was still wet.

22 Q. And the bra that you had on when he had
23 urinated on you, was that -- did you still have that
24 bra on when you changed into the pink shirt?

25 A. Yes, ma'am.

1 Q. Now, once you were transferred to Palmetto
2 Health Richland Hospital, were you visited by law
3 enforcement at that location?

4 A. Yes, ma'am.

5 Q. Specifically, the Lexington County -- or
6 Lexington Medical Center Department of Public
7 Safety?

8 A. Yes, ma'am.

9 Q. Can you tell us whether or not you provided a
10 written statement to them?

11 A. I did.

12 Q. All right. And, in addition, can you tell us
13 whether or not their investigator took some
14 follow-up photographs of you?

15 A. Yes, ma'am.

16 Q. Who was that?

17 A. Mr. Wayne.

18 Q. Wayne Wilson?

19 A. Yes, ma'am.

20 Q. And those photographs were taken while you were
21 a patient where?

22 A. At the Richland Palmetto.

23 Q. I'm going to show you some photographs and ask
24 you whether or not you recognize them.

25 A. Yes, ma'am.

49

1 Q. Who is in these photos?

2 A. That's me.

3 Q. Those photos were taken by...

4 A. By the police officers.

5 Q. Law enforcement?

6 A. Yes, ma'am.

7 Q. Are these photos, if you could look through
8 them, a fair and accurate representation --

9 A. Yes, ma'am.

10 Q. -- of the injuries that you received?

11 A. Yes, ma'am.

12 MS. MAYES: Your Honor, at this time, this
13 would be State's Exhibits 13 through 20 for
14 evidence.

15 THE COURT: Any objection?

16 MS. FULLWOOD: Not other than to the timeframe.
17 I know it's later, but exactly how much later?

18 THE COURT: You want to flesh that out?

19 MS. MAYES: Yes, sir, Your Honor.

20 BY MS. MAYES:

21 Q. Now, how many days were you hospitalized at
22 Palmetto Health Richland?

23 A. It was eight or nine days.

24 Q. Okay. And when the photos were taken, can you
25 tell us whether or not it was at the closer end of

50

1 when you had been admitted or towards the later end?

2 A. It was -- I think it was right before I was
3 released. It was right in the middle, I think;
4 right in the middle.

5 Q. Okay. Can you tell us whether or not it could
6 have been on the day you were discharged, August
7 14th?

8 A. It could have been.

9 Q. You do recall it was towards the end?

10 A. Yes, ma'am.

11 Q. And they were taken by law enforcement?

12 A. Yes, ma'am.

13 MS. MAYES: States's 13 through 20 for
14 evidence, Your Honor.

15 MS. FULLWOOD: No objection.

16 THE COURT: All right. Without objection.

17 (State's Exhibit Nos. 13-20 admitted into
18 evidence.)

19 BY MS. MAYES:

20 Q. In this particular photograph, State's Exhibit
21 4, which eye was it that your testimony is you
22 received trauma?

23 A. It was the left eye.

24 Q. I'm going to show you these photographs, which
25 are 13, 15, 16, and 18, and ask you what type of

51

1 injuries are depicted in these photographs?

2 A. Yes, ma'am.

3 Q. Do you know what type of injuries these are?

4 A. Yes, ma'am.

5 Q. What type of injuries?

6 A. That's a bite to my back. Yes, ma'am.

7 Q. How were you dressed that night?

8 A. I had on a tank top that was chiffon and --
9 like a velvet tank top and some short pants.

10 Q. All right. And the bite marks that you
11 received, do you know whether or not at some point
12 he may have bitten through the clothing?

13 A. Yes, ma'am.

14 Q. I'm going --

15 A. There was a point where -- I'm sorry.

16 Q. Go ahead.

17 A. When he had me down with my face in the
18 cushion, it was right after the safety belt broke
19 and he was biting me to secure my position down, you
20 know, after he had me down, and bit me on my back
21 here. (Indicating)

22 Q. All right. And looking here at this photograph
23 for demonstrative purposes, when you received the
24 bite to the back, where were you positioned?

25 A. I was still here with my face down to the

1 cushion. (Indicating)

2 Q. And where was his body in relation to yours?

3 A. He was right here in a kneeling position.

4 Q. Okay. And was anything around your neck at
5 that point?

6 A. Before the bite, the seatbelt.

7 Q. Now, these photographs, which are State's 13,
8 16 and 15 --

9 A. Yes, ma'am. Those are bite marks as well.

10 Q. And what parts of the body are we looking at
11 here? This is State's 13.

12 A. That's my leg.

13 Q. Okay. And State's 15?

14 A. That's right here. (Indicating)

15 Q. All right. That's to the lower leg?

16 A. Yes, ma'am.

17 Q. Do you still have a scar from that mark?

18 A. Yes, ma'am. You can still see it through my
19 stocking right here. (Indicating)

20 Q. All right. If you could come around here, step
21 back a little, and depict exactly where that scar is
22 located.

23 A. It's right here. (Indicating)

24 Q. And what shape is that scar?

25 A. It's a crescent shape.

1 Q. As depicted in State's Exhibit 15?

2 A. Yes, ma'am.

3 Q. State's Exhibit 16, what body part are we
4 looking at here?

5 A. That's my thigh near my knee --

6 Q. Okay.

7 A. -- and my left leg as well.

8 Q. All right. Now, the type of pants you had on
9 were what type?

10 A. They were short pants.

11 Q. Okay. How big were they at the bottom where
12 the leg openings are?

13 A. Well, on my skinny legs, they were --

14 Q. Okay.

15 A. I had room around them.

16 Q. Okay. Baggy enough to --

17 A. Yes, ma'am.

18 Q. -- go up above the knee?

19 A. Yes, ma'am.

20 Q. And then this particular photograph, which is
21 State's Exhibit 17 --

22 A. Yes, ma'am.

23 Q. -- which hand is this?

24 A. My left hand.

25 Q. How did you receive that injury to the finger

1 of your left hand?

2 A. After the seatbelt broke, I turned around and I
3 went to hit him right here and I -- I don't know if
4 I made connection or not. But he grabbed my hand
5 and he started chewing on my finger. And after
6 going to the hospital, I had to have surgery to
7 relieve the poison from my hand.

8 Q. So this is a bite mark as well?

9 A. Yes, ma'am.

10 Q. You may return to your seat.

11 Now, where was the van left when you went on to
12 the emergency room?

13 A. It was left in the parking space at [REDACTED]
14 [REDACTED].

15 Q. Okay. So it was left at [REDACTED] ?

16 A. Yes, ma'am.

17 Q. Who ultimately retrieved that van to return
18 back to your property?

19 A. My daughter.

20 Q. Your daughter Azalea?

21 A. Yes, ma'am.

22 Q. Did she have -- can you tell us whether or not
23 she had a key to the van?

24 A. She did.

25 Q. Would that be a separate key than the key that

1 you were using that night?

2 A. Yes, ma'am.

3 Q. And when you were released from the hospital on
4 or about August 14th, can you tell us what, if
5 anything, you observed when you saw your van again?

6 A. That the -- there was blood in the back seat.
7 But the amount of blood wasn't what I recall from
8 the night of the incident.

9 Q. All right. Specifically where do you recall
10 seeing blood in the van?

11 A. When he originally struck me in my jaw, blood
12 shot out my mouth and all over the back seat. When
13 we retrieved the van -- or when I first got back in
14 the van, there wasn't any blood on the seat.

15 Q. All right. Now I'm going to show you --

16 MS. FULLWOOD: Your Honor, may we approach?

17 THE COURT: Yes.

18 (Sidebar conference.)

19 THE COURT: All right. We're going to take a
20 short break, ladies and gentlemen. I'm going to ask
21 you to step back into the jury room. Please have no
22 conversation about the case. If you need anything,
23 a snack or anything like that, let one of the
24 bailiffs know. We'll get started back shortly.

25 (The jury exits the courtroom at 4:09 PM.)

Ed

1 THE COURT: All right. We'll be at ease for
2 about ten minutes.

3 (Brief recess.)

4 THE COURT: All right. Bring the jury out,
5 please.

6 (The jury enters the courtroom at 4:29 PM.)

7 THE COURT: All right. Ladies and gentlemen,
8 we'll begin back.

9 Ms. Mayes.

10 MS. MAYES: Yes, sir, Your Honor.

11 BY MS. MAYES:

12 Q. Now, Ms. Bartell, you had described the van and
13 how it appeared differently once you were released
14 from the hospital. I'm going to show you what is
15 State's Exhibit 21, 22, 24 and 10 and ask you if you
16 recognize these photographs.

17 A. Yes, ma'am.

18 Q. All right. And how so?

19 A. Those are pictures of my car, inside and out.

20 Q. And specifically State's Exhibit 21, what does
21 that depict?

22 A. Blood on the safety belt.

23 Q. Okay. That would be blood on the seatbelt?

24 A. Yes, ma'am.

25 Q. And State's Exhibit 22, what does that depict?

1 A. That depicts where I was laying on the floor
2 and as -- my leash, actually, with urine on it and
3 blood.

4 Q. And this would be State's Exhibit 22?

5 A. Yes.

6 Q. And then, finally, State's Exhibit 24?

7 A. Blood around the door -- the lock.

8 Q. Were those blood stains on the seatbelt and in
9 the van and near the console region of your vehicle
10 prior to that night?

11 A. No, ma'am.

12 Q. Now, you described earlier the type of clothing
13 that you were wearing on that particular night. I'm
14 going to show you some items and ask you whether or
15 not you recognize them. Do you recognize these?

16 A. Yes, ma'am.

17 Q. All right. And what about these two items?

18 A. Yes, ma'am.

19 Q. All right. When were you last wearing these
20 items?

21 A. August the 5th and August the 6th, 2013.

22 MS. MAYES: Your Honor, these would be State's,
23 I believe, 31, 32 and 33 for evidence.

24 THE COURT: Any objection?

25 MS. FULLWOOD: No, Your Honor.

58

1 THE COURT: Without objection.

2 (State's Exhibits 31-33 admitted into
3 evidence.)

4 BY MS. MAYES:

5 Q. Now looking here at the blouse, what, if
6 anything, is significant about the condition of the
7 blouse?

8 A. It wasn't torn when I was wearing it and it's
9 now yellow, and looks like the velvet is worn off
10 too.

11 Q. All right. Did it have the yellow stains prior
12 to that night?

13 A. No, ma'am.

14 Q. All right. And that particular tear that you
15 described is located in what part of the body?

16 A. In the back area.

17 Q. All right. What type of injury did you receive
18 in the back area?

19 A. A bite.

20 Q. And this particular item, the shorts --

21 A. Yes, ma'am.

22 Q. -- what, if anything, is significant about
23 their condition?

24 A. There's a rip on the left side too.

25 Q. Was that -- did that rip exist prior to that

59

1 night?

2 A. No, ma'am.

3 Q. And this rip is located at the bottom leg
4 opening area.

5 A. Yes, ma'am.

6 Q. What, if any, type of injury did you receive at
7 that part?

8 A. Bites.

9 Q. A bite mark at that location?

10 A. Yes, ma'am.

11 Q. Now ultimately -- I know you testified before
12 that you were at the Lexington emergency room
13 parking lot when this occurred. I'm going to show
14 you what is State's Exhibit 26, an aerial photo of
15 the parking lot. Are you familiar with this general
16 location?

17 A. Yes, ma'am.

18 Q. Approximately where was your van parked when
19 these incidents occurred?

20 A. It was in this last space right here that's
21 empty in the picture. (Indicating)

22 Q. All right. How were you able to pay your
23 medical bills in this case, Ms. Bartell?

24 A. Partially Blue Cross Blue Shield and partially
25 through Silva.

60

1 Q. State office?

2 A. Yes, ma'am.

3 Q. Were your medical bills ever \$50,000?

4 A. Yes, ma'am.

5 Q. Now, when you left [REDACTED] Apartments -- I
6 believe you testified earlier you've now relocated.

7 A. Yes, ma'am.

8 Q. Did you have any ongoing relationship with his
9 mother after the date of these incidents?

10 A. No, ma'am.

11 Q. Do you see the person who beat and choked you
12 in this courtroom?

13 A. Yes, ma'am.

14 Q. Where is he?

15 A. He's sitting at the defendant's table.

16 Q. What is your size and weight?

17 A. Currently I'm about 140 pounds,
18 five-foot-four-and-a-half, five-five maybe.

19 MS. MAYES: Nothing further.

20 THE COURT: Come on up here.

21 (Sidebar conference.)

22 THE COURT: All right. Cross?

23 MS. FULLWOOD: Yes, sir. Thank you, Your
24 Honor.

25

1

CROSS-EXAMINATION

2

BY MS. FULLWOOD:

3

Q. Ms. Bartell, you and Mr. Jones had been seeing each other for about four months when this happened; is that more or less correct?

4

5

6

A. No, ma'am. We had known each other about four months. We probably weren't seeing each other but two.

7

8

9

Q. And he would sometimes spend the evening at your apartment --

10

11

A. Yes, ma'am.

12

Q. -- is that right?

13

All right. And y'all would go places together, things of that nature?

14

15

A. Yes, ma'am.

16

Q. All right. And on the day that this happened, the normal routine would be -- he was working at Fort Jackson then; right?

17

18

A. That's what he said. I don't know.

19

20

Q. Okay. Well, you would know that he would come home from work and usually he'd stop at his mom's house and then he'd come up and be with you; is that right?

21

22

23

24

A. That wasn't a normal routine.

25

Q. It wasn't?

62

1 A. No, ma'am.

2 Q. What was the normal routine?

3 A. There was no normal routine. Sometimes he
4 would come over, sometimes he wouldn't. It wasn't
5 normal, like, every day, it wasn't habitual.

6 Q. Okay. Well, from time to time, wouldn't he
7 come to your house after work?

8 A. Yes, ma'am.

9 Q. Okay. And from time to time didn't he give you
10 money so you would have cigarette money or gas money
11 for your van?

12 A. Yes, ma'am.

13 Q. All right. And from time to time didn't he
14 bring by alcoholic beverages for you guys to drink
15 together?

16 A. Yes, ma'am.

17 Q. All right. And on the night that this
18 happened, he had brought some alcoholic beverages to
19 your house?

20 A. No, ma'am.

21 Q. He didn't bring a pint of Paul Masson to your
22 house?

23 A. No, ma'am.

24 Q. All right. Had you had anything to drink that
25 night?

63

1 A. Yes, ma'am.

2 Q. Okay. What had you had to drink?

3 A. I had a 24-ounce can of Straw-Ber-Rita,
4 Budweiser, that I purchased on my way home from
5 church that I went to earlier that evening.

6 Q. All right. And this wasn't a Sunday night, was
7 it?

8 A. No. It was a Monday afternoon -- Monday
9 evening. We went to a prayer.

10 Q. Okay. And so what time did he come to your
11 house the first time?

12 A. About 8:00 or 8:30.

13 Q. About 8:30.

14 A. Uh-huh.

15 Q. And then you say you weren't getting along that
16 well?

17 A. No, ma'am, we were not.

18 Q. Okay. And you two didn't have any drinks
19 together while he was there?

20 A. Not that night. No, ma'am.

21 Q. Isn't it -- didn't it happened that you called
22 him to come back to your apartment after he left the
23 first time?

24 A. No, ma'am.

25 Q. Are you sure about that?

1 A. I am sure about that.

2 Q. All right. And he stayed at your apartment and
3 you talked some; correct?

4 A. Correct.

5 Q. Okay. And you told him you were having some
6 kind of medical symptoms?

7 A. Yes, ma'am.

8 Q. Had you ever had those symptoms before?

9 A. I have.

10 Q. And while he was there with you?

11 A. No, ma'am.

12 Q. Okay. While you had been living down here?

13 A. Not to my knowledge. I don't recall.

14 Q. Okay. But you had had them before in the past?

15 A. Yes, ma'am.

16 Q. Had them checked out in the past?

17 A. Yes, ma'am.

18 Q. Okay. Had you been told you had some kind of
19 heart disease?

20 A. No, ma'am.

21 Q. Okay. You were just concerned because of your
22 family history?

23 A. Yes, ma'am.

24 Q. All right. And you told -- that night you told
25 him you were having the symptoms of a heart attack;

65

1 correct?

2 A. Yes, ma'am.

3 Q. And did you also mention that you were afraid
4 you might be having a stroke?

5 A. No, ma'am.

6 Q. Okay. And, in fact, he called 911, didn't he?

7 A. I believe so. Yes, ma'am.

8 Q. Okay. And you said you didn't want to go by

9 ambulance; right?

10 A. Correct.

11 Q. Because if -- you didn't want to get stranded

12 at a hospital and have no way to get home?

13 A. That's not the reason why, ma'am.

14 Q. Okay. Was it a financial consideration then?

15 A. It was partially financially; secondly because

16 when I had the symptoms before, they said it was

17 just anxiety, and I didn't want to waste time or

18 money taking an ambulance.

19 Q. All right. So you had him, what, hang up that

20 phone call that he made to 911?

21 A. I did.

22 Q. And didn't they call back and you had to get on

23 the phone to assure them that everything was okay?

24 A. I don't recall that, ma'am.

25 Q. Okay. But in any event, you decided to take

66

67

1 your car?

2 A. Correct.

3 Q. All right. Now, you'd had that car a while?

4 A. Yes, ma'am.

5 Q. Did you have it when you lived in Michigan?

6 A. I did.

7 Q. And, in fact, it had a Michigan tag on it,
8 didn't it?

9 A. It absolutely did.

10 Q. All right. And, in fact, those tags were
11 expired at the time, weren't they?

12 A. I believe so.

13 Q. Yeah. Because they were supposed to have been
14 renewed in June of 2012?

15 A. Correct.

16 Q. And you hadn't gotten around to renewing it?

17 A. I didn't.

18 Q. Okay. So didn't you feel kind of nervous that
19 you were kind of driving around in a car that --

20 A. Absolutely.

21 Q. Okay. Because if a policeman sees you, you're
22 getting a big fat ticket, aren't you?

23 A. Absolutely.

24 Q. All right. Now, you knew that that Urgent Care
25 was not going to be open.

60

1 A. I did.

2 Q. And is that because earlier that day you'd gone
3 down there to see about your son getting a sports
4 checkup or something?

5 A. I was taking my son there for a physical. Yes,
6 ma'am.

7 Q. All right. And it was -- was it for
8 participating on a sports team at school?

9 A. It was. It was for football.

10 Q. All right. So you went there anyway, and
11 that's when you started verbally arguing?

12 A. Correct.

13 Q. All right. And isn't it -- well, you brought
14 some kind of bag with you, like a computer bag or
15 something?

16 A. I did.

17 Q. Okay. And isn't it so that you brought some
18 liquor with you in that bag?

19 A. No, ma'am.

20 Q. Can you deny that?

21 A. I do, ma'am.

22 Q. Okay. And isn't it so that on the way from the
23 Urgent Care to Lexington Medical Center that you
24 began to pour some of that liquor in a cup and drink
25 it on the way?

1 A. Oh, my. No, ma'am.

2 Q. Okay. You deny that?

3 A. Yes, ma'am.

4 Q. Okay. And isn't that part of what the argument
5 was about, the --

6 A. No, ma'am.

7 Q. Okay.

8 A. Not at all. In fact, I had a 24-ounce can of
9 Straw-Ber-Rita. I didn't finish that because my
10 heart was bothering me. I wasn't drinking anymore
11 that night, ma'am.

12 Q. So that has nothing to do with the argument?

13 A. No, ma'am.

14 Q. All right. Now, you gave the public safety at
15 the medical center a written statement, didn't you?

16 A. Yes, ma'am.

17 Q. All right. And you gave it towards the end of
18 your hospital stay over in Richland; isn't that
19 right?

20 A. Yes, ma'am.

21 Q. And you wrote it on your own; right?

22 A. Yes, ma'am.

23 Q. And you had medical treatment for eight or nine
24 days; right?

25 A. I did.

1 Q. All right. Excuse me. Have you had a chance
2 to review it since you have been getting ready for
3 this trial today?

4 A. I have.

5 Q. All right. I see you don't have a copy with
6 you. Let me give you a copy so I can ask you
7 questions so that you have something to look at.

8 All right. You testified this afternoon that
9 at one point Mr. Jones said, oh, blank, I'm going to
10 prison tonight, so I might as well kill you. Can
11 you -- did you say that in this statement?

12 A. I don't recall if I said the whole part in the
13 statement.

14 Q. Have you had sufficient --

15 A. Oh, no. I was waiting until you were done
16 asking your question.

17 Q. I was asking you, did you say in your statement
18 that he said, oh, blank I'm going to prison tonight,
19 I might as well kill you?

20 A. I believe I said part of that in this
21 statement.

22 Q. Well, take your time and review it and show us
23 where you said that.

24 A. I didn't say about the going to prison, but he
25 said -- I do see where I said, bitch, you're going

1 to die tonight.

2 Q. Well, that's not the same thing as the thing
3 you testified to; right?

4 A. No, ma'am. I was summarizing when I wrote
5 this. And when I wrote this -- I'm left handed -- I
6 was trying to write as quickly as possible because
7 my finger was throbbing because he bit my finger.
8 So, yeah, there's a lot of things that's not in
9 here.

10 Q. Okay. Well, isn't the reason that they had you
11 put off writing that statement is because of the
12 pain to your hands, so they waited until you were
13 better?

14 A. No, ma'am. I can't speculate as to why they
15 made me wait.

16 Q. Okay. Well, they didn't ask you to write a
17 statement, obviously, that night; right? And how
18 many pages did you write?

19 A. I believe it was eight.

20 Q. Okay. So you were able to write eight; right?

21 A. Correct.

22 Q. But you didn't put that in the statement;
23 correct?

24 A. No, ma'am.

25 Q. All right. Also in that statement, you didn't

1 say that he poked you in the eye with his keys, did
2 you?

3 A. No, ma'am, I didn't. Again, there's a lot of
4 things -- I was trying to remember everything,
5 trying to get it all in the statement. I was trying
6 to summarize and be as accurate as possible.

7 Q. Okay. But you didn't include that part; right?

8 A. Apparently I didn't, ma'am.

9 Q. Okay. And in your statement you don't say
10 anything about him stopping on the way back to
11 [REDACTED] Apartments and talk about dumping your body,
12 did you?

13 A. No, ma'am.

14 Q. All right. So you left that part out also.
15 And that's something new we've heard today; is that
16 right?

17 A. It's not something new that everyone's heard
18 today. But it's probably something new that you
19 heard today because today is the first time you've
20 met me.

21 Q. That's right.

22 All right. Now, when you got -- when
23 Ms. Gholson, his mom, came, she called 911; right?

24 A. Correct.

25 Q. And you've testified to that. And you walked

1 on your own into her apartment, didn't you?

2 A. I did, yes, ma'am.

3 Q. Okay. And she did give you some of her clothes
4 to put on?

5 A. She did, yes, ma'am.

6 Q. And then she gave -- she gave you your old
7 clothes and gave them to you in a bag for you to
8 take with you, and you were able to take them.

9 Isn't it so that what really happened is you
10 became concerned about the fact you'd been drinking
11 and the fact that your tags were expired and were
12 afraid that the security at the hospital might
13 ticket you or arrest you for drunk-driving and you
14 wanted to leave the hospital?

15 A. Oh, no, ma'am. None of those things ever
16 occurred to my mind at all.

17 Q. Okay. And isn't it true that you had Darryl
18 Jones drive you back home because you were afraid of
19 getting a DUI or getting a big ticket for the
20 license plate?

21 A. No, ma'am. I was semiconscious when he took me
22 home. I wasn't thinking about getting arrested.

23 Q. And isn't it true that any fights you two might
24 have had took place in the parking lot of the
25 apartments after you got there?

74

1 A. No, ma'am.

2 Q. Okay. And isn't it true that the fight started
3 when you broke a bottle -- a pint of Paul Masson
4 against his mouth --

5 A. No --

6 Q. -- and knocked out some of his teeth?

7 A. No, ma'am. And during the struggle that night,
8 he said, bitch, you knocked out three of my teeth.

9 Q. Uh-huh.

10 A. So, no. I hit him with my hand trying to
11 defend myself when he was choking me. Remember I
12 testified that he had a belt around my neck?

13 Q. Uh-huh.

14 A. When it loosened, I hit him. And this is when
15 he claimed I busted him in the teeth. That's not in
16 the statement either.

17 Q. Okay. So --

18 A. But I thank you for refreshing my memory.

19 Q. Well, you're welcome. So there was an
20 accusation made that you had knocked his teeth out
21 of his mouth?

22 A. Yes, ma'am.

23 Q. Did you ever see them?

24 A. Pardon me?

25 Q. Did you ever see the teeth come out of his

75

1 mouth or anything?

2 A. No, ma'am.

3 Q. But he did say that?

4 A. Yes, ma'am.

5 Q. All right.

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

7 THE COURT: Yes, ma'am.

8 MS. FULLWOOD: Actually, Your Honor, I believe
9 that's all.

10 THE COURT: All right.

11 Anything on redirect?

12 MS. MAYES: Yes, sir, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. MAYES:

15 Q. Do you still have the statement that
16 Ms. Fullwood asked you to review?

17 A. Yes, ma'am.

18 Q. I'm going to ask you to take a look at page 4
19 of that statement, Ms. Bartell.

20 A. Yes, ma'am.

21 Q. She was asking you specifically as to whether
22 this statement included, bitch, you're going to die
23 tonight and I'm going to prison.

24 A. Yes, ma'am.

25 Q. Could you take a moment and look at that

1 statement to refresh your memory?

2 A. Yes, ma'am. I see it now.

3 Q. What, if anything, did you put in the statement
4 in regards to, bitch, you're going to die tonight?

5 A. It says: Bitch, you're going to die tonight.
6 You brought me all the way out here and you're not
7 taking me home. Oh, no, bitch, you're going to die
8 and I'm going to prison. Darryl then wrapped the
9 seatbelt --

10 Q. Okay. Let me stop you right there. Did your
11 statement, in fact, include his reference to, you're
12 going to die and I'm going to prison?

13 A. Yes, ma'am.

14 Q. And as to Ms. Fullwood's question to you about
15 where this assault occurred, do you know, with
16 certainty, where this assault occurred?

17 A. Yes, ma'am.

18 Q. Where was that?

19 A. In the parking lot of the Lexington Medical
20 Center.

21 Q. And did you ever you yourself ever leave that
22 van and make it into the Lexington Medical Center?

23 A. No, ma'am.

24 Q. Do you know whether -- or approximately how
25 long y'all were there on the premises prior to

77

1 actually being aware that the van had started up and
2 he was driving it?

3 A. About 20 minutes. Yes, ma'am.

4 Q. So your estimate would be about 20 minutes --

5 A. Yes, ma'am.

6 Q. -- on the premises of the Lexington Medical
7 Center parking lot?

8 A. Yes, ma'am.

9 MS. MAYES: I beg the Court's indulgence.

10 Nothing further, Your Honor.

11 THE COURT: Anything further, Ms. Fullwood?

12 MS. FULLWOOD: No recross.

13 THE COURT: All right.

14 Thank you very much, ma'am. You may step down.

15 Call your next witness.

16 MS. RADLEIN: Thank you, Your Honor. The State
17 calls Kim Gunter.

18 KIMBERLY GUNTER

19 being first duly sworn, testified as follows:

20 THE WITNESS: I do.

21 THE CLERK: Thank you. Have a seat, please,
22 and state your name for the record.

23 THE WITNESS: Kimberly Gunter.

24

25

DIRECT EXAMINATION

BY MS. RADLEIN:

Q. Ms. Gunter, where are you currently employed?

A. Currently employed with Richland County
Emergency Medical Services.

Q. Ms. Gunter, you don't feel well today, do you?

A. I do not.

Q. We'll try to get you out as soon as possible.

But thank you for being here.

What is your current level of certification?

A. Currently a paramedic, EMT advanced.

Q. Okay. And is that the highest level of
certification?

A. It is.

Q. Okay. How long is have you been a paramedic?

A. I've been a paramedic for nine years.

Q. And how long have you been with Richland County
EMS?

A. Eleven years total.

Q. What level of certification do you begin with?

A. The EMT basic -- basic EMT.

Q. Okay. And how does your current degree of
training compare with the basic EMT?

A. It's about additional one year of training.

Q. Okay. And how much regular training is

79

1 required?

2 A. We go to class once a month. It's inservice
3 training.

4 Q. Okay. And is there a recertification required
5 as well?

6 A. There is. We essentially build credit for that
7 inservice training, and that goes toward our
8 recertifications every two years.

9 Q. Okay. And now as a paramedic, how many calls
10 do you respond to in, say, any given month?

11 A. I know this year I've run 750 calls to date.
12 So I'm going to say that's an average of 70 a month.

13 Q. Okay. But if you have it for the year -- so in
14 2014 --

15 A. About 70 a month, I'd say.

16 Q. Okay.

17 A. I think it's 68.

18 Q. Okay. And when you arrive at a dispatch
19 location, what is your normal practice once you
20 arrive?

21 A. The first thing when you arrive on scene, your
22 most important thing is to make sure that the scene
23 is safe for you and your partner. And then as you
24 approach the scene, you want to look for any -- any
25 obvious threats to yourself.

80

1 Q. Okay. And then what type of information do you
2 initially gather or hope to gather once you arrive
3 at the scene, once you determine that it's safe for
4 you and --

5 A. Initially you want to find your patient.

6 Q. Okay.

7 A. Look for any signs or symptoms that the patient
8 is in obvious distress, try to determine the
9 mechanism of injury.

10 Q. And when you say patient, how do you determine
11 who your patient actually is?

12 A. It's usually the person that approaches you.

13 Q. Okay.

14 A. You ask.

15 Q. And I want to speak specifically about why
16 we're here today.

17 On August 6th -- in the early morning hours of
18 August 6th, I asked you this already, but were you
19 employed with Richland County Emergency Services?

20 A. Yes, ma'am.

21 Q. Okay. And what was your level of certification
22 at that time?

23 A. I was a paramedic.

24 Q. And as a paramedic, do you put together a
25 report?

21

1 A. I do.

2 Q. And for this incident, why we're here today,
3 were you the only paramedic who responded to the
4 scene?

5 A. I did have a basic EMT partner, but I was the
6 only paramedic on the scene. Yes, ma'am.

7 Q. Okay. And based on your report, what location
8 were you dispatched to?

9 A. I was dispatched to [REDACTED] Apartments,
10 [REDACTED].

11 Q. And at what time were you dispatched?

12 A. We were dispatched at 01:03.

13 Q. And would that be 1:03 AM?

14 A. Yes, ma'am.

15 Q. And what time did you actually arrive at the
16 location?

17 A. And we arrived at 01:09 -- 1:09 AM.

18 Q. And you just mentioned what you normally do,
19 but what information do you gather once you arrive
20 at the location?

21 A. I can't --

22 Q. Or based on your report --

23 A. Based on my report --

24 Q. Based on your report.

25 A. -- found a 43-year-old female patient, she was

1 ambulatory in a neighbor's home, which means she was
2 walking around the home, following an assault in
3 which she was beaten and choked by the --

4 MS. FULLWOOD: Objection, Your Honor; that's
5 based on hearsay.

6 THE WITNESS: It's based on what I was told,
7 yes.

8 THE COURT: Told by who; the victim?

9 THE WITNESS: Uh-huh. And the people on the
10 scene.

11 THE COURT: Overruled. I think it's already
12 been covered.

13 MS. RADLEIN: Thank you, Your Honor.

14 BY MS. RADLEIN:

15 Q. And you were stating --

16 A. I found her. She had a contusion over her left
17 eye, her left eye was completely swollen shut;
18 swollen upper lip, blood noted in her mouth, and
19 abrasions and bruising noted around her neck where
20 she stated she had been choked.

21 Q. Okay. And these -- I'm going to call them
22 injuries. But are these what you observed when you
23 saw her?

24 A. That was just what I could see.

25 Q. What you could see?

1 A. Yes.

2 Q. And when you say contusion over her left eye,
3 what exactly are you referring to?

4 A. It was bruising and a large amount of swelling.

5 Q. Okay. And you said you saw abrasions around
6 her neck.

7 A. That's correct.

8 Q. What did you mean by that?

9 A. The skin -- you could tell that the skin had
10 been irritated and it was actually to the point that
11 it was bruising.

12 Q. Okay. Based on your report, did you make any
13 other observations about her entire body?

14 A. When en route to the hospital, I did a little
15 more thorough exam. And it was noted that she had
16 a -- let's see, multiple bruises and contusions
17 noted to her entire body, small lacerations to her
18 right forearm. She did have good movement in all
19 extremities and was complaining of pain all over her
20 body; unable to -- what did I put? Her speaking was
21 limited because of just the pain it caused just
22 trying to talk.

23 Q. Okay. And prior to transporting her -- I guess
24 the question is, how did you prepare her for
25 transport?

84

1 A. Due to the trauma, we would have placed her in
2 what they call full-spinal precaution. That's where
3 you place a cervical collar around the neck and
4 immobilize the patient to a rigid backboard.
5 However, with Ms. Bartell, when I attempted to place
6 the C-collar around her neck, she became so anxious
7 and upset that we had to find another method to do
8 it. She just couldn't tolerate the -- I guess due
9 to the trauma of what happened to her, she just
10 couldn't handle the collar around her neck.

11 So what we did was, we used the disposable
12 sheets that we carry on the ambulance and we pretty
13 much rolled them into a collar and secured them
14 around her neck to try to limit the movement of her
15 neck the best we could without causing her more
16 anxiety than she was already in.

17 Q. Okay. I just got a few more questions. I know
18 your throat is hurting and you're feeling sick.

19 But when you mentioned disposable sheets, how
20 exactly were you able to use them to stabilize her
21 neck?

22 A. I just essentially -- since she was laying on
23 the board, I rolled the sheets and slid them under
24 her neck and then around, and then we have the -- we
25 had immobilizers that are on the board that go on

85

1 each side of the head to keep the head from moving.

2 So essentially --

3 Q. Okay. I'm going to show you what's been
4 entered into evidence as State's 3. Do you see the
5 disposable sheets in this photograph that you used?

6 A. I do.

7 Q. And do you recognize that as your work?

8 A. Yes. That's me.

9 Q. The -- how often would you say you have to use
10 disposable sheets to stabilize a patient, let's say,
11 within this last year?

12 A. Maybe twice.

13 Q. Okay. You mentioned her eyes. What condition
14 were her eyes in?

15 A. I couldn't accurately assess the left eye
16 because it was so swollen that I had difficulty
17 making visual contact.

18 Q. Okay. And now referencing your report, with
19 every case, you mentioned earlier, that you generate
20 a report, how exactly is it generated and when?

21 A. It would have been generated by myself within
22 that -- within that shift.

23 Q. Okay. And are they generated on the actual
24 ambulance?

25 A. We have laptop computers that are assigned to

El

1 our unit every night.

2 Q. Okay. I want to direct you to page 2 of your
3 report under the injury details. How exactly is
4 that information input into your report?

5 A. They have pull-down tabs that you can select
6 what you want to select from there.

7 Q. Okay. And so, for example, under injury
8 details, there's a prompt for reason for encounter.

9 A. That's correct.

10 Q. What did you list for the reason for encounter?

11 A. Injury, trauma.

12 Q. And was that a selection or you had to manually
13 type that in?

14 A. That was a selection.

15 Q. Okay. Then the next prompt, I guess, is
16 questioning whether there's drugs or alcohol
17 involved.

18 A. That's correct.

19 Q. Is that something, again, you manually type or
20 is that --

21 A. It's a pull-down tab.

22 Q. And what do you have listed?

23 A. I do have alcohol and drugs; however, on the
24 next line that says drug/alcohol indicators present,
25 I only noted smell of alcohol on breath, which leads

1 me to believe that the alcohol and drugs was an
2 accident, because I would have -- if I would have
3 suspected drugs, I would have put -- you have to
4 document what leads you to believe that there was
5 drug use there. And I have no reason for that.

6 Q. Okay. So with that, in reviewing your report
7 for trial preparation, was that an error that you
8 immediately recognized?

9 A. Yes.

10 Q. And is it simply because --

11 A. It's a common error. If you leave that slot
12 highlighted and move the cursor to switch the page,
13 sometimes it will roll up and down by itself if you
14 don't watch what you're inputting.

15 Q. And so you're saying that if drugs had been
16 present, you would have --

17 A. Absolutely put them in.

18 Q. As the indicator?

19 A. Yes.

20 Q. And this will be my last question: Right on
21 that page of the report, what impression and
22 diagnosis of the patient did you list?

23 A. My impression was traumatic injury with
24 symptoms including change of responsiveness, wounds,
25 bleeding and swelling.

88

1 Q. Okay. And when you listed this response as a
2 trauma or traumatic injury, what exactly do you mean
3 by trauma? What exactly does trauma mean?

4 A. Trauma is any force outside the body --

5 Q. Okay. And that would be --

6 A. -- causing harm to the -- it could be as simple
7 as a cut finger --

8 Q. Okay.

9 A. -- or as significant as what we're dealing with
10 here.

11 Q. Okay. And just to reiterate, I'm not sure if I
12 classified this: When you attempted to put the
13 collar around her neck, what did you document in
14 your report as her reaction?

15 A. I documented that patient was moved to full
16 spinal precaution, however becomes extremely upset
17 and panicked when attempting to put the C-collar
18 around her neck, so D-sheets were used to secure the
19 patient's head.

20 Q. Okay.

21 MS. RADLEIN: I beg the Court's indulgence.

22 No further questions, Your Honor.

23 THE COURT: Cross?

24 MS. FULLWOOD: Thank you.

25

89

CROSS-EXAMINATION

1

2

BY MS. FULLWOOD:

3

Q. I'm going to try not to make you talk too much.

4

We're sorry you feel bad.

5

You've been an EMT a long time; right?

6

A. Yes, ma'am.

7

Q. You've gotten a lot of training; right?

8

A. Yes, ma'am.

9

Q. And you realize how important it is to be

10

accurate and thorough with these reports; right?

11

A. Absolutely.

12

Q. Okay. And it's no mistake, as far as you can

13

tell as a certified EMT with your level of training,

14

you did smell alcohol on her breath that night;

15

correct?

16

A. Yes, ma'am.

17

Q. All right.

18

MS. FULLWOOD: No further questions.

19

THE COURT: All right. You may step down,

20

ma'am.

21

THE WITNESS: Thank you.

22

THE COURT: All right. Folks, we're going to

23

adjourn for the evening. Now, today when you were

24

selected and you went to lunch, I told you not to

25

have conversation with anyone about the case. But

90

1 Thank you very much, ma'am. You may step down.
2 You may call your next witness.

3 MS. RADLEIN: Thank you, Your Honor. The State
4 calls Ryan Hamilton.

5 MS. MAYES: May Ms. Richburg be excused, Your
6 Honor?

7 THE COURT: Any objection?

8 MS. FULLWOOD: No objection.

9 THE COURT: Thank you, ma'am. You're free to
10 go.

11 RYAN HAMILTON

12 being first duly sworn, testified as follows:

13 THE WITNESS: I do.

14 THE CLERK: Have a seat, please, sir. Once
15 you're seated, state your full name, spelling your
16 last on the record, please.

17 THE WITNESS: My name is Ryan Phillip Hamilton,
18 H-A-M-I-L-T-O-N.

19 DIRECT EXAMINATION

20 BY MS. RADLEIN:

21 Q. Officer Hamilton, where are you currently
22 employed?

23 A. The Columbia Police Department.

24 Q. And how long have you been in law enforcement?

25 A. A little over three years.

91

1 Q. Have you spent your entire career with Columbia
2 Police Department?

3 A. Yes, ma'am.

4 Q. And what is your current rank?

5 A. Master patrolman.

6 Q. Okay. On August 6th, 2013, were you dispatched
7 to the incident -- to [REDACTED], involving this
8 case?

9 A. Yes, ma'am.

10 Q. What, if anything, do you recall when you
11 arrived on scene at [REDACTED] about the call?

12 A. I recall going up to the apartment and seeing
13 the victim with another female later identified as
14 the defendant's mother inside a bathroom, and the
15 mother was holding the victim.

16 Q. Okay. Was the defendant present at that time
17 when you entered the residence?

18 A. No, ma'am.

19 Q. Okay. The information that we just heard that
20 was provided through dispatch, would you have been
21 the one to gather that information at the scene?

22 A. Yes.

23 Q. And do you recall who you would have gathered
24 that information from?

25 A. The defendant's mother or the victim.

1 Q. Okay. And that information would contain the
2 subject's description and generally what had
3 occurred at the scene?

4 A. Yes.

5 Q. Were there any signs on the scene that alerted
6 you that the incident happened either at the
7 apartment complex or in the apartment?

8 A. No.

9 Q. How quickly did you determine that the case did
10 not belong in Richland County, but actually occurred
11 at the Lexington Medical Center?

12 A. Pretty shortly after arriving on the scene and
13 talking with them.

14 Q. Okay. Were there -- I know I just asked you
15 this, but to kind of elaborate a little bit: Were
16 there any broken bottles or any signs of a struggle
17 outside in the parking lot?

18 A. No.

19 Q. Okay. Now, were you the officer who put the
20 BOLO out for the suspect?

21 A. Yes, ma'am.

22 Q. And what information did you use to create the
23 BOLO? And I can hand you this exhibit if you want
24 to look at it. (Tenders document to the witness).

25 A. I put out that it was a black male with a large

1 build. It says, bold, but I believe it's bald; gray
2 tank-top and white shirt over his shoulder and he
3 last see [REDACTED] near the right direction,
4 heading into the wood line.

5 Q. And is that information that you gathered
6 firsthand?

7 A. Yeah; while I was on scene from the defendant's
8 mother or the victim.

9 Q. And the information that he was running into
10 the wood line, did you see that firsthand?

11 A. No, I did not see that.

12 Q. And where did that get that information from?

13 A. From Corporal Baire.

14 Q. Okay. Do you recognize this? (Tenders
15 document to the witness).

16 A. Yes. That's the map of [REDACTED] Apartments.

17 Q. Okay. And are you familiar with [REDACTED]
18 Apartments?

19 A. Yes, I am.

20 Q. Is this the region of the -- of Columbia that
21 you used to work?

22 A. Yes.

23 Q. Okay.

24 MS. RADLEIN: Your Honor, I'd like to move
25 State's Exhibit 25 into evidence.

1 MS. FULLWOOD: No objection.

2 THE COURT: All right. Without objection,
3 State's 25 in evidence.

4 (State's Exhibit No. 25 admitted into
5 evidence.)

6 BY MS. RADLEIN:

7 Q. Just briefly, do you remember where at [REDACTED]
8 [REDACTED] you were dispatched to?

9 A. Yes. It was that building in the back
10 (indicating).

11 Q. You can stand up.

12 A. This building right here (indicating).

13 Q. Okay. Did you determine -- were the officer
14 who determined that the incident occurred in a
15 vehicle -- or did you receive information that
16 the --

17 A. Yes, I received information that it happened in
18 the vehicle.

19 Q. Did you see the vehicle at Cypress Run?

20 A. I did.

21 Q. And where did you see the vehicle?

22 A. Parked next to the building.

23 Q. Okay. Was it right outside the building?

24 A. It was just on down to where you make that
25 turn. I can point it out, if you'd like.

1 Q. Please.

2 A. It was in the parking lot right around this
3 general location here (indicating).

4 Q. Okay.

5 MS. RADLEIN: I beg the Court's indulgence.

6 BY MS. RADLEIN:

7 Q. Okay. Did you have any doubts that you guys
8 had jurisdiction over this case?

9 A. No, I didn't have any doubt.

10 Q. Did -- was Lexington Medical Center Department
11 of Public Safety notified about this case once you
12 determined you didn't have jurisdiction?

13 A. I believe I notified dispatch to have them
14 notified of the case, yes.

15 Q. Okay.

16 MS. RADLEIN: No further questions.

17 THE COURT: Cross?

18 MS. FULLWOOD: Thank you.

19 CROSS-EXAMINATION

20 BY MS. FULLWOOD:

21 Q. Officer, did you prepare a report as a result
22 of making this particular call?

23 A. No, ma'am.

24 Q. Okay. Is it something that -- you're in the
25 patrol unit; right?

1 A. Yes, ma'am. I patrol that area. Is that what
2 you're asking?

3 Q. Yeah.

4 A. Yes.

5 Q. Okay. And you folks are not required to
6 prepare written reports on all your calls?

7 A. Not every call a report is generated, and
8 especially if they're not our -- don't happen in our
9 jurisdiction.

10 Q. Okay. So how long were you on the scene there
11 in [REDACTED] ?

12 A. I don't recall an exact time.

13 Q. Okay. But that would be -- you'd be able to
14 decide that by looking at that CAD report or that
15 incident report that was just testified to?

16 A. There should be records per dispatch.

17 Q. The computer-generated records. Okay.

18 Is it fair to say you mostly spent your time in
19 Ms. Gholson's apartment talking to Ms. Bartell and
20 Ms. Gholson?

21 A. Yes.

22 Q. And you were trying to ascertain information
23 that you needed to see what direction you needed to
24 take in the situation?

25 A. Yes.

1 Q. So you weren't spending too much time outside
2 looking around, were you?

3 A. No; I was looking at the scene.

4 Q. Well, I understand. But you were at the scene
5 in the apartment, right, in Ms. Gholson's apartment
6 primarily; is that correct?

7 A. In the apartment and outside in the parking
8 lot.

9 Q. Okay. Well, you had to go through the parking
10 lot to get to her apartment; right?

11 A. Yes, ma'am.

12 Q. All right. And how long were you there before
13 you figured out this wasn't a Columbia Police
14 Department case?

15 A. I don't recall an exact time.

16 Q. Okay. Was it fairly early on, maybe 10 or 15
17 minutes into your conversation?

18 A. That would be a fair assessment.

19 Q. Okay. And at that point you notified your
20 dispatcher?

21 A. Yes, ma'am.

22 Q. And at that point you left?

23 A. No, I don't believe I left right after that.

24 Q. Okay.

25 A. But I don't recall exactly what time I left. I

98

1 don't know the exact time.

2 Q. Well, since it was not your department's case,
3 you didn't undertake to investigate the area or
4 collect any evidence from that scene, did you?

5 A. No. If it's not our case, no, we don't collect
6 any evidence.

7 Q. Okay. So you remained there until other help
8 arrived?

9 A. Until she was transported.

10 Q. Okay. Do you remember which happened first?

11 A. I do not recall. No.

12 Q. Were you there when the ambulance came?

13 A. Yeah. I remember an ambulance. Yes.

14 Q. Okay. Were you there when any other police
15 officers came?

16 A. Outside of my -- outside of the Columbia Police
17 Department, are you asking?

18 Q. Uh-huh.

19 A. No.

20 Q. Okay. Thank you.

21 REDIRECT EXAMINATION

22 BY MS. RADLEIN:

23 Q. There was no evidence to collect at the scene;
24 correct?

25 A. Correct.

1 Q. Thank you.

2 RE CROSS-EXAMINATION

3 BY MS. FULLWOOD:

4 Q. But you didn't investigate the scene, did you?

5 It wasn't your department's case.

6 A. Define investigate.

7 Q. Did you take pictures?

8 A. No, I did not.

9 Q. Did you search for the suspect?

10 A. I believe a Corporal Baire did witness someone
11 matching the description in the area. Our other
12 officers were circulating for them; I stayed on the
13 scene with the victim.

14 Q. Did you look at the inside of Ms. Gholson's
15 apartment with an eye to collecting evidence?

16 A. Ms. Gholson, as in the defendant's mother? I
17 was inside the apartment, I looked around, I did not
18 see a disturbance.

19 Q. All right. Did you examine outside of her
20 apartment with a view or an eye to collecting any
21 evidence?

22 A. I looked around. We located the van and I did
23 not see any evidence suggesting that the incident
24 took place in our jurisdiction in the [REDACTED]
25 Apartments, anywhere in there.

100

1 Q. What did you do to determine that?

2 A. I asked -- I asked where it took place and then
3 I looked around. I did not see -- just normal
4 searching an apartment, when we go to a domestic,
5 make sure there is nobody on scene that could be a
6 threat.

7 Q. Correct.

8 A. In doing so, I didn't see anything misplaced,
9 disturbed, that would leave evidence to believe that
10 there was any type of fight or disturbance that may
11 have taken place there like things in disarray.

12 Q. Inside the apartment?

13 A. Yes.

14 Q. All right. Where did you look around outside?

15 A. The parking lot towards the vehicle; located
16 the vehicle, and around the vehicle.

17 Q. Did you walk up to the vehicle?

18 A. Walked up towards the vehicle, yeah, made
19 sure -- saw the vehicle there, but we did not go in
20 it.

21 Q. How close did you get to the vehicle?

22 A. Pretty close.

23 Q. Well, what do you mean by pretty close?

24 A. Right next to it, I guess.

25 Q. Well, you can see the vehicle from the doorstep

101

1 of Ms. Gholson's apartment; right?

2 A. Right.

3 Q. Okay. Did you go and look in the windows?

4 A. Yeah.

5 Q. Did you open the doors?

6 A. No.

7 Q. Did you -- what did you see in the vehicle?

8 A. I don't recall.

9 Q. All right. What color was the vehicle?

10 A. I believe it was red.

11 Q. Okay. Do you remember the make and model of
12 the vehicle?

13 A. I don't recall.

14 Q. Was it a sedan --

15 A. Minivan.

16 Q. Minivan. Okay.

17 What state was it licensed in; do you remember
18 that?

19 A. I don't recall.

20 Q. All right. Who -- did you look in the glove
21 compartment?

22 A. I believe I stated I didn't go in the vehicle.

23 Q. You didn't go in it at all?

24 A. (Shakes head).

25 Q. Okay. So you didn't really process that scene

1 the way you would if it had been your jurisdiction's
2 case, did you?

3 A. We'd normally have an investigator if it's that
4 much processing. For a crime like that, we would
5 normally have a crime scene investigator process it
6 that thoroughly with --

7 Q. So the answer is no; correct?

8 A. No. We did not.

9 MS. FULLWOOD: No further questions.

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

12 MS. RADLEIN: Your Honor, may he be excused?

13 THE COURT: Any objection?

14 MS. FULLWOOD: No, sir.

15 THE COURT: All right. Thank you very much,
16 Officer. You're free to go.

17 Next witness, please.

18 MS. RADLEIN: Thank you, Your Honor. The State
19 calls Corporal Baire.

20 TIMOTHY BAIRE

21 being first duly sworn, testified as follows:

22 THE WITNESS: I do.

23 THE CLERK: Thank you, sir. Please be seated.
24 Once you're seated, state your full name, spelling
25 your last on the record, please.

103

1 THE WITNESS: Corporal Timothy R. Baire,
2 B-A-I-R-E.

3 DIRECT EXAMINATION

4 BY MS. RADLEIN:

5 Q. Corporal Baire, where are you currently
6 employed?

7 A. Columbia Police Department.

8 Q. And how long have you been in law enforcement?

9 A. A little over eight years.

10 Q. And have you spent your entire career at
11 Columbia Police Department?

12 A. I have.

13 Q. On August 6th, 2013, what part of the region
14 were you working?

15 A. I was a supervisor in the West Region.

16 Q. And would the West Region include [REDACTED]
17 Apartments?

18 A. Yes.

19 Q. Did you receive -- on the early-morning hours
20 around 1:00, did you receive a dispatch call to

21 [REDACTED] Apartments?

22 A. Yes. The officers were dispatched to [REDACTED]
23 Run for a domestic call.

24 Q. Okay. What was your involvement in the call?

25 A. I assisted. Normally -- as a supervisor, we

1 don't normally get dispatched to calls unless call
2 volume calls for it.

3 As the call went out, due to the nature of the
4 call, I normally would respond as a backup unit. So
5 the officers were dispatched and I responded to
6 assist.

7 Q. Okay. Did you actually make it to [REDACTED]
8 Apartments, into the apartment complex?

9 A. I did not.

10 Q. And why didn't you make it into the complex?

11 A. As I was on my way to the call, Officer
12 Hamilton advised over the radio, gave me a
13 description of the suspect possibly in the area.
14 Upon that information, as I approached the area of
15 [REDACTED] the entranceway onto [REDACTED],
16 I observed a subject that matched the description on
17 the sidewalk. It would be on my left side as I was
18 approaching, which is the same side as the apartment
19 complex, at which point I attempted to make contact
20 with that subject.

21 Q. Okay. I'm going to hand up the CAD sheet so
22 you can reference it. (Tenders document to the
23 witness). Do you recall the description that you
24 received?

25 A. I received a description of a black male, white

1 T-shirt, black or dark shorts, 47 years of age.

2 That was at approximately 1:19.

3 Q. Okay. So it's fair to say that once you
4 spotted an individual that matched his description,
5 what did you do at that time?

6 A. As I -- as normal, as I approached, you know, I
7 was on the lookout for a subject to matching that
8 description. With it being that timeframe, it was
9 in the middle of the night, it's not normal or
10 typical to see a lot of people walking around in
11 that area. When I saw the subject matching that
12 description on Broad River Road is why I attempted
13 to make contact.

14 Q. Using State's Exhibit 25, can you show me what
15 direction you were coming in and where you saw the
16 subject?

17 A. This here is Broad River Road. This is the
18 entrance to [REDACTED]. I was traveling this
19 direction. This would be the Harbison area, Piney
20 Grove is up here. As I was approaching, I got --
21 this is the entranceway to -- go back here. This is
22 the New Direction Church, their private drive is
23 right here.

24 As I was passing New Direction Church about in
25 this -- in the wood line -- in this area, maybe --

106

1 no, it's over here. It was about right here,
2 actually, I'm sorry, where I observed a subject
3 matching that description. As I attempted to make
4 contact, I flipped around, made a U-turn in the
5 roadway. And as I did that, I lost sight of him for
6 a brief second. When I got to the other side of the
7 road, I lost sight of him, at which point I advised
8 that I believe he went into the wood line. And the
9 wood line would have been right here, there's a
10 privacy fence right in that area. (Indicating).

11 Q. Okay. I'm going to show you two -- do you
12 recognize these two exhibits? (Tenders documents to
13 witness).

14 A. I do.

15 Q. And how do you recognize them?

16 A. I can recognize them. That's where I just
17 pointed out on a large map. That's just a better
18 view of that location.

19 Q. Okay. And do you see the wood line you were
20 referring to in these photographs?

21 A. Yes, I do.

22 MS. RADLEIN: Your Honor, at this time I would
23 like to move State's Exhibits 11 and 12 into
24 evidence.

25 MS. FULLWOOD: No objection.

1 THE COURT: Without objection.

2 (State's Exhibits 11 and 12 admitted into
3 evidence.)

4 BY MS. RADLEIN:

5 Q. Okay. You can step down.

6 A. Absolutely.

7 Q. Okay. Is this the entrance to Right Direction
8 [sic] church that you mentioned?

9 A. It is.

10 Q. Okay. And where is the wood line you're
11 referring to?

12 A. There's a -- this privacy fence that -- I had
13 said there was a privacy fence. Just behind that,
14 that was the wood line I was speaking of.

15 Q. Okay. And in State's Exhibit 12, is this a
16 different view of the wood line?

17 A. That's a better view. That's more of the
18 actual angle as you're looking directly toward the
19 wood line. It's pretty much the wood line, there's
20 an opening, I guess, and then the privacy fence.
21 And that travels a good way back towards the
22 direction of the church.

23 Q. Okay. Thank you.

24 When you spotted the subject matching his
25 description, were you able to add additional

1080

1 information -- or provide additional information of
2 his description?

3 A. I observed -- like I said, I observed what
4 looked to be the subject in question that we were
5 looking for. He did have a -- looked like he had a
6 shirt over his shoulder, something like that; large
7 build, I believe I had stated.

8 Q. And did you mention anything about his hair?

9 A. Yes. He was -- I believe I stated he was bald.

10 Q. Okay. So when you were searching for the
11 subject, how long would you say you -- how much time
12 would you say you spent searching for him?

13 A. Well, primarily the entirety of the call. It
14 was at least 30 to 45 minutes where we searched,
15 myself and another officer, actually. We got out on
16 foot and walked that wood line to include around in
17 those parking lot areas. There was a good amount of
18 vehicles parked in that lot. If I remember
19 correctly, there's, like, a little shop or a -- like
20 a store. It looks like a home, but it's more of a
21 shop, I believe.

22 There's a number of vehicles that were in that
23 parking lot. We searched around those vehicles and
24 then we moved to the back -- to the church,
25 actually, around the church as well. So we spent a

1 good time on foot looking for the subject. Granted
2 we did -- by that time, I believe, we knew, at that
3 point, it was Lexington Medical Center's
4 jurisdiction. But at that point we did have a
5 subject that we could possibly have assisted with
6 detaining.

7 Q. So is it normal if you're on a call that's not
8 necessarily your jurisdiction, to provide assistance
9 to another jurisdiction?

10 A. Absolutely. We were originally dispatched.
11 Where we're dispatched, we respond to all calls.
12 We -- but at that point, when we get on scene, we
13 determine whether it's our jurisdiction or not.
14 With it being the type of call that we responded to
15 with somebody -- there was injuries, and we're
16 looking for a subject that could be in the area,
17 we're going to assist as needed.

18 In this particular case, we had a suspect that
19 we were advised was still in the area. So, of
20 course, you know, without a doubt, we're going to
21 search for that subject.

22 Q. Okay. So it's safe to say, if you're called
23 out to a scene, you're not just going to throw your
24 hands up and say, oh, this isn't my jurisdiction --

25 MS. FULLWOOD: Objection; leading and

110

1 testimonial.

2 THE COURT: Sustained.

3 BY MS. RADLEIN:

4 Q. Would it be common for you to just leave a
5 scene?

6 A. No.

7 Q. Okay. After searching that area, did you
8 happen to go look for the suspect at his apartment?

9 A. We did later on. And I can't recall when we
10 did, but we did, after the call was cleared; whether
11 it was soon after -- I can't recall the timeframe.
12 But myself and another officer actually did return
13 to the location and make contact with the mother who
14 allowed us in to look for the subject, which we
15 weren't able to find.

16 Q. Okay. And when she allowed you into the
17 residence, did you have an opportunity to go through
18 the entire apartment?

19 A. We did.

20 Q. Did you see signs of the defendant living in
21 that apartment?

22 A. It could have been. It looked to be. He
23 had -- at least he had -- it could have been his.
24 It looked to be his property there. There was a
25 television in a spare bedroom, there was a bed, and

111

1 there was property, men's shoes and stuff like that.
2 She was the only one there at the time and stated --
3 she advised us that he did not live there. But
4 there was signs that somebody else was -- at least
5 could have been staying there. Yes.

6 Q. Okay. Looking at page 2 of that CAD sheet,
7 what time did you clear the scene?

8 A. Per the CAD, it states I cleared -- myself, I
9 cleared at 2:21 and 13 seconds.

10 Q. So it's safe to say you spent enough time to
11 attempt to locate the defendant that night of August
12 6th?

13 A. I did.

14 Q. Those early-morning hours?

15 A. I did.

16 Q. Okay. And did you ever find him?

17 A. No, I did not.

18 Q. Okay.

19 MS. RADLEIN: I beg the Court's indulgence.

20 No further questions.

21 THE COURT: Cross?

22 MS. FULLWOOD: Thank you. Just briefly, Your
23 Honor.

24

25

1 CROSS-EXAMINATION

2 BY MS. FULLWOOD:

3 Q. Officer, am I reading this CAD sheet correctly
4 that you saw this person by the wood line a little
5 after 2:00 in the morning? And I'm looking at, I
6 guess, the third page where there's an entry of --

7 A. It says 208.

8 Q. Yeah. So about --

9 A. 2:08:42.

10 Q. -- 2:00?

11 A. Yes.

12 Q. A little after 2:00?

13 A. Yes.

14 Q. Okay. Thank you.

15 THE COURT: Thank you very much, Officer.

16 MS. MAYES: The State calls [REDACTED].

17 MS. RADLEIN: May he be excused, Your Honor?

18 MS. FULLWOOD: No objection.

19 THE COURT: You're free to go.

20 [REDACTED]

21 being first duly sworn, testified as follows:

22 THE WITNESS: I do.

23 THE CLERK: Have a seat, please, sir. Once
24 you're seated, state your full name, spelling your
25 last on the record, please.

1 THE WITNESS: [REDACTED].

2 DIRECT EXAMINATION

3 BY MS. MAYES:

4 Q. [REDACTED], how are you related to the victim in
5 this case, Jeanine Bartell?

6 A. She's my mother.

7 Q. Okay. I need you to speak up a little bit more
8 and actually lean into the microphone.

9 A. Mother.

10 Q. Okay. And how old are you?

11 A. Fifteen.

12 Q. All right. You're 15 years old. Where do
13 you -- I'm not going to ask you your actual address.
14 But what state are you and your family currently
15 residing in?

16 A. Georgia.

17 Q. Okay. And you've relocated to Georgia after
18 this incident?

19 A. Yes, ma'am.

20 Q. And where do you attend high school?

21 A. Herring County High.

22 Q. All right. And what kind of activities are you
23 involved in there at the high school?

24 A. Junior ROTC.

25 Q. Okay. Junior --

1 MS. FULLWOOD: Your Honor, I would object to
2 this on the relevancy.

3 THE COURT: We haven't gotten into anything
4 yet. I don't know what --

5 MS. FULLWOOD: High school activities.

6 THE COURT: Oh, okay. Sustained.

7 Let's get to the issues, ma'am.

8 BY MS. MAYES:

9 Q. Now I want to ask you specifically about this
10 incident, which occurred on the night of August 5th
11 and into the early-morning hours of August 6th.

12 Okay?

13 A. Yes, ma'am.

14 Q. Were you home on the Monday night, which was
15 August 5th?

16 A. Yes, ma'am.

17 Q. All right. And what do you remember about that
18 evening?

19 A. Can you give me a little more, like --

20 Q. Okay. Were you home?

21 A. Yes, ma'am.

22 Q. Was your mom home?

23 A. Yes, ma'am.

24 Q. What about your older brother Glen?

25 A. Yes, ma'am.

115

1 Q. Okay. Now your sister, Azalea, was she living
2 at home with you guys or was she on her own at that
3 point?

4 A. She was on her own at that point.

5 Q. Okay. And how is it that you know the
6 defendant in this case, Darryl Jones?

7 A. He was a neighbor.

8 Q. And when you say a neighbor, you're referring
9 to [REDACTED] Apartments?

10 A. Yes, ma'am.

11 Q. And had he ever come over to your apartment
12 before?

13 A. Yes, ma'am.

14 Q. Had that occurred one time or more than one
15 time?

16 A. More than one time.

17 Q. All right. Now, specifically, I want to go
18 back to the night of August 5th around the timeframe
19 after 9:30. And this would be a Monday night,
20 August 5th. Do you recall whether or not the
21 defendant, Darryl Jones, was at your apartment that
22 night?

23 A. Yes, ma'am.

24 Q. All right. And who was he speaking with when
25 he was at your apartment?

1 A. My mother.

2 Q. Did anything unusual happen that night
3 concerning your mother?

4 A. Yes. She was having chest pains.

5 Q. All right. And what did you actually observe
6 yourself about your mom's mood or demeanor when she
7 experienced this?

8 A. She looked like she was nervous.

9 Q. And when you say nervous, what do you mean by
10 that?

11 A. Like she was -- like she knew she wasn't
12 feeling well, like -- and she didn't know really
13 what was going on.

14 Q. All right. And, ultimately, was a decision
15 made about where to go and how to seek treatment?

16 A. Yes.

17 Q. All right. And what did you hear the defendant
18 say, if anything, about that?

19 A. He said that he would go with her to the
20 hospital.

21 Q. All right. And were you there when they left?

22 A. Yes, ma'am.

23 Q. Now, what kind of vehicle did your mom have?

24 A. A Ford Windstar minivan.

25 Q. All right. I'm going to show you this picture,

1 State's Exhibit 10. Do you recognize that?

2 A. Yes, ma'am.

3 Q. All right. How often did your mom use this
4 minivan?

5 A. Every day, ma'am.

6 Q. All right. How did she get to work?

7 A. By that minivan.

8 Q. All right. And how often would you ride in the
9 minivan?

10 A. Every day.

11 Q. Now, after your mom left, how did you next
12 become aware that something had occurred?

13 A. The next morning my sister came over.

14 Q. All right. You're referring to your sister
15 Azalea?

16 A. Yes, ma'am.

17 Q. And that's how you learned of this incident?

18 A. Yes, ma'am.

19 Q. Now, ultimately, did you have the chance to go
20 back into the van?

21 A. Yes, ma'am.

22 Q. And who had the other key to the van?

23 A. My sister.

24 Q. And once you got back in the van, what, if
25 anything, did you observe that may have been

1 different?

2 A. The van was, like, junky and the back seat and
3 the seatbelt had blood on it.

4 Q. Had you ever seen blood on that seatbelt
5 before?

6 A. No, ma'am.

7 Q. What, if anything, else did you observe?

8 A. That the seat was a little bit damp.

9 Q. I'm going to show you a picture which is
10 State's Exhibit 12. Is that the seatbelt you're
11 referring to?

12 A. Yes, ma'am.

13 MS. MAYES: I beg the Court's indulgence.
14 Nothing further.

15 MS. FULLWOOD: No questions.

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

17 MS. MAYES: The State calls Azalea Austin.

18 AZALEA AUSTIN

19 being first duly sworn, testified as follows:

20 THE WITNESS: Yes.

21 THE CLERK: Once you're seated, state your full
22 name, spelling your last on the record, please.

23 THE WITNESS: Azalea Austin, A-U-S-T-I-N.
24
25

DIRECT EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MS. MAYES:

Q. Ms. Austin, what brought you to South Carolina?

A. I came here to go to Benedict College.

Q. All right. And, ultimately, did your family relocate here as well?

A. Yes, ma'am.

Q. Now, had -- are you familiar with the minivan that your mom commonly used?

A. Yes.

Q. Who else had a key to the minivan other than your mom?

A. Just myself.

Q. All right. And the key that you had is a separate key?

A. Yes; it's a spare key.

Q. Now, how is it that you became aware of an incident that had occurred involving your mother?

A. I received a phone call early that morning, before 8:00, from her boss --

Q. All right.

A. -- calling me to inform me she was in the hospital.

Q. All right. And just to clarify, were you living at [REDACTED] with them at the time?

1 A. No, ma'am.

2 Q. Are you employed?

3 A. Yes, ma'am.

4 Q. And you live on your own?

5 A. Yes, ma'am.

6 Q. When you received that call from her boss, what
7 did you do?

8 A. I immediately called my -- at that point -- at
9 the time I used to carpool. So I called my carpool
10 buddy and asked them to take me to the hospital
11 instead of going to work. I called out of work and
12 went to the emergency room where she was at.

13 Q. All right. At that point in time, was your mom
14 still at Lexington Medical Center or had she been
15 transferred elsewhere?

16 A. She was at the Richland Palmetto.

17 Q. When you got there and learned the situation,
18 did you ultimately have a chance to go and retrieve
19 the van?

20 A. At that moment -- not that day. But the next
21 day I did. That day, I immediately retrieved by
22 brothers.

23 Q. All right. And this would be the next day,
24 which is August 7th; correct?

25 A. Correct.

1 Q. Wednesday, August 7th?

2 A. Yes, ma'am.

3 Q. All right. On that day, where did you retrieve
4 the van from?

5 A. From [REDACTED] Apartments.

6 Q. All right. When you went to retrieve the van,
7 did you notice anything disturbed around the van or
8 anything of that nature?

9 A. When I retrieved the van, the van was very
10 disheveled. Immediately I smelled the smelled in
11 the van, I noticed the blood -- sorry.

12 Q. What else?

13 A. Besides the fact that there was a disturbance
14 in the van -- sorry. It's very hard to talk about
15 this. It was --

16 Q. When you said --

17 A. It was disturbed. I noticed that her seat was
18 a little crooked, the back seat just looked like a
19 lot was going on, there was debris everywhere, it
20 was wet, and there was a pungent smell and there was
21 blood in the back seat and I noticed the blood on
22 the seatbelt.

23 Q. All right. When you said there was a smell,
24 did you recognize the smell?

25 A. It smelled like urine and smelled like sweat.

122

1 Q. And had you ever seen the van in that condition
2 before?

3 A. Never.

4 Q. Was there any glass or bottles in the van?

5 A. No.

6 Q. Outside the van at [REDACTED] Apartments, did
7 you notice any glass or broken bottles or anything
8 of that nature?

9 A. No.

10 MS. MAYES: Nothing further.

11 THE COURT: Any questions?

12 MS. FULLWOOD: No questions.

13 THE COURT: Thank you very much, ma'am. You
14 may step down.

15 MS. RADLEIN: The State calls Bobby York.

16 BOBBY YORK

17 being first duly sworn, testified as follows:

18 THE WITNESS: I do.

19 THE CLERK: Have a seat, please, sir. Once
20 you're seated, state your name and spell your last
21 on the record.

22 THE WITNESS: Bobby Charles York, Y-O-R-K.

23 DIRECT EXAMINATION

24 BY MS. RADLEIN:

25 Q. Where are you currently employed?

1 A. Lexington County Detention Center.

2 Q. And what is your current position?

3 A. Correctional officer.

4 Q. And back in August of last year, what was your
5 position?

6 A. Correction officer, intake.

7 Q. And by intake, do you mean booking?

8 A. Correct.

9 Q. Okay. Did you book the defendant, Darryl
10 Jones?

11 A. Yes, ma'am.

12 Q. What day did you book him?

13 A. The 8th -- August 8th, 2013.

14 Q. You can use your booking report.

15 A. It was 8/29. I'm sorry. 8/29 at 0932.

16 Q. So August 29th. What year?

17 A. 2013.

18 Q. And what was the defendant's weight at that
19 time of booking?

20 A. 280 pounds.

21 Q. And how do you collect that information?

22 A. That information is given my him.

23 Q. By the person that you're booking?

24 A. Correct.

25 Q. So the 280 pounds was provided to you by the

1 defendant in this case?

2 A. Yes, ma'am.

3 Q. And what was his height?

4 A. At the time, five-eleven.

5 Q. And, again, that information was provided to
6 you by the defendant?

7 A. Yes, ma'am.

8 Q. And what -- how was his hair reported?

9 A. Bald.

10 Q. And how is that information reported?

11 A. By my observance.

12 Q. And what address do you have recorded for the
13 defendant?

14 A. That would be [REDACTED]
15 [REDACTED]

16 Q. And, again, that information -- how is that
17 information collected?

18 A. It was given by Mr. Jones.

19 Q. Okay.

20 MS. RADLEIN: I beg the Court's indulgence.

21 Nothing further, Your Honor.

22 MS. FULLWOOD: No questions.

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

24 You may call your next witness.

25 MS. MAYES: May we approach?

1 THE CLERK: Have a seat, please, sir. Once
2 you're seated, state your full name, spelling your
3 last on the record, please.

4 THE WITNESS: My name is Donald R. Rentiers,
5 R-E-N-T-I-E-R-S.

6 DIRECT EXAMINATION

7 BY MS. MAYES:

8 Q. Where are you currently employed?

9 A. Lexington Medical Center Department of Public
10 Safety.

11 Q. All right. And how long have you been an
12 officer with the Lexington Medical Center Department
13 of Public Safety?

14 A. About five and a half years.

15 Q. All right. And were you working in that
16 capacity in the early-morning hours of August 6th,
17 2013?

18 A. Yes, I was.

19 Q. Did you receive a call in order to respond to
20 the emergency room at any point in time?

21 A. Yes, I did.

22 Q. And what time did you receive that call?

23 A. I received the call at 1:57 in the morning --

24 Q. All right. And --

25 A. -- and I arrived on scene at 2:00.

1 Q. All right. 2:00 AM, once you arrived at the
2 emergency room?

3 A. The exam room. Yes.

4 Q. And that concerns the victim in this case,
5 Jeanine Bartell?

6 A. Yes, ma'am.

7 Q. In this particular case, was she already
8 present in the emergency room at Lexington Medical
9 Center when you arrived?

10 A. She was.

11 Q. All right. And, specifically, was she in the
12 process of being treated?

13 A. That's correct, she was.

14 Q. All right. And what do you remember about --
15 was she sitting up or -- how was she positioned
16 there in the emergency room?

17 A. Yes. It was in Exam Room 22, as I have noted
18 here. She was laying down on the hospital bed --

19 Q. All right.

20 A. -- exam bed in the exam room.

21 Q. Okay.

22 A. And I believe she may have been on a backboard,
23 I believe.

24 Q. Now, in this particular case, did you or any
25 other officer participate in taking photographs?

1 A. That's -- yeah. Corporal Blaylock was there.

2 Q. All right. Also employed by the Department of
3 Public Safety at Lexington Medical Center at that
4 time?

5 A. At that time, yes.

6 Q. Now, what was the purpose of the photographs?

7 A. That was to document her injuries that she
8 had --

9 Q. In --

10 A. -- at that time that we had already noticed.

11 Q. In addition to the photographs, did you
12 document in your actual incident report what
13 injuries you observed there at the emergency room?

14 A. Yes, I did.

15 Q. Specifically, what injuries did you note that
16 were observed?

17 A. She sustained injuries to her face, arm, neck
18 and body. As I noted here, the victim had bruising
19 to her face, both of her eyes were swollen shut,
20 swelling of her lips, a cut on her right arm and
21 bruising around her neck.

22 Q. And the bruising around the neck, did you
23 observe that personally?

24 A. Yes, I did.

25 Q. I'm going to show you some photographs, State's

1 Exhibit 4, State's Exhibit 2, State's Exhibit 3,
2 State's Exhibit 6, State's Exhibit 9, 7, and 1.

3 A. Yes.

4 Q. You're familiar with these photos?

5 A. Yes, I am. These are the photos that Corporal
6 Blaylock took that night -- or that morning.

7 Q. Now, was the victim ever removed from the
8 gurney for the purpose of taking photographs?

9 A. Not while we were there.

10 Q. Why or why not?

11 A. Because she was being treated at the time and
12 she might sustain more injuries. We're instructed
13 on how to handle people like -- people that are
14 injured and all. And I would not want to move her,
15 nor would Corporal Blaylock, because you don't want
16 to injure her any more. I could see myself she had
17 some injuries around her face and neck areas.

18 Q. So the photos of the victim wearing the pink
19 shirt were taken in Lexington Medical Center
20 emergency room in the early-morning hours; correct?

21 A. That's correct; Exam Room 22.

22 MS. MAYES: Nothing further.

23 THE COURT: Cross?

24 MS. FULLWOOD: Yes, sir.

25

CROSS-EXAMINATION

1

2

BY MS. FULLWOOD:

3

Q. Mr. Rentiers, did you also learn where this

4

assault allegedly took place?

5

A. Yes, ma'am.

6

Q. And where was that?

7

A. It was in what we refer to as the I Lot.

8

Through my investigation, we found out that it

9

allegedly took place in the I Lot, which is the main

10

parking area for the emergency room.

11

Q. Okay. And do you have video surveillance of

12

that lot?

13

A. I'm not aware of any video surveillance or

14

anything.

15

Q. Okay. You don't have any video surveillance on

16

the exterior of the hospital?

17

A. Yes, we do. We have cameras around the

18

hospital in different places. But I'm not aware of

19

any videotape of this incident or anything like

20

that.

21

Q. Okay. Well, I guess my question is, do you

22

know whether or not you have surveillance in that

23

area of the parking lot?

24

A. I do not know. In that particular area, no, I

25

do not.

1 Q. Okay.

2 A. Some areas are covered and some areas are not
3 covered.

4 Q. And you don't know one way or another --

5 A. I'm not aware.

6 Q. -- if this place --

7 A. I'm not aware either way.

8 Q. Okay. Is your department not in charge of
9 monitoring that --

10 A. Yes, we are.

11 Q. Oh, you are? Okay. Is that something you do
12 in your job?

13 A. I did not myself follow up on -- get the
14 videotapes. I did not.

15 Q. Okay. So you did not?

16 A. That was not part of my investigation.

17 Q. I understand. Is your department those people
18 that sort of drive around the hospital grounds just,
19 I guess, patrolling?

20 A. Uh-huh.

21 Q. Is that part of your function?

22 A. Yes, it is.

23 Q. Okay. And do you folks do that 24 hours a day?

24 A. Yes, ma'am.

25 Q. And how many vehicles at any one time are out

131

1 patrolling?

2 A. There could be one or as many as two, maybe
3 even more sometimes.

4 Q. Okay.

5 A. Usually we try to have at least one if not two.

6 Q. Okay. And it's their job just to go all around
7 the grounds to --

8 A. To observe anything suspicious --

9 Q. Okay.

10 A. -- or anybody that needs help.

11 Q. All right. And are you aware of any reports of
12 some kind of disturbance in that parking lot we're
13 talking about during the early-morning hours of
14 August 5, 2013 or the early morning hours of August
15 6th?

16 A. I'm not aware of any.

17 Q. Okay. Thank you.

18 REDIRECT EXAMINATION

19 BY MS. MAYES:

20 Q. And just to classify, Corporal Rentiers, your
21 information about where the assault occurred and
22 that it was within the jurisdiction of Lexington
23 County, being the Lexington County Medical Center
24 grounds, came from whom?

25 A. Came from the victim.

132

1 Q. All right. And when did you receive that
2 information yourself?

3 A. That evening when I reported -- when I reported
4 to the exam room and saw her. We got it from her.

5 Q. All right. You were able to actually speak
6 with her regarding where the assault occurred?

7 A. Oh, yes. She was -- I could understand her.
8 Although she appeared to be in pain, I could
9 understand her very easily.

10 Q. Now, just to kind of clarify, when Ms. Fullwood
11 was asking you about do officers with the Department
12 of Public Safety there at the hospital patrol the
13 area, is that all they do or do you actually have a
14 working police department?

15 A. We have a working police department.

16 Q. And you, in fact, are -- can you tell us
17 whether or not you are a certified police officer?

18 A. Yes. I'm a Class One law enforcement officer.
19 I'm just like a city police officer or SLED agent.
20 I've been to the academy and I have to meet academy
21 standards and all. A lot of people confuse us as a
22 security guard; I'm not a security guard, I'm
23 actually a police officer.

24 Q. All right. And do you also have investigators
25 within the Department of Public Safety?

1 A. Yes, ma'am, we do.

2 Q. And, specifically, Investigator Wayne Wilson?

3 A. Yes, ma'am. I'm familiar with him. He's our
4 investigator.

5 MS. MAYES: Nothing further.

6 MS. FULLWOOD: Nothing further.

7 THE COURT: All right.

8 Thank you, sir. You may step down.

9 MS. MAYES: The State calls Dr. Steven Hayes.

10 STEVEN HAYES, MD

11 being first duly sworn, testified as follows:

12 THE WITNESS: I do.

13 THE CLERK: Have a seat, sir. Once you're
14 seated, state your name, spelling your last on the
15 record, please, sir.

16 THE WITNESS: Steven Hayes, H-A-Y-E-S.

17 DIRECT EXAMINATION

18 BY MS. MAYES:

19 Q. Dr. Hayes, can you give us some general
20 information about your educational background and
21 training?

22 A. I'm trained in emergency medicine. I trained
23 in Albany, New York, and also did my three years of
24 residency in emergency medicine there.

25 Q. And where are you currently employed?

1 A. Lexington Medical Center.

2 Q. And what department in Lexington Medical Center
3 are you employed?

4 A. The emergency department.

5 Q. How long have you been an ER physician at
6 Lexington Medical Center?

7 A. Nine years.

8 Q. Now, when you talk about the field of emergency
9 medicine, what specific type of training or
10 experience is required for certification in that
11 field?

12 A. I'm trained to pretty much do everything. I
13 spent four years in medical school, three years of
14 dedicated emergency room training.

15 Q. And in what area is your board certification?

16 A. Emergency medicine.

17 MS. MAYES: Your Honor, at this time the State
18 would offer Dr. Steven Hayes as an expert in the
19 field of emergency medicine.

20 THE COURT: Any objection?

21 MS. FULLWOOD: We stipulate to his
22 qualifications.

23 THE COURT: All right.

24 You may proceed.

25

1 BY MS. MAYES:

2 Q. Have you testified previously in a court of law
3 concerning matters of emergency medicine?

4 A. I have.

5 Q. Now, were you working in the ER on the evening
6 of or early-morning hours of August 6th, 2013?

7 A. I was.

8 Q. And what shift do you normally work there as an
9 ER doctor?

10 A. I work all nights.

11 Q. Is it a 24/7 operation?

12 A. It is.

13 Q. And in this particular situation, did you have
14 an opportunity to provide treatment and care to a
15 patient by the name of Jeanine Renee Bartell?

16 A. I did.

17 Q. Dr. Hayes, what is the initial practice or
18 procedure you take when trying to assess a patient
19 for injuries?

20 A. Basically doing a history and physical usually
21 with a trauma patient, both at the same time; you
22 start at the head and go right down to the toes.

23 Q. And when you say history, where does that come
24 from in a conscious patient?

25 A. It comes from the patient, it can come from

1 police, it can come from ambulance, it could come
2 from family.

3 Q. All right. So you actually ask the patient
4 about what happened?

5 A. Yes.

6 Q. Can you tell us whether or not that obtaining
7 of a history from a patient is necessary for medical
8 diagnosis and treatment?

9 A. It is.

10 Q. In this particular case, were you able to speak
11 with Ms. Bartell about the mechanism of injury?

12 A. Yes.

13 Q. Is that reflected in your dictation or your
14 records?

15 A. It is.

16 Q. Can you share with us what your dictation notes
17 concerning the history of injury.

18 A. I documented she states she was struck in the
19 head multiple times and arm twisted behind her back,
20 did fall, positive loss of consciousness. And then
21 I documented the complaints, specifically where she
22 was hurting.

23 Q. What, if anything, is significant about the
24 loss of consciousness?

25 A. Loss of consciousness usually goes along with

1 significant trauma.

2 Q. Now, do you also attempt to obtain any blood
3 readings or readings that might indicate any type of
4 abnormality in certain enzymes within the blood?

5 A. Yes.

6 Q. What, if anything, was of interest in this
7 case?

8 A. The interesting thing was that it was chest
9 pain evaluation as well as a trauma.

10 Q. And what, if anything, caused the chest pain
11 evaluation?

12 A. Well, the -- initially, by my documents, I
13 think that -- I assume that the chest pain was from
14 trauma, but on my secondary evaluation I realized
15 that she actually had the chest pain preceding the
16 injury. And being, I believe, 44 -- 43-year-old
17 female, I believe she was a smoker who had to think,
18 could this be a heart attack or something going on
19 her with heart.

20 Q. Now, in addition to the history of chest pain
21 that was provided by the patient, what, if any,
22 indication did you have in the blood work that
23 caused concern about a heart condition?

24 A. Well, the blood tests we do looking at the
25 heart is called troponin, and her troponin level was

1 elevated.

2 Q. All right. What, if anything, is of concern to
3 an ER doctor when a patient presents with an
4 elevated troponin level?

5 A. Troponin elevation could be related to injury
6 to the heart or a heart attack.

7 Q. And did you evaluate her for that as well?

8 A. I did.

9 Q. In this particular case, Dr. Hayes, what
10 decision was made as to whether she should remain at
11 Lexington Medical Center or be transferred
12 elsewhere?

13 A. The main determination of her being transferred
14 was her having an eye injury. And Lexington does
15 not have an ophthalmologist, an eye doctor, on
16 staff.

17 Q. All right. And what decision was made
18 concerning her treatment?

19 A. Made the decision to transfer her to Richland
20 where they have ophthalmology coverage in trauma.

21 Q. So she was transferred to the trauma unit at
22 Palmetto Health Richland?

23 A. Correct.

24 Q. What, if anything, was a concern about the eye
25 injury that made you think she needed a trauma

1 specialist?

2 A. Well, on the initial physical exam, I had to
3 basically pry her eye open because it was swollen
4 shut. She could not look around, so there was
5 obviously injury to the muscles of the eye. And
6 then on the CAT Scan to the orbit as well as some
7 and stranding which suggested there was injury
8 behind the eye.

9 Q. All right. I want to ask you specifically
10 about that. You mentioned a fracture. What was the
11 actual diagnosis that you noted concerning a
12 fracture?

13 A. She had a fracture of the medial wall of the
14 orbit.

15 Q. Where is that within the head or face?

16 A. The orbit is the bone around the eye. And she
17 had fractured medially near the nose -- towards the
18 nose.

19 Q. Okay. And I'm going to show you pictures which
20 are State's 4, 2 and 7, taken in the Lexington
21 emergency room. In looking at these photos,
22 Dr. Hayes, do you have an opinion as to whether
23 these injuries would result from one blow or more
24 than one blow?

25 A. This was consistent with more than one blow.

1 Q. And what, if anything, indicates this would be
2 more than one blow?

3 A. The multiple areas where the swelling and
4 bruising is from around the eye to the nose to the
5 jaw and then down to the neck as well.

6 Q. And, specifically, in discussing a fracture of
7 the orbital wall, as you put it, is that actual bone
8 that breaks?

9 A. Yes.

10 Q. To break that bone within the face or skull
11 cavity, do you have an opinion, to a reasonable
12 degree of medical certainty, what type of force is
13 necessary to produce that injury?

14 A. It takes significant force to break the orbit.

15 Q. And, ultimately, upon her transfer, did you do
16 a complete list of your diagnosis?

17 A. I did.

18 Q. Could you refer back to your actual dictation
19 in this regard.

20 A. Yep.

21 Q. And could you share with us what your actual
22 diagnosis was at the time of her transfer to
23 Palmetto Health Richland?

24 A. One, closed head injury; two, orbital fracture;
25 three, eye trauma; four, contusion of jaw; five,

1 cervical strain; six, lumbar strain; seven, shoulder
2 strain; eight, elbow strain; nine, chest pain; ten,
3 elevated troponin; and eleven, domestic violence.

4 Q. All right. Where you actually noted the
5 elevated troponin and chest pain, that was part of
6 your diagnosis?

7 A. Yes.

8 Q. And where you noted cervical strain, just to
9 clarify, what part of the body is the cervical
10 region?

11 A. Cervical is neck.

12 Q. And you noted a contusion to the jaw as well as
13 the orbital fracture?

14 A. Correct.

15 Q. To a reasonable degree of medical certainty,
16 would that be a separate blow than the one to the
17 orbital area?

18 A. Yes.

19 Q. You also mentioned a closed head injury. Can
20 you tell us, when you talk about a loss of
21 consciousness, how that may relate to a head injury?

22 A. Basically, a closed head injury is any injury
23 to the head where the patient loses consciousness,
24 has any signs of a concussion, but the brain itself
25 looks okay on a CAT Scan; there's no bleed, there

1 was no blood in the head.

2 Q. Now, you mentioned with the CAT Scan there was
3 an indication of bleeding behind the eye.

4 A. Yes.

5 Q. What, if anything, indicated that injury?

6 A. The radiologist read that there was stranding
7 behind the eye. There was no definitive hematoma,
8 no pocket of blood, but there was stranding
9 suggesting there was injury there.

10 Q. And stranding being a medical term, what, in
11 layman's terms, would be the best analogy?

12 A. You got me on that one.

13 Q. Okay. Does it depict trauma?

14 A. The swelling, I guess, would be a lay word.

15 Q. And the stranding would refer to the muscular
16 area --

17 MS. FULLWOOD: Objection; leading.

18 MS. MAYES: I can rephrase it.

19 BY MS. MAYES:

20 Q. What specific area would experience the
21 stranding?

22 A. The stranding was behind the eye.

23 MS. MAYES: Nothing further.

24 THE COURT: Cross?

25 MS. FULLWOOD: Thank you, Your Honor.

CROSS-EXAMINATION

1

2

BY MS. FULLWOOD:

3

Q. Doctor, in your history did you learn that the chest pains had started about 10:00 that evening?

4

5

A. Yes.

6

Q. All right. And in your history, had that patient told you that she had been the victim of domestic violence in the past?

7

8

9

A. Yes.

10

Q. And her injuries, even though they were significant, they weren't the type that produced a lot of blood loss; is that correct?

11

12

13

A. Correct.

14

MS. FULLWOOD: No further questions.

15

THE COURT: Anything further?

16

MS. MAYES: Just one brief followup.

17

REDIRECT EXAMINATION

18

BY MS. MAYES:

19

Q. Was there evidence of some bleeding from the patient that night?

20

21

A. Yes.

22

MS. MAYES: Nothing further.

23

THE COURT: Thank you very much, Doctor. You

24

may step down.

25

Any objection to him being released?

1 MS. FULLWOOD: Not at all.

2 THE COURT: Thank you. You may be released.

3 MS. MAYES: The State calls Investigator Wayne
4 Wilson.

5 WAYNE WILSON

6 being first duly sworn, testified as follows:

7 THE WITNESS: I do.

8 THE CLERK: Have a seat, please, sir. Once
9 you're seated, state your full name, spelling your
10 last on the record, please.

11 THE WITNESS: Wayne Wilson, W-I-L-S-O-N.

12 DIRECT EXAMINATION

13 BY MS. MAYES:

14 Q. And, Investigator Wilson, can you tell us a
15 little about yourself? Where you are currently
16 employed?

17 A. Lexington Medical Center Department of Public
18 Safety.

19 Q. All right. And how long have you actually been
20 there at LMC within their Department of Public
21 Safety?

22 A. Six and a half years.

23 Q. And prior to that, what type of law enforcement
24 experience did you have?

25 A. I started in law enforcement in 1970, and

1 constantly in law enforcement since that period of
2 time. I was chief of police in South Congaree for
3 20 years, worked for Lexington County Sheriff's
4 Department in the warrant division and also was a
5 resident deputy.

6 Q. And, ultimately, that would be approximately 30
7 years of law enforcement experience?

8 A. A little over 40.

9 Q. Now, in talking about your law enforcement
10 experience, I know you mentioned you were chief of
11 police for around 20 years at a municipality. Did
12 you ever have experience to go to crime scenes, for
13 example?

14 A. Yes. I was the primary investigator at South
15 Congaree Police Department for 20 years.

16 Q. All right. Now tell us a little bit about the
17 structure within the Department of Public Safety.
18 Do you do there more there than security work?

19 A. I handle any criminal offense that is reported
20 to our department as far as investigation.

21 Q. All right. How many officers are there at the
22 Department of Public Safety?

23 A. We have approximately 25 sworn Level-I law
24 enforcement officers.

25 Q. Okay. So actually law enforcement officers and

146

1 not just security?

2 A. That's correct. We have security personnel,
3 but that's in addition to the full-time law
4 enforcement.

5 Q. Now, how did you become aware of this incident
6 involving the Lexington Medical Center?

7 A. I was notified when I came in to work on the
8 morning of the 6th, August the 6th, 2013.

9 Q. All right. So when you came in that morning
10 you were notified. You were aware that some other
11 officers had already met with the victim at the
12 local emergency room?

13 A. That's correct.

14 Q. And what follow-up did you do once you arrived
15 in to work on the morning of August 6th?

16 A. I obtained a copy of their reports that had
17 been documented as to what the primary violation of
18 law was. We did a search of -- after reviewing
19 those reports, we did a search of our video systems
20 to see if the vehicle that was noted in the report
21 could be located on the video.

22 Q. All right. I want to ask you a little bit more
23 about that. What areas of the Lexington Medical
24 Center are normally covered by video?

25 A. It's sporadic. We have cameras scattered out

1 all over the property. But the entire property is
2 not covered by cameras; it's just parts of parking
3 lots and those types of things.

4 Q. All right. I'm going to show you a diagram and
5 ask you whether or not you recognize it. This would
6 be State's Exhibit 28 for demonstrative purposes.
7 What are we looking at here?

8 A. That is basically a diagram of the general
9 layout of the Lexington Medical Center parking lots
10 and different parking areas, as well as the main
11 buildings.

12 Q. All right. In this particular diagram, the ER
13 is noted.

14 A. Yes, ma'am.

15 Q. Can you tell us what type of parking lot is
16 used specifically for emergency room patients?

17 A. The I Lot designated here, and then this area
18 right across from it is also designated for the
19 overflow lot for the I Lot. This is the primary
20 emergency room parking area (indicating).

21 Q. All right. And when you're talking about this
22 I Lot, during the time period of August 2013, was
23 there a camera that showed every single parking
24 space within the I Lot?

25 A. There's a camera mounted right on the corner of

1 the building right in this area that shoots out in
2 this direction (indicating). It covers, I'm
3 guessing, 60 to 70 percent of the parking area, but
4 it does not cover the entire parking area.

5 Q. All right. And that camera that was installed
6 at that point in time in August of 2013, was that a
7 fixed camera, meaning just one angle, or did it pan
8 around?

9 A. It's a fixed camera.

10 Q. So there would be one steady angle at all
11 times?

12 A. That's correct.

13 Q. Now, specifically, you were in the courtroom
14 yesterday.

15 A. Yes, ma'am.

16 Q. You're familiar with the location that the
17 victim has identified as where she parked?

18 A. Yes.

19 Q. Looking at State's Exhibit 26, do you recognize
20 what's shown in this photograph?

21 A. Yes, ma'am.

22 Q. In fact, why don't we ask you to step down so
23 that everyone can see the specific area that we're
24 referring to.

25 What we looking at in this picture?

149

1 A. This is basically an aerial view of the
2 emergency room entrance here, and this is what is
3 called the I Lot parking area(indicating).

4 Q. And you testified before that you have a fixed
5 camera which shows a portion of the parking lot?

6 A. Correct. The camera is mounted in this area,
7 corner of the building, aiming out in this direction
8 (indicating).

9 Q. This parking spot here, the last spot by the
10 bush, can you tell us whether or not that spot
11 located right here -- is that spot visible on the
12 fixed camera?

13 A. No, it's not.

14 Q. And we're referring to the camera that was
15 installed in August of 2013?

16 A. That's correct. The general line of vision
17 comes about the third parking space down. So when
18 you look at the view of this camera, there are two
19 to three vehicles that did not show on that camera.
20 Also on the opposite end of the parking lot, you
21 have the same situation. And depending where
22 they're parked in this area, it's even less view.
23 (Indicating)

24 Q. You may return.

25 Now, in addition to looking for the parked car,

150

1 was any effort made to try and look at any other
2 camera?

3 A. We have a number of cameras that scan these
4 parking lots, but it's a constantly moving camera.
5 Being nighttime, the other cameras that are panning,
6 basically you see tops of vehicles and that sort of
7 thing. It's real hard to identify anything and it's
8 constantly moving. So if you are able to spot a
9 vehicle, by the time it pans around and comes back
10 again, the vehicle is gone, so you don't know where
11 it went to.

12 Q. All right. Do you have any note as to any
13 vehicle which matched the description -- well, let
14 me start by asking you, were you able to obtain a
15 vehicle description of the vehicle that had been at
16 Lexington Medical Center earlier that night?

17 A. The description given, according to the
18 reports, was a Ford minivan, red in color, with an
19 out-of-state tag.

20 Q. Did you have a year on that minivan?

21 A. We had an approximate year, yes, ma'am. Off
22 the top of my head, I don't recall what it was.

23 Q. All right. So you were looking for a Ford
24 minivan. And what, if anything, did you note in
25 your file and during your investigation about a

151

1 vehicle that matched that description or whether
2 there was a vehicle that matched that description?
3 A. We have what they call an LPR system, license
4 plate recognition system, that's mounted on the
5 sides of the roads at the main entrance going into
6 the ER. At that particular time, the camera was not
7 functioning properly.

8 We went back in and searched to see if we
9 picked up anything on the tag-reader on the camera.
10 The camera was functioning, but it was so distorted
11 you could not tell anything as to vehicle type or
12 anything else.

13 We also did a search of the camera on the
14 opposite side of the street which picks up the
15 vehicles as it's exiting the emergency room there.

16 Q. Let me stop you right there. Now, the camera
17 that you're referring to now that was checked,
18 looking here at this diagram, would be located
19 approximately where?

20 A. Those cameras are mounted basically on the main
21 East Hospital Drive, one on one side of the street
22 and one on the other.

23 Q. Okay. This being Sunset Boulevard, that would
24 be an exit route from the hospital to Sunset
25 Boulevard?

1 A. That's correct. Entrance and exit from the
2 emergency room primary.

3 Q. What, if anything, was noted in that regard?

4 A. On the exit camera, we were able to locate a
5 vehicle that matched the description given, what
6 appeared to be a minivan, red in color. We were not
7 able to get a tag number off of it. The LPR system
8 is set up primarily to recognize South Carolina
9 plates, some out-of-state plates. Depending on the
10 state, some will show up, some of them won't; it
11 just depends on the design of the license plate
12 itself.

13 Q. And when you say LPR, you're referring to what?

14 A. The license plate recognition system.

15 Q. And in this particular case, did you make a
16 specific note in your file about what was observed?

17 A. A vehicle matching the same general description
18 exited the parking lot at 12:40 AM on the morning of
19 the 6th.

20 Q. And you made that notation yourself?

21 A. Correct.

22 Q. All right. So when you say exited, you're
23 talking about exiting the Lexington Medical Center
24 altogether?

25 A. Going out of the East Medical Drive on to

153

1 Sunset Boulevard.

2 Q. And what was the time again that that was
3 noted?

4 A. 12:40 AM.

5 Q. All right. And you said the LPR or license
6 plate recognition system was not working for that
7 particular vehicle --

8 MS. FULLWOOD: Objection; leading.

9 MS. MAYES: I'll rephrase that.

10 THE COURT: Sustained.

11 BY MS. MAYES:

12 Q. Was your LPR able to get the tag off of that
13 vehicle which was exiting?

14 A. No, it was not. We were able to get a general
15 picture of the vehicle itself, but we could not read
16 the tag on it.

17 Q. And why did you make that note to your file?

18 A. Because it was a possible match to the vehicle
19 that was described in this instance.

20 Q. Now, also on August 6th, what if any other
21 efforts did you make regarding this investigation?

22 A. I ended up going to Palmetto Richland hospital
23 and making contact with the victim, attempted to ask
24 her some questions as to what had occurred in
25 reference to the initial report that was taken by

1 officers. She was in unstable medical condition at
2 that point in time. Her voice --

3 MS. FULLWOOD: I'm going to object to the chief
4 giving a medical opinion.

5 THE COURT: Sustained.

6 MS. MAYES: I can rephrase, Your Honor.

7 BY MS. MAYES:

8 Q. Was she able to speak clearly?

9 A. No, ma'am.

10 Q. Why or why not?

11 A. Her voice was real weak, it was hard to
12 understand what she said. After just a minute or
13 two, it was evident that it was causing pain to ask
14 her to speak. You could tell that she actually hurt
15 when she tried to speak.

16 Q. So at that point in time were you able to
17 obtain an official statement from the victim?

18 A. No, I was not.

19 Q. So moving forward, what was the next step in
20 your investigation?

21 A. We went back, we did obtain, at that point in
22 time, a bag containing items of clothing that the
23 victim stated that she was wearing at the time of
24 this incident.

25 MS. MAYES: I beg the Court's indulgence.

1 BY MS. MAYES:

2 Q. And you're familiar with the items that were
3 offered into evidence yesterday, starting with a bag
4 of pants?

5 A. Yes, ma'am.

6 Q. And I believe there was also a shirt worn by
7 the victim; correct?

8 A. That's correct.

9 Q. And you obtained these items yourself at what
10 location?

11 A. At Palmetto Richland hospital. They were given
12 to me by the victim in a paper bag.

13 Q. Now, what efforts were made, if any, to have
14 that clothing analyzed for purposes of DNA?

15 A. According to the victim's original statements
16 to officers, her clothing had been urinated on by
17 the defendant. As a result, I carried the items of
18 clothing to SLED lab. They were entered in to SLED
19 lab on August the 8th; turned over to them for
20 analysis, and requested DNA identification from the
21 urine that was on the clothing.

22 Q. All right. So just to clarify, your request to
23 the State Law Enforcement Division was to attempt to
24 obtain DNA from urine stains?

25 A. That's correct.

156

1 Q. And you left them at the State Law Enforcement
2 Division?

3 A. Yes, ma'am. They were logged in to SLED
4 evidence laboratory.

5 Q. Did you have an opportunity to confer with
6 anyone at the State Law Enforcement Division crime
7 lab?

8 A. Yes, ma'am.

9 Q. Do you have a notation in that regard, any --
10 MS. FULLWOOD: I'm going to object to anything
11 based on hearsay of what SLED told him.

12 THE COURT: Sustained to any hearsay.

13 BY MS. MAYES:

14 Q. Let me ask you this: Were they able to conduct
15 the examination?

16 A. They were not.

17 Q. And let me ask you this: Do you have personal
18 knowledge as to -- at this point in time, do you
19 have personal knowledge as to the SLED policy on
20 whether or not they analyze urine?

21 A. I was informed by --

22 MS. FULLWOOD: Objection; hearsay.

23 THE COURT: Sustained.

24 Q. Do you have personal knowledge of that policy?

25 A. Yes, ma'am.

1 Q. All right. And can you tell us whether or not
2 they were willing to conduct a urine test?

3 MS. FULLWOOD: Your Honor, again, I object. If
4 his personal knowledge is based on something
5 somebody told him --

6 THE COURT: Y'all step up here.

7 (Sidebar conference.)

8 BY MS. MAYES:

9 Q. Ultimately, did you retrieve the items back
10 from the State Law Enforcement Division?

11 A. Yes, ma'am, I did.

12 Q. And on what date did that occur?

13 A. That occurred on 11/26/2014.

14 Q. All right. And do you know whether or not any
15 DNA analysis was done?

16 A. It was not.

17 Q. All right. Now moving forward, at this point
18 in time -- or going all the way back to your initial
19 involvement in the case on August 6th, did you have
20 a suspect in the case?

21 A. Yes, ma'am.

22 Q. Who was that suspect?

23 A. The defendant.

24 Q. Darryl Jones?

25 A. Darryl Jones.

1 Q. Now, what efforts were made to attempt to
2 locate him?

3 A. Warrant. A warrant was obtained for his
4 arrest. Columbia Police Department was contacted,
5 notified of the outstanding warrants. Richland
6 Palmetto hospital security was contacted because the
7 victim was still in the hospital. Their security
8 department was contacted and notified that she was
9 still there and there was outstanding warrant for
10 Mr. Jones in case he showed up at the hospital. A
11 BOLO was sent out -- prepared and sent out to all
12 Lexington County and Richland County police agencies
13 with a picture of the individual and a physical
14 description and the stated charges of the
15 outstanding warrants.

16 Q. All right. And BOLO means what?

17 A. Be on the Lookout.

18 Q. And when you say you shared that with the
19 Columbia Police Department, for what reason did you
20 share that information to be on the lookout for with
21 the Columbia Police Department?

22 A. Because that was the last known location where
23 the suspect was.

24 Q. Including address?

25 A. Yes.

1 Q. What, if any, efforts did you make to -- or did
2 you make any efforts to go to [REDACTED] Apartments
3 yourself?

4 A. Wen there on at least on two occasions. Went
5 to the door of the address that was listed for him,
6 which I understood was his mother's home. No one
7 came to the door on either occasion.

8 Q. The mother being Cathrene Gholson, were you
9 ever able to make contact with her?

10 A. No, I was not.

11 Q. So as of August 6th, can you tell us what his
12 actual status was?

13 A. He was a wanted fugitive at that point.

14 Q. Ultimately, who -- whose assistance was
15 requested in obtaining the subject?

16 A. After we did not get any response from the
17 BOLOs that were sent out over a period of time, the
18 U.S. Marshal Service Task Force Fugitive Team was
19 requested for assistance in locating the subject.
20 They had developed a few leads as to possible
21 locations; those were passed on to the Marshal
22 Service.

23 Q. And you mentioned that you had also made the
24 Columbia Police Department aware?

25 A. Yes.

160

1 Q. Do you know whether they made any attempts to
2 locate the subject?

3 A. I actually talked to one of the officers that
4 was at the scene initially.

5 Q. Can you tell us -- don't say what he said to
6 you. But can you tell us whether or not you
7 informed him of the warrant you had entered into the
8 system?

9 A. I did. He works that area on a full-time basis
10 and I informed him of the outstanding warrants
11 against the defendant.

12 Q. And for what purpose did you inform him of
13 that?

14 A. For safety reasons, for their safety, the
15 officers' safety, as to them knowing what they were
16 dealing with and that we had outstanding warrants
17 against the subject and he was listed in CIC as a
18 wanted individual.

19 Q. Okay. And can you tell us whether or not any
20 request was made to attempt to look for the subject?

21 A. I requested that they increase patrol of that
22 particular apartment complex and attempt to locate
23 the individual.

24 Q. Now, moving on to the involvement of the U.S.
25 Marshal's Office that you mentioned earlier, why did

1 you seek their assistance?

2 A. They are a specialized team that do nothing but
3 search for wanted individuals.

4 Q. And what date was Mr. Jones, the defendant in
5 this case, ultimately apprehended?

6 A. August the 29th, 2013.

7 Q. So that was his date of arrest, August 29th?

8 A. Yes, ma'am.

9 Q. And what agency made that arrest?

10 A. The U.S. Marshals Fugitive Task Force.

11 Q. Now, during the course of the investigation,
12 did you have the opportunity -- I know you mentioned
13 the first visit that you made to meet with the
14 victim at Palmetto Health Richland. Did you make
15 any additional attempts to meet with her at Palmetto
16 Health Richland.

17 A. Yes. On the first visit I asked her to prepare
18 a written statement as to the facts of what occurred
19 on that particular night. I contacted her back on
20 the 13th of August by phone to check on her
21 condition at that time as to whether she was able to
22 prepare a statement. A statement -- she had written
23 a handwritten statement. We went and got that
24 particular statement from her.

25 Q. Okay. On what date?

1 A. The 13th, August the 13th.

2 Q. All right. And what was the general objective
3 of having the victim prepare a statement?

4 A. To give us a general picture of exactly what
5 her version of what had occurred in this incident.

6 Q. All right. Can you tell us whether or not the
7 statement is intended to include all events?

8 A. No. It's a generalized -- in this particular
9 case --

10 MS. FULLWOOD: Objection. There'd be no way
11 for him to know what the person writing the
12 statement intended to reproduce.

13 THE COURT: Sustained.

14 Q. Let me ask you this: What was your intention
15 in requesting a statement from Ms. Bartell?

16 A. It had been stated in the original incident
17 report and the officer's version of what had taken
18 place that she had been in and out of consciousness
19 during the period of this time so, basically, I
20 needed to find out what she remembered about the
21 situation.

22 Q. And on the date of the 13th, you met with her
23 in person?

24 A. Yes.

25 Q. And did you have an opportunity to go back?

1 A. Yes.

2 Q. And for what purpose?

3 A. Went back and took some additional photographs
4 and got a copy of her statement.

5 Q. All right. And when you say took some
6 additional photographs, who was with you?

7 A. Captain Jackie Brothers.

8 Q. All right. And can you tell us -- I'm going to
9 show you some photographs and ask you whether or not
10 you recognize them. This is State's 14 through 19.

11 A. Yes. These are photographs that were taken at
12 that time on the 14th.

13 Q. In your presence?

14 A. Yes.

15 Q. All right. So these photographs in the red
16 shirt were taken at Palmetto Health Richland on the
17 14th?

18 A. Yes, ma'am.

19 Q. Now, after the -- Ms. Bartell was released from
20 the hospital, did you have an opportunity to do any
21 followup with her?

22 A. Yes. I contacted Ms. Bartell and asked her to
23 bring the vehicle to Lexington Medical Center. We
24 had not observed the interior of the vehicle at that
25 point in time. She did bring it to Lexington

1 Medical Center and the interior of the vehicle was
2 examined at that point in time.

3 Q. All right. And when you say examined, where
4 were y'all at when you actually took a look at the
5 vehicle?

6 A. We were in the parking lot of the public safety
7 office at Lexington Medical Center.

8 Q. All right. I'm going to show you some
9 photographs, which are State's 10 and 21-A.

10 A. Yes, ma'am.

11 Q. Do you recognize Exhibits 10 and 21?

12 A. Yes; pictures I took of the vehicle myself.

13 Q. And also 22 and 24?

14 A. That's correct.

15 Q. How so?

16 A. That's pictures that I took of the interior of
17 the vehicle as well as the outside of the vehicle.

18 Q. All right. I'm going to ask you about one
19 additional photograph, State's Exhibit 23.

20 A. Yes. I took that picture.

21 Q. All right. And was that also taken on the same
22 day?

23 A. Correct.

24 Q. Is it a fair and accurate representation of
25 what you observed?

165

1 A. Yes, ma'am.

2 Q. So going back, what specifically, if anything,
3 did you observe about the van that was unusual or
4 interesting as it pertained to this investigation?

5 A. There was what appeared to be blood on the
6 seatbelt, as depicted in the photograph; there was
7 papers on the floor in between the two front seats,
8 the captain's chairs of the vehicle, that appeared
9 to have blood on it; there was what appeared to be
10 blood next to the door lock of the vehicle on the
11 interior; and then further up, the same seatbelt,
12 there appeared to be a smeared area of blood on the
13 upper part of the seatbelt.

14 MS. MAYES: This would be State's Exhibit 23
15 for evidence, Your Honor.

16 THE COURT: Any objection?

17 MS. FULLWOOD: Only as to its clarity. It's
18 very blurred.

19 THE COURT: Well, I can't help that. Do you
20 object to it or not?

21 MS. FULLWOOD: No objection.

22 THE COURT: All right. Without objection.

23 (State's Exhibit 23 admitted into evidence.)

24 MS. MAYES: Your Honor, may we publish?

25 THE COURT: Yes, ma'am.

166

1 BY MS. MAYES:

2 Q. Now, let me ask you this: Investigator Wilson,
3 were you able to determine, based upon your
4 investigation, the jurisdiction where the assault
5 occurred?

6 A. According to all of the information we were
7 able to obtain, the assault occurred in the I Lot of
8 Lexington Medical Center.

9 Q. And to clarify what we talked about earlier
10 about the clothing, the clothing was submitted to
11 SLED?

12 A. Correct.

13 Q. And then returned from SLED?

14 A. That's correct.

15 Q. Did you ever receive an examination report in
16 this case?

17 A. Yes, I did.

18 Q. Concerning an examination, was an examination
19 done?

20 A. The requested exam that I requested could not
21 be performed by SLED.

22 MS. MAYES: Nothing further.

23 THE COURT: Cross?

24 MS. FULLWOOD: Thank you.

25

CROSS-EXAMINATION

1 BY MS. FULLWOOD:

2 Q. Chief Wilson, hey. You learned about this
3 incident first thing when you got to work that
4 Tuesday morning of the 6th?

5 A. Correct.

6 Q. Okay. And did you start on it right away?

7 A. Pretty much. Yes, ma'am.

8 Q. Yeah. Now, you learned that this had happened
9 in the I Lot?

10 A. Yes.

11 Q. And your information was that it happened
12 inside a minivan?

13 A. Inside a vehicle parked in the emergency room
14 parking lot.

15 Q. Okay. And did you, yourself -- well, did you
16 know the approximate time that this had occurred?

17 A. Based upon the incident report, I had an
18 approximate time of between midnight and 1:30.

19 Q. Okay. Okay. And did -- well, the cameras that
20 you did have, as far as your license plate cam, that
21 showed what you think is that vehicle going out at
22 about 12:30; right?

23 A. We had a vehicle exit that matched the
24 description of the vehicle at 12:40.

25 Q. Okay. Okay. So extrapolating back from that,

1 you --

2 A. Yes.

3 Q. Okay. Now, did you personally look at the
4 video from the I Lot?

5 A. Yes.

6 Q. And you say part of that lot is not covered by
7 a camera?

8 A. That's correct.

9 Q. Okay. Can you see that missing portion of
10 I Lot from any other camera on the premises?

11 A. The only other camera that covers that area is
12 a constantly moving camera that's on the top of the
13 eight- or nine-story building. The difference from
14 the camera to the ground is such, and at night it's
15 impossible to tell one vehicle from another. You
16 can tell this may be a van or a small car, but you
17 can't distinguish color or anything else. Plus, the
18 camera is constantly moving, so you get a quick
19 glimpse of it. By the time the camera comes back,
20 the vehicle may be gone.

21 Q. Right. Let's say if a car was stationary in
22 that lot, you would still see it there; right?

23 A. Depending on where it's parked, trees
24 shrubbery, that type of thing, blocks the view for a
25 lot of them.

1 Q. This was sort of a major thing to have happened
2 out at the medical center; right?

3 A. Yes, ma'am.

4 Q. In light of that, did you save the video from
5 the camera on I Lot during that period of time, just
6 in case something came up later or questioned about
7 it?

8 A. We did not locate anything on camera that we
9 could identify as being the vehicle. So, no, it was
10 not saved.

11 Q. I don't think you understood my question.
12 Regardless of what you saw, in light of the
13 importance of the situation, did you save it?

14 A. No, it was not saved.

15 Q. And in the same vein, did you save those
16 portions of any scanning camera that might have
17 caught the missing portion of I Lot?

18 A. No.

19 Q. Okay.

20 MS. FULLWOOD: Your Honor, I beg the -- oh, you
21 may have them up here. May I approach, Your Honor?

22 THE COURT: Yes, ma'am.

23 BY MS. FULLWOOD:

24 Q. Now, when did you go out and take these
25 pictures? I believe they're State's Exhibit 10 and

170

1 20 through 24.

2 A. That's when the victim was released. After she
3 was released from the hospital, she brought the
4 vehicle to the Department of Public Safety, and
5 that's when the pictures were taken.

6 Q. Okay. Now, on August the 6th, you knew that
7 this van was alleged to be a crime scene; right?

8 A. Correct.

9 Q. And you knew that the owner of the van was
10 cooperating with law enforcement; correct?

11 A. Correct.

12 Q. Okay. Why didn't you go process the van at
13 that time?

14 A. At that time I did not know where the van was.

15 Q. Well, okay. But Ms. Bartell was cooperating
16 with you; correct?

17 A. Ms. Bartell was not able to give us a whole lot
18 of information due to her speech problem and that
19 type thing, plus being highly medicated at that
20 point.

21 Q. I understand. But you're not trying to tell us
22 that she was completely incoherent, are you?

23 A. No. No. She was able to relay some
24 information.

25 Q. Okay. And she was also alert as far as -- I

1 understand she was medicated. But there -- she knew
2 what was going on around her; she wasn't out of her
3 mind or something?

4 A. Yes. Yes.

5 Q. And you certainly could have asked her, where
6 is your vehicle, couldn't you?

7 A. I could have.

8 Q. Okay. Is it at your house? Is it here? Is it
9 there?

10 A. Right.

11 Q. Or you could have asked her to somehow
12 communicate that information to you; right?

13 A. The last time she had seen her van, it was at
14 the apartment complex.

15 Q. Right. Did you go out there to process it?

16 A. I went out there on two different occasions to
17 try to make contact with the defendant's mother, but
18 the van was not there.

19 Q. I'm sorry. I was not clear in my question.

20 The last place she saw it was at the apartment
21 complex, that was your information?

22 A. Correct. Correct.

23 Q. Okay. Early on, on the 6th, or shortly
24 thereafter, the incident occurred. Did you go out
25 to the apartment complex specifically to see if the

1 vehicle was there and if it was there, to process
2 it?

3 A. No. Not at that point in time.

4 Q. Okay. During the early-morning hours of August
5 5th and 6th of 2013, were there any reports from any
6 other source other than Ms. Bartell of some sort of
7 disturbance in Parking Lot I?

8 A. Not that I'm aware of.

9 Q. Okay. The pictures you took show what appears
10 to be blood on a seatbelt, on some papers, and near
11 a doorjamb; correct?

12 A. Correct.

13 Q. Okay. And did you take swabs of those stains
14 for law enforcement purposes?

15 A. No, I did not.

16 Q. Okay. And you know what I mean by taking swabs
17 of the stains; right?

18 A. Yes.

19 Q. What do you think I mean?

20 A. Using some type of chemical to withdraw the
21 blood or whatever the solution is from the cloth to
22 be analyzed.

23 Q. And after you do that, you can send this, say,
24 to a lab, to SLED, for analysis; correct?

25 A. Correct.

173

1 Q. And you know how to do that; right?

2 A. Correct.

3 Q. And you have the equipment to do it with?

4 A. Some of it, yes.

5 Q. You could obtain what you needed, couldn't you?

6 A. Yes.

7 Q. But you didn't do that, did you?

8 A. No. The blood was believed to be the victim's.
9 We had no other reason to try to identify whose it
10 was.

11 Q. Well, you knew there were two people involved
12 in this altercation; right?

13 A. That's correct.

14 Q. So the only way we would have known for sure is
15 if you had made swabs and submitted that blood;
16 right?

17 A. We had no information at that point in time of
18 any injuries or anything occurring with the suspect
19 in the case.

20 Q. Well, she told you that she fought back; right?

21 A. Yes.

22 Q. Okay. Well, if she fought back and injured
23 him, if his blood was in the vehicle, that could
24 help place him at the scene; right?

25 A. Correct.

174

1 Q. But you didn't take those swabs?

2 A. Well, due to the period of time between when
3 the incident occurred and when I got to examine the
4 van, I could not prove that that was there on the
5 night of the incident.

6 Q. Well, didn't Ms. Bartell tell you that -- that
7 that was -- didn't you just say she said it was her
8 blood?

9 A. The blood found on the seatbelt, for instance,
10 matched what her statements stated.

11 Q. Okay.

12 A. But, like I said, due to the period of time in
13 between, I could not positively prove that that
14 blood was put on that seatbelt at -- on the night of
15 this incident.

16 Q. Well, you couldn't prove anything about that
17 blood unless you had it analyzed, could you?

18 A. Well, even having it analyzed, due to the
19 period of time, the vehicle had been available to
20 whoever had keys to it for that period of time.

21 Q. Well, it was never reported stolen or tampered
22 with, was it?

23 A. Not that I know of.

24 Q. The bottom line is, you didn't get any DNA work
25 done; right?

175

1 A. No.

2 Q. Not on the blood in the car?

3 A. No.

4 MS. FULLWOOD: No further questions.

5 REDIRECT EXAMINATION

6 BY MS. MAYES:

7 Q. Ms. Fullwood was asking you about video
8 capabilities that you have. Does the video remain
9 available indefinitely?

10 A. No, it's not. It's contained -- I'm not
11 familiar with the entire system. But I assume it's
12 stored on a computerized system. There are, I'm not
13 sure of the number, but multiple cameras around
14 Lexington Medical Center. The recordings are stored
15 for some period of time, but after about 30 days or
16 so, it is recorded over. So you lose anything over
17 about 30 days old.

18 Q. So after the first 30 days, are you normally
19 able to retrieve the video?

20 A. No. The only way you can do it at that point
21 in time, it -- the video had to be saved to another
22 storage device prior to it being released.

23 Q. And in this particular case involving what you
24 observed to be a similar vehicle or whatever your
25 notation is there concerning the vehicle that exited

176

1 at 12:40 AM, does that video also -- can you tell us
2 what the time limit is on that video?

3 A. That particular video is time-stamped.
4 Whenever you view it, it actually shows a picture of
5 the vehicle, and along the bottom or top bar it
6 actually shows the date and time of -- that
7 recording was made.

8 Q. All right. Does that video remain
9 indefinitely?

10 A. No.

11 Q. All right. That 30-day limit, can you tell us
12 whether or not that also applies to that specific
13 type of video?

14 A. Yes, it does.

15 Q. Now after -- can you tell us whether or not
16 after this notation was made that a vehicle was
17 observed leaving Lexington Medical Center at 12:40,
18 was extensive video searching done after that?

19 A. No. It's like I say: We did not know at that
20 point in time if that was the vehicle that was in
21 question, just that it was a vehicle matching the
22 general description.

23 Q. All right. And did the investigation
24 concerning the video surveillance end there?

25 A. I'm sorry?

1 Q. Did it end there, your investigation as it
2 pertains to the video surveillance?

3 A. Pretty much. Like I say, we viewed other
4 cameras and other angles and that type of thing in
5 an attempt to locate that same vehicle in some of
6 the other cameras. We were unable to do so.

7 Q. Okay. Does that mean the vehicle wasn't
8 present?

9 A. No. It means that we were just unable to see
10 it in the recordings.

11 Q. Why or why not?

12 A. Due to whatever reason. A lot of the --

13 MS. FULLWOOD: I'm going to object to his
14 speculation. He's basically saying -- he's
15 speculating what the reason might be is just that.

16 THE COURT: Sustained.

17 Q. Let me ask you this: What can you tell us
18 about the visibility of some of the cameras?

19 A. A lot of the areas, depending on exactly where
20 they're at, a vehicle or whatever cannot be located
21 due to it being parked behind a tree that's in the
22 path of the camera view; shrubbery, trees --

23 Q. Let me ask you this: Are you able to always
24 view moving vehicles?

25 A. Not all the time, no. It depends on the

1 location where it's at.

2 Q. Or to identify vehicles that are moving?

3 A. No.

4 MS. MAYES: Nothing further.

5 MS. FULLWOOD: Just briefly.

6 RE CROSS-EXAMINATION

7 BY MS. FULLWOOD:

8 Q. If you want to, you can save a video or an
9 image from a video past 30 days by putting it on a
10 storage device; right?

11 A. Yes, ma'am.

12 MS. FULLWOOD: No further questions.

13 THE COURT: Thank you very much, sir. You may
14 step down.

15 MS. MAYES: Your Honor, may we approach?

16 THE COURT: Yes, ma'am.

17 (Sidebar conference.)

18 THE COURT: Folks, we're going to go ahead and
19 break for lunch. As you leave and go about your
20 lunch plans, please have no conversation, don't let
21 anyone talk with you about the case. Just enjoy our
22 lunch, kind of let your minds go into neutral for a
23 while. I'm going to ask, please be back at 2:30.
24 So that gives you almost an hour and a half. So if
25 you would, please be back in your jury room at 2:30

179

1 Laura Hash. Is there any member of the jury panel
2 who is related by blood, connected by marriage or
3 has any close business or personal relationship with
4 or who knows Laura Hash? If so, please stand. And
5 Ms. Hash works for SLED, if that will help anyone.
6 All right. Thank you very much.

7 Ms. Mayes, you may call your next witness.

8 MS. RADLEIN: Thank you, Your Honor --

9 THE COURT: I'm sorry, Ms. Radlein.

10 MS. RADLEIN: The State calls Joshua Angle.

11 JOSHUA ANGLE

12 being first duly sworn, testified as follows:

13 THE WITNESS: Yes, ma'am.

14 THE CLERK: Once you're seated, Doctor, state
15 your full name and spell your last for the record.

16 THE WITNESS: My name is Joshua Angle,
17 A-N-G-L-E.

18 DIRECT EXAMINATION

19 BY MS. RADLEIN:

20 Q. Do you mind if I call you Josh?

21 A. Please.

22 Q. Josh, where are you currently employed?

23 A. At Lexington Medical Center Department of
24 Public Safety.

25 Q. And what is your current position?

- 1 A. Communications supervisor.
- 2 Q. For this case, do you recall receiving a
- 3 request from Investigator Wayne Wilson to review
- 4 video surveillance?
- 5 A. I don't remember the specific request, but I do
- 6 remember the case involved. Yes, ma'am.
- 7 Q. Do you recall reviewing video surveillance in
- 8 this case?
- 9 A. Yes, ma'am.
- 10 Q. I might have you stand down.
- 11 A. Okay.
- 12 Q. This is State's Exhibit 26. Do you recognize
- 13 this?
- 14 A. Yes, ma'am.
- 15 Q. And what is this?
- 16 A. This is the I Parking Lot or the emergency
- 17 parking lot.
- 18 Q. Okay. If you could step down.
- 19 A. (Witness complies).
- 20 Q. Can you tell the jury, once again, what are
- 21 they looking at in this video?
- 22 A. This would be a topdown view of our emergency
- 23 room parking lot, what we like to call the I Lot.
- 24 Q. Okay. And where would the camera be placed?
- 25 A. The camera in question here on this particular

1 date is this little white spot here. It's kind of
2 hard to see, but it's on the corner of this
3 parking -- on this particular corner and faces this
4 direction. (Indicating)

5 Q. Okay. And the camera angle, how wide of a view
6 can be seen from that camera?

7 A. This particular camera angle, like I said, it
8 comes towards my direction here. It can only see
9 these first couple parking spots on this main front
10 row here, mainly coming down this area here, and
11 also sees coming down this way here; just barely can
12 be -- barely can be these things back here visible.
13 (Indicating)

14 Q. So I'll ask specifically, does this camera pick
15 up this car? (Indicating)

16 A. No, ma'am.

17 Q. Would it pick up any car travelling here?

18 A. Not driving underneath this roadway, no, ma'am.

19 Q. Okay. Did you review another camera in this
20 case?

21 A. There was only one additional camera that was
22 available for us to look. It was what we called our
23 LPR or license plate recognition system that's on
24 our 378, the main highway exit.

25 Q. And that camera is not on this --

1 A. No, ma'am.

2 Q. -- photo. But where would it be? Would it be
3 coming down this direction?

4 A. Yes, ma'am. Actually, if we follow the picture
5 down, it would be kind of where I'm standing now, in
6 relation to this photo.

7 Q. All right. I want to ask specifically about
8 this area. Approximately how long would it take to
9 leave the I Lot and be picked up on that camera?

10 A. Less than a minute. Maybe 30 seconds, if I had
11 to count it.

12 Q. Okay. Do you recall, in this case, identifying
13 a vehicle that's similar in shape and model to a
14 1998 Windstar?

15 A. Yes, ma'am. We had a vehicle matching that
16 description that evening leaving.

17 Q. And when you say leaving, are you referring
18 to --

19 A. I apologize. Yes, ma'am. Coming out of our
20 378, the LPR system, we had a vehicle matching that
21 description.

22 Q. And do you recall at what time it was picked up
23 on there?

24 A. According to the notes, we recorded 12:40 PM --

25 Q. What --

1 A. -- or AM. Sorry.

2 Q. What would be your next step -- once you picked
3 up that camera that's off this picture view, picked
4 it up at 12:40, what would have been your next step
5 in --

6 A. Next step, finding the vehicle here within --
7 to -- attempt to see it; backtrack it, if you will,
8 to try to see where it came from.

9 Q. Okay. And in backtracking you mean going back
10 up this Hospital Drive --

11 A. Going in reverse. Yes, ma'am.

12 Q. Okay. Did you see that vehicle again on
13 camera?

14 A. No, ma'am.

15 Q. What did that lead you to believe?

16 A. That I just -- I didn't see it, that it wasn't
17 there, that maybe the timeframe was incorrect.

18 Q. At any moment from this camera angle around
19 12:40, did you see what appeared to be a red model
20 Windstar in this --

21 A. Not --

22 Q. -- parking lot?

23 A. Not from this camera angle, no, ma'am.

24 Q. Did you search before 12:40 and after 12:40 on
25 that camera angle?

184

1 A. Not to my -- I don't remember that.

2 Q. Do you have any notes --

3 A. No, ma'am.

4 Q. -- that suggest you did?

5 A. No.

6 Q. How far back do you believe you would have --
7 that you believe you reviewed --

8 A. I would have -- I would have -- normally maybe
9 10 or 15 minutes just to see if I can find it when I
10 backtrack it.

11 Q. Okay. Okay. So it's -- would it be safe to
12 say that after you picked up the camera at 12:40 on
13 that --

14 MS. FULLWOOD: Objection; leading.

15 MS. RADLEIN: I can rephrase, Your Honor.

16 THE COURT: All right.

17 BY MS. RADLEIN:

18 Q. At any point in time, if any, did you see
19 that -- I asked you this question already, but I'm
20 trying to get to a point. I apologize. Did you see
21 the vehicle on camera?

22 A. No, I did not.

23 Q. Once you stopped -- once you determined that it
24 was not visible on the direct camera angle,
25 stationed camera angle, was there any need to look

185

1 any further?

2 A. There was no need.

3 Q. Okay.

4 MS. RADLEIN: I beg the Court's indulgence.

5 No further questions for this witness, Your

6 Honor.

7 You can take the witness stand.

8 THE WITNESS: Thank you.

9 THE COURT: Cross-examination?

10 CROSS-EXAMINATION

11 BY MS. FULLWOOD:

12 Q. A person coming to I Lot could drive around
13 that lot looking for a space; is that correct?

14 A. Certainly.

15 Q. But you're saying you only looked about ten
16 minutes before that time?

17 A. To the -- whatever the timeframe that was given
18 to me.

19 Q. To the 2:40 AM; right?

20 A. Correct.

21 Q. So you don't know whether or not at some point
22 in the general -- say, if the car had been there an
23 hour or 45 minutes, you didn't search to see if that
24 was the case?

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

186

1 Q. Let me ask you a question about this.

2 A. Yes, ma'am.

3 Q. Where -- is this where people go into the
4 emergency room?

5 A. That is an overhang. There's another roadway,
6 if you see this arrow. But the doorway is just
7 underneath here. Correct.

8 Q. Under the overhang?

9 A. Yes, ma'am.

10 Q. Okay. And is it fair to say that the hospital
11 gets a good bit of traffic --

12 A. Yes, ma'am.

13 Q. -- in the emergency room?

14 A. Yes, ma'am.

15 Q. Okay. And from time to time, do y'all have
16 problems with car break-ins or thefts or issues --

17 A. Sure.

18 Q. -- outside of the emergency room?

19 A. Sure.

20 Q. My question is, then why isn't it better
21 surveilled than just one camera that doesn't catch
22 the entire lot?

23 A. I don't -- to my memory, at that time that was
24 a new camera we just installed in a project of
25 installing additional in those particular areas.

1 Q. I see.

2 MS. FULLWOOD: No further questions.

3 MS. RADLEIN: No further questions, Your Honor.

4 THE COURT: Thank you.

5 You may step down.

6 MS. RADLEIN: May he be excused?

7 MS. FULLWOOD: No objection.

8 THE COURT: You're excused. Thank you very
9 much.

10 You may call your next witness.

11 MS. MAYES: The State calls Dr. Richard
12 McCarroll.

13 RICHARD MCCARROLL

14 being first duly sworn, testified as follows:

15 THE WITNESS: Absolutely.

16 THE CLERK: Once you're seated, state your full
17 name, spelling your last on the record.

18 THE WITNESS: My name is Richard McCarroll,
19 M-C-C-A-R-R-O-L-L.

20 DIRECT EXAMINATION

21 BY MS. MAYES:

22 Q. And good afternoon, Dr. McCarroll. Where are
23 you currently employed?

24 A. Palmetto Health Richland.

25 Q. Can you give us some information concerning

1 your educational background and training?

2 A. Uh-huh. I'm a surgical resident and I
3 currently hold a categorical position, Postgraduate
4 Year No. 2. It means that I'm holding a position
5 that people who graduate from medical school carry
6 two years after graduation.

7 Q. All right. And you are at Palmetto Health
8 Richland?

9 A. Yes, ma'am.

10 Q. And can you tell us whether or not you were at
11 Palmetto Health Richland in August of 2013?

12 A. I was.

13 Q. And, particularly, what role did you play or
14 what assignment did you have during that time period
15 of August of 2013?

16 A. I was on the trauma surgical service.

17 Q. You were a physician assigned to that
18 particular department?

19 A. Yes, ma'am.

20 Q. Now, I want to take you back and ask you
21 whether, as part of your assignment, you actually
22 worked in the trauma unit.

23 A. I did.

24 Q. And can you tell us whether or not you had
25 contact at any point in time as a surgery resident

189

1 with the victim in this case who is Jeanine Renee
2 Bartell?

3 A. I did.

4 Q. And did you see her on one occasion or more
5 than one occasion?

6 A. More than one.

7 Q. And during the course of your medical treatment
8 of Ms. Bartell, do you regularly -- can you tell us
9 whether or not you take notes or dictation or
10 anything of that nature?

11 A. I do.

12 Q. And how are your notes or dictation preserved
13 for the purposes of the medical chart?

14 A. Electronically.

15 Q. And do you have with you today certain portions
16 of your dictation, your own personal dictation,
17 concerning your treatment of Jeanine Bartell?

18 A. Yes, ma'am.

19 Q. I want to take you, specifically, to the date
20 of August 6th, 2013, at 6:49 AM.

21 A. Yes, ma'am.

22 Q. Now, do you know whether or not the patient,
23 Ms. Bartell, came directly to Palmetto Health
24 Richland or had she been transferred from another
25 hospital?

1 A. She had been a trauma transfer.

2 Q. So when she was transferred from the other
3 hospital, she arrived there at the trauma unit. And
4 according to your dictation, what was your first
5 involvement with treating her?

6 A. I initially evaluated her in the trauma bay.

7 Q. All right. And what was the time --

8 MS. FULLWOOD: Your Honor, I have a matter of
9 law.

10 THE COURT: All right.

11 Ladies and gentlemen, let me get you to step
12 back into the jury room while I take up this matter
13 of law. Please have no conversation about the case.
14 I'll bring you back out shortly.

15 (The jury exits the courtroom at 2:53 AM.)

16 THE COURT: Yes, ma'am.

17 MS. FULLWOOD: Your Honor, it appears that the
18 Solicitor is seeking to ask this witness questions
19 about his medical treatment and perhaps even
20 opinions as to the nature of Ms. Bartell's injuries.
21 He has not been qualified as an expert witness.
22 It's my understanding at this time he is a Level 2
23 postgrad, I guess, surgical or trauma resident; I
24 believe at the time this treatment was given, at
25 most he was a resident and, perhaps, an intern. And

1 I'm not sure that this witness is qualified to give
2 something in the nature of opinion testimony in the
3 field of medicine.

4 THE COURT: Well, I'm -- we didn't -- you
5 didn't attempt to qualify him as an expert. But I'm
6 not -- just the fact that he was a resident, that
7 doesn't necessarily exclude him or preclude him from
8 being qualified as an expert. I'd have to hear
9 about his background, his education, his experience.
10 He may very well be an expert as a resident.

11 MS. FULLWOOD: Well, they haven't attempted to
12 qualify him as such.

13 THE COURT: I agree with that. You're 100
14 percent right.

15 MS. MAYES: I can proffer that at this time,
16 Your Honor.

17 IN-CAMERA EXAMINATION

18 BY MS. MAYES:

19 Q. Dr. McCarroll, can you give us, again, general
20 information about your educational background and
21 training?

22 A. You want my medical education?

23 Q. Yes -- well, bachelor's degree and any
24 postgraduate work.

25 A. So I went to the University of New Orleans for

1 It's up to them.

2 MS. FULLWOOD: Understood. Yes, sir.

3 (The jury enters the courtroom at 3:11 PM.)

4 THE COURT: All right. Thank you very much,
5 ladies and gentlemen, for that courtesy.

6 And, Ms. Mayes, you may continue with your
7 examination.

8 MS. MAYES: Yes, sir, Your Honor. And if I may
9 ask Dr. McCarroll three questions regarding
10 certifications.

11 THE COURT: Yes, ma'am.

12 DIRECT EXAMINATION

13 (CONTINUED)

14 BY MS. MAYES:

15 Q. Dr. McCarroll, is it possible for you to
16 estimate how many patients you've treated since your
17 graduation from medical school?

18 A. I can't.

19 Q. Is it over 100?

20 A. Yes, ma'am.

21 Q. And how many years have you been at Palmetto
22 Health Richland?

23 A. Four years total.

24 Q. And during your time there at Palmetto Health
25 Richland as a surgical resident, do you have the

1 ability to make medical diagnoses of patients?

2 A. Yes, ma'am.

3 Q. And to treat patients?

4 A. Yes, ma'am.

5 Q. And to make recommendations for patient care?

6 A. Yes, ma'am.

7 MS. MAYES: Your Honor, the State has offered
8 Dr. McCarroll as an expert in the field of general
9 medical treatment and patient care.

10 THE COURT: All right.

11 Ladies and gentlemen, an expert witness differs
12 from a lay witness in one simple way, and that is
13 this: Typically, a lay witness is not permitted to
14 give opinion testimony. An expert witness, because
15 of their education, background, work experience,
16 because of their expertise in a particular field, is
17 entitled to give their opinion based on that
18 experience and that expertise.

19 But I will tell you, and I'll charge you later
20 when I charge you on the law, that you're not to
21 give an expert's opinion any greater weight or
22 lesser weight because that person is classified or
23 qualified as an expert. You give all of the
24 witnesses whatever weight you think their testimony
25 deserves. That's up to you as the jury. Okay?

1 BY MS. MAYES:

2 Q. Now, Dr. McCarroll, I was asking you if you had
3 dictation from the medical chart that shows a
4 specific date and time in which you had contact for
5 treatment purposes of Jeanine Bartell.

6 A. Yes, ma'am.

7 Q. And what was the date and time of your initial
8 contact?

9 A. I've documented 6:49 AM on 8/6/2013.

10 Q. All right. August 6th in the morning?

11 A. Yes, ma'am.

12 Q. And on this particular occasion, can you tell
13 us whether or not it's routine to actually speak
14 with a patient for the purposes of medical diagnosis
15 and treatment?

16 A. It is routine.

17 Q. Why, if at all, is obtaining a history from a
18 patient a pertinent part of diagnosis and treatment?

19 A. It guides management.

20 Q. Now, specifically, I want to refer you to your
21 treatment of this patient on August 6th, your
22 initial contact with her on August 6th.

23 A. Yes, ma'am.

24 Q. For what purpose were you assessing her on that
25 date?

1 A. She was transferred to Palmetto Health Richland
2 with a diagnosis of assault, so we were going to
3 manage her assault injuries.

4 Q. And do you have with you any notation as to the
5 history you obtained from the patient?

6 A. I do.

7 Q. And what history did you obtain on the morning
8 of August 6th?

9 A. I have documented that she's 43-year-old
10 female, assaulted to the left side of the face,
11 choked with associated change in voice, and positive
12 LOC, which I mean for loss of consciousness. And
13 that's typically information I take from the patient
14 or from the transferring physician.

15 Q. All right. Now, specifically, do you make
16 notes along the way during your history and
17 physical?

18 A. Yes, ma'am.

19 Q. What, if any, notes do you have regarding your
20 assessment of her on August 6th around the area of
21 the -- what's termed the ear grid?

22 A. Yes, ma'am. I'll tell you specifically. So I
23 have documented that there's blood in the nose, that
24 there's blood in the mouth, that her face is tender
25 when I palpate along the left side -- palpate means

1 to touch -- and that she has skin surrounding her
2 neck that is angry and abraised. What I mean by
3 angry is that it's red, and what I mean by abraised
4 is that the skin lining is cut and that blood was
5 either there and dried or bleeding at the time.

6 Q. All right. And that was around the neck area?

7 A. Yes, ma'am.

8 Q. And moving forward, what was your next contact
9 with the victim, Jeanine Bartell, the patient at
10 Palmetto Health Richland?

11 A. One second, please.

12 Okay. August 7th, 2013.

13 Q. Next day?

14 A. I'm sorry. I misspoke. I did a transfer
15 summary for her August 7, 2013. So it was the next
16 day. Sorry about that.

17 Q. And when you say transfer summary, what is
18 that?

19 A. It's essentially a list of diagnoses that we're
20 treating and what we're doing about them, as well as
21 some information on whether or not the patient had
22 procedures and who we've consulted to assist us with
23 the diagnoses we're working with. And it typically
24 says where the patient is at the time of transfer
25 and where I'd like them to go.

1 Q. All right. And where was it that you were
2 requesting that she go?

3 A. To the floor.

4 Q. Okay. And where had she been prior to your
5 recommendation that she be moved to the floor?

6 A. The surgical stepdown unit.

7 Q. And so, just clarify, her initial entry was to
8 the trauma unit?

9 A. Her initial injury, she would show up in the
10 trauma bay, and then she'd need to be admitted to
11 the hospital. Then she was admitted to the surgical
12 stepdown unit.

13 Q. Okay. And now you're assessing her diagnosis
14 prior to leaving the surgical stepdown unit onto the
15 floor?

16 A. Correct.

17 Q. And just to clarify, by floor, you mean what?

18 A. The regular hospital floor.

19 Q. And on this date of August 7th, the day after
20 her admission, what diagnosis did you make?

21 A. My transfer and diagnoses included assault,
22 choking, loss of consciousness, left-sided orbital
23 fractures, periorbital ecchymosis, human bites, and
24 chest pain on admission.

25 Q. Okay. And let's talk about the orbital

1 fractures.

2 A. Yes, ma'am.

3 Q. That is facial fracture?

4 A. Yes, ma'am.

5 Q. Why did you use the term fractures plural?

6 A. There are many bones that make up the face, and
7 more than one was involved.

8 Q. Now, talking specifically about the issue of
9 choking, can you tell us whether or not you received
10 any history from the patient that is noted in your
11 dictation as to the event involved; the mechanism or
12 source of injury?

13 A. Yes, ma'am. The patient told me she was
14 choked, and that is what we treated.

15 Q. Now, looking at that dictation from August 7th,
16 what, if any, concerns were noted that may relate to
17 the choking injury?

18 A. I documented that the patient was admitted to
19 the SSU, surgical stepdown unit, secondary to
20 changes in voice, strangulation, and concern for
21 anaphylaxis reaction to IV contrast, as well as
22 concern for airway entry and increasing edema.

23 Q. All right. Let me ask you more about that.
24 When you use the term edema, concern for increasing
25 edema, what are you referring to?

1 A. Swelling.

2 Q. So concern for airway injury and increasing
3 swelling. Why, if at all, Doctor, is there a
4 concern for swelling in an airway? Why is that a
5 medical concern?

6 A. Because it can stop the patient from breathing.

7 Q. Swelling to the airway can -- can you tell us
8 whether or not it can create a substantial risk of
9 death?

10 A. Yes.

11 Q. With sufficient or over-swelling?

12 A. Yes.

13 Q. And did you follow up with her beyond that
14 evaluation on August 7th?

15 A. I believe so. Yes.

16 Q. And do you have any notations concerning August
17 11th?

18 A. August 11th, I have a daily note in my hand.

19 Q. All right. And was she still receiving
20 treatment there?

21 A. Yes.

22 Q. And what, if any, notations did you make about
23 what was going on with her treatment at this point?

24 A. We were managing her facial fractures through a
25 consultant, she had chest pain, which we managed

1 threw a consultant; she had issues with sight, which
2 we managed with a consultant; she had evidence of
3 anemia, which we were unclear at the time and not
4 managing other than to keep it documented; she also
5 had left middle finger swelling, which we were
6 managing through a consultant; we were managing her
7 pain, and giving her a regular diet.

8 Q. Can you tell us whether or not there were
9 concerns that she may potentially need surgery or
10 some type of surgical interventions?

11 A. There were concerns.

12 Q. Were there consultations made in that regard?

13 A. Yes, ma'am.

14 Q. Did that include consultation for the potential
15 need of surgery for the orbital fracture?

16 A. Yes, ma'am.

17 Q. Now, going back to your initial involvement
18 with her on the morning she was admitted, August
19 6th, I believe you said, at 6:49 AM, can you tell us
20 whether or not it's routine to have drug screens?

21 A. Yes, ma'am.

22 Q. Is that part of medical diagnosis and treatment
23 as well?

24 A. Yes, ma'am.

25 Q. Can you tell us whether or not it's standard to

1 review such information as part of your medical
2 diagnosis and treatment?

3 A. It is standard.

4 Q. Okay. Were there any concerns here about drug
5 use?

6 A. No, ma'am.

7 Q. What were the results of the drug screen?

8 A. Negative.

9 Q. What were the results of the alcohol screen?

10 A. Negative.

11 Q. Now, you mentioned, I believe, in your
12 dictation from August 11th, that you made what's
13 called a psych referral. Can you tell us what you
14 mean by that?

15 A. Yes, ma'am. What I documented was: The trauma
16 psychiatrist -- I abbreviated it as psych -- the
17 trauma psychiatrist evaluated patient when she was
18 in the SSU and added ativan, one milligram, PRN --
19 which means as needed -- for anxiety on admission.

20 Q. All right. And why had you made that referral?

21 A. Is that -- what I have documented is that she
22 was showing signs of anxiety. So we're not experts
23 in managing anxiety, so we consulted an expert in
24 managing anxiety.

25 Q. Okay. And just to clarify that a little bit

1 more, when you talk about anxiety, can you tell us
2 whether that's common or uncommon for a patient who
3 has sustained a violent injury or a traumatic
4 injury?

5 A. I can't tell you that.

6 Q. All right. And let me ask you this: The
7 referral that you're talking about was this the only
8 patient that you've ever made such a referral or
9 have there been other occasions?

10 A. I've made referrals for trauma psychiatry in
11 the past, yes, ma'am.

12 Q. All right. And can you tell us whether or not
13 that includes people who have been involved in
14 assaults or possible domestic violence, if you know?

15 A. I can't recall off the top of my head. Sorry.

16 Q. Okay.

17 MS. MAYES: I beg the Court's indulgence.

18 THE COURT: Yes, ma'am.

19 MS. MAYES: Nothing further at this time, Your
20 Honor.

21 THE COURT: Cross?

22 MS. FULLWOOD: If it pleases the Court.

23 THE COURT: Yes, ma'am.

24 CROSS-EXAMINATION

25 BY MS. FULLWOOD:

1 Q. Where did you go to medical school?

2 A. St. George's University, Granada, West Indies.

3 Q. It's in the West Indies?

4 A. Yes, ma'am.

5 Q. All right. And when did you graduate?

6 A. 2010, 2011. I don't recall off the top of my
7 head.

8 Q. Okay. And you've been a surgical resident at
9 Palmetto Richland for, what, three or four years
10 now?

11 A. It would be four years now.

12 Q. All right. And in your work out there, you are
13 always under the supervision of a teaching
14 physician; isn't that correct?

15 A. Yes, ma'am.

16 Q. And in Ms. Bartell's case, you were under the
17 supervision and direction of Dr. Raymond Bynoe;
18 isn't that correct?

19 A. Yes, ma'am.

20 Q. And Dr. Bynoe is the doctor who admitted
21 Ms. Bartell to Palmetto Richland; correct?

22 A. Yes, ma'am.

23 Q. And he was her attending physician while she
24 was at Richland; correct?

25 A. Yes, ma'am.

1 Q. Now, you're talking about her being in the SSU
2 initially.

3 A. Yes, ma'am.

4 Q. That's the surgical stepdown unit?

5 A. Yes, ma'am.

6 Q. Are you trying to say that she had had some
7 surgery and then she went to a unit to get over the
8 surgery?

9 A. No, ma'am.

10 Q. Okay. What does that mean exactly?

11 A. It's a ratio of nurses to patient. And then in
12 the SSU, the typical ratio is three patients to one
13 nurse.

14 Q. Okay. So is that for her to have more or less
15 nursing attention?

16 A. More nursing attention.

17 Q. Okay. Now referring to your August 7 transfer
18 note --

19 A. Yes, ma'am.

20 Q. Okay. So you folks made the decision -- you
21 and Dr. Bynoe made the decision to transfer her the
22 next day?

23 A. That's a good question.

24 Q. Well, she was admitted on the 6th, right, by
25 Dr. Bynoe?

1 A. Yes, ma'am --

2 Q. Okay.

3 A. -- Dr. Bynoe and I.

4 Q. Okay. And on the first page of your note
5 concerning the history of the present illness, one
6 of the things you put down is concern for
7 anaphylaxis reaction to IV contrast. What did you
8 mean by that?

9 A. The body would react to IV contrast by having
10 throat swelling.

11 Q. Okay. And had y'all given her some contrast
12 material intravenously and she had an anaphylactic
13 reaction?

14 A. I don't believe so.

15 Q. But --

16 A. So she did get IV contrast when we admitted her
17 to the hospital.

18 Q. Uh-huh.

19 A. We watched her for a day, and then we
20 reevaluated her. And in my transferring diagnosis,
21 I didn't dictate anaphylactoid reaction to IV
22 contrast, so I don't believe she had one.

23 Q. Okay. But you did list that as one of your
24 concerns?

25 A. I listed that as a concern for admission to the

204

1 SSU. That's --

2 Q. Okay.

3 A. That's one of the reasons I wanted to give her
4 increased nursing attention.

5 Q. Okay. Because that was another reason that she
6 could get a swollen throat?

7 A. Yes, ma'am.

8 Q. Okay. And you were aware, weren't you, that
9 the reason she had tried to go to Lexington Medical
10 Center in the first place was because of chest
11 pains; right?

12 A. I was not.

13 Q. You did not -- well, did she get any testing or
14 screening for cardiac concerns while she was a
15 patient over at Richland?

16 A. Yes, ma'am.

17 Q. Okay. And so was that also a concern, the fact
18 that being in her 40s and having a family history,
19 she could have the start of heart disease or
20 something of that nature?

21 A. It was.

22 Q. Okay. Now, did Ms. Bartell have any surgery on
23 her orbital bones or on her eyes while she was a
24 patient at Richland?

25 A. I don't know. I did not document that she did.

WJ

1 One moment.

2 Q. Sure.

3 A. So my note from August 11th, 2013, with regards
4 to her facial fracture, Item No. 1, seen by
5 maxillofacial and ophtho -- which is short for
6 ophthalmology -- Clindamycin and ice packs, MF,
7 which stands for maxillofacial -- MF, waiting on
8 edema to go down to evaluate for possible surgery,
9 pain control, which is what I'm doing; ophthalmology
10 to evaluate today, EOM -- extraocular movement --
11 improving, ocular hypertension, OS -- I don't
12 recall if that's left or right. That's --

13 Q. That's left.

14 A. Thank you -- added. And they gave medications,
15 and no new issues with her eyes.

16 Q. Okay. Tell me what I'm saying right now, what
17 I understand to be regular language. Y'all were
18 sort of giving her ice to her eye and down into the
19 jawline to try to get the swelling to go down?

20 A. We recommended it.

21 Q. Okay. Okay. And then you had the
22 ophthalmologist, the eye doctor, come and do his
23 specialty, his part in assessing her; right?

24 A. Yes, ma'am.

25 Q. And you were keeping an eye on her left eye --

1 A. Yes, ma'am.

2 Q. -- and it seemed to be slowly improving?

3 A. I didn't document whether it was improving or
4 not.

5 Q. Doesn't it say the LOM or something was a
6 little bit better?

7 A. Extraocular movements improving. Yes, ma'am.

8 Q. Okay. Now, with Dr. Bynoe being the treating
9 physician, did you prepare a discharge summary?

10 A. I don't believe I dictated the discharge
11 summary on that.

12 Q. And would that summary list all of the
13 procedures she'd had while she was there?

14 A. Yes, ma'am. It would include those procedures,
15 yes, ma'am.

16 Q. And that would have been prepared by Dr. Bynoe?

17 A. Most likely a resident, for Dr. Bynoe to review
18 and sign.

19 Q. Okay. But he's not here?

20 A. I don't see him.

21 Q. Okay.

22 MS. FULLWOOD: No further questions.

23 REDIRECT EXAMINATION

24 BY MS. MAYES:

25 Q. Just to follow up a little bit more. She was

WJ

1 asking specifically about Dr. Bynoe, the attending
2 physician. Does he work with other residents
3 besides yourself as well?

4 A. Yes, ma'am.

5 Q. And did anyone or any other attending
6 physicians there at Palmetto Health Richland ever
7 disagree or rescind your consultation request for
8 surgery?

9 A. Do you mean if I consulted somebody, they say
10 they're not going to do it?

11 Q. Right.

12 A. Yeah, I guess so.

13 Q. All right. What about in this case?

14 A. The maxillofacial surgeon was consulted to
15 evaluate her face for facial fractures and whether
16 or not they're operative. It's not our field of
17 expertise. That patient -- that oral and
18 maxillofacial surgeon elected to allow the edema to
19 go down, didn't operate. But we didn't necessarily
20 request them to be operated on.

21 And then the other was orthopedics for a
22 laceration on the left finger. We asked them to
23 evaluate whether or not there should be some
24 management of the finger, and then they managed the
25 finger at that point.

1 Q. All right. So just to clarify, you don't
2 actually do the surgery yourself if it's needed?

3 A. For those areas, no, ma'am.

4 Q. All right. So you made a referral for a
5 consult to others?

6 A. Yes, ma'am.

7 Q. And I think Ms. Fullwood was asking whether or
8 not it was actually done on the premises. Let me
9 ask you this: Was there -- how, if at all, did the
10 swelling to the patient play a role in that?

11 A. The facial swelling? What swelling?

12 Q. Correct.

13 A. Which -- okay. What I had documented was that
14 oral and maxillofacial surgery was waiting for the
15 facial swelling to go down before surgery to give
16 her the most positive outcome in the event she would
17 require facial surgery.

18 Q. All right. Now, moving along just to clarify a
19 little bit about what Ms. Fullwood asked about the
20 anaphylactic reaction, anaphylactic reaction would
21 be an allergic reaction?

22 A. Yes, ma'am.

23 Q. Was there any indication in this particular
24 case that any of the injuries you observed in
25 Ms. Bartell were the result of an allergy or an

1 allergic reaction?

2 A. So I had documented IV contrast anaphylaxis.
3 And based on that information, when we gave her IV
4 contrast and we placed her in SSU, I don't believe
5 she had an IV-contrast-associated anaphylaxis.

6 Q. So to clarify, to the best of your medical
7 knowledge, she did not experience that type of
8 reaction?

9 A. Correct.

10 MS. MAYES: Nothing further, Your Honor.

11 MS. FULLWOOD: Just really briefly, Judge.

12 THE COURT: Sure.

13 RECROSS-EXAMINATION

14 BY MS. FULLWOOD:

15 Q. Just clarify even further, you and Dr. Bynoe,
16 your supervisor, are basically general surgeons; is
17 that the way it is?

18 A. Yeah. Dr. Bynoe is a general surgeon and he
19 also covers trauma exclusively.

20 Q. Okay. Right. And there are all sorts of
21 surgeons who specialize in operating on different
22 parts of the body; right?

23 A. Yes, ma'am.

24 Q. And your job, under the supervision of
25 Dr. Bynoe, is to make the correct referrals to those

1 subspecialists, and they decide how they're going to
2 treat the patient; right?

3 A. Correct.

4 Q. They may or may not consult you folks, right,
5 as far as deciding how they're going to treat that
6 patient?

7 A. I understand. They would consult us on whether
8 or not the patient is stable enough to undergo a
9 particular procedure, and we would say yes or no.
10 And then we'd consult them to manage a specific part
11 of the body, like facial bones. So in that case,
12 they probably would not consult us to the fact of
13 whether or not the face needed operation, but
14 whether or not the patient would tolerate an
15 operation.

16 Q. Thank you very much.

17 A. Yes, ma'am.

18 THE COURT: Thank you very much, Dr. McCarroll.
19 You may step down, sir.

20 MS. MAYES: We'd ask that Dr. McCarroll be
21 excused.

22 MS. FULLWOOD: No objection.

23 THE COURT: All right, sir, you're excused.

24 MS. MAYES: The State calls Laura Hash.

25 LAURA HASH

1 being first duly sworn, testified as follows:

2 THE WITNESS: I do.

3 THE CLERK: Have a seat, ma'am. Once you're
4 seated, state your name, spelling your last on the
5 record, please.

6 THE WITNESS: Laura Hash, H-A-S-H.

7 DIRECT EXAMINATION

8 BY MS. MAYES:

9 Q. And where are you currently employed?

10 A. I'm employed at the South Carolina Law
11 Enforcement Division, more commonly referred to as
12 SLED.

13 Q. And what is your job description there?

14 A. My job at SLED is that of a DNA technical
15 leader. I'm also a DNA analyst.

16 Q. All right. Are you familiar with the lab
17 testing policies and procedures at SLED?

18 A. Yes, I am.

19 Q. If items, such as clothing, are submitted with
20 requests to test those items for urine, what action
21 does SLED take?

22 A. We will call the investigating agency and let
23 them know that that case will be returned because we
24 do not have a test for urine in the lab.

25 MS. MAYES: Nothing further, Your Honor.

1 THE COURT: Any questions?

2 CROSS-EXAMINATION

3 BY MS. FULLWOOD:

4 Q. Do you have a DNA test for blood in the lab?

5 A. We have DNA testing procedures in place. We
6 have a serological test that can us determine if
7 there is blood present on an item.

8 Q. And if there is, depending on the quality of
9 sample, can you extract DNA from it at SLED in your
10 laboratory?

11 A. Yes, we can extract DNA from blood at our lab.

12 MS. FULLWOOD: No further questions.

13 REDIRECT EXAMINATION

14 BY MS. MAYES:

15 Q. And just to clarify, blood -- that's a
16 different type of testing than urine; correct?

17 A. For serological testing, yes.

18 MS. MAYES: Nothing further, Your Honor.

19 THE COURT: Okay. Thank you very much, ma'am.
20 You may step down.

21 MS. MAYES: We ask that she be excused.

22 MS. FULLWOOD: No objection.

23 THE COURT: Okay.

24 MS. MAYES: May we approach?

25 THE COURT: Yes, ma'am.

215

1 (Court in recess at 3:48 PM - 4:04 PM.)

2 THE COURT: Ms. Mayes has indicated that the
3 State is going to rest once we bring the jury back
4 out. But the jury is out for right now, so instead
5 of bringing them in, letting you rest, sending them
6 back out and taking up motions at the end of the
7 State's case, I'm going to take up those motions at
8 this time; Ms. Fullwood, hear from you with regards
9 to any motion at the close of the State's case.

10 MS. FULLWOOD: Your Honor, I'd move for a
11 directed verdict on both charges on grounds that
12 there's a failure of competent evidence that tend to
13 prove the crimes charged.

14 THE COURT: All right. I think it's a jury
15 issue. You may be correct, but I think it's going
16 to be dependent upon how the jury views the evidence
17 that's been presented. So I'm going to respectfully
18 deny that motion. I think it's a jury call, a
19 factual issue. Now, Ms. Fullwood, have you talked
20 with Mr. Jones about whether or not the Defense is
21 going to put up a case?

22 MS. FULLWOOD: I have, Your Honor.

23 THE COURT: And what's been the results of
24 those conversations?

25 MS. FULLWOOD: That we will up a case.

1 Ms. Mayes, we'd recognize the State.

2 MS. MAYES: Your Honor, at this time, the State
3 would rest its case.

4 THE COURT: All right. Folks, I appreciate
5 your patience while we dealt with matters. I
6 initially sent you out to give the State --
7 Ms. Mayes had asked for a few moments to go back
8 over everything to make sure she didn't have
9 anything else to present. And while -- and then
10 once she realized that the State was going to rest,
11 she let me know that. So we went ahead and -- what
12 happens in all cases, is that at the end of the
13 State's case, the Court then takes a break, sends
14 the jury out, and then I take up matters of law that
15 I'm required to do at the close of the State's case.

16 So while we had you out, rather than bring you
17 in, have the State rest, send you back out, take up
18 those matters of law, we went ahead and did that.
19 So that's been done and we're now ready to proceed
20 with the Defense's case. But I shared with
21 Ms. Fullwood and Ms. Mayes that it's ten minutes to
22 5:00 and it's just getting late in the afternoon to
23 get started, and both sides have agreed that what
24 we're going to do is adjourn for the evening. And
25 then we'll start first thing in the morning with

1 MS. MAYES: Yes, sir.

2 THE COURT: Is the Defense ready?

3 MS. FULLWOOD: Yes, sir.

4 (The jury enters the courtroom at 9:55 AM.)

5 THE COURT: Folks, thank you for your patience.

6 I know you feel like -- you know, I told you
7 yesterday to get here early and we would get
8 started. I had several matters that I had to take
9 up that I didn't anticipate yesterday, but had to be
10 done before we got started this morning. So I
11 apologize for the delay, but we're ready to start
12 back.

13 If you recall from yesterday, the State had
14 rested their case, I took up matters of law last
15 night that I needed to take up, so now we're ready
16 to proceed.

17 And I would recognize Ms. Fullwood on behalf of
18 the defense.

19 MS. FULLWOOD: Thank you.

20 Your Honor, the Defense calls Darryl Jones.

21 THE COURT: Okay. Mr. Jones, if you would
22 please come around to be sworn, sir.

23 DARRYL JONES

24 being first duly sworn, testified as follows:

25 THE DEFENDANT: Yes, ma'am.

1 THE CLERK: All right sir. Get your stuff.
2 Have a seat, sir. Once you're seated, state your
3 name, spelling your last, please.

4 THE DEFENDANT: My name is Darryl Jones,
5 J-O-N-E-S.

6 DIRECT EXAMINATION

7 BY MS. FULLWOOD:

8 Q. Mr. Jones, where were you born?

9 A. I was born in Baltimore, Maryland.

10 Q. Where did you grow up?

11 A. In Columbia, South Carolina.

12 Q. How old were you when you moved to South
13 Carolina?

14 A. An infant.

15 Q. Where did you go to high school?

16 A. Columbia High School.

17 Q. Did you graduate?

18 A. Yes, ma'am.

19 Q. What did you do after graduating from high
20 school?

21 A. I went into the United States Navy.

22 Q. And how long did you serve?

23 A. Four years, six months.

24 Q. What was your MOS?

25 A. I was a machinist and a cook.

1 Q. What did you do after the military?

2 A. I got out and I got a job with the South
3 Carolina Department of Mental Health as a mental
4 health specialist.

5 Q. All right. Did you further your education?

6 A. Yes, ma'am. I had a GI bill and I signed up at
7 Midland's Tech for nursing, and I also went to
8 Johnson & Wales in North Charleston.

9 Q. All right. And did you get any type of degree
10 or certificate from either of those colleges?

11 A. Yes, ma'am. From Johnson & Wales, my specialty
12 was baking; I had a general certificate of baking.
13 And from Midlands Tech, I was on the waiting list to
14 get into the courses for my nursing. But I took
15 some continuing education classes, which I received
16 a phlebotomy certificate, and I most definitely had
17 a CNA certificate as well.

18 Q. All right. How long did you work at Bryan?

19 A. I worked from 1991 to 1994.

20 Q. And what did you do after that?

21 A. I got a couple friends that was into the
22 catering business, and I acquired some equipment and
23 I tried to open my own catering service.

24 Q. After that, did you continue for a while to
25 work in the food industry?

1 A. Yes, ma'am.

2 Q. Doing what kind of work there?

3 A. Events, weddings, tailgating, outside events,
4 basically, because I had a grill that you pull
5 behind the car, and I'd pull it up to the events and
6 cook for the people.

7 Q. Where were you working in August 2013?

8 A. In August of 2013, I was working for Larry
9 Longs Painting. He had his own business and we was
10 subcontracted out at Fort Jackson.

11 Q. Can you tell us how you met Jeanine Bartell?

12 A. I met Ms. Bartell in passing as a neighbor. We
13 would be passing early in the morning. She would be
14 coming home from work at 7:00 and I'd be out there
15 waiting on my ride to go to work, and we'd speak
16 cordially. Yes, ma'am.

17 Q. And did your friendship with her develop from
18 there?

19 A. Yes. We were cordial. And things -- you know,
20 I was attracted to her and, you know, it progressed
21 slowly, you know, from a friendship to a
22 relationship.

23 Q. All right. And at what point did you consider
24 yourself in a relationship with her?

25 A. We had been in -- communicating for, like,

1 about two months, from March through May, April --
2 March and April. And I asked her to be my lady
3 friend back in that month of April.

4 Q. Did she accept that?

5 A. Yes, ma'am.

6 Q. And did you two sort of develop any kind of
7 routine that you sort of fell into as far as seeing
8 each other during the relationship?

9 A. Yes, ma'am.

10 Q. Can you tell us what that was?

11 A. I expressed to her with meeting and everything
12 like that, that my main concern -- that when I was
13 over there in [REDACTED] was -- because my mom had
14 scheduled a surgery for her back in February. That
15 changed to July -- I meant to August -- it was July,
16 July. Okay. That was the main reason I was there.

17 But me and her had started seeing each other
18 and stuff and we'd call each other daily. And then
19 we'd start seeing each other after work because her
20 schedule changed from at night to the daytime. And
21 after work we would see each other daily.

22 Q. Okay. Were you at her apartment every day?

23 A. Yes, ma'am.

24 Q. Did you spend the night at her apartment?

25 A. Yes, ma'am.

222

1 Q. Okay. And then where were your clothes; at her
2 house or your mom's?

3 A. I never had any clothes up there, but I would
4 change. I had clothes that I would bring from
5 downstairs to upstairs. It wasn't that I had a
6 drawer or anything at her house or anything like
7 that.

8 Q. All right. Now, did you ever help her
9 financially?

10 A. Well, we helped each other.

11 Q. Okay. What do you mean by that?

12 A. We would be cordially -- if I need a pack of
13 cigarettes or something to that effect, if she had
14 the extra change or whatever, she would do it. If
15 she needed anything as far as -- anything, you know.
16 I was a giving person, you know what I'm saying. I
17 wasn't selfish or anything like that. Anything she
18 expressed, I try to -- if I could, I would.

19 Q. Okay. Now, on July -- not July. On August 5,
20 2013, did you go to work that day?

21 A. Yes, ma'am.

22 Q. Okay. And that was for painting company?

23 A. Yes, ma'am.

24 Q. Out at Fort Jackson?

25 A. Yes, ma'am.

1 Q. Okay. Do you know what time you got off?

2 A. We get off around the same time daily.

3 Q. And what was that?

4 A. In between 4:00 and 5:00 in the afternoon.

5 Q. Okay. And how would you get home from work?

6 A. The same way I would get there. Our crew, we
7 rode all in one car. The parking lot that we use,
8 everybody would meet there and get in one work truck
9 and all of us go to work together.

10 Q. And would you come back from work together
11 also?

12 A. Yes.

13 Q. All right. Now, did you go straight home or
14 did you make a stop along the way?

15 A. Well, at that particular time, my mom had just
16 got out of surgery in July, so I stayed there. And
17 Renee I, we both were -- and her son as well, all of
18 us, we tried to accommodate working together
19 checking on my mom, if she needed anything or
20 whatever the case may be, we would try to appease
21 that. And I really did appreciate it.

22 Q. Okay. Well, now, going home from work, did you
23 go straight home or not?

24 A. No, we didn't go straight home.

25 Q. Okay. Where did you go other than home?

1 A. We stopped a couple of spots right at the
2 painting store for the next day, the order. And we
3 was supposed to get that -- we were instructed to
4 pick up paint. We picked it up the next morning,
5 left from there, which is on Broad River Road, the
6 Sherwin Williams. We left from there, we went to an
7 open-air market called Kings on Broad River Road.

8 Q. And what kind of a place is Kings?

9 A. Kings is an open-air market, it's like a
10 convenience store. It has a liquor store adjacent
11 to it.

12 Q. Okay. And did you buy anything at Kings?

13 A. Yes, ma'am.

14 Q. What did you buy?

15 A. I bought me a pack of -- I smoke Maverick
16 Menthol 100s. And I had a Strawberita and I went to
17 the liquor store and bought a -- well, a Strawberita
18 and a Pepsi. And then I went into the liquor store
19 and bought a pint of Paul Masson.

20 Q. And who was the Strawberita for?

21 A. Ms. Bartell.

22 Q. And how about the Paul Masson?

23 A. Both of us.

24 Q. For both of you.

25 From there, did you return to [REDACTED]

225

1 Apartments?

2 A. Yes, ma'am.

3 Q. And which apartment did you go to;

4 Ms. Bartell's or your mom's?

5 A. I went home on this particular day.

6 Q. And home being your mom's --

7 A. Apartment [REDACTED] downstairs at my mom's apartment
8 first. And I took a shower or whatever and I called
9 her. And I --

10 Q. Her being who?

11 A. Ms. Bartell. I called Ms. Bartell letting her
12 know that I was home and that I'd be up in a few
13 minutes. Whenever I got myself together and check
14 on Mom, I would call.

15 Q. And did you go to her apartment?

16 A. Yes, ma'am.

17 Q. All right. And what did you do once you went
18 there?

19 A. Well, as I always do, I speak cordially. I
20 was -- at that particular day, her son was supposed
21 to have a football physical. And from the weekend
22 and the prior week, it was supposed to change over,
23 and the only way he could participate in practice
24 was that he had a football physical. So we were
25 discussing it over the weekend about the fund and

1 how much it would cost or whatever the case may be.
2 So my suggestion was to go to Doctor's Care and
3 Urgent Care on St. Andrews Road and see how much
4 financially we'd need to come together with to get
5 his physical. So that's what the discussion was
6 when I first went in.

7 Q. Okay. Now, did you folks have anything to eat
8 or drink during that period of time?

9 A. Not when I first arrived.

10 Q. Okay. What do you mean by not when I first
11 arrived?

12 A. It was like -- I didn't just go in and pop the
13 bottle; I went in and I cordially spoke. Just like
14 I said, I was communicating with her sons, went back
15 in the room and was talking to her, put the bottle
16 and the Strawberita on her bedside table, spoke with
17 her, asked her about her day or whatever the case
18 may be. And that's when she expressed to me she
19 wasn't feeling well and hadn't been getting any good
20 rest.

21 So I went back around in the kitchen, I got me
22 a glass, asked her if she want one. She said, yeah,
23 bring her one, would I get ice in them. I did that.
24 I went back around and I popped the bottle of Paul
25 and poured me a drink, she poured herself one. And

1 it's a chair on the side of her bed, and I was
2 sitting in the chair where she would sit on her side
3 of the bed with her computer. And I'd be watching
4 TV or whatever and we'd be talking back and forth.

5 Q. Okay. Now, did you stay there the rest of the
6 night or do something else?

7 A. No, ma'am. She had -- just like I say, she
8 expressed to me she wasn't feeling well. And I had
9 been doing yard work that weekend, and I was like,
10 well, I'm tired, you know, I want to go to sleep.
11 But it just seemed like she wasn't ready to lay it
12 down as early as that was. It was in between 8:00
13 and 9:00. She wasn't ready to bear down, so I was
14 like, look, I'm about to go back downstairs and I'm
15 fixing to lay down. So that's what I did.

16 I went back downstairs and I said, call me if
17 things change, if you don't feel any better, I think
18 I need you go and get yourself checked out. But I
19 didn't know anything about it when she was
20 complaining about she was, you know, having the
21 chest pains and whatever. I was trying to get a
22 brief synopsis of the symptoms or whatever it may
23 be. I made a suggestion that if I -- I could
24 downstairs, I would ask my mom, which is an RN what
25 was the problem. She told me, don't worry about it,

128

1 because my mom was just coming out of the hospital,
2 she didn't need to be worrying about that. So I
3 said, okay, well, just call me if anything changes.
4 And that's when I left.

5 Q. And you went where?

6 A. Back downstairs, Apartment 1004.

7 Q. Okay. What did you do once you got back to
8 your apartment, the one that you share with your
9 mother?

10 A. My mom's apartment was very quiet, low key.
11 She most definitely didn't tolerate any foolishness
12 and I didn't give her any. So I went to my room and
13 proceeded to lay down, and dozed off and went to
14 sleep.

15 Q. All right. Did you stay that way for the rest
16 of the evening?

17 A. No, ma'am.

18 Q. What happened?

19 A. I received a phone call.

20 Q. From who?

21 A. From Ms. Bartell.

22 Q. Okay. And what was that about?

23 A. She was basically just telling me that things
24 hadn't changed, seemed like it was getting worse,
25 you know, with her feelings, that is. And so I was

229

1 like, what's going on? What are you going to do,
2 you know what I'm saying, like that. The
3 conversation was in general about her not feeling
4 any better. So I said, I'll be up there in a
5 second.

6 So I have some sleeping shorts on that I
7 usually wear when I lay down, silk basketball-type
8 shorts, and a shirt. I went up to her apartment,
9 1007, and I go in. Just like I said, I speak
10 cordially, went on in to check on her and she was on
11 the computer or whatever. And I was like, what you
12 going to do, you know what I'm saying, you want to
13 go to the emergency room or what, like that.

14 She was like, well, I don't think -- because
15 they told me every time I go to the emergency room
16 that I be diagnosed with anxiety. So I said, what
17 you anxious about? You know what I mean. I was
18 explaining that. Then she expressed something was
19 supposed to happen with her son at school that week,
20 but Quentin came in and he was saying that --

21 MS. MAYES: Objection to hearsay.

22 THE COURT: Sustained.

23 A. Well, the conversation was just that they
24 talked, and we decided that she was going to go to
25 the emergency room.

1 We were talking about the second time you went
2 to Ms. Bartell's and she still wasn't feeling well
3 and she thought it might be anxiety. Did you two
4 have a -- without talking about what people were
5 saying, did you two have a discussion about that?

6 A. I made a suggestion that -- should I call 911.
7 And she really didn't respond to it, but under the
8 circumstances where it was getting worse, I decided
9 to call 911.

10 Q. All right.

11 A. And she said to me, I don't want the ambulance
12 to come, I'll drive myself. So I have a flip-phone,
13 boop, I closed it back. 911 dispatcher called me
14 right back. I explained to them what the call was
15 in reference to. And it was a lady I talked to, I
16 heard her voice first, and then it was a man that
17 called back. And I said, well, you need to say
18 something to let these people know everything is
19 okay, you know what I'm saying, because I know
20 that's why they're calling back.

21 She was like, yeah, I'm fine, I decided to
22 drive myself. I said, did you hear that, sir? He
23 said, have a good evening. I hung up the phone.

24 Q. So what happened after that?

25 A. We decided that she was going to get herself

1 checked out.

2 Q. All right.

3 A. At that moment, just like I said, I had on
4 sleeping attire. I was figuring out who was going
5 to ride or go with us. Nobody suggested to go. So
6 I said, let me go downstairs and get my work clothes
7 to put on in case we're at the hospital all night, I
8 got to go to work tomorrow.

9 So I went down, told my mom that me and Renee
10 decided that we're going to go to the emergency
11 room. She said, for what? I told her. She said,
12 okay. I put on my work clothes, came back out, went
13 back up, told her let's go.

14 Q. Okay. And what kind of clothes were your work
15 clothes?

16 A. I wear a pair of cargo shorts, black, with a
17 white T-shirt, whatever kind of tanktop, white or
18 gray. I had a white or gray tanktop. I think it
19 was the gray one that night, and a pair of Adidas
20 running shoes, socks, with a belt. And that's what
21 I wear, with a hat.

22 Q. Okay. And what kind of belt was it?

23 A. I wear a -- I don't know the name of them. But
24 they're cloth belts that have the little loop, the
25 little champ things in the front that you pull one

1 through and pull it like that. I had that on.

2 Q. Okay. So y'all set out to go get her checked
3 out?

4 A. Yes.

5 Q. Okay. And used the van?

6 A. Yes.

7 Q. And who was driving?

8 A. She was driving.

9 Q. All right. And where did you go first?

10 A. Well, we -- in my thinking -- well, I'm not
11 going to talk about what I taught about. I'll say
12 what happened. What happened was that I made a
13 suggestion that we leave from the apartment complex
14 and go to Urgent Care on St. Andrews Road.

15 Q. And where exactly on St. Andrews Road is that
16 Urgent Care?

17 A. Urgent Care is up past Libby Love Lane, past
18 the Richland County Public Library that's on Irmo.

19 Q. Okay.

20 A. It's on that same side. But if you come
21 straight down St. Andrews Road all the way past
22 White Hall and all the way around Allied Chemical,
23 on through Old Bush River Road, you pass Libby Love
24 Lane and you go down, and Urgent Care is on your
25 left-hand side.

1 Q. Okay. And what happened at the Urgent Care?

2 A. It was closed.

3 Q. Okay. And was there some sort of -- well, once
4 you got to the Urgent Care, was -- was the van
5 parked or what happened?

6 A. Excuse me. Could you please repeat that
7 question?

8 Q. Sure. Once you got to the Urgent Care, did
9 Ms. Bartell park the van or what happened there?
10 Did y'all go up to the Urgent Care together, to the
11 building, or what?

12 A. No, ma'am.

13 Q. Okay. What happened?

14 A. When we got to the Urgent Care -- as we were
15 riding there, she explained to me that Urgent Care
16 was going to be closed. So I was like, well, is
17 somebody threatening a heart attack or stroke, if we
18 get their attention, you know what I'm saying, it
19 was an emergency, so I think they'll see you.

20 Q. Let me clarify this now. If they're closed,
21 why did you think somebody would be in there?

22 A. Well, I thought Urgent Care stayed open pretty
23 late. I've been in there before at 1:00 in the
24 morning, sitting up waiting. I had seen other
25 people went in, so I thought Urgent Care works all

1 night like the emergency room. So that's why I made
2 that suggestion.

3 Q. Okay. So did you go up to the door?

4 A. Yes, ma'am. We into the driveway. When you
5 come in, Urgent Care is straight in front of you,
6 the door is right there to the right. I told her to
7 let me out, go park, and that, you know, if they
8 come or whatever, I'll come assist her to the door.
9 So I went in to the vestibule area. It got a sign
10 right there that says: Sorry for your
11 inconvenience, we're going to be closing early due
12 to the work that we're going to be doing at night
13 for the entranceway.

14 So I knocked on the glass a little bit, the
15 lady did like that. I went back and proceeded
16 towards the van.

17 Q. Okay. What was Ms. Bartell doing at that
18 point?

19 A. I don't know what she was doing. But --

20 Q. No. When you got back to the van.

21 A. Well, she was still driving. But when I got to
22 the van, I could smell a loud, strong smell of -- an
23 odor of alcohol. So I didn't say anything, I just
24 looked. Her cup that she uses when you're driving,
25 it's one of those cups that you can have drinks in

1 it in the console that has a thing where you can --
2 where drinks won't spill, a spillproof cup.

3 I saw that it was brown. It was a see-through
4 blue cup. And it was brown, so I knew it was a
5 drink in it. So I inquired about it. And she told
6 me don't tell her what to do, she's grown. So I
7 kind of just laughed it off and I was like, well,
8 we're going to the emergency room for chest pains,
9 and you're drinking? I said, that's the number one
10 thing that they're going to be asking you if you're
11 on, drugs or alcohol, when you trying to get a
12 prognosis.

13 Well, that was that. So we proceeded from
14 Urgent Care to the Lexington ER.

15 Q. Okay. And was Ms. Bartell still driving?

16 A. Yes, ma'am.

17 Q. Okay. What route did you take from the Urgent
18 Care to Lexington Medical Center?

19 A. Just as well as I said, we're going, we took
20 St. Andrews Road all the way there, and we're
21 proceeding back down St. Andrews Road.

22 Q. Okay. Back --

23 A. Back towards Columbia. Going back towards
24 Columbia. And back towards the Allied Chemical way
25 where you go across the railroad tracks, it's a bank

1 to your left, coming back up to the White Hall right
2 there.

3 Q. Okay. And how far down St. Andrews did you go?

4 A. To St. Andrews and Bush River.

5 Q. At Bush River, what happened?

6 A. Coming across the railroad track, there was a
7 white truck in the middle of the median. There was
8 an old -- there was a lady standing outside with her
9 flashers on. And in the left-hand lane, traffic
10 coming past us, was a Lexington County Sheriff, and
11 he turned around in the median. When he hit his
12 lights, she was like, oh. And we were in the left
13 lane coming to the right. She switched lanes and
14 the light was red, and she rolled and turned on Bush
15 River Road.

16 Q. Was that abrupt?

17 A. Well, I'm not going to say abrupt, because
18 she's an aggressive driver. But I can say that I
19 felt as if it was a -- kind of a panic turn and any
20 other turn that would be regularly made.

21 Q. What, if anything, was there about that van
22 that would make a policeman notice it?

23 A. Number one, South Carolina license tags are
24 very noticeable, and she had a Michigan license tag.
25 And on her Michigan license tag, it was very clear

1 that you could see that her date was expired. And I
2 would always express to her about that, about that
3 date, that with it being an out-of-state license
4 tag, officers of the law throughout this state and
5 for the ones that I dealt with in the City of
6 Columbia and around town, that's what they look for,
7 out-of-state license tag.

8 Q. Okay. So you're going down Bush River Road?

9 A. Yes, ma'am.

10 Q. And from Bush River, how do you get over to the
11 Lexington Medical Center?

12 A. Say again, ma'am.

13 Q. From Bush River Road, how did you get to
14 Lexington Medical Center?

15 A. We proceeded down Bush River all the way to 26
16 and Bush River at Racetrack and Speedway heading
17 towards Charleston. We hit that left, we came
18 around, we're in a juncture down there to get on --
19 coming 26 towards the airport, came on down, we got
20 off on the first exit, which was 378.

21 Q. All right. And the hospital is right there;
22 correct?

23 A. You make a right turn and it's a store there,
24 Circle K, on that corner.

25 Q. Okay.

238

1 A. And you make that first right into that parking
2 area, I guess -- the road going into the hospital
3 premises. That's the first light right there.

4 Q. Okay. And did you park in the space more or
5 less where Ms. Bartell told us that she parked?

6 A. Yes, ma'am. We parked in that I Parking Lot.

7 Q. And about that same location?

8 A. It was about right -- it wasn't nowhere other
9 than that place that we parked. That was the right
10 area.

11 Q. Okay. And what happened once you got to the
12 hospital?

13 A. Got to the hospital, we both got out. And from
14 my observation, a security truck was riding around
15 with a yellow light flashing on top of it. He
16 passed us, went around in the parking lot behind us,
17 came back around, kind of like stopped behind us a
18 little bit. So she was like, what are you doing
19 behind my van? I said, what you think he doing
20 behind your van? I told you your license tag is
21 noticeable. I said, because that's what they do,
22 they check all that stuff around here, like that.

23 So he went up, went around again, came back.
24 By that time we done got close to the area of the
25 front of the hospital. We're walking up, the

1 parking lot spaces to the right. She stopped and
2 looks back, I stopped and looked back. The security
3 guard went back down that way past us and stopped,
4 like, it's a street that go to the right to the
5 other parking lot spaces in the hospital area. And
6 if he go straight, it's like a dead end. So it's
7 like he was trying to make a decision which way he's
8 going to go. So I was like, he's looking at the
9 van, you know what I'm saying, that was my concern,
10 about the tag.

11 I said, well, they might be checking your tag
12 or whatever. So when I turned back around to walk
13 towards the entrance of the hospital, I noticed that
14 it was a Highway Patrol car and a Lexington County
15 car outside under that vestibule area. So I was
16 like, look, you got those keys in your hand, you got
17 that drink. Well, I'm going to be here for a while.
18 So I said --

19 Q. Excuse me. You said she had that drink in her
20 hand?

21 A. Well, she gathered all of her stuff after we
22 were going into the hospital, which was a
23 refreshment drink. And she had her cup and --

24 Q. And what was the drink? What beverage did she
25 have in that cup?

240

1 A. Just as well as I said, I smelled alcohol. I
2 don't know at that point that's what it was, but I
3 could smell it.

4 Q. And what color was it?

5 A. Brown.

6 Q. Okay. And what color is Paul Masson?

7 A. Brown.

8 Q. Okay. So she had it with her as you were
9 approaching the ER?

10 A. Yes, ma'am.

11 Q. And you saw a trooper or patrolman?

12 A. I saw the cars.

13 Q. Okay. So what happened from there?

14 A. We were just communicating back and forth about
15 that.

16 Q. What do you mean communicating?

17 A. Letting her know that I don't have any money to
18 get anybody out of jail for a DUI or whatever the
19 case may be. She's telling me to shut up because I
20 don't have a driver's license. So I was like, okay,
21 let's go on in.

22 By that time, she said, no, come on; turned
23 around, went back to the van. When she got to the
24 van, the security truck pulled back into that
25 parking lot, went around that circle again, came

1 back up. She's sitting there, she gets in the
2 middle console seat. So she's watching the van,
3 she's looking back like that. So I'm like, let's
4 go, you know what I'm saying. She's like, wait a
5 minute, like that. I'm like, all right. I really
6 didn't pay no attention.

7 So at that time when the van went all the way
8 down towards the other area of the parking lot on
9 the other end, when you cut to go -- where you visit
10 people, that part of the parking lot, in left I Lot,
11 down that way, she said, let's go, like that. I was
12 like, let's go? And she said, yeah, I don't want to
13 take a chance on my van being towed, like that. So
14 I was like, well, we done came all the way over
15 here. I say, but I don't think they're really going
16 to bother your van or whatever, but that would be a
17 good idea because if they check it and then they
18 come and talk to you, they're going to smell that
19 alcohol. We decided to leave.

20 She gave me the keys. She said, you drive. I
21 looked at her, I said, what, me drive? And then I
22 start looking for the security guard, because I
23 don't have a driver's license. So when I saw the
24 security truck all the way down on the other end, I
25 backed out, got on the highway, came back up to Bush

242

1 River Road -- not Bush River, but 26, and got off on
2 St. Andrews.

3 Q. Okay. Why did you agree to drive if you don't
4 have a license? You could get in trouble; right?

5 A. Yes, ma'am. I took the risk. I didn't fathom
6 arguing with that question at the time. But just as
7 well as I was letting her know during the discussion
8 coming back up the road, you can fathom driving the
9 car speeding and everything like that, but then
10 again you'll give me the keys when you're sitting
11 there with an alcoholic beverage in your hand for me
12 to take the risk. I said, that ain't right at all.
13 But that was just here nor there; that was our
14 conversation.

15 Q. What do you mean by her speeding?

16 A. She's an aggressive driver. That would always
17 discussed on our journeys here or there or whatever.
18 And for her to be an aggressive driver, the tag was
19 the number one cause in my concern about her moving
20 the vehicle around.

21 Q. So were you two arguing in the about those
22 types of things in the car on the drive home?

23 A. It really wasn't a heated back-and-forth, like,
24 no argument. You know, it was just two differences
25 of opinion. I feel as if that our differences of

1 opinion at that time was leaning because from
2 leaving there, it was to the particular point of me
3 giving her advice about the drinking and driving and
4 what I'm expressing about the license tag, and then
5 when we're leaving the hospital, she asked me to
6 drive and that I was -- I was the one who was going
7 to be taking the brunt of anything that would happen
8 if something happened with the car. What was the
9 difference? You have a driver's license, but you're
10 drinking; but now you want to put me under the
11 scrutiny. So that was the differences of opinions
12 right there.

13 Q. Okay. So tell us exactly what route you took
14 back from the hospital to your house.

15 A. Came down 26 as well as you get off right there
16 378 at 26 going towards Spartanburg. And we
17 proceeded, came down, got off on the exit at
18 St. Andrews Road.

19 Q. And from there?

20 A. We proceeded up St. Andrews to Broad River,
21 made the left on Broad River, we were coming down
22 Broad River right in front of DJJ. And that's when
23 she discussed to me that she could handle it from
24 here.

25 Q. Okay. So now let me ask you this: What is

1 next to DJJ?

2 A. Fire department.

3 Q. Well, on the other side.

4 A. A Dollar General store.

5 Q. Well, how about [REDACTED] Apartments?

6 A. [REDACTED] is behind it.

7 Q. Okay. Okay. So had you turned off [REDACTED]
8 by DJJ or are you still on [REDACTED]?

9 A. Turn on that side road that's between DJJ and
10 Dollar General. There's a street that goes straight
11 down that road and turned into our parking lot to
12 the left.

13 Q. Okay. Mr. Jones, can you look on this aerial
14 and show the jury that street --

15 MS. FULLWOOD: Judge, may he come down to show?

16 THE COURT: Sure.

17 MS. FULLWOOD: You stand on this side of the
18 drawing and I'll hold it up on this side so
19 everybody --

20 THE COURT: Well, why don't you get that thing
21 and put it over here so the numbers --

22 MS. FULLWOOD: Yes, sir. I'll be glad to.

23 BY MS. FULLWOOD:

24 Q. Okay, Mr. Jones.

25 A. This is [REDACTED] here. Out here, this is

1

Q. I'm not sure everyone can see through you.

2

3

A. This [REDACTED] here. This is the front entrance of the apartment complex. This is the storage unit here. This is Dollar General.

4

5

6

It's a street right through here. Okay. You're

7

coming down [REDACTED] from St. Andrews down here,

8

come, and you turn this way.

9

Q. Okay. So that's the street you're talking about you turned on?

10

11

A. Yes, ma'am.

12

Q. Okay. You can have a seat.

13

All right. So what, if anything, happened around that point in time?

14

15

A. Can I have a second? My stomach feeling

16

like --

17

Q. Okay. Do you need a break?

18

A. I think I can be all right. I'll try to hold it together.

19

20

Q. Okay. So around that time when you're turning

21

off onto that side road, what, if anything,

22

happened?

23

A. Just as well as I explained, when we were

24

turning, coming down [REDACTED] to turn in that

25

apartment, she expressed she can handle it.

1 Q. What's that mean?

2 A. She wanted to drive.

3 Q. All right.

4 A. So I looked at her like I was crazy and I was
5 like, what do you mean, you think I'm going to stop
6 here? And you gave me the keys in the parking lot,
7 and I said, this is what we were just talking about.
8 I said, see, it's a double thing with you, like
9 that. So we made the turn and went on down to the
10 apartment complex.

11 Q. Okay. And where did you go in the apartment
12 complex?

13 A. It was her vehicle.

14 Q. No. Where did you go in the apartment complex?

15 A. Okay. I was just explaining. When I made that
16 turn, like I said, I wasn't going to be taking her
17 van or whatever she wanted me to do. So I pulled
18 over in the parking lot right there adjacent to our
19 mailbox.

20 Q. Okay. So if you could, please come down here
21 and show us where you pulled over. Can you do that?

22 Okay. Would you first please refresh the
23 jury's memory about where y'all's building is
24 located on that diagram?

25 A. We came down the road here. This is our

1 building here. We came down, we turn in, I pulled
2 right here. (Indicating)

3 Q. Show the jury the mailboxes.

4 A. The mailbox is back there. (Indicating)

5 Q. Okay. Then show where you pulled in.

6 A. Pulled in here. It was an 18-wheeler truck
7 here. This man drives trucks. He has that parking
8 spot at night every night he comes home. This was
9 the first spot that was available right here.
10 (Indicating)

11 Q. Did you pull nose into the spot or how did
12 you --

13 A. I pulled in caddy-corner. I went in like that
14 because the parking lot was empty just as well as it
15 is on this diagram. (Demonstrating)

16 Q. So you were taking up more than one parking
17 space?

18 A. Yes, ma'am. I didn't try to park there because
19 we don't park there.

20 Q. Okay. You can go ahead and have a seat.
21 So you pulled in?

22 A. That was a question to me?

23 Q. Yep.

24 A. Yes, ma'am. Yes, ma'am.

25 Q. Okay. Mr. Jones -- Mr. Jones, do you need a

248

1 break?

2 A. Please.

3 THE COURT: All right. Ladies and gentlemen,
4 we're going to take a break. Step back into the
5 jury room and please don't have any conversation
6 about the case.

7 (The jury exits the courtroom at 10:48 AM.)

8 THE COURT: All right. Mr. Jones, you can step
9 down, but have no conversation with anybody about
10 your testimony.

11 THE DEFENDANT: Yes, sir.

12 (Brief recess.)

13 THE COURT: Let's bring the jury out, please.

14 (The jury enters the courtroom at 11:09 AM.)

15 THE COURT: All right. Ladies and gentlemen,
16 we'll continue now with the testimony.

17 DIRECT EXAMINATION

18 (CONTINUED)

19 BY MS. FULLWOOD:

20 Q. Mr. Jones, what happened once you were parked
21 caddy-corner across from the mailbox?

22 A. I switched spots with her.

23 Q. Pardon me?

24 A. I switched spots with her.

25 Q. Okay.

ZUP

1 A. Opened the passenger's door and stood outside
2 the van. I had to use the restroom. I basically
3 couldn't hold it. I was going to run behind that
4 building, you know, to the side of the building to
5 use the restroom. As I was expressing that, I
6 reached back inside the van. She had her computer
7 bag with her.

8 Q. Okay.

9 A. And I reached to grab her computer bag and she
10 picked it up. She said, what you doing?

11 Q. Why were you grabbing your computer bag?

12 A. I was trying to get the bottle of liquor from
13 her.

14 Q. What happened next?

15 A. She took the bottle out and was telling me she
16 was grown, she could do what she wanted to do. And
17 a car pulled in, and the lights, like, kind of hit
18 me in the face. When I looked and turned back
19 around, she clucked me in the face with a bottle.

20 Q. Okay. Now, were you inside or outside of the
21 van at that time?

22 A. I'm standing right there at the door at the
23 passenger's seat and I'm leaning on it, but I'm
24 still inside and out of the van. So when I looked
25 and turned back around this way like that, she swung

1 on me.

2 Q. So was the upper part of your body inside or
3 outside of the van?

4 A. Basically inside.

5 Q. Okay. Now, explain carefully to us exactly how
6 she hit you with the -- you're saying with the Paul
7 Masson bottle?

8 A. Yes, ma'am.

9 Q. How did that happen?

10 A. It was a pint of Paul Masson.

11 Q. Okay.

12 A. The bottle is flat. She had the top part of
13 it. And when I tried to get it from her, she
14 withheld it, but was still, like, sitting in the
15 chair, you know. The driver's seat kind of like
16 swiveled a little bit. And I'm standing there in
17 the passenger's seat. And when I'm asking her for
18 it, she was kind of irate and got mad.

19 Q. Okay. Her position relative to your position,
20 was she facing you or was she facing, looking out
21 the front window of the van?

22 A. Kind of sideways like this. (Demonstrating)

23 Q. Uh-huh?

24 A. But like this. You know what I mean? Like
25 sideways, but not in proximity for both of you --

251

- 1 I'm standing outside, the door is open. I'm in the
2 door, she's in the driver's seat but turned
3 sideways. And that's how it was. (Demonstrating)
- 4 Q. Okay. So the bottle came from the bag?
- 5 A. Yes, ma'am. She took it out and I asked her to
6 give it to me.
- 7 Q. And the bag had been where?
- 8 A. Right there in the center console.
- 9 Q. Okay. And which hand did she have that bottle
10 in when she hit you?
- 11 A. In her right hand.
- 12 Q. In her right hand. And what part of your
13 body -- well, did the hit connect?
- 14 A. Yes, ma'am, because I was --
- 15 Q. Okay. On what part of your body?
- 16 A. In my face.
- 17 Q. Okay. And how did that feel? Did it hurt?
- 18 A. Yes, ma'am.
- 19 Q. Okay. Were you injured in any way?
- 20 A. Yes, ma'am.
- 21 Q. How?
- 22 A. When the bottle connected with my face and
23 mouth, it knocked two of my teeth out and I -- you
24 know how you grab your mouth like that? Tooth
25 rolled in my mouth, the other one up here was in. I

252

1 pushed my tongue against it; it popped off, my mouth
2 started bleeding. And I went in the red after that,
3 Ms. Fullwood.

4 Q. You what?

5 A. I went in the red after that.

6 Q. Okay. Tell us what you mean about that -- by
7 that.

8 A. Lost control.

9 Q. Okay. What did you do when you lost control?

10 A. I proceeded to grab her and hit her.

11 Q. Okay. And where did this take place?

12 A. Inside the van.

13 Q. Where inside the van?

14 A. In between those two seats and that console
15 area.

16 Q. All right. And did you use your belt during
17 that argument in any way?

18 A. No, ma'am.

19 Q. Did you choke her with a seatbelt during that
20 argument in any way?

21 A. No, ma'am. When we got into it, we both fell
22 on the floor. When I was trying to proceed to grab
23 her, we both fell on the floor. She tried to put
24 her seatbelt back on when she got in the driver's
25 seat. And when she tried to run, you know, when we

1 fell in the -- in between the seats fighting, the
2 seatbelt extended, you know, down the seat to the
3 floor. And when I was steady swinging at her or
4 whatever the case may be, we're talking junk back
5 and forth within the fight, I removed the seatbelt
6 to get it out the way where I could get a straight
7 and narrow grab and holding of her right there where
8 we could fight.

9 Q. Okay. And have you seen those photographs that
10 were taken of her at Lexington and at Richland
11 hospitals that were put in evidence during the trial
12 of this case this week?

13 A. Yes, ma'am.

14 Q. And is that what you did?

15 A. Yes, ma'am.

16 Q. All right. How long did this last? How long
17 did this fight last?

18 A. I guess the worst seven minutes of my life.

19 Q. What?

20 A. I guess it was about the worst seven, eight
21 minutes of my life, Ms. Fullwood.

22 Q. Were you trying to kill her?

23 A. No, ma'am. That wasn't my intention.

24 Q. Did you tell her you're going to die tonight?

25 A. No, ma'am. There was nothing in my

1 conversation about dying.

2 Q. Did you say oh, blank, I'm going to go to
3 prison, I might as well kill you?

4 A. No, ma'am.

5 Q. Did you say tap out, B?

6 A. No, ma'am. No, ma'am.

7 Q. Did you go out that evening planning to end up
8 with you hurting Jeanine?

9 A. That was nowhere in the plan. The plan was to
10 watch out for her and show concern for her
11 wellbeing, to go and assist her in any way that I
12 could. And it turned out that I was the one that
13 did more bodily harm than she was already
14 experiencing.

15 Q. But you're willing to take responsibility; is
16 that correct?

17 MS. MAYES: Object to the leading.

18 THE COURT: Sustained.

19 MS. FULLWOOD: Okay.

20 THE DEFENDANT: This day, I come before this
21 Court --

22 MS. MAYES: Objection, Your Honor, to the
23 narrative.

24 THE COURT: Sustained. Respond to a question.

25 THE DEFENDANT: Say it again.

255

1 MS. FULLWOOD: No further questions.

2 THE COURT: All right.

3 Cross-examination?

4 CROSS-EXAMINATION

5 BY MS. MAYES:

6 Q. Now, Mr. Jones, I believe you started your
7 testimony by saying that you were in the Navy;
8 correct?

9 A. Yes, ma'am.

10 Q. Is that an honorable discharge or a
11 dishonorable discharge?

12 A. I had an other than honorable discharge.

13 Q. Other than honorable?

14 A. Yes, ma'am.

15 Q. You left that part out of your initial
16 testimony, didn't you?

17 A. They didn't ask me what kind of discharge.

18 Q. All right. But I'm asking what kind of
19 discharge. And it was not honorable; correct?

20 A. Other than honorable.

21 THE BAILIFF: Your Honor, the foreman is asking
22 that the defendant speak into the microphone.

23 THE COURT: All right. Sure. Thank you.

24 Q. Now, let's talk about your testimony that you
25 provided here in court today. And let's start with

256

1 your account about how you ended up going to
2 Lexington Medical Center. You have no vehicle of
3 your own; correct?

4 A. No, ma'am.

5 Q. Okay. And during this timeframe of August
6 2013, you didn't have a vehicle of your own;
7 correct?

8 A. No, ma'am.

9 Q. And you didn't have a license either, I believe
10 was your testimony; correct?

11 A. No, ma'am.

12 Q. So you don't normally even drive yourself to
13 work; correct?

14 A. No, ma'am.

15 Q. I believe your testimony was you normally take
16 a ride to work -- back when you were working the
17 construction, you would drive with a crew; correct?

18 A. Yes, ma'am.

19 Q. Yet you're fully aware that Ms. Bartell has
20 that van, the van you're talking about suddenly
21 being concerned about those expired tags. She
22 drives that van every single day, doesn't she?

23 A. Yes, ma'am.

24 Q. That's how she got to work every single day as
25 a working mom, driving that van with those expired

1 tags; correct?

2 A. Yes, ma'am.

3 Q. In the morning, in the evening, when she has to
4 take her sons to run an errand, every single one of
5 those days, she's in that same van with those same
6 expired tags; right?

7 A. Yes, ma'am.

8 Q. But suddenly, according to your testimony, all
9 of a sudden there's concern about expired tags in
10 the middle of having chest pains at the Lexington
11 Medical Center emergency room; correct?

12 A. No.

13 Q. Is that not what you testified to?

14 A. I testified to that. But that wasn't the
15 concern at that particular time. I was concerned
16 ever since I met her. That's basically how our
17 conversation -- started talking, did she ever pay
18 attention.

19 Q. Okay. So you've had an ongoing concern about
20 the expired tag on the minivan?

21 A. Yes, ma'am.

22 Q. And according to your testimony, that in the
23 process of having these chest pains, exiting the
24 minivan, in the process of going into the ER,
25 suddenly the decision was made to turn around and

1 you were going to drive back to [REDACTED] with no
2 license. That's your testimony?

3 A. Yes, ma'am.

4 Q. Now, you testified about the relationship that
5 you had had with Ms. Bartell. And you called her
6 Renee; correct?

7 A. Yes.

8 Q. But her formal name is Jeanine. That's her
9 first name. But you knew her as Renee, correct, her
10 middle name?

11 A. Yes.

12 Q. And the relationship that you had, it started
13 out as a friendly relationship; you agree with that?

14 A. Yes.

15 Q. You would spend time together and you would ask
16 questions about her that made it seem you cared
17 about her; correct?

18 A. Yes, ma'am.

19 Q. You'd ask her questions about her background
20 and what it was like when they lived in Michigan as
21 a family; correct?

22 A. Yes, ma'am.

23 Q. And then eventually you became more possessive
24 and controlling once, as you put it, you asked her
25 to be your lady friend; you agree with that?

1 A. No.

2 Q. Do you recall being angry with her and starting
3 arguments if she wasn't home when you thought she
4 should be home?

5 A. How could I argue with her about her being home
6 when it's not my home for her to be home to? I have
7 no argument with her about her being home or
8 anywhere.

9 Q. Do you agree, Mr. Jones, that eventually, prior
10 to that night you went to the hospital, Ms. Bartell
11 had made you aware that she didn't want to be in a
12 relationship with you anymore, that she just wanted
13 to be friends? You recall that conversation?

14 A. No.

15 Q. Okay. So your testimony then is that there was
16 never such a conversation where she withdrew from
17 the relationship, and your testimony is she was,
18 from the way you put it, still your lady friend on
19 this particular night; correct?

20 A. Yes.

21 Q. Is this what you do to your lady friends,
22 Mr. Jones?

23 A. I did that night.

24 Q. You did it that night?

25 A. Yes, ma'am.

260

1 Q. Do you know what this injury is? I'm going to
2 show you this picture, State's Exhibit 20. Do you
3 know what that injury is?

4 A. Yes, ma'am.

5 Q. What's that injury?

6 A. It's of a bite mark.

7 Q. It's a bite mark on her back; correct?

8 A. I don't know what part of the body. I just see
9 that it's a bite mark.

10 Q. I'll show you what part of the body it is.
11 State's Exhibit 20, you can see it now. That's her
12 shoulder, that's the bra strap, that's the bite
13 mark; correct?

14 A. Yes, ma'am.

15 Q. And your testimony is that she swung at you?
16 Mr. Jones, if she swung at you at all, if you ever
17 got hit in the tooth, that was self-defense. How
18 are you?

19 A. Five-eleven.

20 Q. How much do you weigh?

21 A. 240, 260 pounds.

22 Q. Okay. Do you recall telling the booking agent
23 when you were booked you were 280?

24 A. He took that off my driver's license -- off of
25 my ID.

1 Q. So you deny he asked you your height and weight
2 as part of your routine booking?

3 A. They don't do that at booking. He took my ID,
4 that's it.

5 Q. So you were aware of Ms. Bartell's height and
6 weight; correct?

7 A. Yes.

8 Q. Five-four, under 160?

9 A. That's probably right.

10 Q. Uh-huh. And I believe your testimony was, I
11 removed the seatbelt so I could get ahold of her so
12 we could fight. Does that sound like a fair fight
13 to you?

14 A. Yes, ma'am.

15 Q. It does? Okay.

16 Mr. Jones, let me go back a minute to that
17 Lexington Medical Center parking lot. You saw this
18 exhibit earlier, but I'm going to show you it to you
19 before I place it on the pedestal. You recognize
20 that location with this being the emergency room
21 here?

22 A. Yes, ma'am.

23 Q. All right. Now, your testimony on direct
24 examination was that you agree to the parking spot
25 that was described by Ms. Bartell; that's the last

262

1 parking spot here. Let me move it back a little bit
2 more. That's going to be the last parking spot here
3 by the bush; correct? Last parking spot here? I
4 believe your testimony on direct was, yep, that's
5 right. What she said was about right.

6 A. We were further down than that.

7 Q. All right. Let me show it to you.

8 A. We were in that lot.

9 Q. All right. On direct you said her description
10 was correct.

11 A. Okay. This is my -- my --

12 Q. Your misunderstanding?

13 A. Yeah, because I never knew you were pointing in
14 this area. It's only about five or six parking
15 spots right here. We parked right in this area
16 here. You're pointing -- this area. It's only
17 about five or six spots there. All of these were
18 taken. We were down here, basically on the end.
19 (Indicating)

20 Q. Now, Mr. Jones, when you're in a parking spot,
21 your testimony was you ended up getting out of the
22 vehicle; correct?

23 A. Yes, ma'am.

24 Q. And your testimony was that here Ms. Bartell is
25 at the emergency room for chest pains, and according

1 to your testimony, she got out of the vehicle with a
2 drink in her hand?

3 A. Yes, ma'am.

4 Q. She was walking in the emergency room with a
5 drink in her hand?

6 A. Yes, ma'am.

7 Q. And then suddenly you got very concerned about
8 that expired tag?

9 A. Not at that moment. I was concerned about it
10 from day one when we first started talking.

11 Q. All right. But you've been concerned about it
12 for months --

13 A. And I've given her money on it to pay for it.

14 Q. So it's your testimony that you'd been
15 concerned for months, and now you're overtaken with
16 this concern for the expired tag to the point where
17 you turn around and get back in the vehicle,
18 correct, that's your testimony?

19 A. No, no, no. My testimony was that when we got
20 out of the van, we were proceeding toward the front
21 under that vestibule area right there with a Highway
22 Patrolman and Lexington County Sheriff's Department
23 car. When we got out of the vehicle, on the way
24 walking toward the door, I expressed that to her, I
25 showed it to her.

1 As is in that same diagram, if you look and see
2 where I was talking about the circle that the
3 officer was making coming past us, going back
4 around, going to your left, it's a circle over that
5 island, he was right there, came down, stopped, went
6 back up, went around again, came back and went to --
7 that way.

8 Q. All right. So, eventually, according to your
9 testimony, you're out of the vehicle and you make it
10 back in the vehicle without being seen, despite
11 these chest pains, for the sole purpose of going
12 back. So it was a completely wasted trip?

13 A. That's what the conversation was about. Why
14 did we come over here for that, if that's the case.

15 Q. Okay. So your testimony is that you with no
16 license then suddenly start driving the vehicle back
17 to [REDACTED] Apartments; correct?

18 A. Yes, ma'am. I was asked to, and that's what I
19 did.

20 Q. So here you are on your way back and you take
21 the route that is Lexington Medical Center to 378 to
22 I-26 to Bush River Road and then to the back road,
23 which is Shivers Road, just prior to entering
24 [REDACTED] Apartments; correct?

25 A. No, ma'am. I didn't never go down Bush River.

265

1 I went down St. Andrews Road, got off on St. Andrews
2 Road. I didn't get off of Bush River. St. Andrews
3 to Broad River.

4 Q. All right. And then Broad River to Shivers;
5 correct?

6 Now, this is the diagram that you testified
7 about earlier. I believe you identified something
8 earlier here on State's Exhibit 25. And here what
9 we're looking at is [REDACTED] Apartments; correct?

10 A. Yes, ma'am.

11 Q. Where is Building [REDACTED] here on this?

12 A. Right here. (Indicating)

13 Q. This is the building that you reside in and
14 Ms. Bartell resides in; correct?

15 A. Yes, ma'am.

16 Q. All right. Where is Shivers Road?

17 A. I don't know the name of it. But is this
18 Shivers Road?

19 Q. All right. The back road here is the road
20 you're referring to; correct?

21 A. Yes, ma'am.

22 Q. So you turn in. And according to your
23 testimony, as you're turning in, Ms. Bartell
24 suddenly requests to drive?

25 A. No. She requests to drive out here turning in

Ude

1 on [REDACTED]. She said she could handle it
2 from here.

3 Q. Okay. And then what happened?

4 A. I made the turn on Shivers Road and she wanted
5 me to stop on the side of the road. As you can see,
6 it ain't nothing but a ditch here. I decided not to
7 stop there. I told her we'll stop when we get in
8 the parking lot, and that's what we did.

9 Q. So you stop in the parking lot for the purpose
10 of letting her drive? It's only 100 yards back to
11 the apartment building, Mr. Jones.

12 A. Like I said, I was going to go right there in
13 the bushes to use the restroom.

14 Q. And your testimony is that you stopped right
15 here so she could drive, and that's when you got
16 into an argument that turned into the assault.
17 That's your testimony?

18 A. Yes, ma'am.

19 Q. And the lights were running on that vehicle
20 when you were driving from Shivers Road into the
21 [REDACTED] -- from the [REDACTED] area to Shivers
22 Road in to the apartment complex; right?

23 A. Say again.

24 Q. The lights were on; correct?

25 A. On the vehicle?

267

1 Q. Yes.

2 A. Yes, ma'am.

3 Q. What about the interior dashboard light? Do
4 you recall cutting off the interior dashboard light
5 to decrease any illumination inside that vehicle?

6 A. The vehicle light didn't work.

7 Q. You're saying it didn't work?

8 A. No, ma'am.

9 Q. And that's the reason it was off?

10 A. I don't know if it was off because of that or
11 it didn't have one in it. I don't know. But any
12 time we'd get in at night or any other time in the
13 nighttime, it was no light inside the van except for
14 the folding thing -- the visor where you would open
15 it.

16 Q. I'm talking about the interior dashboard light.
17 Do you recall cutting that off that night?

18 A. I can't recall.

19 Q. Okay. Now, when you parked there, which you
20 turned caddy-corner in the apartment complex, it's
21 pretty well illuminated; right?

22 A. Pretty much so.

23 Q. Okay. And, specifically, your testimony is
24 that you would have left the lights on and the
25 vehicle running during that small portion of time

268

1 where your testimony is you stepped out of the
2 vehicle?

3 A. Give me a better synopsis of what you're
4 asking.

5 Q. All right. Your testimony earlier was that you
6 were in and out of the passenger's side, that you
7 got out because you were going to urinate.

8 A. Yes, ma'am. I had to use the restroom.

9 Q. And did you urinate?

10 A. Yes, ma'am.

11 Q. Where?

12 A. Inside the van.

13 Q. Inside the van?

14 A. Yes, ma'am.

15 Q. Well, wait a minute. I thought your testimony
16 was that you stopped the vehicle so that you could
17 urinate outside, that you were going to go behind
18 some building. Where is this building at that you
19 were going to urinate behind, Mr. Jones?

20 A. The bush is right here. (Indicating)

21 Q. Wait. You're talking about right here on the
22 side of the building you live in?

23 A. Yes, ma'am -- well, no. I live in this
24 building. This building is across the street where
25 I was going to park. I was going to run right there

1 and use the restroom.

2 Q. So your testimony was that you were in and out
3 of the passenger's side seat because you were going
4 to urinate. And then, according to your testimony,
5 you just decided to urinate in the van?

6 A. No, no, no. You asked me when did I urinate.
7 And I didn't even have a chance to make it over to
8 the bush because that's when the altercation
9 happened. When I got hit with the bottle, we got
10 into a fight inside the van. And once we were
11 inside the van fighting, when I was on top of her,
12 she kneed me in my groin area and I urinated all
13 over myself and as far as her, because she was in
14 between my legs.

15 Q. I'm going to show you this photograph, State's
16 Exhibit 3.

17 A. Yes, ma'am.

18 Q. That's Renee, isn't it?

19 A. Yes, ma'am.

20 Q. And that's Renee in the Lexington County
21 emergency room. Can you see, Mr. Jones, in this
22 photograph, how her entire shirt is wet?

23 A. Yes, ma'am.

24 Q. You know why it's wet. It's wet because she
25 still has on the bra that she had on when you

1 urinated on her after you completely assaulted her
2 and left her to die after choking her.

3 A. No, ma'am.

4 Q. That's when she was urinated on; isn't that
5 correct?

6 A. No, ma'am.

7 Q. State's Exhibit 4, you did that, didn't you?

8 A. Yes, ma'am.

9 Q. State's Exhibit 6, choke marks and abrasions to
10 the neck, you did that, didn't you?

11 A. I had most definitely the brunt of it because
12 the seatbelt was tugging. I did that.

13 Q. Wait. The seatbelt was taken?

14 A. Tugging. It fell to the floor, it stretched.

15 Q. So the seatbelt accidentally stretched down and
16 wrapped around her neck and caused those choking
17 marks; that's your testimony?

18 A. It didn't cause no choking marks, but it could
19 have caused the abrasions.

20 Q. State's Exhibit 9, Mr. Jones.

21 A. Yes, ma'am.

22 Q. You see the choking abrasions that go up and
23 around the neck, all the way to the back of the
24 neck?

25 A. Yes, ma'am. With 260 pounds on you and you're

1 doing all that moving, you could be making abrasions
2 as well.

3 Q. She made her own abrasions?

4 A. No. I'm saying the seatbelt made the
5 abrasions.

6 Q. The seatbelt that accidentally wrapped around
7 her neck; that's your testimony?

8 A. It's not accidentally. It was a force of when
9 we were fighting.

10 Q. A force of you taking your hands and your 280
11 pounds and yanking that seatbelt and wrapping it
12 around her neck because, as you said in your
13 testimony, you had to hold her still. And you had
14 to hold her still, you said, so we could fight.

15 A. I said I tried to grab her. I didn't say I
16 tried to hold her still.

17 Q. What was the seatbelt for?

18 A. The seatbelt was to secure her when the vehicle
19 was moving.

20 Q. What were you using the seatbelt for that
21 night?

22 A. What was I using it for? I never used the
23 seatbelt.

24 Q. You never used it?

25 A. No, ma'am.

1 Q. And after you leave her in that condition --

2 A. I never left her.

3 Q. You never left her?

4 A. No, ma'am. I got my mom to come out. I saw
5 that her eye was swelling. I told my mom that we
6 got in a fight and when my mom came out and assessed
7 the situation, she dialed 911. And with me going
8 through all of this in my mind that I lost it, I
9 walked over and went to where the fire department
10 and the what-you-call-it -- have like a picnic area,
11 and I sat down over there fathoming what I had done,
12 over the decisions I made.

13 Q. Okay. Let's talk about this a little bit more.
14 We know that Ms. Bartell was assaulted that night.
15 Now, as you know, the State strongly disagrees with
16 your assessment here in the courtroom about where it
17 happened. But we all agree that she was assaulted
18 that night; correct? And we all agree that you were
19 driving the van when you left Lexington Medical
20 Center; correct?

21 A. Yes, ma'am.

22 Q. And we all agree that you were still driving
23 the van as you entered [REDACTED] Apartments;
24 correct?

25 A. Yes, ma'am.

213

1 Q. And we all agree that you urinated in the van;
2 correct?

3 A. Yes, ma'am.

4 Q. And then it gets to the point where you end up
5 parked in front of your mother's building.

6 A. Yes, ma'am.

7 Q. Okay. So according to your testimony, you got
8 out of the van so that you could switch seats, but
9 you never actually switched seats. And you got out
10 of the van so that you could urinate, but you never
11 actually urinated out of the van. And then you were
12 the one who drove the van back and parked it right
13 there in front of your mother's building; correct?

14 A. In front of our building, yes, in the parking
15 spot.

16 Q. So the whole thing about getting out to switch
17 seats, you never switched seats, did you?

18 A. Yes, ma'am. I had to get out the seat, if she
19 was in the driver's seat and the seatbelt choked
20 her.

21 Q. Wait.

22 A. Wait? The seatbelt was on her as well. So how
23 could I be in the seat and she was in the seat at
24 the same time?

25 Q. Are you saying it was the driver's side

1 seatbelt that choked her?

2 A. Yes, ma'am.

3 MS. MAYES: I beg the Court's indulgence.

4 BY MS. MAYES:

5 Q. All right. Mr. Jones, I'm going to ask you to
6 take a look State's Exhibit 29. This is the
7 interior of a Ford Windstar 1998 model, same as
8 Renee's. And looking here at this interior, you've
9 got two pilot seats in the front, they have seat
10 belts, and then you've got this back middle seat,
11 which is one whole seat, and it's got a seatbelt;
12 correct?

13 A. Yes, ma'am.

14 Q. That is the seatbelt that you choked Renee with
15 right there, isn't it --

16 A. No, ma'am.

17 Q. -- from the middle seat?

18 A. No, ma'am.

19 Q. The same seatbelt in State's Exhibit 21, right
20 here, from the middle seat, that's got blood stains
21 on it; correct?

22 A. Let me see it.

23 Q. State's Exhibit 21.

24 A. I don't know if that's from the middle seat,
25 but it looks like it's coming that way. But why

1 weren't any other seatbelts checked? The driver's
2 seat should have blood as well. If that blood is
3 from there, then why isn't the other seatbelts
4 checked, because as I said, just as I said, that in
5 the van, the seatbelt was the one that fell in
6 between, that was the one that was on her.

7 And if that seatbelt was there during the
8 altercation, of course it's going to get blood.
9 That could be my blood; I was bleeding as well.

10 Q. You were bleeding from the face?

11 A. From the mouth.

12 Q. And the thing about the seatbelt, Mr. Jones,
13 is, I believe you testified earlier that the
14 seatbelt had got tugged down. Can you just,
15 Mr. Jones, admit that you used the seatbelt to
16 restrain Renee Bartell that night?

17 A. No, ma'am.

18 Q. You can't admit that.

19 Now, let's talk about the bite marks that you
20 put on Ms. Bartell. How many times did you bite
21 her? How many times did you bite her before she
22 struck you back in self-defense? How many times?
23 Well, give us a guess.

24 A. I don't remember.

25 Q. You don't remember that, but you remember all

1 these other things?

2 A. Yes, ma'am. I don't remember that.

3 Q. All right. Let's look here, State's Exhibit
4 19. You bit her finger when she did try and strike
5 you back in self-defense.

6 A. This right here mark right here is when she
7 gouged me in my face, her fingers went in my mouth
8 as well as I was talking. I could have, my mouth
9 going up and down talking, did that. And I'm not
10 denying it or trying to waiver it or whatever the
11 case may be. I was wrong in that altercation.

12 Q. Okay. So her finger went in your mouth while
13 you were talking. While you were talking, that's
14 when you told her you were going to dump her body?

15 A. Dump her body?

16 Q. State's Exhibit 15, Mr. Jones, is a bite mark.

17 A. Uh-huh.

18 Q. State's Exhibit 16, that's a different bite
19 mark?

20 A. Uh-huh.

21 Q. State's Exhibit 13, that's a different bite
22 mark?

23 A. All those might be defensive because the one
24 that you just showed me earlier that got open wounds
25 where I probably did bite her, and those are wounds

1 that she could have been defending herself during
2 the altercation to where she hit me in the mouth and
3 that could have been bruising.

4 Q. And State's Exhibit 18 --

5 A. That's the same one you just showed, ma'am.

6 Q. Well, there's 18 to the back, there's 13 --

7 A. Arms and forearms.

8 Q. -- there's 16 --

9 A. Arms and forearms. 21 has open bite marks and
10 18, 16 and whatever, those are bruising.

11 Q. And you remember biting her in the leg?

12 A. Like I said, I don't remember biting her in the
13 leg.

14 Q. All right. Mr. Jones --

15 A. She could have kicked me.

16 Q. She could have, huh?

17 A. Yeah.

18 Q. Mr. Jones, do you remember biting her in the
19 leg, leaving that -- that mark, State's Exhibit 16?
20 And you bit threw the clothing.

21 A. Let me see it. That could be a tear.

22 Q. Could be a tear?

23 A. Yes, ma'am.

24 Q. Could also be where you bit through the
25 clothing and bit her in the leg; correct?

1 A. No, sir. Because look at that tear. That's
2 coming straight across. A bite mark is going to
3 leave holes.

4 Q. Okay. Let's talk about this. Let's go back to
5 State's Exhibit 20. State's Exhibit 20, the bite
6 mark to the back that you admitted earlier you put
7 on her.

8 A. Yes, ma'am.

9 Q. To bite someone in the back, Mr. Jones, they
10 have to be facedown, don't they?

11 A. Yes, ma'am.

12 Q. She was facedown in between those seats, wasn't
13 she?

14 A. Yes, ma'am. And just as well as I said, that
15 could be a tear. And just as well, that could be
16 her lunging back into me as well in that small area,
17 because that's what was going on. There was a lot
18 of that type of movement.

19 Q. Mr. Jones, that's the exact location of this
20 bite mark in State's Exhibit 20, you agree with
21 that?

22 A. Yes, ma'am. Yes, ma'am.

23 Q. Now, once you've carried out this assault --
24 and we're talking about a lot of different bite
25 wounds, we're talking about choking and abrasions to

2A

1 the neck, we're talking about multiple blows to the
2 face. How many times did you hit her in the face?

3 A. I can't remember.

4 Q. Can't remember.

5 You end up driving the van once again, back to
6 park it in front of the 1000 building, which is the
7 building you live in with your mom; correct?

8 A. Yes, ma'am. I just didn't leave it parked
9 right there on the side. I pulled it right back up
10 in the front and tried to proceed to get her some
11 attention.

12 Q. Okay. How did you do that?

13 A. Moved the vehicle.

14 Q. Okay.

15 A. And with moving the vehicle, I automatically
16 called my mom and told her to come out, that we had
17 been in a fight.

18 Q. So you move the vehicle and you move it in
19 front of Building 1000 and then you call your mom?

20 A. During the movement.

21 Q. I believe you testified you parked the van and
22 then you called your mother, correct, because your
23 needed to know where to come to.

24 A. No. No. When the van was moving, we were
25 pulling up, my mom came outside, I said we are right

280

1 here, and I pulled right on into the parking spot.

2 Q. All right. You're on the phone and driving.

3 Where is Ms. Bartell?

4 A. Right there beside me.

5 Q. Sitting up in the seat beside you?

6 A. Not in the seat beside me, but right there in
7 that middle console seat.

8 Q. Are you referring to the middle seat in the
9 back?

10 A. Yes, because the fight was right there in that
11 area.

12 Q. And, Mr. Jones, at that point she's
13 semiconscious. You had to call your mom because you
14 knew how badly she was injured; correct?

15 A. She was still communicating with me. She
16 wasn't semiconscious.

17 Q. And your testimony is you call your mom. And
18 was your mom up? It's midnight, it's after
19 midnight, almost 1:00 in the morning. Your mom
20 would be in bed; correct?

21 A. Yep.

22 Q. So your call your mom while she's in bed --

23 A. Uh-huh.

24 Q. And you say what?

25 A. I told her, I said, Mom, me and Renee been

291

1 fighting. I said, come to the door. When she came
2 to the door -- her room is right there by the door.
3 She came out and she was looking like where we were.
4 And I was pulling up there and I said, here I am,
5 we're right here. I pulled up in the van.

6 Q. And your testimony is that your mom comes out
7 and calls 911; correct?

8 A. Yes, ma'am. When I got out of the van and then
9 Renee proceeded out, we saw that the swelling was
10 progressing. My mom told me to get her an ice pack
11 and a chair and bring it to the door. And that's
12 what I did, I got that. I changed my shorts from
13 the wet shorts that I -- from when I urinated on
14 myself and I put on some more shorts. And that's
15 what I did.

16 Q. So you had all this time to change clothes and
17 everything else before 911 was called?

18 A. No. Mom was already on the phone with 911 when
19 this was going on.

20 Q. It was your phone that dialed 911, wasn't it?

21 A. Not mine; it was my mom's phone.

22 Q. It was your phone, wasn't it?

23 A. No. It was my mom's phone.

24 Q. Do you recall making a call from a number that
25 is (803) 239-8150? Whose number is that?

1 A. That was my mom's phone.

2 Q. Your mom's phone?

3 A. Yes.

4 Q. Your mom had a cell phone?

5 A. Yes, ma'am.

6 Q. So EMS arrives and you disappear?

7 A. This is before they arrive.

8 Q. What's before they arrive?

9 A. That I walked off.

10 Q. You walked off.

11 And your testimony is you live with your mom,
12 but yet you didn't come back that night, did you?

13 A. I hadn't been back home since.

14 Q. And you ultimately were arrested by the U.S.
15 Marshal's Office August 29th; correct?

16 A. The 26th, wasn't it?

17 Q. So you were the person -- so you were the
18 person that was observed by law enforcement being
19 the suspect with the -- I believe you had a white
20 T-shirt with a gray T-shirt underneath and dark
21 shorts that was going into the wood line; correct?

22 A. No, ma'am.

23 Q. That's not you?

24 A. No, ma'am.

25 Q. Well, you knew that the police were coming out

183

1 there and would be looking for you, didn't you?

2 A. Yes, ma'am.

3 Q. That's the reason you fled the scene, isn't it,

4 Mr. Jones?

5 A. Yes, ma'am. I was scared.

6 Q. Scared of getting caught; correct?

7 A. Yes, ma'am.

8 MS. MAYES: I beg the Court's indulgence.

9 BY MS. MAYES:

10 Q. So your testimony, Mr. Jones, in sum, is that
11 Jeanine Bartell left that night to go to the
12 emergency room because she was having chest pains,
13 chest pains bad enough to make her seek medical
14 attention; right?

15 A. Yes, ma'am.

16 Q. And then before she ever makes it into the
17 emergency room, you just spontaneously decide that
18 you're going to go back home and you're going to
19 drive; correct?

20 A. I didn't decide; that was her suggestion.

21 Q. And for that reason, you drive the van all the
22 way back to [REDACTED] Apartments. But right
23 before you get into [REDACTED], right there at the
24 mailbox, the decision is made to switch places?

25 A. No, ma'am. That decision was made before

1 turning on to [REDACTED], right at DJJ.

2 Q. But you didn't actually, as you put it, attempt
3 to switch places until you get there in front of the
4 mailbox; right?

5 A. Yes, ma'am.

6 Q. But then you never actually get to switch
7 places because, as you put it, you got into a fair
8 fight right there; correct?

9 A. It wasn't a fair fight.

10 Q. Now you agree it wasn't a fair fight; correct?

11 A. No fight is a fair fight.

12 Q. And that fight put her --

13 A. But I do know that it's not fair for any man to
14 put his hand on a woman.

15 Q. And that fight put Ms. Bartell in Palmetto
16 Health Richland for eight days, didn't it?

17 A. Yes, ma'am.

18 Q. And you took off and ran from the police;
19 correct?

20 A. I didn't run from the police because they
21 weren't there.

22 Q. You walked away from the police; correct?

23 A. They weren't there.

24 Q. You knew they were coming?

25 A. They weren't there.

1 Q. Did you know they were coming?

2 A. I knew that I called the 911, so I knew that
3 they would be there. But I didn't run from them.

4 MS. MAYES: Nothing further.

5 THE COURT: Anything on redirect?

6 MS. FULLWOOD: No, Your Honor.

7 THE COURT: Thank you very much, sir. You may
8 step down.

9 Call your next witness.

10 MS. FULLWOOD: Your Honor, the Defense rests.

11 THE COURT: All right. Thank you, ma'am.

12 Folks, I need to get you to step back into the
13 jury room while I take -- we've reached the portion
14 of the case now -- you know, at the end of the
15 State's case, I had to take up motions. Now I'm
16 required to take up motions at the close of the
17 Defense's case. So I'm going to do that and get you
18 to step back into the jury room.

19 And what we'll do is -- give me that
20 opportunity, then I'll bring you back out and we'll
21 continue. Okay? We're going to order lunch for
22 you. But right now, let me get you to take this
23 break. Have no conversation about the case. Okay?

24 (The jury exits the courtroom at 12:02 PM.)

25 THE COURT: All right. I'm going to take up

1 any motions at the close of the State's [sic] case.

2 MS. FULLWOOD: At this point I renew the
3 motions I made at the close of the State's case, on
4 the same grounds I stated at that time.

5 THE COURT: And, I apologize, these are the
6 motions at the close of the Defense's case, and
7 you're renewing the motions from the end of the
8 State's case.

9 MS. FULLWOOD: That's right, Judge.

10 THE COURT: And I respectfully deny those.
11 Again, as I said earlier, I think it's a factual
12 issue that I think the jury is going to have to
13 decide on.

14 Anything else with regards to that?

15 MS. FULLWOOD: No, sir.

16 THE COURT: All right. We need to talk about
17 the charge and things of that nature.

18 MS. MAYES: Yes, sir, Your Honor. We may have
19 reply, but if we could take a ten-minute break,
20 we'll know by the end of the break.

21 THE COURT: All right. We'll take a few
22 minutes. And let me know as soon as you're ready.

23 MS. MAYES: Okay.

24 (Court in recess at 12:03 PM - 1:19 PM.)

25 THE COURT: All right. Bring the jury back in.

1 you'll be back in your jury room at 3:00, we'll get
2 started at 3:00.

3 (The jury exits the courtroom at 1:22 PM.)

4 THE COURT: All right. Now, before y'all
5 leave, let me give you these. They're drafts of
6 what we talked about back in chambers there. And
7 you can look over those and -- over the lunch break
8 and let me know your thoughts. Okay?

9 Now, for purposes of this case, we'll start
10 back at 3:00.

11 (Court in recess at 1:23 PM - 3:10 PM.)

12 THE COURT: Anything about the charge from the
13 Defense?

14 MS. FULLWOOD: Yes, sir.

15 THE COURT: Give me a page number, if you don't
16 mind.

17 MS. FULLWOOD: No page, Your Honor. During our
18 charge conference you indicated you were going to
19 give the charge book charge on attempt and I'd asked
20 that you include that, attempt.

21 THE COURT: No.

22 MS. FULLWOOD: I understood you to say you were
23 going to do that.

24 THE COURT: No. What I said was -- I was just
25 referencing the Bench Book, how it had attempt in

1 there and then the next thing in line was attempted
2 murder. And it was odd to me that they came in that
3 order and seemed to not coincide.

4 MS. FULLWOOD: Oh, okay.

5 I'd also ask that with attempted murder you
6 would add, on page 9, first full paragraph, the
7 State is required to prove a specific intent to
8 kill.

9 THE COURT: I don't think that's the law. But
10 let me look real quick.

11 MS. FULLWOOD: We'd been having that
12 discussion.

13 THE COURT: We have, you're right.

14 MS. MAYES: Which the confusion, Your Honor,
15 is, of course the Bench Book says there is no
16 specific intent.

17 THE COURT: Well, here's the thing, and I'll
18 address it this way: I charge the statute, which I
19 felt that you just can't go wrong charging the law
20 of the land, which the current law in South Carolina
21 says and it's here: In order to prove this crime,
22 the State must prove the defendant, with intent to
23 kill, attempted to kill another person with malice
24 aforethought, either expressed or implied. I think
25 that covers it.

1 MS. FULLWOOD: And I respectfully say that my
2 position is that that was taken from the old charge
3 of assault and battery with intent to kill.

4 THE COURT: No, ma'am. That was taken straight
5 out of our code book.

6 MS. FULLWOOD: Right. But I think when they
7 revised the code book, they kind of lifted the ABWIK
8 into that. I don't know. It's my --

9 THE COURT: But it says what you're asking for.

10 MS. FULLWOOD: All right, sir.

11 THE COURT: You see what I'm saying? It says:
12 The State must prove the defendant, with intent to
13 kill, attempted to kill with malice aforethought.
14 I'm on page 7. I'm sorry, I didn't tell you that.

15 MS. FULLWOOD: Okay.

16 THE COURT: It's right under the heading
17 attempted murder.

18 MS. FULLWOOD: Yes, sir.

19 THE COURT: And what I did there was I actually
20 took the statute right out of the code book.

21 MS. FULLWOOD: Yes, sir. And I was looking at
22 page 9.

23 THE COURT: Correct. And what I was saying is,
24 I think what you're asking for appears on page 7.

25 MS. FULLWOOD: Yes, sir. I'd also ask that the

1 Court include an instruction on venue or
2 jurisdiction; that is that the burden is on the
3 State to prove that the crime occurred in Lexington
4 County. I did not see that in here, but I may have
5 overlooked that.

6 THE COURT: I didn't put that in here because
7 it wasn't mentioned until now.

8 MS. FULLWOOD: I apologize. I thought it would
9 be part of the general charge.

10 MS. MAYES: Well, there's also the matter that
11 there's actually case law that if you have a crime
12 that occurs in one county and then continues into
13 another county, it can be prosecuted in either
14 county. So the fact that something may have began
15 in Lexington County and continued into Richland
16 County does not affect the venue in Lexington
17 County.

18 THE COURT: I think that's probably correct.
19 And I think the venue issue -- I don't think that's
20 an issue for the jury to decide.

21 MS. MAYES: That would be the State's position,
22 Your Honor, that's it's a matter of law.

23 THE COURT: That's a matter of law for the
24 Court to decide.

25 MS. FULLWOOD: I thought that was ultimately

1 something the jury had to make a determination
2 about.

3 THE COURT: Well, I may be wrong, but I think
4 it's a matter of law that the Court has to decide to
5 determine whether or not a case even proceeds in
6 this venue. And I think I'm right on that.

7 But if I'm not, I think Ms. Mayes is correct
8 too though that under our law, if a crime begins to
9 occur in one county and spills over into the other
10 county, I think that it can be prosecuted in either
11 county.

12 MS. FULLWOOD: It's my understanding that that
13 is true for some type of continuing offenses. And,
14 in fact, kidnapping is an example of a continuing
15 offense.

16 THE COURT: Right; which is what we have here,
17 if you believe the State's --

18 MS. FULLWOOD: Right. But then we have the
19 assault. And that's a -- I would submit, the way
20 it's been explained and testified to, it was a
21 single type of incident that either happened at
22 Lexington Medical Center or at [REDACTED]
23 Apartments.

24 THE COURT: I'm going to respectfully deny
25 charging any charge with regards to venue. I don't

1 think it's appropriate for the jury. I'm going to
2 note your exception to that, however.

3 All right. Anything else we need to take up
4 before we bring the jury out?

5 MS. MAYES: Nothing further from the State.

6 THE COURT: From the Defense?

7 MS. FULLWOOD: No, Your Honor. I would like to
8 move that podium.

9 THE COURT: And I was going to say, as either
10 side presents their argument, if anybody needs to
11 move to be in a position to see better, feel free to
12 do so.

13 MS. FULLWOOD: Yes, sir.

14 THE COURT: All right. Let's bring the jury
15 in.

16 (The jury enters the courtroom at 3:19 PM.)

17 THE COURT: All right. Ladies and gentlemen,
18 when we broke for lunch I told you that when we got
19 started back you'd be hearing from the attorneys
20 with regards to their closing arguments and then I'd
21 have the charge on the law. So that's what's going
22 to happen, believe it or not.

23 We're now at the portion of the trial where you
24 have heard all of the evidence. The evidence in
25 this case is in and, as we term it, the evidence is

1 closed. But this is an opportunity for the
2 attorneys to share with you what they believe the
3 evidence in this case has shown. And so it's
4 important that you listen carefully.

5 As I told you with their opening statements
6 when I told you that their opening statements are
7 not evidence, what they share with you in their
8 closing arguments is not evidence either. It's
9 their contention as to what they believe the
10 evidence has shown. They're going to discuss the
11 evidence, they're going to talk about it, but the
12 evidence or the facts that they talk about whether
13 or not it meets with the facts as you find the facts
14 to be is a decision for you to make. You are the
15 judges of the facts. But this is their opportunity
16 to argue to you what they believe those facts are.
17 So please listen carefully as they address you with
18 their closing arguments.

19 Once they've concluded their arguments, I will
20 then give you the law that applies to this action,
21 and then you'll be in a position to go back into the
22 jury room and you'll have the case for your
23 consideration.

24 So if you will, please listen carefully as the
25 attorneys address you with their closing arguments.

1 Ms. Fullwood.

2 MS. FULLWOOD: Thank you, Your Honor. If it
3 pleases the Court.

4 THE COURT: Yes, ma'am.

5 MS. FULLWOOD: Mr. Foreman, ladies and
6 gentlemen of the jury, I'm going to try not to be
7 too long. I know you've spent a lot of time sitting
8 around today, and I'm sure that all of you would
9 like to go ahead and get to work on this case. But
10 I'd like to make a few remarks before you set about
11 your job.

12 You're here to decide whether or not Darryl
13 Jones is guilty of attempted murder. And that means
14 you've got to decide whether or not you think he
15 did, on August the 5th and 6th of 2013, intend to
16 kill Ms. Bartell, actually attempted to kill her,
17 and he did it all with malice aforethought. In
18 connection with that indictment, you are also going
19 to be allowed to consider three other levels of
20 assault. And those are assault and battery of a
21 high and aggravated nature, assault and battery in
22 the first degree, and assault and battery in the
23 second degree. Later on I'm going to discuss those
24 charges somewhat.

25 But the Judge is going to charge you on them in

1 full, and I believe he's going to give you-all a
2 copy of -- a written copy of his instructions to you
3 so you can have them with you in the jury room.
4 It's got a lot of legal terminology. It's certainly
5 not rocket science, but it will make it easier for
6 you to parse what everything means if you can just
7 see it all written down in front of you, I think.

8 Kidnapping, like somebody said earlier this
9 week, it's pretty much what you think it is. It's
10 any time you seize, confine, inveigle, decoy, or
11 carry away a person unlawfully and against their
12 will.

13 To start off, what I'd like to talk to you
14 about is the reasons we believe that the State's
15 case is weak. I'd ask you to ask yourselves, do you
16 really believe everything Ms. Bartell says? And
17 when I'm talking about Ms. Bartell, I'm not running
18 down that lady. We came up here before you and told
19 you he assaulted her and it was wrong. And it is
20 the truth. That should have never happened to her
21 under any imaginable set of circumstances. But it's
22 my job as a lawyer to point out to you the
23 weaknesses in the State's case, and it's your job as
24 jurors to consider those weaknesses when you're
25 arriving at your verdict.

1 I would submit to you that in her testimony,
2 Ms. Bartell was trying to minimize her prior
3 relationship with Mr. Jones. And, of course, in a
4 way that's understandable. I mean, you dated a man
5 and he beat you up, and you just wish you never had
6 anything to do with him in the first place. I
7 understand that. And I sympathize, but, you know,
8 you're not here to decide this case on any sympathy
9 you feel for anybody involved with the case. You're
10 to look at the facts of the case. And that type of
11 minimization is important because it isn't really
12 giving you the complete story.

13 They went all over the place trying to ascribe
14 some sort of motive for him to do this to her. And,
15 you know, at first it was, well, you know, he was a
16 jealous fellow who had been rejected, and that's
17 why. And then all off a sudden, it turned into,
18 well, she was going to strand him at the hospital
19 and he just went off on her and did all of this. I
20 know she doesn't like him and I know that he
21 deserves not to be liked by her, he doesn't. But
22 that doesn't give her the right not to be completely
23 candid with you about the nature of their
24 relationship before this incident.

25 Ms. Bartell also testified and told you-all

1 that there was blood all over that van. And then
2 they got her to testify the next time she saw the
3 van it was damp. And I think the insinuation that
4 somebody had cleaned and maybe they were trying to
5 make the suggestion that Mr. Jones had come back to
6 clean it. But look at the testimony now, all of the
7 testimony.

8 Her daughter Azalea testified yesterday and she
9 told you that she got that van from her mama's
10 apartment on August the 8th, two days after it
11 happened. And what did she tell you it was like?
12 She used the word disheveled, it smelled bad, and
13 she did see some blood. But she didn't say she saw
14 a lot of blood like her mother had previously
15 testified.

16 And think about what Dr. Hayes told you.
17 Dr. Hayes is the one who testified first, the board
18 certified trauma expert at Lexington Medical Center.
19 He told you that those kind of injuries -- and her
20 specific injuries were those that really had minimal
21 blood loss. So, again, there's sort of that
22 exaggeration. And I'd ask you to overlook that and
23 realize that's a flaw and a weakness in their case.

24 Then there's the issue of the broken seatbelt
25 in that van. Her testimony was that she claims she

1 was choked by the seatbelt until it broke. Well,
2 you saw the pictures that were taken of the van.
3 There's no broken seatbelt in there. And what's
4 more -- I'll get to this a little later: There's no
5 belt in the van.

6 Then we come to some of the inconsistencies or
7 lack of completeness between the testimony and the
8 prior written statement she gave to police. Most of
9 that centered around what she says Mr. Jones was
10 saying to her during the assault. A lot of what she
11 said was pretty dramatic: Oh, blank, I'm going to
12 prison, you're going to die tonight, things about
13 dumping her body. I mean, I know that was a
14 traumatic night for her, I know there was a lot
15 going on, but it was almost a week later that she
16 wrote that written statement. And she wrote it on
17 her own in her own handwriting, and she didn't say
18 anybody was pressuring her and hurrying her up, but
19 she left out a lot of that stuff. So was that stuff
20 really said or what she's saying now on the stand an
21 embellishment because she justifiably doesn't like
22 Mr. Jones?

23 She says he urinated on her. And to prove
24 that, they show you a picture of Ms. Bartell wearing
25 that pink shirt at the hospital. And you can look

1 at it, of course, in the jury room. It's wet over
2 most of the front, and they want to say, well,
3 that's because her bra was still wet and it's all
4 the urine in the bra that got on the pink shirt.
5 But ask yourself, A, if that makes sense, that any
6 moisture remaining on an undergarment like that, if
7 that undergarment would be absorbent enough to
8 retain then release that much water. And
9 furthermore, remember, they got him to testify that
10 there was a yellow stain on the black back of the
11 shirt that she was wearing that night, insinuating
12 that that was where he urinated on her. It was sort
13 of like what Ms. Mayes was saying cross-examination
14 the defendant: Well, you've got to choose, face-up
15 or facedown? I think they want you to believe it
16 both ways just to have you believe something.

17 Finally, I would ask you people to look at the
18 fact that there is not any corroborating forensic
19 evidence in this case. And I'd submit to you, if
20 they really tried, there probably would have been.

21 You know, Chief Wilson first testified that he
22 personally looked at those tapes extensively, huge
23 time span, and there's absolutely nothing that could
24 be seen. Then after the lunch break, Joshua Angle
25 testified, it turned out he was the person who

1 looked at those tapes, he was the one who saw a
2 minivan that may or may not have been Ms. Bartell's
3 van, and he said that he only looked for any -- for
4 the van in any other area like Parking Lot I for a
5 period of about ten minutes either way to look for
6 it. And what kind of -- what kind of police work is
7 that? I mean, that happened at a hospital, a
8 hospital, by an emergency room. That happens at a
9 hospital by an emergency room and they're just going
10 to throw in the towel and say, we can't gather any
11 evidence? Joshua Angel conceded that if that car
12 was the car in question and if Ms. Bartell's van had
13 been in Parking Lot I, there's a good chance it
14 would have, at some point, been in the view of those
15 surveillance cameras out there in front of the
16 emergency room. Then he offered up that all of the
17 things that he was saying about the minivan and the
18 license tag camera, that that was assuming. There
19 wasn't a time glitch with the camera.

20 And if there could have been a time glitch in
21 that camera, that means we have no timeline at all
22 except for the fact the only thing any of us know
23 for sure in this case is that Cathrene Gholson,
24 Darryl Jones' mom, called 911 to get help for
25 Ms. Bartell at 12:59 AM on August the 6th. That's

1 the only thing we know for sure.

2 And please ask yourself, why wasn't that
3 minivan processed? There was blood in that car --
4 or at least all of us, kind of using our common
5 sense, figure that's probably what it is. But there
6 are ways to know for sure and, more importantly,
7 there's DNA in blood.

8 Now, Chief Wilson wanted to say, well, she was
9 on drugs at the emergency room, she couldn't talk,
10 this and that. But what did Officer Rentiers tell
11 you? He talked to her down there. He said she was
12 coherent, he said he could understand her. The
13 hospital public safety knew that that van was a
14 crime scene, and presumably they knew that when this
15 happened, she was fighting back. And when they
16 finally got around to looking at the car, whenever
17 that was, there was still blood in the car.

18 Now, if you've got an assault and people have
19 been struggling and fighting back and hitting each
20 other, kicking, there's a good chance that you could
21 place the assailant in that car. Why not take a
22 swab of that evidence, send it in, at least see if
23 they could provide you with some corroborating
24 evidence? Ask yourselves if it's excusable that
25 they did not.

1 Now I want to talk a little bit about attempted
2 murder. Like I just said, the State has to prove
3 three things: They have to prove malice, they have
4 to prove an intent to kill, and they have to prove
5 an attempt and a specific intent. Now, the Judge is
6 going to tell you in great detail what malice is.
7 But basically, it's hatred, it's ill-will, it's
8 doing something out of pure meanness for no good
9 reason. And there's two types of malice; there's
10 direct malice and implied malice. Now, direct
11 malice is things like buying a gun and going to hide
12 in the bushes waiting for someone to come by or, in
13 this case I suspect the State is going to submit to
14 you that these remarks that Mr. Jones supposedly
15 made to Ms. Bartell during their confrontation and
16 during this assault are -- is evidence of direct
17 malice. And again, please remember how she tried to
18 minimize some of her testimony and remember how
19 these more lurid statements that she says now that
20 he made to her just were not contained in her
21 written statement.

22 Now, implied malice means you can reach a
23 conclusion that malice was there just through the
24 circumstances that were occurring. And I can't
25 guess everything that Ms. Mayes is going to argue,

1 but I imagine that she's going to say that using his
2 fists, like she said, and using seatbelt, like
3 Ms. Bartell said, basically constitutes him using a
4 weapon against her and you should arrive some
5 inference of malice from that. Well, I'd say this
6 as far as the fist, and that's look at the manner in
7 which they were used. And I know -- okay -- I know
8 that she just looks awful in this picture. And, you
9 know, you can't just look at that and not feel for
10 her. But again, it's not what you feel, it's what
11 it is objectively.

12 And I submit to you that a man of that height
13 and that weight had to be pulling his punches,
14 because if he hadn't been, things would have been a
15 lot worse. And as far as the use of the seatbelt,
16 the broken seatbelt that is not depicted or the --
17 supposedly his pants belt that the police never made
18 an effort to find -- look at the pictures. She does
19 have bruising on her neck. There's no way I can
20 tell you she doesn't. But she describes being
21 choked by a seatbelt and being choked by a pants
22 belt for a prolonged period of time.

23 Now, she's a petite lady, she's very
24 small-framed. And don't you think that if that had
25 really occurred to her, that it would have been the

1 type of neck injury that could have swollen her
2 airways badly and made this a much worse situation
3 than it actually was once she got medical help?

4 Now, along the same vein, you know, they have
5 to prove that he actually meant to kill her, that's
6 what he was trying to do when he assaulted her. And
7 I'm not trying to minimize what happened to her, we
8 all feel bad about what happened to her. It
9 shouldn't have. But I tell you, the injuries she
10 had just don't bear out the fact that he was trying
11 to kill her. There has been no testimony from any
12 doctor that she had life-threatening injuries.

13 Now, doctor McCarroll, the young doctor in
14 training who testified yesterday afternoon,
15 testified, well, she's got some swelling in her
16 throat, and they were always concerned about
17 swelling because if you're throat swells too much,
18 of course your airway is blocked off. But he didn't
19 say specifically that her airway was so swollen we
20 were afraid that that might happen, he just said it
21 was noted as a general concern in her records.

22 And she was in the hospital for a while. But
23 think about this: The very next day she was put
24 into the surgery stepdown unit which is a less high
25 level of care. From there, she went to the hospital

1 floor. And what did he tell you about her treatment
2 while she was at the hospital? It was to monitor
3 her eye and the swelling, it was to care for the
4 wound on her finger; she was getting consultations
5 with specialists in eye surgery and orthopedic
6 surgery, she was getting psychiatric consults, she
7 was being monitored for her heart problems. There's
8 no evidence in the record, because it just didn't
9 happen, that she was on life support at any time,
10 she never had any type of operation while she was in
11 the hospital. In fact, for all we know, she's never
12 had an operation at all.

13 So the evidence cuts against a finding on your
14 part that he had a specific intent to kill. And if
15 he didn't have a specific attempt to kill, then he
16 didn't attempt to kill her. And I'd submit to you
17 that that's sufficient and that's good reason for
18 you to have a reasonable doubt as to his guilt on
19 that charge and to find him not guilty of attempted
20 murder.

21 Now, there's a kidnapping. You know, the
22 kidnapping statute is pretty much wide open. But in
23 this particular case, I'd say to you, the only
24 credible evidence in this case is that any
25 restriction of Ms. Bartell's freedom of movement was

1 only incidental to the fact she was being assaulted.
2 That's the only reasoned finding that I think you
3 could make in this case. And for that reason, I
4 believe you need to find him not guilty of the
5 kidnapping.

6 Now, like I told you, there are other charges
7 that you're going to be able to consider. And I'm
8 not going to sit here and go into great detail about
9 them because I don't want to stand up here for an
10 hour because I'm tired and I know you don't want me
11 to, you know? I'll just cut to the bottom line
12 here: I believe that in this case the correct
13 verdict is guilty of assault and battery second
14 degree. And what that means is you assault somebody
15 and cause moderate bodily injury to that person.
16 And that means -- and I'm going to read this because
17 it's long: It means you cause physical injury
18 requiring treatment to an organ system of the body
19 other than the skin, muscles, and connective tissues
20 of the body, except when there's penetration of the
21 skin muscles and connective tissues that require
22 surgical repair of a complex nature. And it goes
23 on, but the rest isn't really pertinent to my
24 argument.

25 Here's the thing: What he did was inexcusable,

1 it was morally reprehensible. But when you look at
2 the medical evidence and you look at it just in a
3 cool, calm way, what he did is called an injury to
4 the site system of her body. That is moderate
5 bodily injury. He is most certainly guilty of that.
6 And we would respectfully ask you-all to find him
7 guilty of assault and battery in the second degree.
8 Thank you very much.

9 THE COURT: Thank you, ma'am.

10 Ms. Mayes.

11 MS. MAYES: May it please the Court.

12 THE COURT: Yes, ma'am.

13 MS. MAYES: Bitch, you're going to die tonight.
14 You're going to die tonight and I'm going to prison.
15 Those were the words of this defendant, Darryl
16 Jones, in the early morning hours of August 5th.

17 Now, at later point, when I'm done speaking,
18 which I'm sure y'all are hoping is fairly soon, the
19 Judge is going to charge you on the law, and he's
20 going to address two different types of law. They
21 are direct evidence and circumstantial evidence.
22 But I submit to you that both are good and valid
23 forms of proof.

24 Direct evidence is when someone sees something
25 happen or feels something happen and experiences it

1 firsthand. So the direct evidence that you've heard
2 in this case from Jeanine Bartell came directly from
3 that witness stand. Her testimony alone is
4 sufficient and firm direct evidence.

5 But in addition to that, there's another form
6 of evidence, which is circumstantial evidence.
7 Circumstantial evidence can be a combination of many
8 different things which puts all of the pieces
9 together. It's like a chain with different links
10 along the way. And when you think about that chain,
11 every little link is important and it matters in
12 putting the evidence together. And as the Judge
13 will charge you, circumstantial evidence is just as
14 good as direct evidence. Both are valid forms of
15 proof. So in this case, the circumstantial evidence
16 are what tells us exactly what was going on in his
17 mind and in his actions. That circumstantial
18 evidence, in addition to Jeanine Bartell's direct
19 evidence, his words, his own statements, which are
20 evidence of malice. But what we know from the
21 circumstantial evidence, we actually see the malice.
22 We see it in her shirt that's soaked in urine. And
23 I know Ms. Fullwood addressed that, so let me just
24 clarify exactly what the State's position is on
25 this. And when you put all of the links of the

1 chain together, it forms proof which is undeniable.

2 And in this particular situation, when we talk
3 about different types of malice, when could there
4 ever be more malice than when you have choked
5 someone, nearly strangled someone to death, and then
6 you urinate on them? This blouse, the yellow, it's
7 not on one side, it's soaked. And that bite on her
8 back when he bit all the way through to bite her
9 when she's facedown, facedown in the back of that
10 Windstar right here, facedown, head in the seat,
11 he's pulled the seatbelt apart -- we know how easy
12 it is for a seatbelt to come undone. He's pulled it
13 apart, wrapped it around her neck, and then he
14 inflicts yet another bite mark as she's in that
15 situation. And he wants to say there's no malice.
16 When could there ever be more malice than that?

17 You know when you go to the beach and you've
18 got your swimsuit on and it's one of those swim
19 suits that whether it's padded or not, it's going to
20 retain water? And a little while goes by and you
21 put on your extra set of clothes or you put on your
22 cover-up and then a little while later you look down
23 and you're soaking wet right where you had that
24 bathing suit? This bra with sufficient padding
25 certainly became saturated when he urinated on her.

1 That's why the pink shirt she's wearing in these
2 photographs is equally saturated right where we know
3 the bra would have been. It's completely dry at the
4 top, it's dry towards the bottom near the midriff,
5 but right there where she had that padded bra that
6 had become saturated in urine, it's now soaked
7 through to this extra set of clothes that she put on
8 while they were waiting on the ambulance to get
9 there.

10 And the Defense wants to talk about credibility
11 of witnesses. That's undeniable proof. And as the
12 Judge will charge you, circumstantial evidence is
13 just as good as direct evidence, but it's
14 undeniable. The only way it could be denied is
15 through his testimony, which is false. How many
16 times did he give a story on that stand which simply
17 doesn't make sense and doesn't fit the evidence?
18 None of it does.

19 And let's start with looking at this whole trip
20 to the emergency room because Ms. Bartell was having
21 chest pains. He admits that. A van she drives
22 every single day of her life because she's a working
23 mom, all of a sudden he wants to suggest that he's
24 worried about an expired tag. An expired tag?
25 That's, what, a warning, a warning ticket for an

1 expired tag when she's in the middle of have chest
2 pains? He never let her get out of the van that
3 night.

4 What set him off was that trip to the Urgent
5 Care, the trip to the Urgent Care that he insisted
6 on. And when it turned out that it was closed and
7 the victim became more anxious, was having more
8 anxiety on the way to the emergency room, they got
9 into an argument. They get to that parking lot in
10 the space that everyone agrees they're at, which is
11 not visible on camera, and she says, you know what,
12 I just can't handle this right now, I've got to get
13 inside right now, I've got to find out what's wrong,
14 I just can't handle this. She asked him to get out
15 and asked him to leave, and that set him off. No
16 one was going to tell him to leave, he wasn't going
17 to let this go, that's when he got back in the van
18 and came back at her. And from that moment on,
19 everything changed, from that first blow where he
20 tells her she's going to die to the time she ends up
21 in the back of van first choked by a seatbelt and
22 then by a waist belt, left in the hospital for eight
23 days. And they want to downplay and minimize her
24 injuries? That's outrageous.

25 A physician from Palmetto Health Richland

1 testified she's not even on a regular floor. She's
2 admitted to a trauma unit, not only because of a
3 closed head injury and bleeding behind an eye that
4 they couldn't even treat her for over here in
5 Lexington, but she gets admitted to Palmetto Health
6 Richland and they're concerned about her airway.
7 Why is that? Because if her airway swells and
8 there's too much edema in the airway, she dies. How
9 in the world can you downplay that kind of injury?
10 Of course there's a substantial risk of death when
11 there's injury to an airway or even an attempt to do
12 so. But this went beyond that because of malice.

13 I'm going to talk now and when I'm done, the
14 Judge is going to charge you on exactly what the law
15 is. I wish I could say it was simple and that it
16 was easy, but even attorneys have difficulty looking
17 through the law and getting all the different points
18 involved. But the bottom line is this: What
19 separates attempted murder from other forms of
20 assault is malice. When malice is present with an
21 intent to kill, that's when it becomes attempted
22 murder.

23 Beyond that, there is a charge called assault
24 and battery of a high and aggravated nature, which
25 certainly occurred in this case because there was a

1 substantial risk of death as well as great bodily
2 injury, but it's the malice that sets it apart.

3 When we talk about the law on attempted murder,
4 the first element is an intent to kill. If you have
5 a belt, be it a seatbelt or waist belt, wrapped
6 around someone's neck to the point they lose
7 consciousness and to the point that she urinates on
8 herself, what is that if that's not an intent to
9 kill? And Ms. Fullwood said, well, but she didn't
10 actually die. Well, that's not the law. You don't
11 get to try and strangle someone and leave them
12 unconscious and then say, my bad, I didn't mean it
13 and it doesn't count because she didn't actually
14 die.

15 Dr. McCarroll talked about his observations of
16 what he called the angry abrasions. And here they
17 go all the way to the back of the neck and
18 underneath the chin. This was a prolonged choking.
19 She's doing everything she can to prevent the
20 choking. It's her own actions that saved her life
21 that night. There was no mercy on his part. And as
22 that's occurring, he's delivering blows to the head.
23 Any of these particular blows to the head can result
24 in death.

25 In this particular case, one of the blows she

1 received was so severe, it left her with facial
2 fractures across and above the eye on the orbital
3 region of the skull. So if you're delivering that
4 type of force to someone's face and head as you're
5 making statements of expressed malice, how could
6 there be any other conclusion?

7 When there is an attempt to kill another person
8 with malice aforethought, either expressed or
9 implied -- and just briefly, that can be when we
10 talk about his own statements, you're going to die,
11 tap out, say good night, Jeanine. She talked about
12 how she played dead so that he finally stopped. And
13 that's when he drove back to the apartment complex
14 in Richland County. And he drove around talking to
15 himself for a while, talking about dumping the body.
16 And that's when he called his mom. He thought she
17 was dead or almost dead, and then eventually his mom
18 comes out and 911 is called.

19 In addition to the statements, you have the
20 urination and then the bite marks. As you'll see in
21 the room with those exhibits, this isn't one or two
22 bite marks, it's repetitive bite marks all over the
23 body. Again, if it's not malice, how can anything
24 ever be malice? He intended to kill Jeanine that
25 night. And malice can occur -- when we say

1 aforethought, he doesn't have to think it out and
2 plan it out in advance, he didn't have to plan it
3 out before the emergency room, it can form in the
4 single second when he grabs that seatbelt and
5 decides to wrap it around her neck. One second can
6 be malice aforethought when there is malicious
7 intent.

8 Now secondly, the crime of kidnapping,
9 kidnapping, under the law, our law, can mean many
10 different things. It's not limited to abduction by
11 a stranger. It includes the act of confinement or
12 when someone is carried away by another person
13 against their will. That element has been proven
14 beyond a reasonable doubt. Throughout this assault
15 she was confined in the back of that van. If there
16 was any means of escape, she would have made it to
17 the emergency room. Her whole intent for being
18 there -- remember the testimony from Dr. Hayes from
19 Lexington ER and he explained about her troponin
20 levels, that enzyme within the blood, how it was
21 elevated, and that was a concern because elevated
22 troponin levels are consistent with a heart
23 condition. And in this particular case, it was the
24 heart that led her to the emergency room to begin
25 with. So not only were they treating her for her

1 all of her injuries, but concerned for the elevated
2 troponin levels. That's why she was at the ER and
3 wanted to get inside. She couldn't because he
4 wouldn't let her; she was confined in that van.

5 And if there's the slightest doubt, look at the
6 picture of the bite wound to the back. This wound
7 can only happen when she's facedown, under 160
8 pounds, five-foot-four, in the back of that van --
9 and where is he to get his mouth on her back? He's
10 280 pounds five-foot-eleven on top of her. There's
11 no getting away. That is the very epitome and
12 essence of confinement under kidnapping, because not
13 only was she held down to be assaulted, she was held
14 down and prevented from getting help outside that
15 van and outside that emergency room. Then he drove
16 away. By any means whatsoever, whether it be his
17 own hands, a seatbelt, or any other item. And that
18 essentially, ladies and gentlemen, is the law in
19 this case.

20 Throughout this, I think the biggest point that
21 hasn't been addressed is, what motive would Jeanine
22 Bartell have to make up anything false on Mr. Jones?
23 Absolutely none. Her only motive was to stay alive.
24 Her only motive was to make it out of that van in
25 one piece and get to the hospital for help. And she

1 made it out. And from day one, she said exactly
2 what happened and where it happened.

3 She told 911 -- and you'll see there on the
4 evidence that's going to go back to the jury room,
5 one of those is the actual 911 call. And here as
6 it's called in, his mom, almost completely oblivious
7 to what's occurred, she comes outside to check. And
8 all she knows is boyfriend versus girlfriend,
9 weapons unknown, both parties are on the scene,
10 caller, which is his mom, not sure of injuries
11 states they were fighting in the car and she's not
12 sure how bad the female injuries are. Incident
13 occurred at Lexington Medical Center. That's what's
14 been known from day one. The only person who would
15 change that would be the defendant. But why? Well,
16 just another technicality he wants to throw out
17 there, you know. He can't beat the facts and he
18 can't beat the physical evidence, so he's just going
19 to throw something else out there.

20 But venue is absolutely not an issue in this
21 case. If this crime, assault, kidnapping, began in
22 Lexington County and he drives over to Richland
23 County, that doesn't absolve his responsibility or
24 guilt. So please don't let that be an interference
25 in rendering your verdict. It's just another red

1 herring he's attempted to throw in the way. Just
2 like that night after EMS was called, where did he
3 go? He disappeared, fled the scene, went on the run
4 was apprehended over 20 days later by the U.S.
5 Marshal's Office. He thought he'd get away with it,
6 but that's not how it works.

7 This crime and crimes of this nature cannot be
8 tolerated Lexington County. These crimes cannot be
9 tolerated against any other person, male, female,
10 child. No human -- no human should ever carry out
11 crimes of this nature against another. You have
12 before you the most noble of opportunities, the
13 chance to strike back against injustice and deliver
14 a verdict which speaks the truth. You're going to
15 hear some lesser included offenses from the Judge.
16 And by lesser, that means it starts with attempted
17 murder, and then goes down; assault and battery of a
18 high and aggravated nature, and then goes down;
19 assault and battery first degree, and then goes
20 down; assault and battery second degree. That's
21 what -- Ms. Fullwood said, oh, this might be assault
22 and battery second degree. This crime could never
23 be assault and battery second degree, I submit to
24 you. This is not some bar fight where somebody got
25 a cut on the hand and ended up needing some

1 stitches. This crime put someone in a trauma unit
2 for days. It would never be assault and battery
3 second degree.

4 This case cries out for justice for the State
5 and for Jeanine Bartell. The correct verdict is
6 guilty of kidnapping, guilty of attempted murder.
7 Thank you.

8 THE COURT: Thank you, ma'am.

9 All right, folks. When we started this case I
10 told you you were the judges of the facts and that I
11 was the judge of the law. And during the course of
12 this trial where the attorneys have been presenting
13 to you the evidence and the facts, it's been
14 appropriate for me to be up there on the bench and
15 out of the way to allow them to do that. Now we've
16 reached the portion of this trial where you and I
17 are in this together; you as the judges of the facts
18 and me as the judge of the law. So I thought it
19 appropriate to come down and be with you as I give
20 you the charge on the law. I'm going to read it
21 verbatim, folks, so I don't misquote anything or
22 leave anything out.

23 Mr. Foreman, ladies and gentlemen of the jury,
24 you've heard evidence and the arguments of both
25 parties. I'm now going to explain to you the law

1 which applies to this action. The indictments
2 charge the defendant, Darryl Vincent Jones, of
3 attempted murder and kidnapping. I remind you that
4 the fact that the defendant was arrested, charged,
5 and indicted in this case is not evidence in this
6 case, and it cannot be considered by you as evidence
7 of guilt in this case, nor does it create any
8 presumption or inference of guilt.

9 The indictments, as I said earlier, are simply
10 the formal written instruments which contain the
11 charges made against the defendant. They are the
12 formal documents by which this case is brought into
13 court.

14 Now, I'm going to give you a copy of these
15 instructions to have with you back in the jury room.
16 During your deliberations you may refer to these
17 instructions to guide you in your decision making;
18 however, you must consider the instructions as a
19 whole and not follow some and ignore others.

20 The defendant has pled not guilty to these
21 indictments, and that plea puts the burden on the
22 State to prove the defendant guilty. A person
23 charged with a criminal offense in South Carolina is
24 never required to prove him or herself innocent. I
25 charge that it is an important rule of law that a

1 defendant in a criminal trial, no matter what the
2 seriousness of the charge may be, will always be
3 presumed to be innocent of the crime for which the
4 indictment was issued unless guilt has been proven
5 by evidence satisfying you of that guilt beyond a
6 reasonable doubt.

7 This presumption of evidence does not end when
8 you begin your deliberations, but it accompanies the
9 defendant throughout the trial until you reach a
10 verdict of guilt based on satisfying you of that
11 guilt beyond a reasonable doubt.

12 The presumption of innocence is not just a mere
13 legal, not just a legal phrase, but it's a
14 substantial right to which every defendant is
15 entitled unless you, the jury, are satisfied from
16 the evidence of the defendant's guilt beyond a
17 reasonable doubt.

18 So what is a reasonable doubt in the law? Some
19 of you may have served as jurors on civil cases
20 where you were told it's only necessary to prove
21 that a fact is more likely true than not true, such
22 as by the greater weight or the preponderance of the
23 evidence. In criminal cases, the State's proof must
24 be more powerful than that, it must be beyond a
25 reasonable doubt.

1 Proof beyond a reasonable doubt is proof that
2 leaves you firmly convinced of the defendant's
3 guilt. There are very few things in this world that
4 we know with absolute certainty, and in criminal
5 cases, the law does not require proof that overcomes
6 every possible doubt. If you firmly convinced that
7 the defendant is guilty of the crime charged, you
8 must find the defendant guilty; if, on the other
9 hand, you think there's a real possibility that the
10 defendant is not guilty, then you must give the
11 defendant the benefit of that doubt and find him not
12 guilty.

13 Now, I remind you that during this trial, you
14 and I have certain duties to perform. As the trial
15 judge, it's my responsibility to preside over the
16 trial of this case and I also have the duty to rule
17 on the admissibility of evidence offered during the
18 course of this trial. You are to consider only the
19 testimony which has been presented from the witness
20 stand and any exhibits which may have been made a
21 part of the record in this case.

22 I have the additional duty to charge you the
23 law applicable to this case. It is your duty as
24 jurors to accept and to apply the law as I now state
25 it to you. If you already have an idea as to what

1 the law is or what the law ought to be and it does
2 not agree with what I now tell you the law is, you
3 must abandon your idea, because you're sworn to
4 accept the law and apply the law exactly as I state
5 it to you.

6 As I told you at the start of this case, the
7 jury is the sole and exclusive judges of the facts.
8 A trial judge cannot state, comment on or make any
9 statement to a trial jury about the facts of a case.
10 The law does not allow me to have an opinion about
11 the facts in this case. This is a matter solely for
12 you, the jury, to determine. As jurors, it is your
13 duty to determine the effect, value, weight and
14 truth of the evidence presented during this trial.

15 Now, as I stated, under the Constitution and
16 the code of laws, only you, the jury, can make the
17 findings of fact. To determine the facts in this
18 case, you're going to have to evaluate the
19 credibility or believability of the witnesses. And
20 credibility means simply that; it means
21 believability. It becomes your duty as jurors to
22 analyze and to evaluate the evidence and determine
23 which evidence convinces you of its truth. You, the
24 jury, can believe as much or as little of the
25 witness' testimony as you may think is proper. You

1 may believe the testimony of a single witness
2 against that of many witnesses or just the opposite.
3 You may believe part of a witness' testimony and
4 disbelieve the rest. The fact that a witness'
5 testimony, even an expert's testimony, is
6 uncontradicted does not render it undisputed. You,
7 the jury, should assess the credibility of each of
8 the witnesses. You may consider whether any witness
9 has exhibited to you any interest, bias, prejudice,
10 or other motive in this case. You may also consider
11 the appearance and the manner of a witness while on
12 the witness stand. You do not determine the truth
13 merely by counting the number of witnesses presented
14 by each side. Throughout this process you have but
15 one objective, and that is to seek the truth,
16 regardless of its source.

17 Now, in trials, there are two types of evidence
18 which are generally presented; there's direct
19 evidence and there's circumstantial evidence.
20 Direct evidence is testimony of a person claims to
21 have actual knowledge of certain facts, such as an
22 eyewitness. Circumstantial evidence is proof of a
23 chain of facts and circumstances which indicate the
24 existence of a fact. The law makes absolutely no
25 distinction between the weight or value to be given

1 to either direct or circumstantial evidence, nor is
2 there a greater degree of certainty required of
3 circumstantial evidence than of direct evidence.
4 You should weigh all of the evidence in this case.
5 After doing so, if you're not convinced of the guilt
6 of the defendant beyond a reasonable doubt, you
7 would find the defendant not guilty. If, however,
8 after weighing all of the evidence, you are
9 convinced of the guilt of the defendant beyond a
10 reasonable doubt, you would find the defendant
11 guilty.

12 Now, the rules of evidence ordinarily do not
13 permit witnesses to testify to opinions or
14 conclusions. There's an exception to this rule that
15 exists for witnesses which we call expert witnesses.
16 A witness, who by education and experience, has
17 become an expert in some art, science, profession,
18 or calling, may state an opinion as to the relevant
19 and material matter in which that witness claims to
20 be expert and may also state the reasons for that
21 opinion. You should consider any expert opinion
22 received into this case and, like any other
23 evidence, give it the weight you think it deserves.
24 An expert witness' testimony is to be given no
25 greater weight than that of any other witness simply

1 because that witness is an expert. Furthermore,
2 you're not required to accept an expert's opinion
3 even though it's not contradicted.

4 Now, the indictments in this case allege two
5 different offenses against the defendant. The first
6 that I've shared with you is an indictment for
7 attempted murder. The next is an indictment for
8 kidnapping. Each indictment charges a separate and
9 distinct offense. You must decide each indictment
10 separately on the evidence and the law applicable to
11 it uninfluenced by your decision as to any other
12 indictment. The defendant may be convicted or
13 acquitted on any or all of the offenses charged.
14 You will be asked to write a separate verdict of
15 guilty or not guilty for each indictment.

16 Now, Mr. Jones is charged with attempted
17 murder. In order to prove this crime, the State
18 must prove this defendant with intent to kill,
19 attempted to kill another person with malice
20 aforethought, either expressed or implied. Now,
21 malice is define as hatred, ill-will or hostility
22 toward another person. It's the intentional doing
23 of a wrongful act without just cause or excuse and
24 with the intent to inflict an injury or under the
25 circumstances that the law will infer an evil

1 intent. Malice aforethought does not require that
2 malice exists for any particular time before the act
3 is committed, but malice must exist in the mind of
4 the defendant just before and at the time that the
5 act is committed. Therefore, there must be a
6 combination of the previous evil intent and the act.

7 Malice aforethought may be expressed or
8 inferred. These terms expressed and inferred do not
9 mean different kinds of malice, but merely the
10 manner in which malice may be shown to exist; that
11 is, either by direct evidence or by inference from
12 the facts and circumstances which are proved.

13 Expressed malice is shown when a person
14 expresses words which show hatred or ill-will for
15 another or when the person prepared beforehand to do
16 the act which was later accomplished. For example,
17 lying in wait for a person or any other acts of
18 preparation is going to show that the deed was
19 within the defendant's mind would be expressed
20 malice. Malice may be inferred from conduct showing
21 a total disregard for human life.

22 If the facts are proved beyond a reasonable
23 doubt sufficient to raise an inference of malice to
24 your satisfaction, this inference would simply be an
25 evidentiary fact to be considered by you along with

1 any other evidence in this case. And you may give
2 it whatever weight you decide it should receive.

3 Intent means intending the result that actually
4 occurs; not accidentally or involuntary. Intent may
5 be shown by acts and conduct of the defendant and
6 other circumstances from which you may naturally and
7 reasonably infer intent. Evidence of the character
8 of the act, the character of the instrument used,
9 the manner in which it was used, the purpose to be
10 accomplish, and the resulting wounds or injuries may
11 be considered in determining the intent with which
12 the act was committed. Intent may also be inferred
13 when it is demonstrated that the defendant
14 voluntarily and willfully commits an act, the
15 natural tendency of which is to destroy another
16 person's life.

17 Now, if you find that the State has failed to
18 prove that the defendant is guilty of attempted
19 murder, you must then decide whether the State has
20 proved that the defendant is guilty of assault and
21 battery of a high and aggravated nature. A person
22 commits the offense of assault and battery of a high
23 and aggravated nature if the person unlawfully
24 injures another person and, A, great bodily injury
25 to the other person results or, B, the act is

1 accomplished by means likely to produce death or
2 great bodily injury.

3 Now, the law defines great bodily injury as
4 bodily injury which causes a substantial risk of
5 death or which causes serious permanent
6 disfigurement or protracted loss or impairment of
7 the function of a bodily member or organ.

8 Now, if you find that the State has failed to
9 prove that the defendant is guilty of attempted
10 murder and assault and battery of a high and
11 aggravated nature, you must then decide whether the
12 State has proved that the defendant is guilty of the
13 offense of assault and battery in the first degree.
14 A person commits the offense of assault and battery
15 in the first degree if the person unlawfully injures
16 another person and the act occurred during the
17 commission of a robbery, burglary, kidnapping or
18 theft, or the person unlawfully offers or attempts
19 to injure another person with the present ability to
20 do so and that the act is either, A, accomplished by
21 means likely to cause death or great bodily injury
22 or, B, occurred during the commission of a robbery,
23 burglary, kidnapping or theft. And I've defined for
24 you earlier what great bodily injury -- the
25 definition for great bodily injury, I defined that

1 earlier when I gave you the charge of assault and
2 battery of a high and aggravated nature.

3 Now, if you find that the State has failed to
4 prove that the defendant is guilty of attempted
5 murder, assault and battery of a high and aggravated
6 nature, and assault and battery in the first degree,
7 you must then decide whether or not the State has
8 proved that the defendant is guilty of assault and
9 battery in the second degree. A person commits the
10 offense of assault and battery in the second degree
11 if the person unlawfully injures another person or
12 offers or attempts to injure another person with the
13 present ability to do so and either moderate bodily
14 injury to another person results or moderate bodily
15 injury to another person could have resulted.

16 Moderate bodily injury is defined as follows:
17 Physical injury requiring treatment to an organ
18 system of the body other than the skin muscles and
19 connective tissues of the body, except when there is
20 a penetration of the skin muscles and connective
21 tissues that require surgical repair of a complex
22 nature or when treatment of the injuries requires
23 the use of regional or general anesthesia.

24 Now, Mr. Jones is also charged with kidnapping,
25 the State must prove beyond a reasonable doubt that

1 the defendant knowingly and unlawfully, seized,
2 confined, inveigled, decoyed, kidnapped, abducted or
3 carried away another person without the authority of
4 law. To do a thing unlawfully is to do it willfully
5 against the law. Knowingly means with knowledge,
6 consciously, and not accidentally. Seize means to
7 take hold of suddenly or forcibly. Confine means to
8 limit, restrict, or enclose within bounds, imprison
9 or shut or keep in. Inveigle means to lure, entice
10 or lead astray by false representations, promises or
11 other deceitful means. Decoy means to lure by or as
12 if by decoy. A decoy is something to entice a
13 person into a trap. Kidnap is to remove a person
14 against his or her will by unlawful force or by
15 fraud. Abduct means to carry off secretly or by
16 force for an illegal purpose. And, of course, carry
17 away simply means to remove.

18 Now, the State does not have to prove that the
19 defendant did all of these things; instead, if you
20 find beyond a reasonable doubt that the defendant
21 did any of these things, you may find the defendant
22 guilty of kidnapping. Something done without
23 authority of law is something which the law does not
24 sanction, permit, allow, condone or provide
25 justification for. The kidnapping does not have to

1 be for any personal or monetary gain or for any
2 illegal purpose, but may be for any reason
3 whatsoever.

4 Now, Mr. Foreman, ladies and gentlemen, as you
5 retire to begin your deliberations, I want to
6 express to you the hope that each of you will be
7 mindful of the importance of your responsibility.
8 You're not called upon to serve as jurors very
9 often, and the proper performance of the duty
10 requires each of you to reach the height of freeing
11 your mind of all improper influences.

12 As the presiding officer of this court I'm
13 vitally concerned that whatever verdict you find
14 will be the result of your going into the jury room
15 and confining your consideration to the evidence and
16 to the law that you've heard in this courtroom,
17 weighing it fairly and impartially, as I have every
18 confidence you'll do. Your verdict in this case
19 cannot be based on sympathy, compassion, prejudice
20 or emotion or some other consideration that's not
21 found in the evidence. As I told you earlier, your
22 verdict in this case must be unanimous; you must all
23 agree on the verdict.

24 Now, Mr. Harley, this will be in the notebook
25 with you. Inside the front cover is the verdict

1 form. It's a simple form, ladies and gentlemen. It
2 just has the caption of the case at the top. And
3 I've taken -- there's no significance to the order
4 that these are listed in. I listed the indictments
5 randomly and I listed the forms of verdict randomly.
6 But, for example, you'll consider each of the
7 indictments. So as to attempted murder charge, the
8 options are either guilty of attempted murder or
9 guilty of assault and battery of a high and
10 aggravated nature or guilty of assault and battery
11 first degree or guilty of assault and battery in the
12 second degree or not guilty. And then as to
13 kidnapping, then the forms of verdict are either the
14 defendant is either not guilty or guilty. And those
15 are the forms of verdict and it will be in the front
16 cover.

17 When the jury has reached a verdict as to the
18 indictments and the charges, you'll reflect that
19 verdict by checking the appropriate spot on the
20 indictment, and then you'll sign as the foreman.

21 Now, folks, I'm going to get you to step into
22 your jury room. Don't begin your deliberations
23 quite yet. All I'm going to do is confer with the
24 attorneys to make sure I haven't omitted anything or
25 need to make a change. If I need to bring you back

1 out and do that, I will. But if everything is good
2 as is, we will collect all the evidence and that
3 will be sent back to the jury room along with the
4 notebook. When you receive these items, that's your
5 cue to begin your deliberations. Okay? So please
6 retire to your jury room and await these matters.

7 (The jury exits the courtroom at 4:31 PM.)

8 THE COURT: All right. Are there any
9 exceptions or objections to the charge from the
10 State?

11 MS. MAYES: None from the State, Your Honor.

12 THE COURT: From the Defense?

13 MS. FULLWOOD: No, Your Honor.

14 THE COURT: All right. Get with Bethanie and
15 make sure that all of the items that are in evidence
16 are gathered and collected.

17 MS. FULLWOOD: If I can step out one quick
18 second.

19 MS. MAYES: Judge, we have these latex gloves.
20 We may want to send them back just because some of
21 the evidence items are biohazardous.

22 THE COURT: Sure.

23 (The jury retires to the jury room at 4:35 PM
24 to begin deliberations.)

25 THE COURT: All right. We have a jury

1 question. I'll read it verbatim so it's in the
2 record, and then I'll make it a Court's Exhibit.
3 The note from the foreman says: Please define,
4 quote, intent, end quote, in layman's terms as to
5 the charge of attempted murder. Thanks.

6 Now, I had the same reaction y'all had when I
7 first saw it, and I thought to myself, oh, my
8 goodness, we're going to have to knock our heads
9 together and see if we can come up with something.
10 But I took a thought, let me go check and see what
11 the dictionary says. And in the dictionary -- of
12 course I had a dictionary that defines a word with a
13 word. And the first direct definition was something
14 like what someone intends to do. Then I found this
15 under law, and I'm going to throw it out there and
16 tell me what you think. I think this is a good
17 definition in layman's terms of the word intent:
18 The State of a person's mind that directs his or her
19 actions towards a specific action.

20 MS. MAYES: No objection, Your Honor.

21 MS. FULLWOOD: Judge, if they can't understand
22 those written instructions, I think that's more
23 abstract than what's there. We can try it.

24 THE COURT: I don't know that the
25 instructions --

1 MS. FULLWOOD: The instructions are clear, I
2 think.

3 THE COURT: The instructions don't define
4 intent, do they?

5 MS. RADLEIN: Yeah. At the end you said,
6 intent means...

7 THE COURT: All right. What did I say? Let's
8 compare it with what's in the charge.

9 MS. FULLWOOD: I thought that that charge was
10 pretty clear concerning intent.

11 THE COURT: This does what the dictionary in
12 the first thing does, it uses the word to define the
13 word. It says here in the charge: Intent means
14 intending the result which actually occurs.

15 MS. MAYES: I have no objection to both, to
16 maybe pointing out what's included in the
17 instruction, and then the layperson's terms that
18 they requested fits with the dictionary.

19 THE COURT: And then it says: Not accidentally
20 or involuntary. And what I proposed says: Intent
21 means the state of a person's mind that directs his
22 or her actions towards a specific object. At least
23 it doesn't use the word intent to define it. It
24 just says: The state of a person's mind that
25 directs his or her actions towards a specific

1 object. They've got this, so we know they've got
2 this.

3 MS. FULLWOOD: Yes, sir. We can see that -- I
4 don't object to it, per se. I don't think there's
5 anything legally impermissible about the
6 definition --

7 THE COURT: No, I don't think there is. This
8 was my point: They've got that and they're still,
9 after how many hours, sending out this question. So
10 apparently to direct them just to that --

11 MS. FULLWOOD: See what happens.

12 THE COURT: Now I'm open to any other thought
13 or suggestion. And what I would propose -- I'd just
14 write back to them, and what I'd propose would be to
15 say -- because he says intent in layman's terms.
16 And I would say, I would refer you to the section of
17 the charge on attempted murder, but to answer your
18 question in, quote, layman's terms, intent would
19 mean the state of a person's mind that directs his
20 or her actions towards a specific action.

21 MS. FULLWOOD: Or could you say the dictionary
22 defines --

23 THE COURT: That would even be better.

24 Do you have something else?

25 MS. MAYES: Well, she had looked at the

1 definition of general intent that's part of the
2 Bench Book. The thing is, it's not in layperson's
3 terms either. And that's what they're asking for.

4 THE COURT: I think so. Let me write here
5 something and then I'll see what y'all think.

6 All right. I proposed: First, I would refer
7 you to the definition in the charge under the
8 heading attempted murder. Having said that, and in
9 addition to that, the dictionary defines intent as
10 the state of a person's mind that directs his or her
11 actions toward a specific object.

12 Now, that's out of a dictionary, English
13 dictionary, plain English. If that doesn't give it
14 to them, I don't know where to go after that.
15 Thoughts? Anything?

16 MS. MAYES: Judge, the only concern is that it
17 does sound like they're asking to how to apply
18 intent to the law, just by the question about in
19 layperson's terms. There's the Bench Book
20 definition of intent which lays out that there's no
21 way, to a mathematical certainty, to infer intent,
22 and that it's inferred from the circumstances.

23 THE COURT: What does it say now?

24 MS. MAYES: That with the Bench Book definition
25 of intent --

1 THE COURT: All right. Read it verbatim.

2 MS. MAYES: In order to establish criminal
3 liability, criminal intent is required. For
4 example, the mental state required to be proven the
5 State for a particular crime might be purpose,
6 intent, knowledge, recklessness, or criminal
7 negligence. Criminal intent must be proven by the
8 State beyond a reasonable doubt. Criminal intent is
9 always a matter that must be determined by the jury
10 from the circumstances surrounding the situation.
11 There's no way to prove intent to a mathematical
12 certainty. There is no way medical science can
13 dissect a person's brain and determine what a person
14 had in mind, so the law says criminal intent may be
15 inferred from the circumstances shown to have
16 existed.

17 It goes on to say: This is how to make a
18 determination whether or not the element requiring
19 intent was present. It's not necessary to establish
20 intent by direct and positive evidence, but intent
21 may be established by inference in the same way as
22 any other fact by taking into consideration the acts
23 of the parties and all other facts and circumstances
24 of the case.

25 MS. FULLWOOD: They already don't understand

1 that.

2 THE COURT: Oh, I'm telling you right now, that
3 right there would send them off the chart.

4 MS. RADLEIN: I just don't think it would
5 because I think the confusion is -- they want to
6 know what the legal meaning of the word intent is.

7 THE COURT: They don't.

8 MS. RADLEIN: But giving them the layman's term
9 might confuse it because I think common sense --
10 everyone knows what intent means; when you intend to
11 do something.

12 THE COURT: They specifically asked for it in
13 layman's terms. And to send it back in legal terms,
14 I don't think, responds to their question. I don't
15 know. I mean, listen, this is the whole issue here.
16 And I think that charge goes in that direction to
17 try to give it a little bit clearer meaning.

18 But again, I'm not sure that they have intent
19 means he intending the result which actually occurs,
20 not accidentally or involuntarily. And then -- in
21 fact, I'm going to pull up the Bench Book thing.

22 The other thought that I would throw out, using
23 the Bench Book, but carving a lot -- it's sort of a
24 little wordy and it's beyond what they're asking
25 for. So I would think if we look at this as a

1 possible response, then I would suggest where it
2 just says: Criminal intent is always a matter that
3 must be determined by the jury from the
4 circumstances surrounding the situation. There is
5 no way to prove intent to a mathematical certainty.
6 There's no way medical science can dissect a
7 person's brain and determine what the person had in
8 mind, so the law says that criminal intent may be
9 inferred from the circumstances shown to have
10 existed.

11 MS. MAYES: I believe -- I think that may be
12 what they're looking for, even though they used
13 layperson's terms. It sounds like they want an
14 explanation as to what intent is and how they are to
15 figure it out. So I have no objection.

16 MS. FULLWOOD: I don't have an objection to
17 that part of the Bench Book.

18 THE COURT: All right. I'm not going to
19 handwrite that. Now, here's a concern that I've
20 got: That does a little bit of an explanation, but
21 that doesn't define intent. That tells you -- so
22 let me add this thought, that -- to put simply this:
23 The dictionary defines intent as the state of a
24 person's mind that directs his or her actions
25 towards a specific object.

1 Criminal intent is always a matter that must be
2 determined by the jury and...

3 MS. MAYES: Agreed, Your Honor.

4 MS. FULLWOOD: Yes, sir.

5 THE COURT: I think that might answer their
6 question. And if it doesn't, I don't know what to
7 say. I don't know what else to say.

8 All right. Ladies, take a look at that and
9 we'll send that one back if that meets with
10 everybody. Okay?

11 MS. MAYES: Yes, Your Honor.

12 THE COURT: Tell the foreman to maintain that
13 in the folder, for them to continue on.

14 (Court's Exhibit No. 1 marked for
15 identification.)

16 (Court's Exhibit No. 2 marked for
17 identification.)

18 (The jury continues with their deliberations at
19 8:25 PM.)

20 THE COURT: All right. My understanding,
21 ladies and gentlemen, is that the jury has reached a
22 verdict. I sit here or I -- as you do, I don't know
23 what it is, because they've just announced that they
24 have a verdict. They don't tell us what it is. But
25 I will say this -- and let me -- I understand

1 there's emotion involved in this case. I get it.
2 It is an emotional situation. But having said that,
3 the jury deserves to have their verdict received in
4 a professional manner.

5 Now, I don't ever ask anybody to agree with a
6 jury's verdict. All I ask is that it be received in
7 a professional manner. You can disagree with it,
8 and that's fine. But these folks, they don't have
9 any axe to grind, they're just here to do the job
10 that they're sworn under oath to do. So whether you
11 agree with it or not, it needs to be received in a
12 professional manner. If there are any outbursts or
13 any disturbances or whatever -- and I -- I don't
14 want to do this, but I will hold whoever does it in
15 contempt and you will not be going home tonight. So
16 let's just receive the verdict, whatever it is, and
17 then we'll deal with the consequences later. Okay?

18 Is the State ready to receive the jury's
19 verdict?

20 MS. MAYES: Yes, sir, Your Honor.

21 THE COURT: Is the Defense ready?

22 MS. FULLWOOD: Yes, sir, Your Honor.

23 THE COURT: All right. Please bring the jury
24 out.

25 (The jury enters the courtroom at 8:55 PM.)

1 THE COURT: All right. Mr. Harley, has the
2 jury reached a unanimous verdict?

3 THE FOREMAN: Yes, sir.

4 THE COURT: Please hand that over to the
5 bailiff.

6 Madam Clerk, please publish the jury's verdict.

7 THE CLERK: Indictment 2014-GS-32-1757 and
8 2014-GS-32-1758, The State vs. Darryl Jones. As to
9 Indictment 2014-GS-32-1758, charged attempted
10 murder, we the jury find the defendant, Darryl
11 Vincent Jones, guilty of attempted murder. And it
12 is so signed.

13 As to indictment 2014-GS-32-1757, charged
14 kidnapping, we the jury find the defendant, Darryl
15 Vincent Jones, guilty of kidnapping. And it is so
16 signed by the foreperson.

17 And the date is wrong. He's got 10/10, but it
18 should be 12/10. December 10th, 2014.

19 THE COURT: We're going to get you to sign the
20 indictments in just a minute, Mr. Harley, and when
21 you do that, we'll correct the date.

22 THE CLERK: Ladies and gentlemen of the jury,
23 if this is your verdict, please indicate, each of
24 you, by raising your right hand.

25 All hands raised, Your Honor.

1 I tell juries this all the time and I'll tell
2 you the same: In just a moment, I'm going to
3 briefly speak to the attorneys and then we're going
4 to proceed to sentencing. You've worked the case.
5 If you want to be present for that, you may remain
6 seated in the jury box. But if you want to leave,
7 you can leave. I don't make anyone stay and I don't
8 require people to leave. It's up to you whether or
9 not you want to stay. But I'll let you decide that.

10 But before we do that, I'm going to let you get
11 Mr. Harley to sign those and correct the date.

12 THE CLERK: Yes, sir.

13 THE COURT: While they're doing that,
14 Ms. Fullwood, if there any motions at the reading of
15 the verdict, I'll be happy to entertain those at
16 this time.

17 MS. FULLWOOD: Yes, sir.

18 At this time, I'd move for a new trial. The
19 grounds for that motion are all the objections I
20 made and all the exceptions I took during this
21 trial.

22 THE COURT: I'm going to respectfully deny that
23 motion. I think the issues involved in those were
24 matters of fact that was required to be heard by the
25 jury. And, you know, I think the evidence certainly

1 above the bench, Micah 6:8: To do justly, to love
2 mercy, and to walk humbly with God. And you've
3 asked for mercy. And I think that judgment should
4 be tempered by mercy, but I think just mercy isn't
5 appropriate. I think that mercy is something that I
6 think you give where it's appropriate. And I think
7 that I'm going to show mercy, although you may think
8 this is not.

9 The charge of attempted murder carries a
10 maximum penalty of up to 30 years; the charge of
11 kidnapping carries a maximum penalty of up to 30
12 years, so you're facing 60 years. And I'm going to
13 show some level of mercy.

14 And on indictment 2014-GS-32-1758, as to the
15 attempted murder charge and the kidnapping charge,
16 on each of those charges, the sentence of the Court
17 is that you be committed to the State Department of
18 Corrections for a period of 30 years. Now, I'm
19 going to run them concurrent; I'm not going to run
20 them consecutive and give you 60 years. But I'm
21 going to give you 30 years on each and run them
22 concurrent. You'll be given credit for any time
23 that you have served. And in all candor, that's
24 more mercy than you showed Ms. Bartell. And that's
25 the sentence of the Court.

347
WITNESSES

Lexington Medical Center Public Safety

J. McClarrie

Law Enforcement Case #: 201302253

LSM

ARREST WARRANT NUMBER

2013A3210600068

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 6/9/14

VERDICT

Guilty

Foreperson of Petit Jury

Date: 12-10-14

DOCKET NO. 2014GS3201758

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2014

THE STATE
vs.

Darryl Vincent Jones

CDR #: 3410

Indictment for

Attempted Murder

§ 16-03-0029

DONALD V. MYERS, SOLICITOR

TRUE COPY
Lex. Court, 12-10-14

348

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
Attempted Murder

§ 16-03-0029

At a Court of General Sessions, convened on JUNE 2014, the Grand Jurors of Lexington County present upon their oath:

That Darryl Vincent Jones did in Lexington County, South Carolina, on or about August 6, 2013, willfully and unlawfully, commit the offense of attempted murder, being a person who, with intent to kill, attempted to kill another person with malice aforethought, either expressed or implied, to wit: did asphyxiate and/or choke and/or strike or bludgeon the victim, Jeanine Renee Bartell, in violation of S.C. Code Section 16-3-29, S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

520
WITNESSES

Lexington Medical Center Public Safety

J. McClarrie

Law Enforcement Case #: 201302253

LSM

ARREST WARRANT NUMBER

2013A3210600067

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 6/9/14

VERDICT

Guilty

Foreperson of Petit Jury
Date: 12-10-14

DOCKET NO. 2014GS3201757

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2014

THE STATE
vs.

Darryl Vincent Jones

CDR #: 0095

Indictment for

Kidnapping

§ 16-03-0910

DONALD V. MYERS, SOLICITOR

A TRUE COPY

Lex. Co. C.C.P., G.S. & F.C.

250
CONFIDENTIAL
STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Kidnapping

§ 16-03-0910

At a Court of General Sessions, convened on JUNE 2014, the Grand Jurors of Lexington County present upon their oath:

That Darryl Vincent Jones did in Lexington County, South Carolina on or about August 6, 2013, knowingly, willfully, and unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away another person, by any means whatsoever without authority of law, except when a minor is seized or taken by his parent, to wit: did seize, confine, inveigle, kidnap, abduct, or carry away the victim, Jeanine Renee Bartell, without her consent, in violation of S.C. Code Section § 16-3-910 of the 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.

Suzanne Mayes
ASSISTANT SOLICITOR

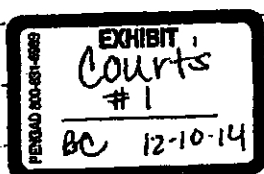
351

Please define "Intent" in laymans terms on
the charge of Attempted Murder.
Thanks

Chaz

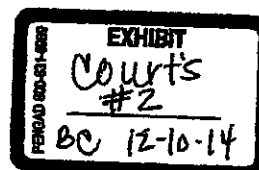
10-10-14

7:55 PM



THE DICTIONARY DEFINES INTENT AS "THE STATE OF A PERSON'S MIND THAT DIRECTS HIS OR HER ACTIONS TOWARD A SPECIFIC OBJECT."

CRIMINAL INTENT IS ALWAYS A MATTER THAT MUST BE DETERMINED BY THE JURY FROM THE CIRCUMSTANCES SURROUNDING THE SITUATION. THERE IS NO WAY TO PROVE INTENT TO A MATHEMATICAL CERTAINTY. THERE IS NO WAY MEDICAL SCIENCE CAN DISSECT A PERSON'S BRAIN AND DETERMINE WHAT THE PERSON HAD IN MIND, SO THE LAW SAYS THAT CRIMINAL INTENT MAY BE INFERRED FROM THE CIRCUMSTANCES SHOWN TO HAVE EXISTED.



STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Darryl Vincent Jones

AKA:

Race: Black Sex: M Age: 48

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Murder / Attempted Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS3201758

A/W#: 2013A3210600068

Date of Offense: 8/6/2013

S.C. Code § : 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lowd 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] Solicitor 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 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: 2014-65-32-1757
☐ 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: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:
§ 14-1-206 (Assessments 107.5 %) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100-
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25-
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$
Proviso 90.5 (SCCA Surcharge) \$5 \$ 5-
3% to County (if paid in installments) \$
TOTAL \$ 130.00

Clerk of Court/ Deputy Clerk [Signature]

Court Reporter: Bethany P. Crayton
SCCA/217 (03/2011)

 days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. ☐
May serve W/E beginning
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender
Other:

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge [Signature]

Judge Code: 2144

Sentence Date: 12-10-2014

RECEIVED
CLERK OF COURT
JAN 10 2015

354

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Darryl Vincent Jones

AKA:

Race: Black

Sex: M

Age: 48

DOB: [REDACTED]

SS#: [REDACTED]

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who is

TO: Kidnapping / Kidnapping

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS3201757

A/W#: 2013A3210600067

Date of Offense: 8/6/2013

S.C. Code § : 16-03-0910

CDR Code #: 0095

RECEIVED

DEC 17 2014

SENTENCE SHEET

SC Court of Appeals

CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0910

of the S.C. Code of Laws, bearing CDR Code # 0095

☐ NON-VIOLENT

☒ VIOLENT

☐ SERIOUS

☒ MOST SERIOUS

☐ Mandatory GPS(CSC w/minor 1st or Lowd 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:

[Signature]
Solicitor

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 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

2014-GS-32-1758
§ 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: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*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/ca

\$

\$5

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job ☐

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive, weekly/monthly

pmts. of \$ _____

\$ _____ paid to _____

Other:

Not Sexually Restricted
No Registry Required

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2191

Sentence Date: 12-10-2014

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

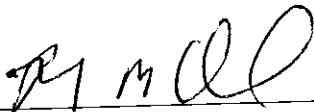
Beth Capron
Beth Capron
Capron

355

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."

August 10, 2016



Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT