

STATE OF SOUTH CAROLINA )  
 ) COURT OF GENERAL SESSIONS  
COUNTY OF ANDERSON )

State of South Carolina, )  
 )  
 v. ) Case No. 15-GS-04-01382  
 )  
Billy Ray Smith, )  
 )  
 )  
 Defendant. )

**TRANSCRIPT OF JURY QUALIFICATION**  
(Trial Reported by Renee Tollison, Court Reporter)

The within Jury Selection in the above-captioned matter was held on November 16, 2015, before the Honorable R Scott Sprouse in the Court of General Sessions for Anderson County, South Carolina; attended by counsel as follows:

**APPEARANCES:**

Kristen W. Reeves, Assistant Solicitor  
Chelsey Moore  
10th CIRCUIT SOLICITOR'S OFFICE  
Anderson, South Carolina  
Appearing for State of South Carolina

Hervey Young, Public Defender  
ANDERSON COUNTY PUBLIC DEFENDER  
Appearing for Defendant

*Transcribed for Vivian Cross, Circuit Court Reporter*

**Deborah Garrison**  
*Circuit Court Reporter – 13th Judicial Circuit*  
P O Box 27145  
Greenville, South Carolina 29616  
[dgarrison@sccourts.org](mailto:dgarrison@sccourts.org)

INDEX

Qualification of Jury	3
Certificate of Court Reporter	30

1 NOVEMBER 16, 2015

12:00 p.m.

2

3

(ROLL CALL)

4

(JURY PANEL SWORN)

5

(DEFENDANT PRESENT)

6

THE COURT: This is the case of

7

the State of South Carolina versus Billy Ray

8

Smith, Indictments 15-GS-04-1276, 1278 ---

9

BAILIFF: Your Honor, we can't hear

10

you.

11

THE COURT: Okay. That's what my

12

wife says. Ms. Reeves, have you reviewed the

13

requested *voir dire* from the defendant?

14

SOLICITOR REEVES: I have, Judge.

15

THE COURT: Do you have any

16

objection?

17

SOLICITOR REEVES: I do.

18

THE COURT: Counsel, approach.

19

(OFF RECORD BENCH CONFERENCE)

20

THE COURT: Ladies and gentlemen,

21

like I said, this is the State versus Billy

22

Ray Smith. He has been charged with

23

attempted murder, possession of a firearm

24

during the commission of a violent crime and

25

-- we have the indictments?

1 CLERK: Yes, sir.

2 THE COURT: Attempted murder,  
3 obstructing justice and unlawful sale and  
4 delivery of a pistol and possession of a  
5 firearm; so those are the three charges.

6 The Indictments numbers are the  
7 numbers that I read earlier were incorrect,  
8 the correct numbers are 14-GS-04-1278, 14-GS-  
9 04-1276 and 15-GS-04-01382; those are three  
10 indictments.

11 Now, the indictments are simply the  
12 charges by which cases are brought into court  
13 and they are not in any sense evidence of the  
14 allegations that they contain.

15 The defendant has pled not guilty to  
16 these charges. The State has, therefore, the  
17 burden of proving each of the elements of the  
18 indictments beyond a reasonable doubt. It is  
19 your duty, ladies and gentlemen, to decide  
20 whether the State has met that burden.

21 You were called here today to form  
22 the jury pool from which the parties will  
23 select a jury to hear and determine the facts  
24 of the case.

25 So there are some more questions

1 that I am going to ask you. I realize that  
2 you've been asked a lot of questions already  
3 this morning but I need to ask some more now,  
4 and that's to ensure that each party receives  
5 a fair and impartial jury to hear this case.

6 First thing, Mr. Shirley, would you  
7 put the jury under oath. I realize that they  
8 were put under oath earlier, but let's do it  
9 again.

10 (WHEREUPON JURY SWORN)

11 THE COURT: First thing, I want  
12 each attorney to stand and introduce  
13 themselves and any attorneys that might be  
14 assisting them, their client or any other  
15 parties that might be seated at their table.  
16 Ms. Reeves.

17 SOLICITOR REEVES: Thank you, Judge.  
18 Good morning (sic). I am Kristie Reeves, I  
19 am an assistant solicitor here in Anderson  
20 County, representing the Tenth Circuit.  
21 Sitting with me is Chelsey Moore, she is also  
22 an assistant solicitor for Anderson County.

23 HERVEY YOUNG: Good afternoon.  
24 My name is Hervey Young. I am the Circuit  
25 Public Defender for the Tenth Judicial

1 Circuit. Seated here at the table with me is  
2 my client, Billy Ray Smith. Later on in the  
3 trial my paralegal will be sitting with us.

4 THE COURT: Ladies and gentlemen,  
5 is there any member of the jury panel who is  
6 related by blood or marriage or who has a  
7 close personal or social relationship with  
8 one of the parties or one of the attorneys  
9 involved in the case? If so, please stand.  
10 (No response) -- there is no response.

11 Is there any member of the jury  
12 panel who has ever been represented by one of  
13 the attorneys involved or their law firms?  
14 (No response) -- there is no response.

15 THE COURT: I am going to read a  
16 list of witnesses. These witness lists have  
17 been provided by the parties. Please listen  
18 carefully:

19 Sandra Smith

20 Billy Paul Smith

21 Tina Eichelberger of the Williamston  
22 Police Department

23 Ronnie Drennon of the Williamston  
24 Police Department

25 David Hogg

State of South Carolina v. Billy Ray Smith

7

Case No. 15-GS-04-1382 *et. al.*

Jury Qualification & Selection

Before The Honorable R. Scott Sprouse

1 Captain Chris Brewer with the West  
2 Pelzer Police Department

3 Investigator George Cremer, of the  
4 Williamston Police Department

5 Kevin Winn, Williamston Police  
6 Department

7 Corporal Dwayne McElrath of the  
8 Anderson County Sheriff's Office

9 Deputy Marty Brooks with the  
10 Anderson County Sheriff's Office

11 Captain Kevin Marsee with the  
12 Williamston Police Department

13 Lieutenant Ken Ebernickle of the  
14 Greenville Hospital System

15 Andrew Barr, Williamston EMS

16 Cindy Turner, Williamston EMS

17 John Matheny

18 Sarah Patterson

19 Sergeant Treaco Hoover, formerly of  
20 the Williamston Police Department

21 Officer Melissa Simmons with the  
22 Williamston Police Department

23 Officer Josh Rogers, formerly of the  
24 Williamston Police Department

25 Chris Guthrie

1 Fred Brown

2 Dan DeFreese, retired South Carolina  
3 Law Enforcement Division forensic scientist

4 James Armstrong with Greenville  
5 County Sheriff's Department

6 Thomas Darnell, a forensic scientist  
7 with South Carolina Law Enforcement Division

8 Whitney Berry, forensic scientist  
9 with South Carolina Law Enforcement Division

10 Heather Campbell

11 Lieutenant Jack Sanders with the  
12 Williamston Police Department

13 Dr. Alfred Turner Nelson, Jr. with  
14 the Greenville Hospital System

15 Dr. Eric S. McGill, also with the  
16 Greenville Hospital System

17 Cathy Robinson

18 Kristi Padgett with Behavioral  
19 Health Services

20 Athan Smith and

21 Scott Hawkins

22 After hearing the potential  
23 witnesses listed, is there any member of the  
24 jury panel related by blood or marriage or  
25 who has a close social or personal

1 relationship with any of the afore-mentioned  
2 witnesses? If so, please stand. Yes, sir,  
3 please state your juror number first.

4 JUROR NUMBER 66: Melissa Sanders.  
5 I grew up with her as kids, we were friends.

6 THE COURT: With that knowledge,  
7 do you feel that you can be fair and  
8 impartial in judging this case?

9 JUROR NUMBER 66: Yes, sir.

10 THE COURT: Yes, ma'am?

11 JUROR NUMBER 97: Juror Number 97,  
12 Angela Massey. I know Scott Hawkins.

13 THE COURT: With that knowledge,  
14 do you feel that you can be fair and  
15 impartial if selected as a juror?

16 JUROR NUMBER 97: I do.

17 THE COURT: Yes, sir? Be seated.

18 JUROR NUMBER 19: Juror Number 19.  
19 I know Officer Cremer and Officer McElrath.

20 THE COURT: With that knowledge,  
21 do you feel that you can be fair and  
22 impartial if selected as a juror?

23 JUROR NUMBER 19: Yes, sir.

24 THE COURT: Thank you, sir. Has  
25 any member of the jury panel been treated by

1 any of the physicians listed? If so, please  
2 stand. (No response) - no response.

3 This case involves allegations that  
4 Billy Ray Smith did murder Sandra Smith, that  
5 he possessed a firearm against the law and  
6 that he obstructed the administration of  
7 justice; all on April 22nd, 2014.

8 Does any member of the jury panel  
9 have any knowledge about the facts of this  
10 case from any source? If so, please stand.  
11 (No response) -- no response.

12 Is there any member of the jury  
13 panel who is so offended by the allegations  
14 of possession and/or the use a firearm that  
15 you do not feel as though you could fairly  
16 decide the case? If so, please stand. (No  
17 response) -- no response.

18 Is there any member of the jury  
19 panel who is so offended by the allegation of  
20 criminal domestic violence that you feel you  
21 could not fairly decide this case? If so,  
22 please stand. (No response) -- no response.

23 Have you, any family members, or  
24 close personal friends ever been the victim  
25 of any crime; more specifically a crime that

1 involves a firearm and/or physical abuse? If  
2 so, please stand. (No response) -- no  
3 response.

4 Have any members of your family or  
5 close personal friends ever been the victim  
6 of criminal domestic violence -- domestic  
7 violence? If so, please stand.

8 JUROR NUMBER 7: Juror Number 7.  
9 My husband was convicted of domestic  
10 violence.

11 THE COURT: With that knowledge,  
12 do you feel that you can be fair and  
13 impartial as a juror if selected in this  
14 case?

15 JUROR NUMBER 97: Yes, Your Honor.

16 THE COURT: Thank you. Yes,  
17 ma'am?

18 JUROR NUMBER 97: Number 97, my  
19 first marriage.

20 THE COURT: With that knowledge,  
21 do you feel that you could be fair and  
22 impartial if selected as a juror in this  
23 case?

24 JUROR NUMBER 97: I do.

25 THE COURT: Thank you, ma'am.

1 Yes, ma'am?

2 JUROR NUMBER 169: My sister-in-law  
3 was a victim of domestic violence.

4 THE COURT: And with that  
5 knowledge, do you feel that you could be fair  
6 and impartial if ---

7 JUROR NUMBER 169: No, I do not.

8 THE COURT: Okay. Thank you,  
9 ma'am. I'll ask you to come sit on the front  
10 row. Yes, ma'am?

11 JUROR NUMBER 165: Juror Number 165,  
12 Donna B. Welborn. My sister.

13 THE COURT: With that knowledge,  
14 do you feel that you could be fair and  
15 impartial if selected as a juror?

16 JUROR NUMBER 165: Yes, sir.

17 THE COURT: Thank you, ma'am.  
18 Has any member of the jury panel or any  
19 family members or close personal friends ever  
20 been involved with an incident that involves  
21 a firearm? If so, please stand. (No  
22 response) -- no response.

23 Is there any member of the jury panel who  
24 would be more likely to believe testimony  
25 presented by law enforcement officer(s) as

1           opposed to the testimony of any other  
2           witness?   Yes, sir, your number?

3                        JUROR NUMBER 19:   Juror 19.  Did you  
4           ask if I would be more likely to believe an  
5           officer?

6                        THE COURT:       Yes, sir.

7                        JUROR NUMBER 19:   Probably; yes,  
8           sir.

9                        THE COURT:       Sir, I'll have you  
10          come and sit and on the front row.  Thank you  
11          for your candor.

12                       Is there any member of the jury  
13          panel that believes a defendant in a criminal  
14          case must prove himself innocent?  If so,  
15          please stand.  (No response) -- no response.

16                       Is there any member of the jury  
17          panel who has formed an opinion about the  
18          facts of this case?  (No response) -- no  
19          response.

20                       Has any member of the jury panel or  
21          a close family member, close personal friend,  
22          ever worked in law enforcement, with the  
23          Department of Corrections or in a  
24          prosecutor's office?  If so, please stand.  
25          Yes, ma'am?

1 JUROR NUMBER 56: My brother did.

2 THE COURT: With that knowledge,  
3 do you feel that you could be fair and  
4 impartial if you were selected to serve on  
5 this jury?

6 JUROR NUMBER 56: Yes, sir.

7 THE COURT: Thank you, ma'am. Is  
8 there any member of the jury panel who has  
9 served on a jury in a criminal case? If so,  
10 please stand.

11 JUROR NUMBER 140: Juror 140,  
12 Greenville County, over fifteen years ago in  
13 a criminal case.

14 THE COURT: And do you feel that  
15 you could be fair and impartial if selected  
16 to serve on this jury?

17 JUROR NUMBER 140: Yes, I do, Your  
18 Honor.

19 THE COURT: Thank you. Yes, sir?

20 JUROR NUMBER 112: Number 112, I  
21 served on a murder trial several years back.

22 THE COURT: And with that know-  
23 ledge, do you feel that you could be fair and  
24 impartial if selected to serve on this case?

25 JUROR NUMBER 112: I do.

1 JUROR NUMBER 142: Juror Number  
2 142, I did serve on a criminal trial.

3 THE COURT: And with that  
4 knowledge, do you feel that you can be fair  
5 and impartial if selected to serve?

6 JUROR NUMBER 142: I do. Yes, sir.

7 THE COURT: Thank you. Does any  
8 member of the jury panel know of any reason  
9 why he or she could not be fair and impartial  
10 to each of the parties in this case if you  
11 are selected as a juror? (No response) -- no  
12 response.

13 Any further requests by the State?

14 SOLICITOR REEVES: No, sir.

15 THE COURT: From the defense?

16 HERVEY YOUNG: No, sir.

17 THE COURT: Okay. Mr. Clerk, we  
18 are ready to select our jury.

19 CLERK: One alternate?

20 THE COURT: One alternate. Ladies  
21 and gentlemen, this is the same process where  
22 you stand and they will tell you to take a  
23 seat in the jury box or to resume your seat  
24 where you are. Mr. Clerk.

25 CLERK: Juror Number 89, Betty S.

1 Lewallen.

2 (WHITE FEMALE BEFORE COUNSEL)

3 CLERK: What says the State?

4 SOLICITOR REEVES: Please seat the  
5 juror.

6 CLERK: Defense?

7 HERVEY YOUNG: Please excuse the  
8 juror from the trial of this case.

9 CLERK: You are excused.

10 (JUROR NUMBER 89 EXCUSED)

11 CLERK: Juror Number 35, Jimmy H.  
12 Chambers, Jr.

13 (WHITE MALE BEFORE COUNSEL)

14 CLERK: What says the State?

15 SOLICITOR REEVES: Please seat the  
16 juror.

17 CLERK: What says the defense?

18 HERVEY YOUNG: Please excuse the  
19 juror.

20 (JUROR NUMBER 35 EXCUSED)

21 CLERK: Juror Number 140, Timmy L.  
22 Steele.

23 (WHITE MALE BEFORE COUNSEL)

24 CLERK: What says the State?

25 SOLICITOR REEVES: Swear the

1 juror.

2 CLERK: What say you for the  
3 defense?

4 HERVEY YOUNG: Please swear Mr.  
5 Steele.

6 CLERK: Please have a seat in the  
7 jury box.

8 (JUROR NUMBER 140 SEATED)

9 CLERK: Juror Number 11, Barbara A.  
10 Baker.

11 (WHITE FEMALE BEFORE JUROR)

12 CLERK: What say you for the State?

13 SOLICITOR REEVES: Please swear Ms.  
14 Baker.

15 CLERK: What say you for the  
16 defense?

17 HERVEY YOUNG: Please excuse this  
18 juror.

19 (JUROR NUMBER 11 EXCUSED)

20 CLERK: Please take your seat, you  
21 have been excused from the trial of this  
22 case. Juror Number 63, Brittany Fleming.

23 (WHITE FEMALE BEFORE COUNSEL)

24 CLERK: What say you for the State?

25 SOLICITOR REEVES: Please swear the

1 juror.

2 CLERK: What say you for the  
3 defense?

4 HERVEY YOUNG: Please swear the  
5 juror.

6 (JUROR NUMBER 63 SEATED)

7 CLERK: Juror Number 124, Niela  
8 Poole.

9 (BLACK FEMALE BEFORE COUNSEL)

10 CLERK: What say you for the State?

11 SOLICITOR REEVES: Please present  
12 this juror.

13 CLERK: What say you for the  
14 defense?

15 HERVEY YOUNG: Please swear Ms.  
16 Poole.

17 (JUROR NUMBER 124 SEATED)

18 CLERK: Juror Number 136, Benjamin  
19 W. Silman.

20 (WHITE MALE BEFORE COUNSEL)

21 CLERK: What say you for the State?

22 SOLICITOR REEVES: Please excuse  
23 Mr. Silman.

24 CLERK: You may have a seat.

25 (JUROR NUMBER 124 EXCUSED)

1 CLERK: Juror Number 81, James  
2 E. Jones.

3 (BLACK MALE BEFORE COUNSEL)

4 CLERK: What says the State?

5 SOLICITOR REEVES: Please swear  
6 Mr. Jones.

7 CLERK: What say you for the  
8 defense?

9 HERVEY YOUNG: Please swear  
10 Mr. Jones.

11 (JUROR NUMBER 81 SEATED)

12 CLERK: Juror Number 164, Wesley D.  
13 Webb.

14 (BLACK MALE BEFORE JUROR)

15 CLERK: What say you for the State?

16 SOLICITOR REEVES: Please present  
17 this juror.

18 CLERK: What say you for the  
19 defense?

20 HERVEY YOUNG: Please excuse Mr.  
21 Wells.

22 CLERK: Have a seat, Mr. Wells.  
23 Thank you.

24 (JUROR NUMBER 164 EXCUSED)

25 CLERK: Juror Number 21, John A.

1 Bowlus.

2 (WHITE MALE BEFORE COUNSEL)

3 CLERK: What say you for the State?

4 SOLICITOR REEVES: Please excuse the  
5 juror.

6 CLERK: You may have a seat.

7 (JUROR NUMBER 21 EXCUSED)

8 CLERK: Juror Number 113, Robin D.  
9 Nicholson.

10 (WHITE FEMALE BEFORE COUNSEL)

11 CLERK: What say you for the State?

12 SOLICITOR REEVES: Please present this  
13 juror.

14 CLERK: What say you for the defense?

15 HERVEY YOUNG: Please excuse Ms.  
16 Nicholson.

17 (JUROR NUMBER 113 EXCUSED)

18 CLERK: Juror Number 121, Dustin B.  
19 Phillips.

20 (WHITE MALE BEFORE COUNSEL)

21 SOLICITOR REEVES: May we approach?

22 THE COURT: Yes, ma'am.

23 (OFF RECORD BENCH CONFERENCE)

24 (SIDEBAR BETWEEN COURT & MR. PHILLIPS)

25 (JUROR NUMBER 121 EXCUSED BY THE COURT)

1 CLERK: Juror Number 66, Joshua Gantt.

2 (WHITE MALE BEFORE COUNSEL)

3 CLERK: What say you for the State?

4 SOLICITOR REEVES: Please present this  
5 juror.

6 THE COURT: What say you for the  
7 defense?

8 HERVEY YOUNG: Please excuse Mr.  
9 Gantt from the trial of this case.

10 (JUROR NUMBER 66 EXCUSED)

11 CLERK: Juror Number 79, Melanie L.  
12 Jennings.

13 (WHITE FEMALE BEFORE COUNSEL)

14 CLERK: What say you for the State?

15 SOLICITOR REEVES: Please present Ms.  
16 Jennings.

17 CLERK: What say you for the defense?

18 HERVEY YOUNG: Please swear Ms.  
19 Jennings.

20 (JUROR NUMBER 79 SEATED)

21 CLERK: Juror Number 173, Gelicia W.  
22 Horton.

23 (BLACK FEMALE BEFORE COUNSEL)

24 CLERK: What say you for the State?

25 SOLICITOR REEVES: Please seat Ms.

1 Horton.

2 CLERK: What say you for the defense?

3 HERVEY YOUNG: Please swear the  
4 juror.

5 (JUROR NUMBER 173 SEATED)

6 CLERK: Juror Number 54, William J.  
7 Durham.

8 (WHITE MALE BEFORE COUNSEL)

9 CLERK: What say you for the State?

10 SOLICITOR REEVES: Please present Mr.  
11 Durham.

12 CLERK: What say you for the defense?

13 HERVEY YOUNG: Please swear Mr.  
14 Durham.

15 (JUROR NUMBER 54 SEATED)

16 CLERK: Juror Number 57, Melissa A.  
17 Ellenburg.

18 (WHITE FEMALE BEFORE COUNSEL)

19 CLERK: What say you for the State?

20 SOLICITOR REEVES: Please present Ms.  
21 Ellenburg.

22 CLERK: What say you for the defense?

23 HERVEY YOUNG: Please swear Ms.  
24 Ellenberg.

25 (JUROR NUMBER 57 SEATED)

1 CLERK: Juror Number 109, Thomas G.  
2 Moore, Jr.

3 (WHITE MALE BEFORE COUNSEL)

4 CLERK: What say you for the State?

5 SOLICITOR REEVES: Please swear the  
6 juror.

7 CLERK: What say you for the defense?

8 HERVEY YOUNG: Please swear Mr.  
9 Moore.

10 (JUROR NUMBER 109 SEATED)

11 CLERK: Juror Number 32, Samuel D.  
12 Campbell.

13 (WHITE MALE BEFORE JUROR)

14 CLERK: What say you for the State?

15 SOLICITOR REEVES: Please present Mr.  
16 Campbell.

17 CLERK: What say you for the defense?

18 HERVEY YOUNG: Please excuse Mr.  
19 Campbell.

20 (JUROR NUMBER 32 EXCUSED)

21 CLERK: Juror Number 112, Rodger P.  
22 Mundy.

23 (WHITE MALE BEFORE COUNSEL)

24 CLERK: What say you for the State?

25 SOLICITOR REEVES: Please swear the

State of South Carolina v. Billy Ray Smith  
Case No. 15-GS-04-1382 *et. al.*  
Jury Qualification & Selection  
Before The Honorable R. Scott Sprouse

24

1 juror.

2 CLERK: What say you for the  
3 defense?

4 HERVEY YOUNG: Please swear Mr.  
5 Mundy.

6 (JUROR NUMBER 112 SEATED)

7 CLERK: Juror Number 170, Patricia S.  
8 White.

9 (WHITE FEMALE BEFORE COUNSEL)

10 CLERK: What say you for the State?

11 SOLICITOR REEVES: Please swear this  
12 juror.

13 CLERK: What say you for the defense?

14 HERVEY YOUNG: Please excuse Ms.  
15 White.

16 CLERK: Have a seat back in the  
17 audience, Ms. White.

18 (JUROR NUMBER 170 EXCUSED)

19 CLERK: Juror Number 38, Charles E.  
20 Cortez, II.

21 (WHITE MALE BEFORE COUNSEL)

22 CLERK: What say you for the State?

23 SOLICITOR REEVES: Please swear the  
24 juror.

25 CLERK: What say you for the defense?

1 HERVEY YOUNG: Please excuse Mr.

2 Cortez.

3 (JUROR NUMBER 38 EXCUSED)

4 CLERK: Juror Number 143, Christopher

5 M. Stone.

6 (WHITE MALE BEFORE COUNSEL)

7 CLERK: What say you for the State?

8 SOLICITOR REEVES: Please seat the juror.

9 CLERK: What say you for the defense?

10 HERVEY YOUNG: Please swear Mr.

11 Stone.

12 (JUROR NUMBER 143 SEATED)

13 CLERK: Juror Number 17, Erin E. Black,

14 (WHITE FEMALE BEFORE JURY)

15 CLERK: What say you for the State?

16 SOLICITOR REEVES: Please seat Ms. Black.

17 CLERK: What say you for the defense?

18 HERVEY YOUNG: Swear the juror.

19 (JUROR NUMBER 17 SEATED)

20 CLERK: Now choosing for an alternate,

21 Juror Number 28, Kimberly L. Brownlee.

22 (BLACK FEMALE BEFORE COUNSEL)

23 CLERK: What say you for the State?

24 SOLICITOR REEVES: Please swear the

25 juror.

1 CLERK: What do you say for the  
2 defense?

3 HERVEY YOUNG: Please excuse Ms.  
4 Brownlee.

5 (JUROR NUMBER 28 EXCUSED)

6 CLERK: Juror Number 147, Deborah D.  
7 Swaney.

8 (WHITE FEMALE BEFORE COUNSEL)

9 CLERK: What say you for the State?

10 SOLICITOR REEVES: Please present this  
11 juror.

12 CLERK: What say you for the defense?

13 HERVEY YOUNG: Excuse the juror.

14 (JUROR NUMBER 147 EXCUSED)

15 CLERK: Juror Number 37, Norman D.  
16 Cook.

17 (WHITE MALE BEFORE COUNSEL)

18 CLERK: What say you for the State?

19 SOLICITOR REEVES: Please excuse the  
20 juror from the trial of this case.

21 (JUROR NUMBER 37 EXCUSED)

22 CLERK: Juror Number 29, Gregory J.  
23 Burkett.

24 (WHITE MALE BEFORE COUNSEL)

25 CLERK: Any comment from the State?

1 SOLICITOR REEVES: (No verbal  
2 response).

3 CLERK: Any comment from the  
4 defense?

5 HERVEY YOUNG: (No verbal  
6 response).

7 CLERK: You are our alternate.

8 (JUROR NUMBER 29 SEATED AS ALTERNATE)

9 CLERK: The jury is seated, Your  
10 Honor.

11 THE COURT: All right, any Motions  
12 or exceptions to the jury panel -- from  
13 the State?

14 SOLICITOR REEVES: No, sir.

15 THE COURT: Any Motions or  
16 exceptions from the defense?

17 HERVEY YOUNG: No, Your Honor.

18 THE COURT: Mister Clerk, would  
19 you swear the jury?

20 (WHEREUPON JURY DULY SWORN)

21 THE COURT: Ladies and gentlemen in the  
22 jury pool, you are finished for the day. The  
23 clerk has given you telephone instruction where  
24 you can get your instructions for the week. Call  
25 that number after 6:00 o'clock tonight and they

1 will give you further instructions for the rest of  
2 the week. Thank everyone for coming. You are now  
3 excused.

4 (JURY PANEL EXCUSED FOR DAY)

5 THE COURT: Ladies and gentlemen of the  
6 jury, it is almost 1:00 o'clock. I'm going to let  
7 you go to lunch right now. We will reconvene at  
8 2:15.

9 Now, this is very important. While you  
10 are outside this courtroom, you cannot talk about  
11 the case, the facts of the case or the law of the  
12 case with any third parties. If anyone comes up  
13 to you and begins to talk about this case, let me  
14 bailiff know, they will let me know and I will  
15 handle that. You cannot talk to any third parties  
16 about the case.

17 And you cannot do an independent research  
18 on either the facts of the case or the law. In  
19 this age of the internet and smartphones, it's  
20 tempting to try to research a case on your own.  
21 You are not allowed to do that.

22 Third, you cannot deliberate amongst  
23 yourselves. That means that you cannot discuss  
24 the case amongst yourselves, with each other,  
25 until I instruct you to do so at the end of the

1 trial.

2 Follow those three instructions.

3 Everyone have a good lunch and we will  
4 see you back at 2:15. When you come back, you  
5 will go to the courtroom on the third floor and  
6 the trial will be held in that courtroom.

7 (JURY OUT @ 1:00 P.M.)

8 (COURT IN LUNCH RECESS)

9 (TRIAL REPORTED BY RENEE TOLLISON -

10 COURT REPORTER, 10TH TENTH JUDICIAL CIRCUIT)

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