

STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM HAMPTON COUNTY

DEC 03 2012

Carmen T. Mullen, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RODRIQUES CARTER,

APPELLANT

Appellate Case No. 2011-192646

RECORD ON APPEAL

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The State of South Carolina,)
)
 Plaintiff,)
)
 vs.) Transcript of Record
)
 Rodrigues Carter,)
)
 Defendant.)
)
)

May 16, 17, 18, 2011
Hampton, South Carolina

B E F O R E:

The Honorable Carmen T. Mullen, Judge, and a Jury

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

Randolph Murdaugh, III, Esquire, Assistant Solicitor
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Attorneys for the State

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Attorney for the Defendant

Elizabeth B. Harris, CVR
Circuit Court Reporter

1 witness. We're going to break for the night. We'll come
2 back at 9:30 tomorrow morning.

3 MR. MURDAUGH: Okay.

4 THE COURT: And we'll go and continue, okay?

5 MR. MURDAUGH: Yes, ma'am.

6 THE COURT: And that will give y'all time to pull it.

7 (THE JURY ENTERS AT 4:54 P.M.)

8 THE COURT: Welcome back, ladies and gentlemen of the
9 jury.

10 Solicitor, if you'll call your first witness.

11 MR. MURDAUGH: Marie Dunbar.

12 THE COURT: Come forward, Ms. Dunbar, and be sworn.

13 MARIE DUNBAR, BEING DULY SWORN,

14 TESTIFIES AS FOLLOWS:

15 DIRECT EXAMINATION BY MR. MURDAUGH:

16 Q. Your full name, please?

17 A. Marie Beth Dunbar.

18 Q. Okay, and, Ms. Dunbar, where do you live?

19 A. [REDACTED] Gifford, South Carolina.

20 Q. Okay. Do you know Mikqulier Brantley?

21 A. Yes, I do.

22 Q. Known as Kiki?

23 A. Yes.

24 Q. Is that this young lady sitting right behind my son,
25 Alec?

1 A. Yes, it is.

2 Q. Okay. Do you know where she lives?

3 A. Yes.

4 Q. And how far, about how far does she live from you?

5 A. Maybe where I'm sitting to the gazebo out front.

6 Q. Okay. On September the 9th of 2009 -- September the
7 6th of 2009, did anything occur in your neighborhood?

8 A. Yes.

9 Q. And what do you know of occurring? What did you hear
10 or see?

11 A. Okay, I was awakened by a lot of bamming and
12 screaming. Me and my husband were in the bed. I got up
13 and went to the door, thinking possibly it was somebody at
14 our door, but it wasn't. Shut the door back, and then
15 right after that, I heard some ---

16 Q. Okay, the knocking and screaming you heard was at
17 whose house?

18 A. At Mikqulier's grandmother's house. She lives exactly
19 beside me, right beside me.

20 Q. Okay, Mikqulier's grandmother's house?

21 A. Yes.

22 Q. Okay, and what happened after that?

23 A. After that, my husband, we went to the door. I opened
24 the door. It was her. She was bamming.

25 Q. When you say her, these ladies and gentlemen ---

1 A. Oh, I'm sorry. It was Mikqulier at the door bamming,
2 yelling for someone to help her. I opened the door, and
3 she immediately collapsed in my arms.

4 When I looked on her face, it was, like, pure terror,
5 and then it was relief that I had found her, opened the
6 door to her. She had bruises, swelling. Her eye was red,
7 and she just started crying, and she held on to me tight.
8 And she was, like, I can't believe he did this to me.

9 MR. PLEXICO: I object, Your Honor, under my previous,
10 Your Honor, objections.

11 THE COURT: Okay. Solicitor, come up here for a
12 second and Mr. Plexico.

13 (OFF-THE-RECORD BENCH CONFERENCE.)

14 BY MR. MURDAUGH:

15 Q. Marie, so there won't be any misunderstanding. You
16 said that you heard a noise next door?

17 A. Yes.

18 Q. So, you went to the door?

19 A. Yes.

20 Q. Said Mikqulier came to your house?

21 A. Yes.

22 Q. She fell into your arms?

23 A. Yes.

24 Q. What was her condition when she fell in your arms?

25 A. She was shaking, crying. Apparently beating -- beaten

M. DUNBAR - DIRECT EXAMINATION BY MR. MURDAUGH

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1 by someone.

2 Q. Why do you say beaten?

3 A. Her face was bruised up. Her eye was bloodshot red.
4 She had scratches fresh, fresh.

5 Q. And did she say anything to you?

6 A. Yes. She said I can't believe he did this to me, and
7 I asked her who and what.

8 MR. PLEXICO: Your Honor, I object again under my
9 prior objections, Your Honor.

10 THE COURT: All right, overruled.

11 BY MR. MURDAUGH:

12 Q. Go ahead.

13 A. She stated that -- she started crying that -- well,
14 she started crying harder and said I can't believe he did
15 this to me. Tye raped me, and I tried to question her
16 more. She just was crying out, out of her mind. And my
17 husband immediately left out the house to see if he was
18 still in the house because she -- we were under the
19 impression that he was still there.

20 Q. Okay. Did Mikqulier's mother also come over there?

21 A. Mikqulier grandmother came first, and then her mother
22 came, but her mother immediately left.

23 Q. Okay, and did the mother, your husband, Franklin, and
24 Mr. Wright, Nathaniel ---

25 A. Keith Williams.

1 Q. Keith, Keith Williams?

2 A. Yeah.

3 Q. Did they then go to ---

4 A. Yes.

5 Q. --- Mikqulier's house?

6 A. Yes. She was -- they kept on trying to ask her where
7 was he, where was he, and she just said that she left, you
8 know. And so that left us under the impression that he was
9 still there.

10 Q. Did you see anything else happen that night?

11 A. No.

12 Q. Okay.

13 MR. MURDAUGH: Thank you. Answer any questions that
14 Mr. Plexico may have.

15 WITNESS: Okay.

16 CROSS-EXAMINATION BY MR. PLEXICO:

17 Q. Thank you, ma'am. All right. Now tell me. Do you
18 have any way of knowing whether or not what she was saying
19 was accurate or true?

20 A. The way she looked, I ---

21 Q. But do you have any ---

22 MR. MURDAUGH: Your Honor please, he's asked a
23 question. I think she needs to be allowed to answer.

24 THE COURT: Okay, and she can. Go ahead.

25 BY MR. PLEXICO:

M. BRANTLEY - DIRECT EXAMINATION BY MR. MURDAUGH

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1 Ms. Brantley.

2 THE COURT: Come on, Ms. Forward -- or Ms. Brantley.
3 Please come forward and be sworn.

4 MIKQULIER BRANTLEY, HAVING BEEN
5 DULY SWORN, TESTIFIES AS FOLLOWS:

6 THE COURT: Ma'am, you're going to need to kind of
7 scoot up and adjust that microphone to you.

8 And I believe, Melinda, it sounds like they're on now.

9 CLERK OF COURT: Yeah, they are. Okay.

10 THE COURT: Ma'am, could you just give us your name
11 for the record?

12 WITNESS: My name is Mikqulier Brantley.

13 THE COURT: Thank you.

14 DIRECT EXAMINATION BY MR. MURDAUGH:

15 Q. Are you also known as Niki or KiKi?

16 A. KiKi, yes, sir.

17 Q. Okay, Ms. Brantley, how old are you?

18 A. I'm twenty-one.

19 Q. Okay, and where do you live?

20 A. I'm staying in Orangeburg right now.

21 Q. Where did you live on September the 6th ---

22 A. In Gifford.

23 Q. --- 2011?

24 A. Yes, sir.

25 Q. Okay. Directing your attention to the night of

1 September the 6th, had you gone somewhere?

2 A. Yes, sir.

3 Q. Where had you gone?

4 A. I went to a club that night.

5 Q. And did you go with somebody?

6 A. Yes, sir, my cousin, Nakia Frasier.

7 Q. Okay, and do you know Alfred Johnson?

8 A. Yes, sir.

9 Q. Who is Alfred Johnson?

10 A. He's my boyfriend.

11 Q. Okay. Is that the fellow, the fellow seated right
12 here?

13 A. Yes, sir.

14 Q. And was he there?

15 A. To the club?

16 Q. Yeah.

17 A. Yes, sir.

18 Q. Okay. While you were at the club, did an altercation
19 occur?

20 A. Yes, sir.

21 Q. Did you hit anybody?

22 A. Yes, sir.

23 Q. Did anybody hit you?

24 A. Yes, sir.

25 Q. And did you get hurt?

1 A. No, sir.

2 Q. Did she get hurt?

3 A. No.

4 Q. Is that Jessica Williams?

5 A. Yes, sir.

6 Q. Okay. Did y'all fight and roll in the ground?

7 A. No. It was more like I stepped on her foot, she
8 swung, I swung back, it broke up.

9 Q. Okay.

10 A. Then outside, swung again. We broke -- everybody --
11 she had her girls. My girls right then just breaking
12 everything up. They wouldn't let anything ---

13 Q. Okay.

14 A. --- go down.

15 Q. And did you then leave the club?

16 A. Yes, sir.

17 Q. Okay, and how did you leave the club?

18 A. I left the club with my cousin Tiesha, Monica, and my
19 aunt, Crystal Taylor.

20 Q. Okay, and did you go to -- where did you go?

21 A. We went to Huddle House.

22 Q. In Hampton?

23 A. Yes, sir.

24 Q. Okay, and did you leave the Huddle House and go
25 anywhere?

1 A. Yes, sir. I went to my mom's house..

2 Q. Okay. Who took you to your mom's house?

3 A. Again, Tiesha Frasier.

4 Q. Okay. When you got to your mom's house, was there a
5 group there?

6 A. Yes, sir, everybody that -- you know, in the
7 community. Everybody sitting on the porch.

8 Q. What time was this?

9 A. This had to been, like, I'd say about 3:30, 4:00, 4:00
10 in the morning.

11 Q. In the morning?

12 A. Yes, sir.

13 Q. Okay. Did you see a fellow by the name of Rashaun
14 Early?

15 A. Yes, sir. He was there also.

16 Q. And did he take you anywhere?

17 A. Yes. He was the one that took me home that night.

18 Q. Okay, and he dropped you off at the front door or the
19 back door to the house?

20 A. He dropped me off to the front door.

21 Q. Okay. I show you a sketch and ask you if you can
22 identify this. It is marked State's Exhibit Number 25 for
23 identification.

24 A. Uh-huh. He dropped me off right in front of the house
25 right there.

M. BRANTLEY - DIRECT EXAMINATION BY MR. MURDAUGH

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1 Q. Okay. That's -- what is that item I handed you?

2 A. This is a sketch of my house, my old house.

3 MR. MURDAUGH: Okay. Your Honor please, I would offer
4 this as an exhibit.

5 MR. PLEXICO: Your Honor, I haven't even seen it.

6 THE COURT: Go ahead and show it.

7 MR. PLEXICO: I have no objection to that, Your Honor.

8 THE COURT: Okay. It's in evidence without objection.

9 (PHOTOGRAPH MARKED INTO EVIDENCE AS STATE'S EXHIBIT
10 NUMBER 25.)

11 BY MR. MURDAUGH:

12 Q. Ms. Brantley.

13 A. Yes, sir.

14 Q. This sketch, at the bottom of it, what is that?

15 A. That's my front porch.

16 Q. And that's marked front porch?

17 A. Uh-huh.

18 Q. Okay. Where did Rashaun Early drop you off?

19 A. Right in front of the house.

20 Q. In front of the house?

21 A. Uh-huh.

22 Q. And what did you do when you got to the house?

23 A. I went to the back door and I opened the back door.

24 Q. For what?

25 A. To get in because he didn't have keys to the front

1 door.

2 Q. Oh, you went around the house?

3 A. Yes, sir.

4 Q. Okay. Okay.

5 A. And then went inside and came up to the back.

6 Q. And that would be this ---

7 A. Yes, sir. I then proceeded to come through the house
8 and came to the door and let him know that I was in the
9 house.

10 Q. Okay. Who was that, letting who know?

11 A. I came and let my cousin know, Rashaun.

12 Q. Rashaun's your cousin?

13 A. Yes, sir.

14 Q. Okay, and then he did leave?

15 A. I thought he said something, but the defendant over
16 there, he was on, on a bicycle standing, leaning up against
17 the door. He was, like -- I said -- what did you say,
18 Shaun. He was like no, I ain't say nothing to you. So, I
19 was, like, oh. I'm trying to get Shaun to take me to
20 Estill. I was, like, all right. So, I shut the door back,
21 and I didn't watch him leave. I just shut the door back.

22 Q. Okay. When you shut the door back, where did you go?

23 A. I went to my room.

24 Q. And which is your room?

25 A. Right here, the first room.

M. BRANTLEY - DIRECT EXAMINATION BY MR. MURDAUGH

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1 Q. That's marked bedroom number one?

2 A. Yes, sir.

3 Q. Okay. Now, when you got in your bedroom, did you
4 change into your night clothes?

5 A. No, sir. I took off my, my jewelry and I sit on the
6 bed and then I laid down. I just took off -- the stuff I
7 had -- I stuck everything that I had in my hand on the
8 dresser and ---

9 Q. And how were you dressed?

10 A. I had on a skirt that came, like, right to my knees
11 and some knee shocks. I had on Converse, and I had on two
12 tank tops and a vest.

13 Q. Okay, and when you lay on the bed, what happened then?

14 A. I laid down. I went to sleep.

15 Q. Okay. Did you then later that morning see somebody in
16 your house?

17 A. Laid down for -- it couldn't have been long. I felt a
18 presence in room, and the defendant was laying right beside
19 me kneeled down and stretched out. He had on Alfred hat
20 and his shirt, and I was, like, who -- I mean, tripping
21 out, and I tapped him, and he just looked up at me. I said
22 Tye, what the F you doing in my house, and he just looked
23 at me.

24 Q. When you say Tye, who is Tye?

25 A. Right there, the defendant.

1 Q. Okay. Is that the fellow that I now put my hand on
2 his shoulder?

3 A. Yes, sir.

4 Q. Okay, and what did he say to you?

5 A. He just looked at me. He never said nothing. He came
6 in front of the bed. I eased -- as I eased to the side, he
7 would move along with me, and I say Tye, what you, what you
8 going to do? You going to rape me, and he looked at me and
9 he never said -- and I say Tye -- that's when I stopped. I
10 said Tye, you going to do this to me? He's, like, he
11 looked at me, he say because I want to.

12 And I got up and I try to ease to the side to get out,
13 get out the door, and he jumped on the bed and he grabbed
14 me around my neck and he start choking me, choked me for a
15 while. So, I felt like I was out of breath. I couldn't --
16 I felt weak, and we was fighting and we was tumbling, and I
17 fell on the side of my bed, and I peed on myself.

18 He sat there and he, he watched me peed on myself, and
19 I grabbed -- he grabbed me by my hair. My face hit the
20 rail of the bed. He start choking me some more. As he was
21 choking me, that's when he begin to rape me.

22 After he finished raping me, he got up like he was
23 looking for something. He had a, a light in his hand. He
24 was just walking around the house. I looked at him. I
25 didn't move. I just wanted -- just leave, but he didn't.

1 He came back.

2 Excuse me.

3 He came back. He came back, and when he came -- as
4 got he came, get on top of me again, I started fighting him
5 back ---

6 Q. You want some water?

7 A. --- and he started choking me again.

8 Q. Okay.

9 A. He started choking me again, and he raped me again. I
10 laid there, didn't move. He fell asleep with his -- one
11 hand on my neck, and one right beside.

12 Q. And one what?

13 A. He was laying on top of me like this. He had one hand
14 like that, and he just -- I didn't know when he fell
15 asleep. I just stayed there. I didn't move. So, I knew
16 that he was dead asleep. I eased -- I went to ease his
17 hand off me about ten, fifteen minutes. It took me a while
18 to get his hands off me so he wouldn't wake up.

19 So, when I got to the -- got his hands off me, I ran
20 to the front door. I unlock it. I ran down the road. I
21 bam on my grandma door. I got no answer. I felt weak. I
22 couldn't run all the way to my momma house, so I went to
23 the next best place. I went to Marie Dunbar house, which
24 is next door.

25 Q. To who?

1 A. Marie Dunbar.

2 Q. Okay. That's the lady who testified yesterday?

3 A. Yes, sir.

4 Q. Okay.

5 A. Tony came to the door. He ran to the back. I went
6 in. He told me to come in. I went in the kitchen because
7 I felt like my eyes was burning. I threw water in my face.
8 Marie came and she...

9 Q. When you first got to Marie's house, did you tell her
10 what happened?

11 A. Yes, sir.

12 Q. What did you tell her?

13 A. I was screaming and crying, telling her I, I couldn't
14 believe he did it, which I couldn't. He came to my house
15 on Saturday. Him and my boyfriend was close. I told her,
16 I kept saying, I said, Marie, I can't believe he, I can't
17 believe he did this to me. I can't believe he did this to
18 me. Why would he even do this?

19 She hold me till my parents came, and everybody came.
20 I was just sitting on the chair. I was out of it. I was
21 sitting on the chair. That's when the police and everybody
22 was coming in, and that's when he escort me to the
23 hospital.

24 Q. Okay. When he was in the bed with you.

25 A. Yes, sir.

M. BRANTLEY - DIRECT EXAMINATION BY MR. MURDAUGH

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1 Q. You said he raped you?

2 A. Yes, sir.

3 Q. Did he put his penis in you?

4 A. Yes, sir.

5 Q. Okay. Did he do it more than one time?

6 A. Yes, sir.

7 Q. How many times?

8 A. Twice.

9 Q. Okay. When the police got there, did they take you to
10 the hospital?

11 A. No. My father did.

12 Q. Your father took you?

13 A. Uh-huh.

14 Q. That's this gentleman right over there?

15 A. Yes, sir.

16 Q. Okay, and did you see a Dr. Morad?

17 A. I can't remember her name, but yes, I did see a
18 doctor.

19 Q. Okay, and did she examine you?

20 A. Yes.

21 Q. Okay. Did James Brooker ---

22 A. Police officer.

23 Q. --- take pictures of you?

24 A. Yes, sir.

25 Q. And I show you a series of photographs and ask if you

M. BRANTLEY - DIRECT EXAMINATION BY MR. MURDAUGH

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1 can identify these. Look at all of them, please.

2 (A PAUSE.)

3 A. Yes, sir. Yes, sir.

4 Q. And what are these? Are these those photographs that
5 James Brooker took?

6 A. Yes, sir.

7 MR. MURDAUGH: Your Honor please, I would offer these
8 as exhibits.

9 THE COURT: Has Mr. Plexico seen them?

10 MR. PLEXICO: I haven't seen the actual photographs,
11 Judge.

12 MR. MURDAUGH: We have provided them with a computer
13 printout of them. While he's looking through those, may I
14 publish the sketch to the jury?

15 THE COURT: Sure.

16 MR. PLEXICO: I have no objection, Your Honor.

17 THE COURT: They're in evidence without objection.

18 MR. PLEXICO: What number is that, Your Honor? May I
19 ask?

20 MR. MURDAUGH: Excuse me?

21 MR. PLEXICO: What numbers are the exhibits?

22 (A PAUSE.)

23 MR. MURDAUGH: 26 through 35, if Your Honor
24 please.

25 THE COURT: Thank you.

M. BRANTLEY - DIRECT EXAMINATION BY MR. MURDAUGH

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1 (PHOTOGRAPHS MARKED INDIVIDUALLY INTO EVIDENCE AS
2 STATE'S EXHIBITS 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.)

3 BY MR. MURDAUGH:

4 Q. Mikqulier.

5 A. Yes, sir.

6 Q. I show you an item marked State's Exhibit Number 26
7 and ask you. What that is a photograph of?

8 A. My arm.

9 Q. Okay. What does it show?

10 A. Bruise.

11 Q. And it's your -- which arm, right or left?

12 A. My left arm.

13 Q. And is this the bruise that you're talking about?

14 A. Yes, sir.

15 Q. Where my finger is?

16 A. Yes, sir.

17 Q. I show you Exhibit 27 and ask you what that is.

18 A. A scratch.

19 Q. Where?

20 A. It's right there.

21 Q. On what part of your body?

22 A. It looks like the top of my arm or my shoulder.

23 Q. Top of your arm and your shoulder, right?

24 A. Yes.

25 Q. I show you State's Exhibit Number 28 and ask you what

1 that is a picture of.

2 A. That's a picture of me.

3 Q. What does it show?

4 A. My face.

5 Q. Is that how you were dressed that night?

6 A. Yes, sir.

7 Q. What about your face?

8 A. That my lip was swollen, my eyes bloodshot red, and
9 scratches all over me.

10 Q. I show you State's Exhibit Number 29. Ask you what
11 that is.

12 A. That's the mark on my face.

13 Q. Where is the mark on your face?

14 A. On my upper lip.

15 Q. On the right-hand lip?

16 A. Yes, sir.

17 Q. How about your -- how about that?

18 A. Scratches under my eye.

19 Q. Is your eye swollen in that?

20 A. No, sir.

21 Q. Huh?

22 A. No, sir. My eyes bloodshot red.

23 Q. Okay. I show you State's Exhibit Number 31 and ask
24 you what that is.

25 A. That's a picture of my hand and the scratches on my

M. BRANTLEY - DIRECT EXAMINATION BY MR. MURDAUGH

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1 neck.

2 Q. Okay. I show you State's Exhibit Number 32 and ask
3 you what that is.

4 A. More scratches on my neck.

5 Q. 33?

6 A. That's the back of -- my back and my back.

7 Q. What does it show? Does it show the clothing you were
8 in that night?

9 A. Yes, sir.

10 Q. Okay. State's Exhibit Number 34.

11 A. Scratches and the blood on my shirt.

12 Q. There's a shot here. What is that?

13 A. That looks like blood.

14 Q. Okay. Do you know where the blood came from?

15 A. Probably off me.

16 Q. Talk loud enough so these ladies and gentlemen can
17 hear you, please.

18 A. Probably off me.

19 Q. Okay.

20 MR. PLEXICO: What did she say? Your Honor, I didn't
21 understand what she said.

22 THE COURT: Ma'am, would you ---

23 WITNESS: The blood came off me.

24 BY MR. MURDAUGH:

25 Q. I show you State's Exhibit Number 35 and ask you what

1 that's a picture of.

2 A. Bruises on my leg.

3 Q. I don't think the court reporter ---

4 A. The bruises on my leg.

5 Q. Mikqulier, did you do anything that night to lead him
6 to believe he could have sex with you?

7 A. No. No.

8 Q. Did you fight him while he was having sex with you?

9 A. Yes, sir.

10 Q. Did you scratch him?

11 A. Yes, sir.

12 Q. Did he have clothing on?

13 A. Yes, sir. He had on my boyfriend's hat and shirt and
14 the rest of his, his t-shirt or whatever he had on up under
15 it.

16 Q. Okay. Let me ask you a question. Where did this
17 happen?

18 A. In my house.

19 Q. Where is your house?

20 A. At Gifford.

21 Q. And is Gifford in Hampton County?

22 A. Yes, sir.

23 Q. Okay. Did you let him in your house?

24 A. No, sir.

25 Q. Do you know how he got in your house?

M. BRANTLEY - DIRECT EXAMINATION BY MR. MURDAUGH

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1 A. No, sir. When I woke up, he was right beside me.

2 Q. Mikqulier, let me ask you this question. Have you
3 ever been convicted of a crime?

4 A. No, sir.

5 MR. MURDAUGH: Thank you, ma'am. Answer any questions
6 that Mr. Plexico may have of you.

7 MR. PLEXICO: Court's indulgence.

8 THE COURT: Yes, sir.

9 MR. MURDAUGH: Before he -- while we're waiting, let
10 me ask her a couple more questions.

11 THE COURT: Okay.

12 BY MR. MURDAUGH:

13 Q. I show you an item that's been marked as State's
14 Exhibit 36 and ask you what that is.

15 A. This is my house.

16 Q. No, what -- and what is this?

17 A. Oh, this is a picture of roads in here.

18 Q. A plat of the ---

19 MR. MURDAUGH: Your Honor please, I would offer this
20 as an exhibit.

21 THE COURT: Any objection?

22 MR. PLEXICO: I would have no objections to that.

23 THE COURT: It's in evidence without objection.

24 (PLAT MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
25 36.)

1 MR. MURDAUGH: May I bring her down to show the jury?

2 THE COURT: Yes, sir.

3 Ma'am, you may step down.

4 MR. MURDAUGH: May I do it twice, one on each end of
5 the jury box?

6 THE COURT: Yes, sir.

7 Q. If you will ---

8 MR. MURDAUGH: May I, Your Honor?

9 THE COURT: Of course.

10 BY MR. MURDAUGH:

11 Q. Show me where you live.

12 A. The blue box right here, that's my house.

13 Q. We'll do this on both ends.

14 A. That's it right there. This is my house right here.
15 This is the dirt road.

16 COURT REPORTER: Excuse me. I'm having difficulty
17 hearing the witness.

18 THE COURT: Ma'am, if you'll just speak out for my
19 court reporter. Thank you, ma'am.

20 BY MR. MURDAUGH:

21 Q. Mikqulier, talk loud as me.

22 A. Okay, this right here is my house. This is a dirt
23 road. I left from my dirt road and came up here. My
24 grandma has a field around her back yard. I came right
25 across the field, went to her back door. I knocked on her

M. BRANTLEY - DIRECT EXAMINATION BY MR. MURDAUGH

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1 back door. She didn't answer. So, I went around to the
2 front. This is my grandma front porch, and then I went
3 around to Marie house, which is her right here.

4 Q. Put that pink marker on the spot that is your house.
5 Okay. I'm going to put a, I'm going to put a M.B.,
6 Mikqulier Brantley, for that. Okay. Now, where -- you
7 went where?

8 A. My grandma house, and I cut through to my grandma, to
9 my grandmother house and went to her back door. When she
10 didn't answer, I came around to Marie front door.

11 Q. Marie Dunbar?

12 A. Yes.

13 Q. Put down Marie Dunbar house. Okay. I'm going to put
14 an M.B. up there. Now, did your mother live in that area?

15 A. My momma actually stayed across from there.

16 Q. Where?

17 A. My mom stays right across the street right at the main
18 highway.

19 Q. Okay, and your grandmother lives where?

20 A. Right there.

21 Q. Okay. All right. If you would, come down here,
22 please. If you will, tell me where your house is.

23 A. This is my house right there.

24 Q. And that's the one marked with M.B.?

25 A. The, the dirt road, I went up the dirt road and cut

1 through my grandmother back yard, and went back to the back
2 door, and I came around. She wouldn't answer. So, I went
3 to Marie's house.

4 Q. Okay. Thank you, ma'am. You may have a seat back up
5 there?

6 A. *(Witness returns to the stand.)*

7 MR. MURDAUGH: Thank you. Now answer any questions
8 Mr. Plexico may have.

9 CROSS-EXAMINATION BY MR. PLEXICO:

10 Q. You and Alfred went to the B&G Civic Center, a club,
11 that night, right?

12 A. Yes, sir, but not together.

13 Q. Okay. All right, but y'all were both down there,
14 right?

15 A. Yes, sir.

16 Q. Okay. All right. Now, y'all essentially closed down
17 the B&G Club ---

18 A. No, sir.

19 Q. --- is that right? All right. Well, was Alfred
20 arrested?

21 A. Yes, sir.

22 Q. Alfred was arrested for fighting, right?

23 A. Yes, sir.

24 Q. Was Alfred fighting in the club or was he fighting in
25 the ---

T. BRANTLEY - DIRECT EXAMINATION BY MR. MURDAUGH.

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1 THE COURT: Step down, sir.

2 (THE WITNESS EXITS THE STAND.)

3 MR. MURDAUGH: Teresa Brantley. Franklin Dunbar will
4 be next.

5 TERESA BRANTLEY, HAVING BEEN DULY
6 SWORN, TESTIFIES AS FOLLOWS:

7 THE COURT: Ma'am, if you'll just give us your name
8 for the record.

9 WITNESS: Teresa Brantley.

10 THE COURT: Thank you, ma'am.

11 DIRECT EXAMINATION BY MR. MURDAUGH:

12 Q. Ms. Brantley, are you the mother of Mikqulier
13 Brantley?

14 A. I am.

15 Q. And where do you live?

16 A. For the previous address where she at now or ---

17 Q. No. On September the 9th.

18 A. Gifford, about maybe five, five minutes from where she
19 lived at.

20 Q. Okay, and did, at some point in time, she come to your
21 house that night?

22 A. Yes, sir.

23 Q. And what time was it, if you remember?

24 A. It probably was, like, maybe 1:00, 1:30, within that
25 area. It was that next morning, and it was in that time

1 frame that they came from -- well, she went to Huddle House
2 with one of her cousins, and they came back to the house,
3 and they was on my front porch.

4 Q. Okay, and you say they. How many of them was it?

5 A. It was, like, all of them that came from the club.
6 The whole group that was together.

7 Q. Like two or three or ten?

8 A. No, sir. It's about six of them.

9 Q. Six of them?

10 A. Uh-huh.

11 Q. Okay, and what did they do at your house?

12 A. They was talking about the incident that actually
13 happened. I was questioning them what happened at the
14 club, who did the fighting, you know. Why did Alfred and
15 his brother got locked up and the other two guys that was
16 with them. Why, you know, what was the reason of them
17 getting locked up. And me and her, and we talked and went
18 in the house, and we came back outside. After I knew that
19 all my kids was on the porch and they were okay, I said I'm
20 going to bed.

21 Q. Okay. Did she then leave with Rashaun Early?

22 A. No, sir. She was still on the porch at that time.

23 Q. Okay. Did she later leave with Rashaun?

24 A. That I know of. That was told to me.

25 Q. And who is the Rashaun Early?

T. BRANTLEY - DIRECT EXAMINATION BY MR. MURDAUGH

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1 A. Rashaun Early's my nephew.

2 Q. Your nephew?

3 A. Yes.

4 Q. So, it would be?

5 A. Her first cousin.

6 Q. First cousin?

7 A. Yes.

8 Q. Okay, and did, later that night, you have an occasion
9 to see Mikqulier?

10 A. No, sir. I didn't see her no more after the fact that
11 I saw that they were okay, and I left and got back in my
12 bed.

13 Q. And she didn't come to your house?

14 A. That night? Yes.

15 Q. Yeah.

16 A. Yes, she was there. She was there on the porch ---

17 Q. After she left and went to her house to go to bed.

18 A. Did I see her anymore after that?

19 Q. Yes.

20 A. No, sir.

21 Q. Okay. Did you hear about an incident that had taken
22 place?

23 A. Yes, sir.

24 Q. And as a result of that incident, or that hearing
25 about that incident, what did you do?

1 A. I jumped out my bed because my mom was knocking on my
2 back door calling KiKi's name.

3 Q. Don't tell me what anybody told you.

4 A. Well, I jumped out of my bed and I went to where she
5 was, and as I got ---

6 Q. And where was she?

7 A. At Marie Dunbar's house.

8 Q. Okay. When you got to Marie's house?

9 A. Marie was holding her.

10 Q. Was what?

11 A. Was holding her, was embracing her.

12 Q. Okay.

13 A. And as Marie was embracing her, I grabbed her and I
14 asked her what was wrong, what happened.

15 Q. Now, don't, don't tell me what she said, but as a
16 result of what she told you, what did you do?

17 A. I left and I went to her home where it happened at.

18 Q. Okay. When you got -- did anybody go with you?

19 A. No, sir. I was alone.

20 Q. Okay. What did you see when you got there?

21 A. Rodrigues Carter laying face down in her bed.

22 Q. Okay. How was he dressed?

23 A. Pants halfway down, shoes on, shirt on, and he was
24 laying flat.

25 Q. And did he have his underpants on?

T. BRANTLEY - DIRECT EXAMINATION BY MR. MURDAUGH

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1 A. I couldn't really see underpants because I saw his
2 pants was halfway. Shirt, shirt, was a t-shirt hanging
3 down. So, I really couldn't tell what he actually had, but
4 I know his pants was halfway off of him, and his shirt was
5 hanging on the bottom of him.

6 Q. Okay. While you were there, did some, two other
7 people come up?

8 A. Not, not when I first got there because I walked
9 through the house to look for a knife, but I couldn't find
10 none because I never really been in the house like that.
11 So, when I came back around, I couldn't find it, and I saw
12 a lamp. I called his name and he didn't answer me. So, I
13 called his name again, and he still didn't answer me. So,
14 I hit him and this is when he jumped up.

15 Q. Hit him with what?

16 A. A lamp.

17 Q. Okay. I show you an item here and ask you if you can
18 identify that.

19 (A PAUSE.)

20 Q. Do you ---

21 A. Yes, sir, I can.

22 Q. What is that?

23 A. A lamp.

24 Q. That's what's left of the lamp?

25 A. Yes.

1 Q. Okay.

2 MR. MURDAUGH: Your Honor please, I would offer this
3 as an exhibit.

4 MR. PLEXICO: No objections, Your Honor.

5 THE COURT: In evidence without objection. What
6 number is that, Elizabeth?

7 COURT REPORTER: 38.

8 THE COURT: Thank you.

9 (LAMP MARKED INTO EVIDENCE AS STATE'S EXHIBIT NUMBER
10 38.)

11 BY MR. MURDAUGH:

12 Q. And, again, so there won't be any question, what did
13 you do with the lamp?

14 A. I begin to hit him with it.

15 Q. How many times you hit him with it?

16 A. I really don't remember. I just constantly hit him.

17 Q. More than once?

18 A. Yes, sir.

19 Q. And that was because of what you had learned that ---

20 A. He done to my daughter.

21 Q. Let me ask you a question. Tell me, describe your
22 daughter that night or that morning.

23 A. She looked that -- you mean that, that morning when I
24 saw her come from the club or after?

25 Q. No, ma'am. After, after the incident that occurred,

T. BRANTLEY - DIRECT EXAMINATION BY MR. MURDAUGH

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1 describe to these ladies and gentlemen on the jury her
2 appearance and her demeanor.

3 A. She was swollen. She couldn't hardly talk. She was
4 crying. She was scared. She didn't want nobody to touch
5 her. She was a person that I never saw and never saw my
6 child look the way that she did.

7 From the time that she left my house to that morning,
8 that wasn't my daughter. I know how -- I saw my child when
9 she left me, and that wasn't her after the fact this had
10 happened to her.

11 Q. Teresa, did Franklin Dunbar and Keith Williams come
12 over to KiKi's house, Mikqulier's house?

13 A. Yes, sir.

14 Q. Okay, and at what point -- how long had you been there
15 when they came in?

16 A. I probably been there about maybe ten minutes, if that
17 long in there, fighting him. Well, he didn't hit me or
18 everything. He just standing on top of the bed, and I was
19 hitting him with the lamp. Then Keith came in, and he came
20 behind me.

21 Mr. Dunbar was standing at the door. He never touched
22 him or anything; he was just at the door. So, I told him
23 to hold him in there because I'm going to get my jack
24 handle out my car. But somehow he got out the room and
25 went flying through the back side of the house.

1 Q. Okay. What did you do when he left the house?

2 A. I jumped in my car. I went behind him because he was
3 on a bicycle.

4 Q. What were you going to do if you caught him?

5 A. I was going to run him over.

6 Q. Did you ever catch him?

7 A. I caught him, but he went in this field with some
8 dirt, and I looked at my gas in my car and it was low. So,
9 I took my car back and I went and got my truck, and I
10 figured he was trying to get home. And on that road he was
11 trying to get home, and I saw him, and I got my truck up to
12 a hundred miles per hour. But he jumped off the bicycle
13 and went to the woods, and I didn't have no shoes on to run
14 through the woods to catch him.

15 Q. Okay. Where does he live?

16 A. On the backside of Gifford. I guess they would call
17 it the country area.

18 Q. If you'd have caught him, would you have killed him?

19 A. I would have.

20 Q. When he ran out of the house, was it dark or light?

21 A. It was kind -- it was light. It was light because
22 the sun has already been up for -- it was, it was light
23 when ---

24 Q. How long had it been light?

25 A. Possibly, like, twenty, thirty minutes at the most

T. BRANTLEY - CROSS-EXAMINATION BY MR. PLEXICO

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1 during that time.

2 Q. Okay.

3 MR. MURDAUGH: Thank you. Answer any questions Mr.
4 Plexico might have.

5 CROSS-EXAMINATION BY MR. PLEXICO:

6 Q. Who had the -- who was beating on my client with a
7 pipe?

8 A. What pipe? Nobody didn't have a pipe. I was the only
9 person that was beating him. That was with that lamp.
10 Nobody didn't have any pipe.

11 Q. All right. Now, so he was bloody and you beat him
12 bloody, right?

13 A. I surely did.

14 Q. Okay. All right. You were chasing him around beating
15 my client, right?

16 A. I didn't chase him around. He was in my daughter's
17 room where he didn't belong at, and I began to beat him
18 with this lamp that I had ---

19 Q. All right. Now, you beat him ---

20 A. --- when I saw him.

21 Q. You said you beat him for about ten minutes?

22 A. I surely did. I did.

23 Q. Based on what, based on what your daughter said,
24 right?

25 A. No. Based on what I said.

1 Q. Okay. All right. Now, you've got a conviction for
2 financial identity fraud?

3 A. What does that have anything to do with this case?
4 That's my life.

5 THE COURT: Ma'am, you need to answer the question.

6 A. Yes.

7 Q. And you have a conviction for financial transaction
8 card fraud?

9 A. Yes.

10 Q. And you're the only one who had a weapon?

11 A. The only one.

12 Q. And he was trying to get away from you, but you
13 weren't going to let him get away from you ---

14 A. Why should I ---

15 Q. --- before you beat him?

16 A. Yes.

17 Q. Right?

18 A. Yes.

19 Q. Yeah. As a matter of fact, you told the other two to
20 keep him there because you were going to ---

21 A. I told them to keep him ---

22 Q. --- beat him even more.

23 A. --- there while I go outside to get a jack handle
24 because I was going to beat him again with a jack handle.

25 Q. You were going to kill him, right?

T. BRANTLEY - REDIRECT EXAMINATION BY MR. MURDAUGH

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1 A. I was.

2 Q. Based on what your daughter said?

3 A. My daughter didn't say that. I did.

4 Q. Okay.

5 MR. PLEXICO: All right. I don't have anything
6 further.

7 REDIRECT EXAMINATION BY MR. MURDAUGH:

8 Q. Mr. Plexico asked you based upon what your daughter
9 said. What did your daughter tell you?

10 A. My daughter couldn't tell me anything but ---

11 MR. PLEXICO: Your Honor, I would ---

12 A. --- Rodrigues raped her.

13 MR. PLEXICO: Your Honor, I object. That would be
14 hearsay, Your Honor. I didn't ask ---

15 MR. MURDAUGH: It would be if he hadn't opened it up.

16 MR. PLEXICO: Your Honor, that's not opening up.

17 THE COURT: Let's just move past it. Let's just move
18 past it.

19 MR. MURDAUGH: I'm sorry?

20 THE COURT: That's okay.

21 MR. MURDAUGH: I couldn't hear you.

22 THE COURT: I'm sorry. Let's ask the next question.
23 Just don't ask that question.

24 MR. MURDAUGH: I don't have any other questions.

25 THE COURT: Anything further, Mr. Plexico?

1 MR. MURDAUGH: Excuse me.

2 MR. PLEXICO: No, Your Honor.

3 MR. MURDAUGH: Yes, yes, I do. I'm sorry.

4 THE COURT: All right. He has one more.

5 BY MR. MURDAUGH:

6 Q. For some reason you got upset. Is that true?

7 A. Yes.

8 Q. Okay, and why did you get upset?

9 A. Because my daughter ---

10 Q. Don't, don't tell me what she said.

11 A. I'm not telling you what she said. I said because of
12 my daughter. My child was raped. That was my reason of
13 being upset.

14 MR. MURDAUGH: Thank you, ma'am.

15 MR. PLEXICO: Your Honor I would object to that. Move
16 to strike, Your Honor, because she has no basis in fact for
17 that from her own personal ---

18 THE COURT: Overruled. Anything further? Any
19 questions?

20 MR. PLEXICO: I don't have anything further.

21 THE COURT: You may step down, ma'am.

22 (THE WITNESS EXITS THE STAND.)

23 MR. MURDAUGH: Call Franklin Dunbar.

24 THE COURT: Do y'all need a break? Are you okay? I
25 think the jury's had a break. So, just the rest of us

F. DUNBAR - DIRECT EXAMINATION BY MR. MURDAUGH

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1 haven't. Let's go ahead and take Mr. Dunbar and then maybe
2 we'll take a break after that. All right.

3 FRANKLIN DUNBAR, HAVING BEEN DULY
4 SWORN, TESTIFIES AS FOLLOWS:

5 DIRECT EXAMINATION BY MR. MURDAUGH:

6 Q. Your name is Franklin Dunbar?

7 A. Yes, sir.

8 Q. Mr. Dunbar, where do you live?

9 A. Gifford, South Carolina.

10 Q. Okay, and what do you do for a living?

11 A. Substitute teacher at Allendale County Schools.

12 Q. Okay, and how long have you been doing that?

13 A. About three years.

14 Q. How long you been living in Gifford?

15 A. About three years.

16 Q. Okay. Are you married?

17 A. Yes, sir.

18 Q. Are you married to Marie Dunbar, the first lady that
19 testified today?

20 A. Yes, sir.

21 Q. Okay, Mr. Dunbar, direct your attention to September
22 the 6th, 2009, and ask you if you were in Gifford.

23 A. Yes, sir.

24 Q. Did you have an occasion to see Mikqulier Brantley
25 that morning?

1 A. Yes, sir.

2 Q. Sorry?

3 A. Yes, sir.

4 Q. Okay, and where, where did you see her? Did you see
5 her earlier that day?

6 A. Uh.

7 Q. When, when did you see her on the 6th?

8 A. On the 6th. That was earlier that morning. I was
9 awakened by her knocking at the door. My wife was the
10 first to get to the door. I was kind of sluggish getting
11 out of bed, and when I did get -- get out of bed, she had
12 told us of what happened, and I immediately just started to
13 get dressed so that I could go because she said that he was
14 still in the house.

15 Q. What did she tell you had happened?

16 MR. PLEXICO: Your Honor, I object to that, Your
17 Honor. That's blatant hearsay.

18 THE COURT: That is hearsay, sir. You'll need to go
19 ahead and ---

20 MR. MURDAUGH: It would be, but it was simultaneous
21 with that other statement, if Your Honor please.

22 THE COURT: Okay. You're doing it under 801(d). Is
23 that correct?

24 MR. MURDAUGH: Yes, sir.

25 THE COURT: And 803?

F. DUNBAR - DIRECT EXAMINATION BY MR. MURDAUGH

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1 MR. MURDAUGH: *State vs. Mims.*

2 THE COURT: Okay.

3 (A PAUSE.)

4 MR. MURDAUGH: Ma'am?

5 THE COURT: You can ask the question.

6 BY MR. MURDAUGH:

7 Q. Okay. Were you and your wife present and together?

8 A. Yes, sir.

9 Q. Was Mikqulier Brantley talking to your wife?

10 A. Yes, sir.

11 Q. And what did she tell your wife?

12 A. That she had been raped and that he was still in the
13 home.

14 Q. Okay. What happened then?

15 A. I immediately started to put on my -- put on some
16 pants and put on my shoes and get out the back door to run
17 there.

18 Q. Okay, and did you run there?

19 A. Yes.

20 Q. You went to Mikqulier's house?

21 A. Yes.

22 Q. Okay, and when you got to the house, what -- who was
23 there?

24 A. I saw Mr. Carter in the bed laying down. He had -- he
25 was face down. His pants were off his behind, but not

1 totally off his body, and a shirt pulled back off of his
2 head.

3 Q. His pants were?

4 A. Pulled -- they were down below his waist, really below
5 his knees.

6 Q. Okay. How about his underpants?

7 A. They were down.

8 Q. Okay, and what was he doing?

9 A. He was -- seeing that he was passed out in the bed.

10 Q. Okay, and did Mikqulier's mother get there?

11 A. She did.

12 Q. Before or after you?

13 A. After me.

14 Q. Okay. When she got there, what did she do?

15 A. She -- I met her on the out -- outside of the
16 premises. I was actually -- at that time, I didn't want to
17 try to subdue him by myself. So, I was going to go and
18 find some help, and by the time I, I saw her, which was me
19 running out the door, and I maybe just a little bit past
20 the house, she was there. So, I was going back in.

21 Q. Okay, and did Keith Williams also get there?

22 A. Yes, sir.

23 Q. Okay. What then did y'all do when the three of y'all
24 got together?

25 A. Going back into the house, we were going in to subdue

F. DUNBAR - DIRECT EXAMINATION BY MR. MURDAUGH

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1 and make sure that, that he was obtained. Emotions may
2 have run high in the situation, him trying to get away.
3 There was struggle, and he was able to get away out of the
4 back door, and he jumped onto a bicycle and got lost in
5 some of the woods around the side of the house.

6 Q. Okay. When you talked with Mikqulier, can you
7 describe to the jury what her appearance and her demeanor
8 was? You didn't actual talk with her. She was talking to
9 your wife?

10 A. Yes.

11 Q. Okay. When she was talking to your wife, how close
12 were you to her?

13 A. I was right, right there behind them. She was cradled
14 in Marie's arm as Marie was behind her, and I was
15 immediately, immediately behind them.

16 Q. Okay.

17 A. Listening to the conversation.

18 Q. Describe to the jury what her appearance was and what
19 her demeanor was.

20 A. She was, she was distraught, talking very loudly. Her
21 face was bruised very badly. She was just kind of really
22 out of it at that moment because she didn't -- after that
23 moment, she really didn't say much. I was right -- I heard
24 what she had to say, and then I was ready to leave to go
25 because, from my opinion, he was still in the house and we

F. DUNBAR - CROSS-EXAMINATION BY MR. PLEXICO

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1 needed to do something about that. So, I didn't really
2 stay for anything afterwards. But what I saw and heard,
3 she was very distressed. Her -- she was bloody. There was
4 need for some assistance.

5 MR. MURDAUGH: Thank you. Answer any questions Mr.
6 Plexico may have.

7 WITNESS: Yes, sir.

8 CROSS-EXAMINATION BY MR. PLEXICO:

9 Q. Who had the pipe?

10 A. What?

11 Q. Who had the rod or the pipe? Anybody have a rod or a
12 pipe beating my client that morning?

13 A. Not that I know of.

14 Q. Okay. All right. Now. All right. So, your job was
15 to hold him in there while, while Ms. Brantley beat him?

16 A. That was not my job.

17 Q. Was she telling you to hold him ---

18 A. No.

19 Q. --- while she went and got a jack?

20 A. No.

21 Q. Okay. All right. Did she leave -- after beating him
22 for a while, did she leave and then ask you to hold him
23 while she went outside?

24 A. No.

25 Q. Okay. All right, and was she chasing him around the

S. MORAD - VOIR DIRE EXAMINATION BY MS. LEGETTE

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1 WITNESS: Shirin Marian Morad.

2 THE COURT: Thank you.

3 WITNESS: Thank you..

4 MS. LEGETTE: Thank you.

5 VOIR DIRE EXAMINATION BY MS. LEGETTE:

6 Q. Good afternoon, Dr. Morad. How are you today?

7 A. Good.

8 Q. Good?

9 A. A little nervous. I'm sorry.

10 Q. That's okay. Pull the microphone down a little bit so
11 you won't have to stretch out so far. Very good.

12 A. How's that?

13 Q. Very good. Dr. Morad, please, what's your profession?

14 A. I'm a physician.

15 Q. Okay, and where do you practice at?

16 A. Right now, Hampton Regional.

17 Q. Okay. Please tell us about your educational
18 background to become an actual physician or a doctor.

19 A. Okay. I went to college at West Virginia Wesleyan
20 College and graduated with degrees in nursing and
21 psychology, and practiced full-time for a couple of years,
22 after that part-time. And later then decided to go on to
23 medical school, and started at the West Virginia School of
24 Osteopathic Medicine in 1997, and actually graduated from
25 there in 2001, and went on to residency. And residency, I

1 did a rotating internship at Columbia -- or Columbus,
2 Georgia, and went on to finish internal medicine for three
3 years after that in Savannah, Georgia.

4 Q. Dr. Morad, are you licensed to practice in South
5 Carolina?

6 A. Yes.

7 Q. And how long have you had your license for South
8 Carolina?

9 A. For almost a full six years.

10 Q. And, Dr. Morad, have you always practiced in Hampton,
11 South Carolina?

12 A. No. Actually, I had my practice down in -- over in
13 the Bluffton area for about four and a half years, and I
14 was solo practitioner in primarily Medicare, and basically
15 just too difficult financially to keep an office opened up
16 by myself. So, ended up taking a little time and spent the
17 next two years in the ER. So, I, at that point, I took a
18 position with Hampton Regional and was one of the ER
19 physicians for a year.

20 Q. And during that period of time, how many victims would
21 you say you've seen in the ER?

22 A. During that period of time, I probably saw somewhere
23 between 500 to a thousand patients.

24 Q. And of those patients, how many were rape victims?

25 A. Probably fifteen to twenty.

S. MORAD - VOIR DIRE EXAMINATION BY MS. LEGETTE

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1 MR. PLEXICO: Your Honor, I, I -- that would -- I
2 think, number one, it's not relevant, Your Honor, and, two,
3 that's all going to have to be all based on hearsay because
4 she wouldn't ---

5 THE COURT: Okay. Alleged.

6 MS. LEGETTE: Alleged rape.

7 THE COURT: Then you can ask that question.

8 BY MS. LEGETTE:

9 Q. Doctor, have you seen any alleged rape victims?

10 A. Yes, probably fifteen to twenty that claimed rape.

11 MS. LEGETTE: At this time, Your Honor, I would have
12 Dr. Morad as an expert in the field of medicine and in the
13 field of ER.

14 MR. PLEXICO: She's a physician, Your Honor. I have
15 no, no objection.

16 THE COURT: Okay. Ladies and gentlemen, typically
17 someone can only testify as to what they personally saw,
18 know. In this case, there's an exception based on
19 someone's education and/or experience where they are
20 allowed to give their opinion.

21 In this case, Dr. Morad has been qualified in the area
22 of medicine and specifically in the areas of emergency
23 medicine. Again, she's permitted to give her opinion to
24 you as to that area as well, ladies and gentlemen, to
25 assist you. And of course it's for you to use that opinion

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1 as you see fit as compared to any of the other evidence.
2 You can accept it or reject it. It is completely up to
3 you.

4 All right.

5 MS. LEGETTE: Thank you, Your Honor.

6 DIRECT EXAMINATION BY MS. LEGETTE:

7 Q. Dr. Morad, I want to turn your attention now to
8 September of 2009.

9 A. Yes.

10 Q. Were you working at the Hampton Regional Medical
11 Center or the Hampton ER in that year?

12 A. Yes, I was.

13 Q. And during that year or during that month, did you
14 have an occasion to see a patient by the name of Mikqulier
15 Brantley?

16 A. Yes, I did.

17 Q. Please tell us what you saw when you -- I sorry, what
18 you found when you saw her.

19 A. Well, initially what I found was -- if we had a rape
20 victim that was alleging or claiming that she had been
21 raped, we usually get some notice that they've come in.
22 And I believe that she came in right about the time or was
23 on her way to the ER when I was coming on shift at 9:00
24 a.m.

25 At that point, what I typically do is wait for her

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1 initial evaluation if she's emergent in the sense that she
2 needs immediate medical attention, and I let, you know,
3 kind of the, the -- excuse me, allergies. I let the usual
4 progression that we go through, the nurses, everyone that
5 needs to be called at that point. Usually the police are
6 called, and it gets a little complicated for the person
7 alleging that they've been victimized.

8 Q. So, you let time elapse with her being seen by the ER
9 nurse, police officers?

10 A. Uh-huh.

11 Q. And at some point you examined her?

12 A. Yeah. It's very overwhelming for anyone that
13 alleges...

14 THE COURT: Doctor, here's some water for you.

15 WITNESS: Oh, thank you.

16 (A PAUSE.)

17 WITNESS: Sorry about that. Allergy season. A little
18 overwhelming, too. Okay. Redirect me and we'll get back
19 to it.

20 BY MS. LEGETTE:

21 Q. Okay. Very good. Doctor, we're, we're seeing
22 Mikqulier Brantley. You've allowed the ER nurse to see
23 her?

24 A. Yes.

25 Q. She's come in. So, at some point you go in and you,

1 you see the patient, correct?

2 A. Right. Usually what I do is I give them a little bit
3 of time to kind of regroup if they need to because it is
4 overwhelming for anyone that comes in and alleges that
5 they've been raped because by the time that -- you know,
6 the nurses have to question them and the, the police, and
7 social services. They go through just a barrage of being
8 overwhelmed and inundated by people. And depending on, you
9 know, how they are actually reacting to that, I usually sit
10 back and wait and let that part go on and come in later
11 after the -- more paperwork on them and legal things are
12 done.

13 Q. Then did that happen in this case?

14 A. Yes, it did. And especially in this case because it
15 was a situation where she was a little different than, than
16 most of my traumatic patients have presented. And I only
17 say that in the fact that it was obvious by her demeanor
18 and her affect that something very traumatic had occurred.
19 And that she didn't need to be overwhelmed immediately by
20 just everyone running in and especially my exam, which was
21 extremely personal after anyone being victimized.

22 Q. Okay. Doctor, so you're telling us that she presented
23 as different that ---

24 A. Yes.

25 Q. --- something had happened to her that day?

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1 A. Yeah. You know, I'm a female and a little, little --
2 I may be a little more sensitive to the fact that you --
3 you know that women are different in certain ways, in the
4 way that we handle stress and the way that if something has
5 overwhelmed us or traumatized us. I might be a little bit
6 more thoughtful in, in the way that I approach the patient
7 just because it's a difficult time. And in this case, it
8 was obviously a very tough time for her. She didn't need
9 to be poked and prodded on by me immediately. She needed
10 some time to, to, I guess, have to deal with all the other
11 issues before I come in and, and do what I have to do.

12 Q. Okay. Doctor, I'm going to redirect you now. So, she
13 -- you had given her the time to regroup?

14 A. Uh-huh.

15 Q. All right, and finally you come to the exam room?

16 A. Correct.

17 Q. And what do you see when you come into the exam room?

18 A. I see a very detached, solemn, depressed individual.
19 She's not talking on her cell phone. She doesn't have, you
20 know, a barrage of family members in the room with her.
21 She really -- I could tell that she had been crying and
22 that the past few hours have been a very difficult time for
23 her. Also, visually I had noticed that she had scrapes and
24 scratches and swelling, and obviously she had been
25 assaulted somehow at that point.

1 And, like, I said, when it comes to this situation,
2 you know, it's, it's -- you see a lot different of patients
3 that come in claiming or alleging that they've been
4 assaulted, whether it's rape or, or whether by something
5 else. But with her, and the reason why she stood out with
6 me so much and I recall her so clearly is because the fact
7 that when I walked into the room, it was obvious that she
8 had experienced a traumatic episode or incident and that
9 she was just -- affect, everything different than what I
10 had typically experienced prior to.

11 Q. Okay. So, Doctor, physically you've actually or
12 visually examined her by this time. So, at some point you
13 do a, a physical or a more in-depth exam of the patient.
14 Is that correct?

15 A. That's correct.

16 Q. So, please tell us about that physical exam that you
17 do on the patient from top to bottom.

18 A. Okay. That -- since it's not something I do on a
19 daily basis, I initially have -- one of the ER nurses will
20 be there with me and is required to be there because there
21 is some chain of custody with the, the actual kit that we
22 use to examine and take the swabs of everything. So,
23 there's always another person in the room with me but is a
24 little more versed in, in how to proceed with the, the kit
25 itself. And they help guide me with, you know, which swabs

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1 to use and, you know, just kind of the, the usual
2 procedures that -- just to make sure that we don't miss
3 anything. And that the, the chain of custody with
4 everything is done correctly in the event that it is going
5 to be some issue later.

6 Q. So, in this case, you took the-- you actually took the
7 rape kit and then handed it off to the nurse in the ER with
8 you?

9 A. Correct, and she opens it up and she proceeds to
10 assist me with handing me what I need and placing it back.
11 It's basically, it's an effort at this point. But I can
12 say that our nurses, especially in a situation like this,
13 and the nurse that I was working with is very, just, just
14 very conscientious. She's been doing it for a long time,
15 and I was extremely glad to have, you know, some other
16 older nurses with me that can be a little bit more
17 compassionate and understanding in a situation like this.

18 Q. And that nurse was Laura Rowell?

19 A. Yes, and she's very wonderful, very caring.

20 Q. Okay. So, Doctor, you and nurse Laura Rowell actively
21 assist each other ---

22 A. Uh-huh.

23 Q. --- taking the rape kit?

24 A. Yes.

25 Q. And then -- after which point, did you actually make a

1 report of your findings?

2 A. Yes, I do, and once the examination is completed and
3 both -- the kit is completed, after taking all the swabs
4 and everything, then I go back to my area where I do my
5 chart, and I sit and I chart everything that I see and
6 that's done immediately. That's done immediately after I
7 do my examination, especially in this situation just
8 because there was so many, I guess, findings that were -- I
9 considered critical and needed to be documented in the
10 event there would be an issue later.

11 Q. So, Doctor, can you tell us about your findings?

12 A. Yes.

13 Q. For this ---

14 A. Actually, you know, we initially do a quick visual
15 exam of the patient just whenever you first go in. And
16 again I hate -- some of it, it's very difficult in a
17 situation like this because it's not like going to your
18 family doctor who knows you well, and they're comfortable,
19 you're comfortable with them. You're going to someone is a
20 complete stranger that's all of a sudden invading such a
21 personal issue like -- you know, any type of physical
22 assault, whether it is a rape or a, or any assault. And I
23 tried to take a couple minutes, prior to starting the
24 actual exam itself, to kind of comfort the patient just a
25 little bit and let them know that, that things are going to

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1 be -- or what's going to happen and that we understand that
2 this is not a very pleasant thing to go through for a woman
3 that hasn't been assaulted, let alone someone that may have
4 been.

5 And at this point, she -- again, the affect is just
6 kind of flat, depressed. She's detached. It's almost like
7 she wasn't hearing half of anything that I was saying. You
8 know, just a complete different presentation. Cell phone
9 wasn't going off, you know. It, it obviously was a very
10 difficult morning for her.

11 Q. Doctor, I hand you now what's been previously marked.
12 as State's Exhibit Number 37 for identification. Take a
13 moment and tell me if you recognize this, please.

14 A. Yes, I recognize this.

15 Q. And what is that?

16 A. This is one of the, the charting sheets that we use in
17 a situation where we're doing an exam on patients that
18 alleges they've been sexually assaulted.

19 Q. And is that report -- does that report have your
20 signature on it?

21 A. It does.

22 Q. And is that report a fair and accurate representation
23 of some of the findings that you documented on September
24 6th, 2009?

25 A. Yes, it is.

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1 MS. LEGETTE: At this time, Your Honor, I offer
2 State's Exhibit 37 marked for ID into evidence.

3 MR. PLEXICO: I don't have any objections, Your Honor.

4 THE COURT: It's in evidence without objection.

5 (ANATOMICAL DRAWING MARKED INTO EVIDENCE AS STATE'S
6 EXHIBIT NUMBER 37.)

7 Q. Doctor, can you ---

8 MS. LEGETTE: Your Honor, may she step down?

9 THE COURT: You may.

10 BY MS. LEGETTE:

11 Q. Now, Doctor, I want you to come over here, and
12 remember to speak into the microphone ---

13 MR. PLEXICO: Your Honor, may I come around?

14 THE COURT: Yes.

15 BY MS. LEGETTE:

16 Q. --- so the court reporter can hear you, and I want
17 you to tell us what we're seeing in this particular diagram
18 or ---

19 A. Yeah. First, I apologize for the fact that these are
20 somewhat sensitive pictures and a little graphic, you know,
21 under the circumstances because they do depict the private
22 areas of the female and the male.

23 In the female, we have the entire body. And on those
24 areas, what we do is chart any, any scrapes, scratches,
25 bruises, swelling, anything that is out of the ordinary

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1 that needs to be documented, and that was done by the nurse
2 herself because she had more time to, to document head to
3 toe.

4 I go back and I also evaluate and make sure that
5 everything that she has done has been documented in a way
6 that I'm comfortable with and is clear. And again the
7 nurse that was on that day is very seasoned, and I don't
8 think she's old, but she's very seasoned and she does a
9 very good job of documenting clearly and has done this
10 several times in the past. But, but she knows how careful
11 to be from head to toe in this situation.

12 Obviously, with this you see they are multiple
13 scrapes, scratches, swelling, bruising, especially about
14 the head and the neck and the chest.

15 The, the most, I guess, pronounced or important thing
16 that I noticed when I first walked into the room was I
17 could actually hear the patient wheeze from her throat, and
18 that in itself for me is a significant find. That means
19 that something has happened that has caused her neck to
20 swell, and she has the potential of cutting off the airway
21 because of the swelling.

22 We call that strider, and if anybody that has small
23 children, it's what we consider an ominous sign or is a
24 sign that you need to watch the patient closely because
25 something has occurred that could be devastating in the

1 fact that she -- it could actually close her airway off,
2 and that was the most significant finding that I noticed
3 initially walking in and during my entire exam of the
4 patient. That type of wheezing that you hear, you can't,
5 you can't fake it, you know. It's, it's very distinctive.
6 You could hear it when you walked in the room.

7 So, she is -- she has had trauma to the neck area.
8 Also she has swelling, but she also was wheezing and had
9 that kind of coarse strider sound that we call -- and needs
10 very close monitoring at that point. To go on, she also
11 had some other abrasions of her knees and down.

12 Another -- where I come into play, not only do I do a
13 full head to toe on her, but also have to do the female
14 exam, and again in this situation, any time you're working
15 with a rape victim or anyone that's been victimized, even
16 for women, this is a very sensitive area to begin with
17 especially -- you know, we don't like these exams. That's
18 just the way it is. And I say that as a female compared to
19 as a doctor, but to go in after someone has been
20 traumatized where you suspect that they really have been
21 raped is a difficult thing to go through.

22 And with her, she was -- you could tell it was not a
23 comfortable experience. I remember her so distinctly
24 because it was hard for me to actually perform the exam on
25 her because, as a female, I knew this was very difficult

1 for her to have.

2 With the exam itself, you put them up in the stirrups,
3 which are -- again, everybody watches TV where they've been
4 with their children being born. You put them on the exam
5 table. The legs go up and are supported so they can fall
6 open so you can actually see the entire female area we call
7 the perineum. That way, you can visualize the entire area
8 from the front all the way to the back, and that includes
9 the anal area. And as her legs fall open, then you can see
10 not only the labia and the female parts, you also can
11 visualize, you know, just the actual upper inner thighs and
12 the anal area as needed.

13 And in this case, I will be clear, try to be clear as
14 possible to document what I saw. And under the
15 circumstances, initially on examination, this is the outer
16 portion. This is before we actually use the device called
17 the speculum that actually is inserted in the vaginal area.
18 It will see inside up to the cervix and that part of the,
19 the posterior above that back part, the back part of the
20 vagina.

21 So, initially I did a visual exam. On that visual
22 exam, I noticed that she had swelling and redness of the
23 lips themselves because there's actually two sets of lips
24 right there in the beginning. You have the labia majora on
25 the outside and the minora on the inside, and both of those

1 were swollen. But what was the most noticeable, just on
2 visualization, was the fact that this was extremely red and
3 irritated and that, that, of course, is for me a sign that,
4 you know, something had occurred, whether traumatic at this
5 point.

6 But went ahead and put the speculum in and you insert
7 it. You open it up, and at the very posterior back of the
8 vaginal walls, the cervix, which is the bottom part of
9 uterus, will pop in. In her case, you know, it's -- she
10 didn't have any lesions or any markings on the cervic
11 itself, but it's so far back there that you would have to
12 probably insert a device or something to cause trauma to
13 this area. Even forced sexual activity typically does not
14 cause forced trauma.

15 Some of the things that I did notice were around the
16 cervical area there was a lot of tenderness. So, when we
17 did insert the speculum, it was uncomfortable for her, as
18 most people, but in this case she had some swelling of that
19 vaginal wall. And once the speculum went in, it was
20 obvious that there was tenderness and it kind of hurt.

21 After you do the speculum exam, and during the
22 speculum exam, you take the cultures. You look to see if
23 there's any discharge. In her case there was. Okay, I
24 have to speak up.

25 In her case there was a discharge, and it was kind of

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1 a whitish, thin, foul-smelling, foamy discharge, and what
2 we do is we culture that, and that's part of the, the kit.
3 And the other thing is we also will put an applicator into
4 the cervix itself and culture that. And that was done
5 also. Now, those cultures take a few days to come back, so
6 I don't typically see those. And that was basically the
7 main part.

8 I did a manual exam on her. Once the speculum was
9 taken out, I actually have to insert my fingers into the
10 vaginal area, feel the cervix, check the ovaries, and that
11 part was just uncomfortable. There wasn't any cervical
12 tenderness, which, you know, would denote a long-time
13 disease or any type of other pathology that had been going
14 on for long term. Short term would even have to be, you
15 know, some trauma that actually occurred to the cervix
16 itself, and in this case that had not occurred. And that
17 is the female exam.

18 And at that point, we take the kit. The kit is
19 closed. The nurse takes it, and at that point she is in
20 her -- she's responsible for the rest of that part. And I
21 go back to my area after making sure that she's stable and
22 finish the charting that I need to do, that I have to do
23 immediately after I see the patient to get it clear so we
24 don't miss anything. Now, I do -- and I think that's it
25 with this.

1 One of the other things that I did note was the fact
2 that she did have strider in her throat. She did have some
3 wheezing. And that, in itself, made this more ominous, you
4 know, in either her outcome or how she needed to be
5 watched. And at that point I realized that she would need
6 to be hospitalized because someone would need to monitor
7 her for her breathing and make sure that that didn't get
8 worse over the next twenty-four hours.

9 Q. You can sit down, Doctor. Thank you.

10 A. *(The witness returns to the stand.)*

11 Q. So, Doctor, you tell us that after the exam, your
12 examination, physical and visual, you decided to
13 hospitalize the victim?

14 A. Yes, and during that period, too, we did go ahead and
15 give her something to start getting control, like a
16 Cortisone injection, IV, to get control of the swelling
17 that we noticed in the throat and the, the sounds that were
18 actually audible without a stethoscope. And with a
19 stethoscope there were very clear, coarse strider in her,
20 her pharynx and, and throat area.

21 Q. So, Doctor, in, I guess, everyday people terms, you
22 said strider. So, what is that basically? How do you get
23 a strider?

24 A. You get strider whenever you have any swelling around
25 your breathing tube and that swelling causes the air to, to

1 -- it's like blowing through anything that's constricted.
2 You're going to hear the air creating a noise just like air
3 going through anything that's been closed off.

4 You know, typically you can sit and listen to each
5 other breathe. You can kind of hear the, the breath coming
6 in and out, but it's just kind of a clear, easy thing.

7 If anybody's ever had children, you know when they get
8 sick, sometimes you might hear them may, you know, gurgle
9 or whatever. But this sounds completely different. It's,
10 it's definitely just a coarse breath sound that you hear
11 going in and out as they breathe, and we call that strider.

12 Q. Can a person cause this on themselves?

13 A. That would be very -- actually no. There's no way
14 because you would have to put so much trauma on your neck
15 and throat that I don't think a person would tolerate it.

16 And I do remember noting, too, that she also had what
17 we call a flame hemorrhage in one of her eyes, and that's
18 where, you know, people, if you strain, you'll notice that
19 someone might get a little bit of blood or almost like a
20 red area in the white part of your eyes. And she actually
21 had a flame hemorrhage, and I believe it was in her right
22 eye. And that in itself also denotes that she has had some
23 pressure or some forceful pressure somewhere, and that
24 probably was coming from the neck itself with whatever
25 caused her to have swelling.

1 Q. So, the flame hemorrhage, in everyday terms, like
2 bloodshot ---

3 A. Yes.

4 Q. --- or blood vessels broken in the eye?

5 A. Yes.

6 Q. Now, Doctor, about this strider and this flame
7 hemorrhage, can it be caused by choking?

8 A. Yes, definitely, and she definitely had swelling in
9 her neck. You know, like all of us, we all have different
10 shades of pigmentation, and it's difficult, especially if
11 you have a little more pigmentation, to see hand marks.
12 But if the whole hand is placed over the throat, you know,
13 depending on how it's placed, you're not going to see
14 fingerprints. But the -- I believe that the, the alleged
15 victim is a little more pigmented and the swelling was
16 obvious, and again she did have scratches and scrapes in
17 that area.

18 Q. Now, Doctor, you tell us that you hospitalized the
19 victim in this matter.

20 A. Yes, and that's rare. Actually, she's the first,
21 first person that's alleged rape that I hospitalized, and I
22 rarely hospitalize anyone that's been assaulted. But under
23 the circumstances, because of her airway, she needed to be
24 monitored for at least twenty-four hours.

25 Q. So, Doctor, in your medical opinion to a reasonable

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1 degree of medical certainty, was her situation so dangerous
2 that she could have died had she not gotten medical
3 treatment?

4 A. Yes, definitely. I mean, we consider strider a
5 medical emergency.

6 MS. LEGETTE: Begging the court's indulgence.

7 (A PAUSE.)

8 BY MS. LEGETTE:

9 Q. Doctor, a few more questions. You talked about an
10 edema earlier.

11 A. Uh-huh.

12 Q. Please explain to the jury what that is.

13 A. Edema's swelling and she definitely had swelling in
14 her throat area. It was obvious, obvious swelling, and you
15 could see it when you first walked into the room. Again, I
16 know you could hear the, the sound of her breathing through
17 her breathing tube there in her neck, which obviously for
18 me shows that she's had some type of trauma to the neck
19 that has led to some swelling.

20 The other areas that we noted swelling was in the
21 private areas. Her, her female parts had been swollen, and
22 that's the labia itself I noted some swelling.

23 Q. Okay.

24 MS. LEGETTE: Thank you, Doctor. I have no further
25 questions. Answer any questions from Mr. Plexico.

1 CROSS-EXAMINATION BY MR. PLEXICO:

2 Q. Do you have your, your complete report with you,
3 ma'am?

4 A. Yes, I do.

5 Q. Okay, all right, and she was interviewed at, at the,
6 hospital, correct?

7 A. Correct.

8 Q. And you base -- all right, and she answers questions
9 as part of that, correct?

10 A. Correct.

11 Q. Now, initially she gives what, information examination
12 form. Is that correct? Is this ---

13 MR. PLEXICO: May I approach?

14 THE COURT: You may.

15 BY MR. PLEXICO:

16 Q. Is this part of your, your record?

17 A. That's part of the records that I have in my hand.

18 Q. Okay, and here on page 2 she says that she's had --
19 the question is: Were there any medications, social drugs,
20 or alcohol taken before or after the assault? And the
21 victim says: Yes, drank beer times five. Is that correct?

22 A. On that sheet it is.

23 Q. Okay, and y'all wouldn't put down false information on
24 the sheet, correct?

25 A. Correct.

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1 Q. All right. Now, now, here in the history and
2 physical, she says she's had one beer, right?

3 A. That's correct.

4 Q. And when she first got to the hospital, doesn't that
5 mean she's had no alcohol? Isn't that what she told them
6 to start with?

7 A. That usually means -- that question is one that can be
8 construed more as drugs and alcohol, and is it a daily
9 thing. When you fill out those forms, sometimes you go
10 through quickly and it's -- actually, that's not my form.

11 Q. Well, it says a half a pack of cigarettes, doesn't it?

12 A. Yes, it does.

13 Q. And has a circle and a line through it and that means
14 none, right?

15 A. Right.

16 Q. That says -- and that's beside alcohol and drugs?

17 A. Yes.

18 Q. That ---

19 A. That was not a form that I filled out.

20 Q. Okay, but that's the -- that's what she told the
21 hospital, correct?

22 A. Pardon me?

23 Q. That's what she told the hospital, correct?

24 A. I didn't fill that form out. So, I'm not sure.

25 Q. Is that part of your record from this treatment that

1 morning?

2 A. Yes.

3 Q. What time did you see her?

4 A. I saw her probably around 1:00, whenever I did my
5 exam. Even though I visualized -- I visually saw her --
6 typically I will just look in to make sure that the
7 patient's stable before actually going in to do my exam.

8 Q. Okay. All right. Now, is there any difference
9 between -- all right, the only thing that, that, that you
10 seem to say that was -- that you noted on this, and I don't
11 want to pick this up.

12 (A PAUSE.)

13 Q. All right, on this examination sheet ---

14 A. Uh-huh.

15 Q. --- the only thing that seems abnormal, if that, is
16 the redness of the, the outer skin here. Is that correct?

17 A. Right, and I believe on that form I document ---

18 Q. Well, let's do this.

19 A. --- this ---

20 Q. Let's do this. Let me show you this so the jurors can
21 see it and the judge.

22 MR. PLEXICO: Can you, Judge?

23 THE COURT: Why don't you just hand it to her so she
24 can look at the document.

25 MR. PLEXICO: Well, I just...

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1 BY MR. PLEXICO:

2 Q. Is that the only thing that, that, right here, that
3 you noted wrong in the vaginal area?

4 A. Only on the diagram itself. I also noted some other
5 findings in -- on my other sheet that I document in a
6 little bit more detail.

7 Q. Okay. Is there anything that you noted that's on this
8 exhibit ---

9 A. That's on that exhibit?

10 Q. Is there anything you noted ---

11 A. Uh-huh.

12 Q. --- that could not have just been caused by regular
13 wild sex?

14 A. That I can't say.

15 Q. So, your examination experience would be limited?

16 A. No. You know, I focus more on what I see. I don't
17 make those kind of judgments.

18 Q. So, you wouldn't have a basis to be able to answer the
19 question?

20 A. Well, the question you're asking is a legal question.
21 I do the medical.

22 Q. That's -- wild sex is not -- go ahead. Go ahead.

23 A. I don't ---

24 Q. I don't want to cut you off.

25 A. At this point, I don't believe wild sex was at issue.

1 Her findings were more assault in nature.

2 Q. Your, your findings?

3 A. My findings were more assault in nature, and wild sex
4 typically doesn't bring somebody to the emergency room with
5 neck swelling and breathing difficulties.

6 Q. Could a barroom fight, two barroom fights bring
7 somebody to the hospital with breathing difficulties and
8 neck, neck difficulties? That would be easily
9 understandable, wouldn't it?

10 A. If that was the case.

11 Q. Oh, okay.

12 A. I guess the question is what time are we looking at in
13 the -- she came in, I believe, somewhere around late 8:00
14 in the morning.

15 Q. And you saw her at one?

16 A. No. Well, I actually, I visualized her prior to to
17 make sure that she was stable enough to undergo the
18 questioning and didn't need emergency intubation, or I
19 believe we went ahead and treated her prior to me even
20 seeing her.

21 Q. But she was there at the hospital telling different,
22 different representatives of the hospital different
23 stories, wasn't she ---

24 A. I think ---

25 Q. --- about different things?

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1 A. That -- every patient that comes in will do that.

2 It's just a part of the process, and sometimes you're more
3 comfortable giving certain people certain information and
4 less comfortable -- and every patient will change some of
5 their -- what they will tell you.

6 Q. Ma'am, did you do the finger -- you took fingernail
7 scrapings from this individual, from this lady right here?

8 A. I don't ---

9 Q. Were you part of that?

10 A. I don't believe I took fingernail scrapings.

11 Q. Okay. Did you observe them being taken?

12 A. Not to my knowledge.

13 Q. Okay. Do you have, do you have any knowledge that --
14 part of an alleged sexual assault examination, does that
15 not involve the taking of fingernail scrapings?

16 A. Not to my knowledge.

17 Q. Okay. All right, now.

18 MR. PLEXICO: Excuse me. Court's indulgence.

19 (A PAUSE.)

20 BY MR. PLEXICO:

21 Q. Okay. All right. Is this ---

22 MR. PLEXICO: May I approach?

23 THE COURT: Yes, sir.

24 BY MR. PLEXICO:

25 Q. Is this your signature?

1 A. Yes.

2 Q. Okay, and that's page 4 of -- and this is page 3, page
3 2, this is page 1, information examination form?

4 A. Right.

5 Q. And you, you signed the back of it. Is that correct?

6 A. That, I don't believe I signed the back of that.

7 Q. You signed number, page -- you signed the last page?

8 A. That's my page. That's what I do.

9 Q. Okay. Well.

10 A. I tried to -- when I go in ---

11 Q. Who, who took the ---

12 THE COURT: Let her finish her answer.

13 MR. PLEXICO: I'm sorry.

14 BY MR. PLEXICO:

15 A. When I go in, I go in without a lot of extra biased
16 information, which means I don't listen to anybody. I
17 really don't take that much time going through the record.
18 I do this in every patient I see. I go look at the patient
19 first, and then I make my decisions and determinations as
20 to what needs to be done next. Again, I wait and let them
21 complete what they need to do before I go.

22 In this case, it was unclear as to whether it was safe
23 to allow that. So, of course I'm just right, kind of about
24 ten feet away. So, if anything changes, then I go in.

25 Now, how it usually goes down with every patient is

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1 somebody typically goes in and questions the patient first,
2 whether it's a rape victim or just a regular patient or ---

3 MR. PLEXICO: I don't think this is responsive.

4 A. --- whether it's an alleged assault.

5 THE COURT: Do not -- let her go ahead and finish.

6 BY MR. PLEXICO:

7 A. You know, I think this is pertinent to, to answering
8 this question. Basically, this is a, for me, it's a non --
9 I'm completely -- I guess -- I am not biased in this. I
10 really just go in and call it the way I see it, and I do
11 that with every patient. I don't want to know, if I get a
12 prisoner in, I don't know what they've done. It's not up
13 to me. Everyone's a human being, and it's up to me to go
14 in and just make sure I call it the way I see.

15 I don't want anybody to cloud my judgment, which means
16 all I know is what was alleged, which is I knew that
17 someone had come in stating that she had been raped. At
18 that point, the only thing that matters to me is to make
19 sure that she's stable, she's safe, and I go in and I do my
20 exam completely outside of anything that anybody else does,
21 which means I don't read that. That's not my, my thing.

22 What I do is I ask my own questions, and I have my own
23 judgments because typically patients will tell me different
24 things, and that's typical of any patient. So, it's a
25 comfort level. It's a who's been in there. It's a how

1 much can you tolerate. It's a how is a question asked.
2 And if I'm not there with them during that period, I can't
3 make a judgment, and I'm not making a judgment right now.
4 You know, I, I -- I'm just -- I call it the way I see it,
5 and that's my job and with every patient I see.

6 Q. Are you finished?

7 A. That's a good question. Maybe I can go on.

8 Q. Okay. All right. Are you here -- are you the
9 treating physician in this case?

10 A. Yes.

11 Q. All right. Is that your record in front of you? Is
12 that the record from the hospital about this, this
13 treatment?

14 A. That's the record from the hospital. But what I base
15 my medical judgment on is not what they questioned her on.
16 What I base my medical judgment on and where she goes and
17 what happens to her medically is I call it the way I see
18 it. I don't care what you look like. I don't care who you
19 are. I don't care what you've done. I just do what I do.

20 MR. PLEXICO: May I approach, Your Honor?

21 A. And that's it.

22 THE COURT: You may.

23 MR. PLEXICO: Thank you.

24 BY MR. PLEXICO:

25 Q. As part of your record, does it not say ---

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1 A. Well, that's part ---

2 Q. --- does it not say ---

3 A. --- of my hospital record.

4 Q. Can I ask the question?

5 A. Yes.

6 Q. As part of the record, does it not say on the evidence
7 checklist that fingernail scrapings were gathered?

8 A. You would have to ask the person that filled out that
9 part of the record.

10 Q. Is this what it says? Would you examine it, please?

11 A. Yes. Correct.

12 Q. And it says vagina, vaginal swabs and smears were
13 collected. Is that what ---

14 A. Correct.

15 Q. --- the hospital record says?

16 A. Right.

17 Q. Okay.

18 MR. PLEXICO: Thank you. No further questions. Just
19 a minute, Your Honor. Just a minute. I'm sorry.

20 (A PAUSE.)

21 MR. PLEXICO: I don't have anything further.

22 THE COURT: Solicitor, anything further?

23 MS. LEGETTE: No more questions, Your Honor. May she
24 be excused?

25 THE COURT: Dr. Morad, you're excused. Thank you

1 MR. MURDAUGH: Yes, ma'am.

2 THE COURT: Okay.

3 MR. MURDAUGH: Mr. Foreman, ladies and gentlemen of
4 the jury, as I talked to y'all in the very beginning of
5 this trial and gave you an outline of what was going to be
6 testified to, I explained to you about three charges that
7 we are to consider here today, those charges being criminal
8 sexual conduct.

9 Criminal sexual conduct is, in essence, to put it in
10 lay terms, raping somebody through the use of aggravated
11 force. Aggravated force is defined by law as force. In
12 other words, if I grabbed you around the neck and raped
13 you, that would be aggravated force. There has to be a
14 penetration of the man's male organ in the female's female
15 organs.

16 His Honor will charge you with this case that you also
17 have to consider, first of all, if you find him not guilty
18 of criminal sexual conduct in the first degree, you must
19 consider criminal sexual conduct in the second degree --
20 third degree. That's only if you find him not guilty of
21 first degree. Criminal sexual conduct in the third degree
22 is raping somebody through the use of coercion rather than
23 force. Y'all understand what I'm saying?

24 Kidnapping is defined as the seizing and holding
25 somebody against their will unlawfully, and that's all that

1 it takes. If Mr. Foreman, if I were to grab him and throw
2 him down on the floor and hold him and keep him from
3 leaving -- doesn't say it has to be for a second, an hour,
4 but for a length of time -- that would be kidnapping.

5 We always think of kidnapping as being taking somebody
6 and hauling them off and sending a ransom note. That, that
7 could be kidnapping, but it can be kidnapping without it
8 being that. The bare seizing and holding of someone,
9 preventing them from going about their daily lives, that is
10 enough for kidnapping.

11 Burglary in the first degree, that is the breaking and
12 entering of the dwelling house of another without consent
13 with two elements. Either in the nighttime -- if you break
14 and enter somebody's house, you don't have to break. You
15 just enter. If you enter somebody's house with the intent
16 to commit a crime in the nighttime, that's burglary in the
17 first degree.

18 In addition, if you enter somebody's house in the
19 daytime, and this is just an example, while you were in --
20 with intent to commit a crime and while you were in there,
21 you caused personal injury to somebody, then that would
22 elevate it, even though it's daytime, to burglary in the
23 first degree.

24 So, we got two things. If you cause an injury, that's
25 first-degree burglary. If you do it in the nighttime,

1 that's first-degree burglary.

2 His Honor is going to charge you that if you determine
3 that it isn't first-degree burglary, then you must consider
4 burglary in the second degree. Burglary in the second
5 degree is without injuring somebody and in the daytime
6 without consent. Breaking and entering without consent in
7 the daytime.

8 Now, she is going to charge you a bunch of stuff, the
9 legal definitions of those crimes. What I've done is just
10 give you sort of a lay approach to it. One of the things,
11 probably the most important thing that you twelve people --
12 and the reason I say twelve, if nothing happens to these
13 twelve, y'all are not going to serve. But the twelve
14 people that serve on this jury, what y'all must do is
15 determine the truth in this case. As I told you in the
16 beginning, truth is derived -- verdict is derived from the
17 word *verdicto*, which means to speak the truth, and that's
18 what you must do is determine that truth.

19 His Honor is going to charge you that one of the
20 things you can do is to judge the credibility of witnesses.
21 You can look at the way they put their left hand on the
22 bible and hold up their right hand and swear to their god
23 to tell the truth. You can take into consideration the
24 demeanor of the witness, the way they act while they're
25 talking. You have got a right to take into consideration

1 what a person has to gain or lose by telling an untruth or
2 a truth.

3 You've got a right to take into consideration
4 everything that you have gained in your life, yours. My
5 daddy always told me that the best thing a man can have is
6 common sense. If y'all use common sense in determining
7 what truth -- what actually happened in this case, you will
8 have done your duty.

9 She'll tell you that you've got a right to believe a
10 part of what somebody says and disbelieve another part.
11 Whether -- sometimes you say things that aren't a lie, but
12 they aren't a truth either. You must determine what the
13 truth is.

14 Now, we talked about the evidence a little bit. Let's
15 talk about this case. The uncontroverted evidence, the
16 only evidence that's before y'all is that on September the
17 6th, I think it was, 2009, Mikqulier ended up at a
18 nightclub. I'm sure y'all remember better than me. TMG or
19 something. I don't know what name.

20 MR. PLEXICO: Is this the opening on the law, or just
21 his closing argument?

22 THE COURT: He can open in full.

23 MR. MURDAUGH: I'm opening in full.

24 MR. PLEXICO: This is on the facts and not the law,
25 Your Honor, so I'm going to ask that that he not ---

1 MR. MURDAUGH: If you want me to, I'll quit and finish
2 up later. Go ahead.

3 THE COURT: Go ahead.

4 MR. MURDAUGH: He can go ahead.

5 MR. PLEXICO: Thank you.

6 The solicitor has opened on the law, which is
7 certainly his right. I want to thank y'all for being here.

8 I want to reiterate something about the law that's
9 extremely important. On burglary, the judge will charge
10 you requires not an entry and then an intent to commit a
11 crime. You could invite your neighbor over for dinner and
12 get into a fight. Then someone's guilty of assault and
13 battery, certainly not burglary. They were invited in.
14 So, it requires more than an entry. What it requires is
15 entry without consent, and that's really key in this case.

16 The solicitor has the duty, the duty to prove any
17 defendant guilty beyond a reasonable doubt. The defendant
18 comes to court, the accused, the man alone comes to court
19 against the government one hundred percent innocent. He is
20 clothed, clothed in a hundred percent pure cloth of
21 righteousness until you, the jurors, decide that he, in
22 fact, is guilty beyond a reasonable doubt because the
23 solicitor, the state's representative, has proven that he
24 is through competent evidence, through credible evidence on
25 this witness stand, that he, in fact, is guilty beyond a

1 reasonable doubt.

2 No one in America, and I would put to you and no one
3 should have to in America prove themselves innocent because
4 you just don't have the money and the power and resources
5 of the state. One man alone against the state is to be
6 respected, is to be respected. And the duties that our
7 founding fathers -- it has withstood generation after
8 generation for hundreds of years. It is the state's duty
9 to carry the burden.

10 This is not a car wreck case. This not 4951, who
11 backed into who in the Piggly Wiggly parking lot, okay?
12 We're talking about serious, serious crimes. We're talking
13 about going to prison, not pulling out your checkbook and
14 writing a check okay, and then everybody goes home. This
15 is an American's freedom is at stake here, and this is
16 important.

17 Now, let's go and start with, if you would, these have
18 been entered into evidence.

19 Yes, if you would, Your Honor, if you would dim, have
20 them dim the lights, please?

21 THE COURT: Yes, sir.

22 MR. PLEXICO: This has been entered into evidence
23 through a DVD which will be available to you if you want to
24 see any of this. Now, we have nothing to prove, and it's
25 certainly the state's duty, the state's -- and this is

1 going to change pictures as I talk. And this is where it
2 began.

3 How did it begin that day? This is Kiki's house. At
4 Kiki's house, what do you see? We've already looked, okay?
5 You see lots of evidence of alcohol consumption out in the
6 front yard. Liquor bottles on the front porch, and
7 something I missed. It'll be coming up this. There's a
8 beer carton on the left outside haphazardly thrown around,
9 beer cans, and if you look closely, you can pause that in
10 your jury room. There's a liquor bottle in there, too.

11 Anyway, she said they had a big party. Look at that
12 house and look at that alcohol consumption, and this is
13 where she says she lives. This is her home. What goes on
14 there? A lot of alcohol consumption.

15 Now, imagine this is, this is the person that we're
16 talking about. Her name is Kiki, okay? That's her
17 nickname; I'm going to refer to her as Kiki. Now, think
18 about all the alcohol. Now, she's there. She says they
19 had a party that day. I started showing, start showing her
20 the beer cans. Well, did you drink out of this beer can?
21 Well, yeah. Or this, some of these? Yes. Then she sort
22 of clammed up, and I went on and I showed more and more and
23 more beer cans. You can't watch TV in the living room:
24 there's a gin bottle in front of it. Y'all remember that
25 picture, okay?

1 Now, not only does she drink at the cookout. She
2 drinks. She likes to drink. Look at the evidence at the
3 house. That's evidence. This is the crime scene. This is
4 flat out evidence.

5 Now, she goes to the B&G Club. What does she do at
6 the B&G Club? Well, she drinks there, too. You know she
7 drinks at her own party at her own house. She goes out
8 clubbing. Now she's at the B&G in Allendale. She doesn't
9 go with Alfred. Now, she did see Alfred at the B&G Club.
10 She's drinking at the B&G club. She talks to the medical
11 personnel, and finally I did get the medical personnel to
12 say that there were different stories that she gave about
13 how much she drank.

14 I'll put to you anybody who drinks to excess, as the
15 evidence obviously shows, okay, would she know how much she
16 drank? What frame of mind is this individual in?

17 Now, we had Toni Broome, a bachelor of science, a
18 forensic toxicologist, testify, and she said that after
19 twelve hours, even she with all her education, she couldn't
20 tell how much she had to drink the night before.

21 Now, why was she dishonest? Why did she tell
22 different stories to the medical personnel? What was she
23 hiding or covering up? Or did she have so much to drink,
24 she didn't have a clue how much she drank?

25 Now, is this the word -- somebody that has consumed so

1 much alcohol, is that the word of somebody that you should
2 take -- use to take away a man's freedom here? Is that
3 good enough in America?

4 Well, you say what's the other evidence. Well, let's,
5 before we go to the lack of other evidence, which there is
6 none, think about all this. Drinking at home, going out
7 and drinking. I don't know what set her off, okay, but
8 think about your -- use your common sense. Thank goodness,
9 okay? Use your common sense. You got a barroom fight.
10 You got two women in a barroom fight, okay? Think about
11 all the fights you see between females: falling, kicking,
12 hair pulling. Okay, smack. All right, how do girls lose
13 their temper? How do they fight? Just use your common
14 sense, common sense, okay?

15 Now, remember whatever happened inside, others had to
16 restrain at least her, who had been drinking and went out
17 clubbing because the gin and whatever it was, the beer,
18 okay, she was drinking at home wasn't enough. She goes out
19 dancing and clubbing. She sees Alfred. She never says
20 once she even talked to Alfred at the club, if they danced
21 together, they did anything. So, her boyfriend's at the
22 club. She's at the club. What's wrong here? Something's
23 wrong there if they're boyfriend and girlfriend.

24 Now, she is so out of it, she has to be restrained,
25 okay? Now, they downplayed what happened at the club. As

1 you remember, none of the stories matched up. What did
2 this witness say? She said when they finally let me go, I
3 ran outside to her. She ran her down.

4 Now, when you take a fight outside, it gets worse than
5 it does on the inside. All right, fellows, break it up.
6 Take that outside, okay?

7 Now, unless they downplay the fight -- her aunt
8 testified she only saw what happened on the inside.
9 Jessica testified, and that's the girl she was fighting, or
10 at least one of them, okay? Oh, it was just a mouthing and
11 a pushing. As I recall it, never said she hit her. She
12 claims she was only hit in the shoulder.

13 Well, let's start looking at the evidence, okay? Now,
14 the evidence here is a cut. Now, think about this.
15 Rashaun Early, he testified, okay? When he took her home,
16 there was a flight. Went by the Huddle House. It was real
17 busy. Went to her mother's house, and he said when he took
18 her home from her mother's house, she had a cut. She had a
19 cut on her lip, okay?

20 Now, why would he say that? That's her own first
21 cousin. He had no doubt she had been hit in the face.

22 What does this show? I'm going to come down there to
23 y'all. A cut, okay? Now, when you get hit in the face,
24 how close is that to the eye? Does that cause eye
25 swelling? Can that cause a bloodshot eye when you get hit

1 in the face? Common sense.

2 Children fight. Parents break up kids fighting, okay?
3 They get a black, okay? It looks bloodshot. Use your
4 common sense. What happens, okay?

5 Now, two women fight. One is so out of control, has
6 to be restrained. And when they tire of restraining her
7 and finally let her go, she takes off like a bullet to the
8 parking lot and runs the woman down. And remember this is
9 in the early hours of the morning after a party she's
10 already had. And how much does the host drink? Well, at
11 that house, obviously a lot. Think about it.

12 Now, look at the -- okay, scratch, scratch, scratch,
13 shoulder bruise, okay? Scratches all around clustered
14 around the face here. What does that show? Well, shows a
15 fight, okay?

16 Now, if y'all believe she went out drinking that much
17 and was that out of control, it want violent, very violent,
18 and intensely violent. Use your common sense. That's what
19 the state wants you to believe. Why? There is no case
20 without it.

21 But better yet, Paul Meeh, the last witness testified
22 they took fingernail scrapings, okay, and that was from Ms.
23 Brantley, fingernail scrapings, okay? The DNA came back
24 not a match to my client, who she testified that she
25 scratched, okay? The fingernail scrapings came back to

1 match a female, okay? Now, who's the female? Well, we
2 know that was Ms. Jessica.

3 Now, abrasions on the knees. When you go down in a
4 fight, you get skint knees. You don't get skint knees on a
5 bed. Think about it. How to put the evidence together and
6 how does it make sense?

7 Now, we've got this girl with, okay -- or claims to
8 have a boyfriend. All right, now she's not talking to him
9 at the same club he's at. She never -- they never said --
10 or she never testified they said a word, or anybody else.
11 He's not dancing with her. What's he doing?

12 All right, now, now, when fights go outside, everybody
13 knows it gets more intense, okay, but I think a lot of this
14 it is about two of the oldest stories that I think are
15 known to mankind, okay? And how common is it, okay, for a
16 best friend to wind up with someone's girlfriend, all
17 right? It's the history of mankind. That is not uncommon,
18 okay?

19 And why do women fight? Generally, women don't fight
20 a lot. Why do women do it? What did he do at the club
21 that set her off? He gets arrested. He was not talking to
22 her, okay? He's not dancing with, all right? That's her
23 boyfriend. What's wrong and how mad is she at him, okay?
24 She gets in the fight. Look at -- this is evidence of a
25 fight. Think of it. Use your common sense.

1 She goes home. Does she -- is she mad at him? Does
2 she want to get even, okay? Does she sleep with his best
3 friend? What's going on in her brain with all that
4 alcohol? Look at the evidence of alcohol, okay?

5 Now, all right. Now, she's out clubbing. She sees
6 Albert [sic]. She fights another woman. She fights her
7 outside. Alfred goes to jail for fighting. These people
8 are out of control, okay? She never even said she was
9 talking.

10 Now, she's home. She's alone. She's drinking at the
11 club. She's got the surveillance camera, and I don't know
12 if this one beeps or not. But you know when you've got a
13 perimeter beeper that goes off like a, like a floodlight
14 that goes off when a deer walks by? I don't know if this
15 one had it or not. But if she didn't know who was at the
16 door, she could always just say step back and let me see
17 you in the camera. Now, she had to open the door, right?

18 Now, once you get past the injuries and you've got a
19 reasonable doubt about the injuries, okay, and if you
20 believe through your common sense that this person who ran
21 somebody down, went out of the club and ran somebody down
22 to continue a fight after drinking all night, okay, and
23 that wasn't a real fight and that was just a pushing and a
24 hugging or a mouthing and a pushing, that don't make any
25 sense, okay?

1 Now, if you, if you believe you have a reasonable
2 doubt about the injuries, now let's move on to this, this
3 burglary that was supposed to have taken place. Now, entry
4 without consent. You open the door and you let somebody in
5 is not entry without consent. Never will be, okay?

6 Now, you saw the pictures of the door. You have a
7 door that opens against two chairs that's wedged against a
8 structure. A hundred, it's 152 pictures, but I've already
9 shown it to you, the picture with the two chairs. You
10 can't open that door. She never said she could get in.
11 She never said anybody could get in. She said you could
12 open it some. The more you open it, the tighter it gets.

13 Think about it. There's no evidence. She never
14 testified that those chairs were moved from where they were
15 the previous day or the previous evening. There's no
16 evidence anybody came in that way. You saw the doorjams.
17 The doorjams are not busted. Somebody kicks a door, it
18 going to break the doorjamb or break the door. None of the
19 doors are broken. None of the windowpanes are broken,
20 okay?

21 How did he get in? He's not Santa Claus, Nobody's --
22 there's no way to get in. How did he get in? When you
23 eliminate the impossible, what is left is the possible, and
24 that is she opened the door for her boyfriend's best
25 friend. And maybe for why ever, she was mad at him, okay,

1 at Albert. Think about that.

2 Don't take away this man's freedom. I'm begging you.
3 Look at the evidence with common sense. It doesn't add up.
4 That's a reasonable doubt.

5 Now, I don't believe there's any evidence, and you're
6 the judges of the evidence. Not the solicitor and
7 certainly not myself. You're the judges of the evidence.
8 The judge is the judge of the law. You are the judges of
9 the evidence. To support that, anybody could have gotten
10 in that house without consent. There's no allegations the
11 doors weren't secured, and I believe she testified that
12 they were. Well, somebody had to open the door.

13 Now -- or complete conjecture for which there is no
14 proof. Oh, he must have had a key. There would be no
15 proof, for instance, to support that imaginative theory.
16 And you certainly couldn't use that in your deliberations
17 to convict somebody because if the standard for conviction
18 was I suppose so, maybe that's possible, perhaps very few
19 of us would be free today in this society.

20 We have a strong, stringent standard. It is the
21 state's responsibility to prove someone guilty beyond a
22 reasonable doubt, not the American citizen's to prove
23 himself innocent.

24 Now, there was no way that the SLED agent could
25 testify to how that door could be opened. She never said

1 any window was broken, the locks were broken, that the
2 locks were jimmied, a windowpane was misplaced or taken
3 out. There was no evidence of entry. Now, if my client is
4 in the house, he had to be invited in.

5 All right, now, what did the doctor, okay, the doctor
6 testify to about injuries? Well, first off she said I only
7 did the vaginal examination. Now, you can tell by -- this
8 is Ms. Rowell's handwriting here and Dr. Morad's
9 handwriting here. This is the RN. The RN testified. She
10 said that there were, the way she described it:

11 There was some redness, a little hoarse, a little
12 swollen on the neck. Could have resulted from a
13 barroom fight.

14 But I finally told her because, see, nobody had -- did
15 you see the doctor, and the solicitor talked about
16 demeanor. I'm glad that he did. Did you see how her
17 demeanor changed on that witness stand when I said what if
18 she was in a barroom, two barroom fights, two brawls. She
19 just stopped. Did you see that? She stopped cold. Why?
20 Because she had been misled. She had been misguided. She
21 had not been told the truth by who? By the persons sitted
22 -- seated, excuse me, right there. She had been deceived.

23 Don't you think that if I was in a violent
24 confrontation, I was restrained, they finally let me go,
25 doctor, and I ran down in the parking lot for more, don't

1 you think that might have affected the way the doctor
2 thought about it? Because you can see -- I mean, she was
3 just, she was taken aback. Think about it, okay?

4 Now, finally at that point, she seemed a bit
5 dispassionate, okay? But when she started, did she seem
6 biased? And what she testified to, if you thought she was
7 biased, you can use that to discount her testimony. And
8 remember these very easily could be a fighting injuries.

9 Oh, I like this one. What's this? Fingernail
10 dislodged. Sounds like a cat fight. Now, that's a
11 colloquial term for two girls fighting. I apologize; I
12 shouldn't have used it.

13 Now, where's the testimony of the DNA my client had
14 for this criminal sexual conduct? My client allegedly had
15 not once but twice unprotected sex with this woman.
16 Finally after doctors say yes, there were vagina swab
17 taken, okay, there's no evidence, okay, about those vaginal
18 swabs that when they were tested that they came back with
19 any sperm that matched my client. Did you hear about any
20 doctor testify, any forensic scientist testify that there
21 was sperm found in this alleged criminal sexual conduct?
22 Remember she testified it was twice.

23 There's no evidence that this even happened. Where is
24 the evidence? Is it only on her word? Could you do that
25 in good conscience? Could you convict somebody -- think

1 about it -- in good conscience solely on her word? Would
2 that be good judgment on your part? Wouldn't you have to
3 do a lot, wouldn't any juror have to do a lot of supposing
4 and not follow their oath?

5 Now, I asked -- perhaps I didn't put it right. I
6 asked, I said -- she said there was no damage to the
7 vaginal area in the back of it as you would expect if there
8 was a CSC. Now, if there's -- and she had no idea. I said
9 wild sex. Perhaps I should have used another technical
10 term that she would have understood, but she seemed limited
11 in her understanding, okay? But, I mean, if this is --
12 you'll have this with you. I hope you read it, but isn't
13 tenderness, isn't that -- I mean, I don't know if that's
14 normal or not, but use your normal thing, your normal
15 common sense of raising children, okay?

16 Now, one strider, okay, that sounds real serious, and
17 I'm sure the state wants to hang their hat on it, but if --
18 I'm going to tell you one thing. If I drag you around by
19 your neck, look at the pictures. Those aren't the injuries
20 you're going to have. It's going to be severe, okay? If a
21 man that large who's seated in that chair is dragging
22 somebody around -- because that's the way she made it
23 sound, okay? It was that serious, okay? There are going
24 to be some serious, serious, serious bruising there.

25 Bruising happens when? You go out, you get in a

1 fight, you go home, you look all right. You look in the
2 mirror the next morning, the next day is when you're
3 swollen up. Use your common sense, okay?

4 All right, now, let's just look at this physical
5 trauma. She called it flaming hemorrhage, a bloodshot eye.
6 Did she get hit? Explains that. Okay, this is minor down
7 here. Is this something that could have happened? Anyway,
8 remember there's no sperm -- so why would you care -- in
9 the vaginal area. Could make -- did anything even happen,
10 okay? This is twice, twice, okay? They see a small
11 laceration. Don't know what that is, okay? Now, and
12 that's in the vaginal area.

13 And it's bronchitis, wheezy, cough. Okay, she has
14 bronchitis, which gives you a wheezy cough which makes your
15 breathing sound bad.

16 Well, okay, but when I finally got across to her, to
17 Dr. Morad that there was a fight, and if you've been in a
18 barroom fight, could it have caused the injuries, and she
19 said -- think about it. She said yes. Nurse Rowell, okay,
20 are they consistent if she had been in a barroom fight?
21 Yes.

22 Was she in a barroom fight? Yes. Did you hear
23 testimony that differed about the fight, okay? That
24 differed dramatically. When you say I only fought her
25 inside and that was it, that's what I led her to. So, the

1 only -- it was a mouthing and a pushing. It was, you know,
2 inside the club. It was over. Yes. That's what Jessica
3 Williams said. What do they have -- they're buddies now..
4 They're friends, okay? They're friends now.

5 Why convict this man? What are they covering up? If
6 they're not telling the truth, they're covering something
7 up. They're covering something up, then there is a reason
8 for it, and what's the reason? Once you take away, once
9 you just tear this up, okay, and you throw this away, all
10 right, you don't have this, you don't have any injuries,
11 you don't have any forced entry, you have no way he could
12 have gotten in the house, you have no DNA, okay, and stuff
13 from Jessica Williams, okay, all you have is my client in
14 the house sleeping. Best friend of this guy that she's mad
15 at.

16 The sun comes up, and what happens? Alfred is liable
17 to be getting out of jail anytime now. He might be
18 knocking on the door while I got another man in the bed,
19 okay?

20 Now, how is Alfred -- you saw the house. What's on
21 walls: Die, bitch. All right, what's on the walls? Read
22 the walls, okay? How violent is this man? Think about it.
23 That's how she lives, all right? Sad. This is the
24 reality, the reality of this case, all right?

25 Now, there's no allegation my client did that, not the

1 slightest, but it's there because the pictures don't lie.
2 The pictures don't lie, and that's why I've been playing
3 them in the background.

4 Now, no DNA, no sperm. They come over. Why do they
5 come over? Because of what Kiki has said. Why are we here
6 today? Only because of what Kiki said. And as much as
7 they have looked, and this is back in 2009, okay,
8 September, I believe it was, of 2009. '10 closing in '11,
9 okay? Almost two years of looking, and there's no physical
10 evidence at all to support what she says.

11 She had to lie to the doctors, mislead the doctor,
12 mislead the medical staff. We know she at least told the
13 stories about the alcohol consumption. She's covering
14 stuff up. There's nothing but her, her word.

15 Why were these people who first testified upset?
16 Because of what Kiki said. Kiki, who couldn't even talk to
17 her boyfriend, who got beat up, who went home alone, who
18 was mad at Alfred, who needed attention, who needed
19 something. Look at the house. Something is wrong there;
20 something is wrong. She needs something, but not the
21 conviction of this man on this evidence. Now, if her story
22 is incredible to be believed, then it's incredible to be
23 believed.

24 Now, I've talked about her injuries. All right, now,
25 there are pictures in evidence that I don't have on this.

1 Okay, I was going to grab these and start passing them
2 around. Y'all can just pass them all around. Some are
3 blurred. You'll have them all in the courtroom, but to get
4 my point across about my client -- here you go. Just pass
5 those around.

6 All right, what happened? They came in and beat him
7 with a lamp. Didn't have a pipe, but one of them wanted
8 him to be held while they got the tire iron, okay? Said
9 they were -- something about a hundred miles an hour in a
10 vehicle to run him over to lynch him, okay? All right, and
11 he's asleep, okay? They admit beating him bloody, okay?
12 You see the broken lamp in these pictures, okay? You see a
13 butcher knife. There's no allegation my client had a
14 knife. Look at it; there it is right there.

15 Okay, all right. Now, and if you look at those inches
16 when it comes up, and we may not have time. You will, you
17 will in the courtroom. That's about a foot-long butcher
18 knife.

19 All right, he ran out of there for his life, okay, but
20 you know what's the most telling? She said she fought him
21 and she scratched him. There's no way. Anybody who's been
22 out walking in the woods, you get scratched by a brier or a
23 small stick, you're running through the woods. Is this a
24 scratch mark? Is this a scratch mark? Are any of those
25 pictures the scratch mark?

1 Now, remember the next day they were over there taking
2 pictures of him. Is that evidence of what she says? No.
3 It's evidence he fled outside of there for his life, okay,
4 before they tried -- before they were going to kill him.
5 Run him over, beat him with a jack handle, okay?

6 Common sense tells you, if you've done any work out in
7 the woods, even a rose -- is that a rose thorn scratch, or
8 is that a fingernail scratch? Where is the evidence in
9 sixty-some exhibits? In my exhibit, my exhibit -- this is,
10 I think, 152 or 157, so over 200 exhibits, where is the
11 evidence? Why are we here? Solely because of her word,
12 her word.

13 Court's indulgence.

14 (A PAUSE.)

15 MR. PLEXICO: You could -- could you turn up, turn up,
16 turn up the lights, please?

17 All right. You know, I appreciate y'all's patience
18 with me. Now, they may believe he left because he did
19 something wrong. Well, when they start beating you with a
20 tire iron -- when they say hold him; I'm getting a tire
21 iron -- it's time, it's time to go right. All right, there
22 is no question about that. All right, so he did what was
23 needed to do that day to save his own life.

24 Now, like I said, they just know, the people who were
25 there who were so angry and so upset. She wakes up,

1 especially if she's, she's been mad at Alfred. Slept with
2 her best friend. Now, I don't know what happened. Well, I
3 know what the neighbors are going to say. Hey, Alfred, you
4 know Mr. Carter is coming, coming out of your girl's house
5 early in the morning, all right? And remember this is
6 7:30. People are going to know about it.

7 All right, now, think about who he is. How is that
8 going to affect the relationship, all right? Now, what's
9 there to do?

10 I don't know how she thinks, okay? I can't explain
11 that. You can't put that into evidence, but what you can
12 show is how what is done and said doesn't make any sense.
13 And when you apply forensic science to what is alleged,
14 there is no evidence there when you know it should be.
15 Then what, what you are being told is not true, or at least
16 you don't have just a reasonable doubt, okay? You don't
17 have a substantial doubt. You think it probably just isn't
18 true; it just didn't happen. It might have happened, but
19 there's no evidence of it, and you know what you have to
20 do, what you have to do when there's no evidence. Find my
21 client not guilty.

22 She got home about 4:30. They got the call about
23 7:30, okay? What she says took place might have been five,
24 ten or fifteen minutes. That leaves a couple of extra
25 hours. What was she doing? Getting a nap? Think about

1 it. She wakes -- what's, what's -- what happened? Use
2 your common sense.

3 She woke up the next morning. Oh my goodness.
4 Everybody's -- Alfred's in jail, and I'm cheating on him
5 the first night. Okay, think about it. This is bad, okay?
6 What do I do? Well, you know what she did. You know it
7 was wrong.

8 Set my client free; find him not guilty. If I've done
9 nothing else, I've at least shown you reasonable doubt,
10 reasonable doubt, and that's what you -- you have a
11 reasonable doubt, there's no way to find anyone guilty,
12 just a reasonable doubt for all these charges. Burglary,
13 no evidence. CSC, no evidence. Kidnapping, ridiculous.
14 Find this man not guilty. Send this man home. Do justice.
15 Thank you.

16 MR. MURDAUGH: May it please the court?

17 THE COURT: Yes, sir.

18 MR. MURDAUGH: Mr. Foreman, ladies and gentlemen of
19 the jury, I've been listening to Steve Plexico now for
20 about fifty minutes, forty-five minutes, and he and I agree
21 on one thing. And that is if Mikqulier's momma could have
22 gotten ahold of him that night, she'd have killed him.
23 Ain't no question in my mind about that, and I think that's
24 the only truth he told y'all here today.

25 Let's look at the evidence, the evidence that we have,

1 and one of the things that he used to tell y'all is this
2 thing from the doctor. I want y'all to think about the
3 evidence that y'all heard from this witness stand and that
4 y'all saw come into evidence from pictures and other
5 exhibits. And that's all y'all can consider, other than
6 your common sense.

7 But look at what the uncontroverted evidence says.
8 The uncontroverted evidence is that Kiki -- I keep
9 forgetting the name -- Kiki woke up in the dark. Left
10 running down the street. She said day was just breaking.
11 She was emotionally upset. She was crying; she was
12 shaking.

13 You remember when the first witness, Marie Dunbar,
14 testified to her knocking on the door and hollering? She
15 went out there. She came and held her in her arms, and she
16 was shaking. She was crying. She was extremely upset.
17 That, Mr. Foreman and ladies and gentlemen of the jury, is
18 not somebody that's worried about her husband catching her
19 while he's in jail because she's having an affair. It's
20 because something traumatic happened to her.

21 And what happened next? She went to the doctor. The
22 doctor said yes, I examined her. Y'all saw this sheet when
23 they were talking, and y'all will have it in the jury room,
24 and look at it.

25 She says there's bruises on her knees. Mr. Plexico

1 tells y'all that that came from the parking lot of the
2 club. Listen to the uncontroverted, the only testimony
3 that came out in this courtroom. She and Jessica Williams
4 got into a tussle. I think it was mouthing, shoves is what
5 it came out to be. There is not one god's person on this
6 earth that said that they were down on the ground fighting.
7 How you going to get scratches on your knees if you weren't
8 on the ground fighting?

9 The scratches on her knees came -- you remember her
10 testimony. I woke up. I tried to get away from him. He
11 grabbed me by the throat and pulled me back to the bed. Do
12 you remember that? Think back. That's where she got the
13 scratches on her knees, Mr. Foreman and ladies and
14 gentlemen of the jury.

15 I'm not going through all of that, but things that
16 impressed me that this doctor said and that Kiki,
17 Mikqulier, complained of. She went to the doctor, and the
18 doctor said her condition was such that I wasn't going to
19 let her go. I was worried about her life, so I admitted
20 her to the hospital.

21 She had swelling of the neck. She had a bruise on her
22 lip which came from the fight. No question about that
23 because if y'all remember Rashaun Early, I think it was,
24 said that when he took her home, she had that bruise on her
25 lip. You remember that? Everything else on here came from

1 Rodrigues Carter. They said she's got a swelling in her
2 private parts. Ain't nobody said they hit her in the
3 crotch during that fight. That comes from rape.

4 And let me tell you something else. I done got so
5 old, I about forgot what it's like, but I don't remember
6 hurting my wife when I was having sex with her. I ain't
7 caused no swelling. You do that when you're violent; you
8 do that when you're hurting people. Not consensual sex,
9 and you'll see it on here where it shows the edema, the
10 swelling.

11 Do you remember the doctor talking about there were
12 choke marks on her neck? Not one god's person in this
13 earth ever said that there was any choking going on in the
14 fight at the bar, yet Mr. Plexico would tell you that
15 that's where it all happened. Not one person got on that
16 witness stand and said Kiki or Mikqulier was choked except
17 Mikqulier. She says she was choked. She says that
18 Rodrigues Carter put his hands around her neck.

19 The doctor verified what she said. She said there
20 were choke marks around her neck. That she had the
21 strider. That that causes swelling. She had a, and I'm
22 trying to remember what she said. A flame hemorrhage in
23 her eye, I think that's what it was. Y'all help me
24 remember, a flame hemorrhage in the eye that's caused by
25 choking. You remember that? Not one god's person said

1 that there was any choking going on except Kiki. Mikqulier
2 Brantley said that Rodrigues Carter choked me while he was
3 raping me.

4 This is burglary, start right here, burglary in the
5 first degree. How do we know that? Had to be injuries,
6 and ain't no question that Rodrigues Carter caused her
7 injuries. And if he did and he went into her house without
8 consent, then he is guilty of burglary if he caused
9 injuries.

10 Even if he -- let me tell you something. It happened
11 at night. You ain't got to go that far, and how do we know
12 it happened at night? She said she woke up, raped her one
13 time. Do you remember? Help me again. He raped me one
14 time. He got up and started doing the lighter. You
15 remember that? Well, if it wasn't dark, why would he be
16 lighting the lighter? God only knows. I can't answer the
17 question. I wasn't there.

18 He is guilty of burglary in the first degree if he
19 entered that house without consent. The only person, the
20 only person that addressed whether it was consent or not
21 was Kiki, Mikqulier Brantley. She says I did not let him
22 in. There is no question she got home some time around
23 4:30 in the morning. There's no question that she went to
24 -- I can't remember whose house it was.

25 FOREPERSON: Momma's.

1 MR. MURDAUGH: Momma's house. That's right, her
2 momma's house. A bunch of them, I think she said about six
3 or eight, if I'm not mistaken, and that they sat around and
4 talked a little while. Rashaun took her to the house and
5 let her off at the, I think the back door. She went in and
6 opened the front door and told him okay. Rashaun saw
7 Rodrigues Carter on his bicycle at that house at that time.
8 Do y'all remember that testimony?

9 She went in and went to bed. You know, I don't know,
10 I don't know whether she forgot to lock the door. I don't
11 know whether there was a door open. I don't know whether
12 that door that goes to the bathroom that the chairs were
13 against, you could open it and get it in. I don't know,
14 but I know he went in there. I know he went in there
15 without consent from Kiki.

16 And from the bruises that were on her that could not
17 have been caused at the, at the club, I know that he
18 injured her. And if he injured her and went in that house
19 without her permission, he's guilty of burglary. And if
20 during the process of creating those injuries he penetrated
21 her and raped her, he's guilty of criminal sexual conduct
22 in the first degree.

23 Kidnapping. If, as she says, he pulled her back to
24 the bed, put on the thing and got on top of her, that's
25 kidnapping. That is confinement. He's guilty of all three

1 of them.

2 You will have all this evidence. Everything that
3 we've talked about today, you've going to have in the jury
4 room with y'all. Y'all can look at it if you want to.
5 State's Exhibit Number 25 is a sketch. If you remember the
6 testimony, you have a back porch, a bathroom, and that
7 bathroom has no lock on it. Do you remember that?

8 These are state -- Court's Exhibits 1 through 6.
9 Y'all are going to them with you, and you can look at them.
10 And you can see there's no thing on it because they got a
11 plastic stuck in there. I don't whether he went into -- I
12 don't know how he got in there. God only knows. All I
13 know is that he supposedly was Alfred Johnson's best
14 friend.

15 And if -- Mr. Plexico would have you believe if he
16 went into that house, and if Dr. Morad said that her
17 condition was terrible, that -- so bad that she confined
18 her to the hospital that night, if he went in there and had
19 sex with the woman while she was dying, god knows somebody
20 -- that just ain't believable. Just not believable.

21 Mr. Plexico made mention of the fact that there was no
22 sperm found in her. You know something? And again, y'all
23 help me remember because I'm getting old and I'm wore out,
24 and my memory ain't so good. But do y'all remember anybody
25 asking anybody whether that's true or not? Do you remember

1 anybody -- and that'd be either me or Mr. Plexico -- do you
2 remember either one of us asking anybody that got on that
3 stand whether or not they found sperm in Mikqulier?
4 Anybody?

5 MR. PLEXICO: Your Honor, that's burden shifting. I
6 object to it. We have nothing to prove.

7 THE COURT: Overruled. Just keep going.

8 MR. MURDAUGH: I didn't say they had to prove --
9 anybody, did anybody, did anybody on that witness stand
10 testify to that? Not one person. He might been ---

11 Well, let me tell you something. There's something
12 you can consider. Either he was drugged up or drunked up,
13 and there's pretty dern good evidence that that probably
14 was true because after all this happened, and after she got
15 out from under him, he was asleep or passed out on that
16 bed. And if you're that drunk up or that drugged up, you
17 probably couldn't do your business. I don't know how else
18 to put it, but I think y'all understand what I'm talking
19 about.

20 I feel so confident in Mikqulier's case that I don't
21 want to quit talking to you, but I know y'all are tired of
22 listening to me. So, I ask you to bring back a true
23 verdict: guilty of burglary, criminal sexual conduct in the
24 first degree, and kidnapping. Mikqulier, her family and
25 friends, people of Gifford County -- or Gifford, Hampton

1 County, will be awaiting your verdict.

2 Just one moment, if Your Honor please.

3 (A PAUSE.)

4 MR. MURDAUGH: Thank you, ma'am.

5 THE COURT: Thank you.

6 JURY CHARGE

7 THE COURT: Mr. Foreperson and members of the jury,
8 you've followed very patiently and followed very
9 attentively to the evidence in this case, and I want to
10 thank you for that. And also the able arguments made by
11 Solicitor Randolph Murdaugh on behalf of the state and Mr.
12 Steve Plexico on behalf of the defendant.

13 It now becomes the duty of the trial judge under the
14 constitution of this state to charge and instruct you on
15 the law that's applicable to this case. And it is your
16 duty as jurors to accept and apply the law as the court
17 will now state it to you.

18 As jurors, it is your exclusive duty to decide all
19 issues of fact in this case. You must determine the
20 effect, the value, the weight, and the truth of the
21 evidence. Both the State of South Carolina and the
22 defendant have a right to expect that you will carefully
23 consider and evaluate the evidence and apply the law of the
24 case to the evidence. And by doing so, ladies and
25 gentlemen, the State of South Carolina and the defendant

1 will receive and obtain a fair and impartial trial in this
2 case.

3 Now, ladies and gentlemen, the State of South Carolina
4 by the bills of indictment in this case charge the
5 defendant, Rodrigues Carter, with the offenses of criminal
6 sexual conduct in the first degree, burglary in the first
7 degree, and kidnapping. I'm going to go ahead and read you
8 those indictments, ladies and gentlemen.

9 The first for criminal sexual conduct in the first
10 degree, that in Hampton County, South Carolina, on or about
11 September 6th of 2009, the defendant, Rodrigues Carter, did
12 commit a sexual battery upon a Mikqulier Brantley without
13 her consent, and that the defendant used aggravated force
14 to accomplish the sexual battery. To wit, the defendant
15 did use physical force to overcome the victim by choking
16 the victim before and during the sexual battery.

17 As to the charge of burglary in the first degree, the
18 indictment reads that in Hampton County, South Carolina, on
19 about September 6th of 2009, the defendant, Rodrigues
20 Carter, did enter the dwelling of Mikqulier Brantley
21 located at [REDACTED] in Gifford without her consent
22 and with the intent to commit a crime therein. And that in
23 addition, the entering did occur in the nighttime.

24 And lastly as to the indictment of kidnapping, that in
25 Hampton County, South Carolina, on or about September 6th

1 of 2009, the defendant, Rodrigues Carter, unlawfully did
2 seize, confine, inveigle, decoy, kidnap, abduct, or carry
3 away the victim Mikqulier Brantley without authority of
4 law.

5 Ladies and gentlemen, I remind you that the fact the
6 defendant was arrested, charged, and indicted in this case
7 is not in evidence in this case and cannot be considered by
8 you as evidence of guilt in this case. Nor does it create
9 any presumption or inference of guilt. Ladies and
10 gentlemen, these indictments are simply the formal, written
11 instruments which contain the charges that are made against
12 the defendant. They are the formal documents by which this
13 case is brought here into this courtroom.

14 Ladies and gentlemen, the defendant in this case, Mr.
15 Carter, has pled not guilty to these indictments, and that
16 plea puts the burden on the state to prove the defendant
17 guilty beyond a reasonable doubt. A person charged with
18 committing a criminal offense in South Carolina is never
19 required to prove themselves innocent. I charge you that
20 it is an important rule of law that a defendant in a
21 criminal case, no matter what the seriousness of the
22 charges may be, will always be presumed innocent of the
23 crime or crimes for which they are charged unless guilt has
24 been proven by evidence satisfying you, the jury, of that
25 guilt beyond a reasonable doubt.

1 Ladies and gentlemen, this presumption of innocence
2 does not end when you began deliberations, but it
3 accompanies the defendant throughout the trial until you
4 reach a verdict of guilt based on evidence satisfying you,
5 the jury, of that guilt beyond a reasonable doubt.

6 Ladies and gentlemen, the presumption of innocence is
7 like a robe of righteousness that's placed about the
8 shoulders of the defendant, and it remains with the
9 defendant until it has been stripped of him by evidence
10 satisfying you of the defendant's guilt beyond a reasonable
11 doubt.

12 Ladies and gentlemen, the presumption of innocence is
13 not a mere legal theory; it's not just a legal phrase we
14 use. It is a substantial right to which every defendant is
15 entitled unless you, the jury, are satisfied from the
16 evidence of the defendant's guilt beyond a reasonable
17 doubt.

18 Now, ladies and gentlemen, the term -- as I told you
19 before, the state has the burden of proving the defendant
20 guilty beyond a reasonable doubt. The term reasonable
21 doubt must be given its plain and ordinary meaning.
22 However, to the extent I can define it for you, a
23 reasonable doubt is the kind of doubt that would cause a
24 reasonable person to hesitate to act in the most important
25 of their personal decisions. Ladies and gentlemen, the

1 defendant is entitled to every reasonable doubt arising in
2 the whole case. If upon any issue of fact essential to a
3 conviction you have a reasonable doubt as to how that issue
4 should be decided, you must resolve that reasonable doubt
5 in favor of the defendant.

6 Now, ladies and gentlemen, some of you may have served
7 as jurors in civil cases where you were told that it was
8 only necessary to prove that a fact is more likely true
9 than not true such as by what we call the greater weight of
10 the evidence or the preponderance of the evidence. In
11 criminal cases, the state's proof must be more powerful
12 than that. It must be beyond a reasonable doubt. Ladies
13 and gentlemen, proof beyond a reasonable doubt is proof
14 that leaves you firmly convinced of the defendant's guilt.

15 Now, ladies and gentlemen, there are very few things
16 in this world that we know with absolute certainty, and in
17 criminal cases the law does not require proof that
18 overcomes every possible doubt. If based on your
19 consideration of the evidence you are firmly convinced that
20 the defendant is guilty of the crime charged, you must find
21 the defendant guilty. If, on the other hand, you think
22 there is a real possibility the defendant is not guilty,
23 you must find the defendant not guilty and give him the
24 benefit of the doubt.

25 Ladies and gentlemen, I remind you that during the

1 trial of this case, you and I have certain duties to
2 perform. As the trial judge, it's my responsibility to
3 preside over the trial of the case, and I also have the
4 duty to rule over the admissibility of the evidence that's
5 offered during the case. You are to consider only the
6 competent evidence that's before you. You are to consider
7 only the testimony which was presented from here, this
8 witness stand, and the other exhibits that have been made a
9 part of the record in this case.

10 I have the additional duty to charge you the law
11 that's applicable to this case. And as the presiding
12 judge, I am the sole judge of the law, and it's your duty
13 as jurors to accept and apply the law as I will now state
14 it to you. If you have any idea as to what the law is or
15 what the law ought to be and it does not agree with what I
16 now tell you the law is, you must abandon this idea because
17 you are sworn to accept the law and apply the law as I
18 state it to you.

19 Ladies and gentlemen, in every case tried in this
20 court before a jury, the jury is the sole and exclusive
21 judge of the facts. A trial judge cannot comment on or
22 make any statement to a trial jury about the facts in a
23 case. Since you, the jury, are the sole judge of the facts
24 in this case, you are not to infer from what I've said
25 during the progress of this trial in ruling upon the

1 admissibility of evidence or otherwise, or anything that I
2 now say to you during the course of this instruction, that
3 I have an opinion about the facts of this case. The law
4 does not allow me to have an opinion about the facts of
5 this case. Again, ladies and gentlemen, this matter is
6 solely for you, the jury, to determine.

7 Now, ladies and gentlemen, there are two types of
8 evidence which are generally presented in a case: that is
9 direct evidence and circumstantial evidence. Direct
10 evidence is the testimony of a person who claims to have
11 actual knowledge of a fact, such as an eyewitness. It's
12 evidence which immediately establishes the main fact to be
13 proved.

14 Circumstantial evidence is proof of a chain of facts
15 and circumstances indicating the existence of a fact. It
16 is evidence which immediately establishes collateral facts
17 from which the main fact may be inferred. Circumstantial
18 evidence is based on inference and not on personal
19 knowledge or observation.

20 Ladies and gentlemen, the law makes absolutely no
21 distinction between the weight or value to be given to
22 either direct or circumstantial evidence. Nor is a greater
23 degree of certainty required of circumstantial evidence
24 than direct evidence. You should weigh all the evidence in
25 this case. And after weighing all the evidence, if you are

1 not convinced of the guilt of the defendant beyond a
2 reasonable doubt, you must find him not guilty.

3 Now, ladies and gentlemen, it is your duty to
4 determine the credibility of witnesses who have testified
5 in this case, and credibility simply means believability.
6 It becomes your duty as jurors to analyze and evaluate the
7 evidence and determine which evidence convinces you of its
8 truth.

9 In determining the believability of witnesses who have
10 testified in the case, you may believe one witness over
11 several witnesses, or several witnesses over one witness.
12 You may believe a part of the testimony of a witness and
13 reject the remaining part of the testimony of that same
14 witness. You may believe the testimony of a eyewitness in
15 its entirety or reject the testimony of a witness in its
16 entirety. You may consider whether any witness has
17 exhibited to you any interest, bias, prejudice, or other
18 motive in this case. Ladies and gentlemen, you may also
19 consider the appearance and demeanor of a witness while
20 they're on the witness stand.

21 Ladies and gentlemen, the rules of evidence ordinarily
22 do not allow witnesses to testify to opinions or
23 conclusions. An exception to this rule exists for
24 witnesses we call expert witnesses. A witness who by
25 education and experience has been an expert in some art,

1 science, profession, or calling may state an opinion as to
2 relevant and material matter in which the witness claims to
3 be an expert and may also state the reasons for their
4 opinion.

5 You should consider any expert opinion received in
6 evidence in this case and like any other evidence, give it
7 the weight you think it deserves. If you decide that the
8 evidence or the opinion of an expert witness is not based
9 on sufficient education and experience, or if you conclude
10 that the reasons given in support of the opinion are not
11 sound, or that the opinion is outweighed by other evidence,
12 you may disregard the opinion entirely.

13 An expert witness's testimony is to be given no
14 greater weight than that of any other witness simply
15 because the witness is an expert. And you are not required
16 to accept an expert's opinion even though it's
17 uncontradicted.

18 Ladies and gentlemen, I instruct you and emphasize
19 that the fact the defendant did not testify in this case is
20 not a factor to be considered by you in any way in your
21 deliberation and in your consideration on the question of
22 the guilt or innocence of the defendant. It must not be
23 considered by you in any manner whatsoever. A defendant
24 has the constitutional right to remain silent, and the
25 assertion of this right must not be considered by you in

1 your deliberations. I repeat. Under the oath that you
2 took, you are to draw no conclusion whatsoever from the
3 fact that the defendant did not testify. The fact that the
4 defendant did not testify should not even be discussed in
5 the jury room.

6 The burden of proof, as I have stated to you, is on
7 the state. The defendant is not required to prove his
8 innocence, and the burden of proof remains on the state to
9 prove guilt beyond a reasonable doubt.

10 Now, ladies and gentlemen, the indictments in this
11 case allege different offenses against the defendant.
12 Again, they are criminal sexual conduct in the first
13 degree, burglary in the first degree, and kidnapping. Each
14 indictment charges a separate and distinct offense. You
15 must decide each indictment separately on the evidence and
16 the law that's applicable to it uninfluenced by your
17 decision as to any other indictment.

18 Ladies and gentlemen, the defendant may be convicted
19 or acquitted on any or all of the offenses charged. And
20 you will be asked, Mr. Foreperson, to write a separate
21 verdict of guilty or not guilty for each offense.

22 Now, ladies and gentlemen, the first offense the
23 defendant is charged with is criminal sexual conduct in the
24 first degree. The first element which the state must prove
25 beyond a reasonable doubt for criminal sexual conduct in

1 the first degree is that the defendant engaged in a sexual
2 battery with the victim. A sexual battery is sexual
3 intercourse, cunnilingus, fellatio, anal intercourse, or
4 any intrusion, however slight, of any part of a person's
5 body or object into the genital or anal opening of another
6 person's body except when the intrusion is accomplished for
7 medically recognized treatment or purposes.

8 Ladies and gentlemen, if you find that the state has
9 not shown beyond a reasonable doubt that a sexual battery
10 occurred, you would stop deliberating, and your verdict
11 would have to be not guilty on that charge.

12 Now, ladies and gentlemen, if you find that a sexual
13 battery did occur, you must then decide whether the state
14 has proven beyond a reasonable doubt that the defendant
15 used aggravated force to accomplish the sexual battery.
16 Aggravated force means the use of physical force or
17 physical violence of a high and aggravated nature to
18 overcome the victim. Or that the victim submitted to
19 sexual battery while the victim was also the victim of
20 forcible confinement, kidnapping, robbery, extortion,
21 burglary, housebreaking, or any other similar act or
22 offense.

23 Ladies and gentlemen, if you find that the state has
24 failed to prove beyond a reasonable doubt that the
25 defendant is guilty of first-degree criminal sexual

1 conduct, you may then consider whether the state has proven
2 beyond a reasonable doubt that the defendant is guilty of
3 third-degree criminal sexual conduct.

4 Third-degree criminal sexual conduct includes all of
5 the elements of first-degree criminal sexual conduct except
6 that instead of proving aggravated force was used, the
7 state must prove beyond a reasonable doubt that the
8 defendant used force without aggravating circumstances.

9 Ladies and gentlemen, force means to make the victim
10 follow a prescribed and dictated course to force one's will
11 on someone else. Again, ladies and gentlemen, whereas the
12 opposite of aggravated force -- again, that means the use
13 of physical force or physical violence of a high and
14 aggravated nature to overcome the victim. Or again that
15 the victim submitted to a sexual battery while the victim
16 was also the victim of forcible confinement, kidnapping,
17 robbery, extortion, burglary, housebreaking, or other
18 similar act or offense.

19 Now, ladies and gentlemen, the defendant is also
20 charged with first-degree burglary in this case. To prove
21 first-degree burglary, the state must prove to again beyond
22 a reasonable doubt that the defendant entered a dwelling
23 without consent. Ladies and gentlemen, a dwelling is any
24 building or portion of the building in which a person
25 ordinarily sleeps.

1 In order to prove that the defendant entered the
2 dwelling, the state does not have to show that the intent
3 -- or that the defendant's entire body entered the
4 dwelling. The smallest entry is sufficient. It may be any
5 part of the body such as a hand or a foot or even an
6 instrument.

7 Ladies and gentlemen, in addition, the state does not
8 have to prove that force was used to gain entry. If a
9 person enters a building by using deception, artifice,
10 trick, or misrepresentation to get consent to enter, this
11 is an entry without consent.

12 Ladies and gentlemen, the state must prove beyond a
13 reasonable doubt to prove burglary in the first degree the
14 defendant intended to commit a crime, either a felony or a
15 misdemeanor, at the time of the entry. Ladies and
16 gentlemen, the mere entry a dwelling without consent is not
17 burglary. If the intent to commit a crime is formed after
18 the entry, it is not burglary.

19 On the other hand, if the defendant intended to commit
20 a crime at the time of the entry, it is a burglary even if
21 the intent was abandoned after the entry. In that case, it
22 did not matter whether or not an intended crime, or the
23 intended crime was completed. Ladies and gentlemen, intent
24 may be shown by acts and conduct of the defendant and other
25 circumstances from which you may naturally and reasonably

1 infer intent.

2 Ladies and gentlemen, and finally to prove burglary in
3 the first degree, the state must prove beyond a reasonable
4 doubt that when entering, while in the dwelling, or when
5 fleeing, the defendant caused physical injury to someone
6 not participating in the crime. Or that the defendant
7 entered or remained in the dwelling in the nighttime.

8 Ladies and gentlemen, nighttime is the period between
9 sunset and sunrise during which there is not enough
10 daylight to recognize a person's face except by artificial
11 light or moonlight.

12 Ladies and gentlemen, if you find that the state has
13 failed to prove beyond a reasonable doubt that the
14 defendant committed first-degree burglary, you may consider
15 whether the state has proved beyond a reasonable doubt that
16 the defendant committed second-degree burglary.

17 Ladies and gentlemen, second-degree burglary includes
18 all of the elements of first-degree burglary except the
19 circumstances of aggravation. Again, ladies and gentlemen,
20 circumstances of aggravation would be the entering, while
21 in the dwelling, or when fleeing that the defendant caused
22 physical injury to someone other than someone participating
23 in the crime. Or that the defendant entered or remained in
24 the dwelling in the nighttime.

25 Ladies and gentlemen, so to prove burglary in the

1 second degree, the defendant entered the dwelling of
2 another without their consent and with the intent to commit
3 a crime therein. That would be burglary in the second
4 degree. Again, it would be without the aggravating
5 circumstances.

6 Lastly, ladies and gentlemen, the defendant is charged
7 with kidnapping. To prove kidnapping, the state must prove
8 beyond a reasonable doubt that the defendant knowingly and
9 unlawfully seized, confined, inveigled, decoyed, kidnapped,
10 abducted or carried away another person without authority
11 of law. To do a thing unlawfully is to do it willfully
12 against the law. Knowingly means with knowledge:
13 consciously, not accidentally. Seize means take hold of
14 suddenly or forcibly. Confine means to limit, restrict, or
15 enclose within bounds, imprison, or shut, or keep in.
16 Inveigle means to lure, entice, or lead astray by false
17 representations, promises, or other deceitful means. Decoy
18 means to lure by or as if by decoy. A decoy is something
19 to entice a person into a trap. And kidnap is to remove a
20 person against his will by unlawful force or by fraud. And
21 abduct means to carry off secretly or by force for an
22 illegal purpose. And carry away means to remove.

23 Ladies and gentlemen, the state does not have to prove
24 that the defendant did all of these things. Instead, if
25 you find beyond a reasonable doubt that the defendant did

1 any of these things, you may find the defendant guilty of
2 kidnapping.

3 Ladies and gentlemen, something done without authority
4 of law is something which the law does not sanction,
5 permit, allow, condone, or provide a justification for.
6 And, ladies and gentlemen, the kidnapping does not have to
7 be for any personal or monetary gain or for any illegal
8 purpose that may be for any reason whatsoever.

9 Now, ladies and gentlemen, in order to establish
10 criminal liability, criminal intent is required. For
11 example, the mental state required to be proven by the
12 state for a particular crime might be purpose, intent,
13 knowledge, recklessness, or criminal negligence. Criminal
14 intent must be proven by the state beyond a reasonable
15 doubt. Criminal intent is always a matter that must be
16 determined by the jury from the circumstances surrounding
17 the situation. There is no way to prove intent to a
18 mathematical certainty; there is no way medical science can
19 dissect a person's brain and determine what the person had
20 in mind. So, the law says that criminal intent may be
21 inferred from the circumstances shown to have existed.

22 This is how you make the determination of whether or
23 not the element requiring intent was present. It is not
24 necessary to establish intent by direct and positive
25 evidence, but intent may be established by inference in the

1 same way as any other fact by taking into consideration the
2 acts of the parties and all the facts and circumstances of
3 the case. Ladies and gentlemen, criminal intent is a
4 mental state, a conscious wrongdoing, and it is up to you
5 to determine what the defendant intended to do based on the
6 circumstances shown to have existed.

7 Criminal intent can arise from action or a failure to
8 act. It may arise from negligence, recklessness, or an
9 indifference to duty or to consequences as considered by
10 the law to be the equivalent of criminal intent.

11 Now, Mr. Foreperson and members of the jury, as you
12 retire to begin your deliberations in this case, I wish to
13 express the hope that each of you is mindful of your duty
14 here today. Ladies and gentlemen, you are not called upon
15 very often to serve as jurors, and the proper performance
16 of that duty requires each of you to reach the height of
17 freeing your mind of all improper influences.

18 Ladies and gentlemen, you and I are acting for the
19 community, and that's why we must see to it that this trial
20 is fair and this verdict is just. You've observed that the
21 presiding officer of this court is always addressed as Your
22 Honor. The reason is that the court is entrusted with the
23 honor of this community, the honor of this state, and the
24 honor of this country in seeking that every case tried here
25 in this courtroom receives fair and impartial justice. Now

1 you, the jury, take into your care and keeping the honor of
2 this community, the honor of this state, and the honor of
3 this country.

4 Now, ladies and gentlemen, please don't get the idea
5 that I'm trying to tell you how you should decide this
6 case. As I've already told you, under the laws of the
7 State of South Carolina, you, the jury, are the sole judge
8 of the facts, and it would be highly improper for me to
9 influence you in your performance of that duty. But,
10 ladies and gentlemen, as the presiding officer of this
11 court, I am vitally concerned whatever verdict you reach
12 will be the result of you going back into that jury room
13 and confining your consideration to the evidence and the
14 law that you've heard in this courtroom, weighing fairly
15 and impartially, as I have every confidence you will.

16 Ladies and gentlemen, everyone is entitled to justice
17 in this case, both the state and the defendant. You owe no
18 support or sympathy to anyone. The court is of the
19 confirmed opinion that whatever verdict you reach will
20 represent truth and justice for all the parties concerned.

21 Mr. Foreperson, I remind you that your verdict must be
22 unanimous. It must be the verdict of all twelve jurors,
23 and to that end, my law clerk has prepared a verdict form.

24 It has a caption on it. It's the State of South
25 Carolina, County of Hampton, in the Court of General

1 Sessions, and it reads the indictment number, as well as
2 *The State of South Carolina vs. Rodrigues Carter*. And
3 there are three questions on this, and it says answer each
4 question. Number one, as to indictment 2009-GS-25-508, the
5 charge of criminal sexual conduct in the first degree, we,
6 the jury, unanimously find the defendant, Rodrigues Carter,
7 either guilty or not guilty.

8 Ladies and gentlemen, please don't infer in which
9 order I put guilt or not guilty has any significance. In
10 every trial, I just reverse that.

11 Ladies and gentlemen, if you find as to this first
12 question the defendant is not guilty of criminal sexual
13 conduct in the first degree, then you may consider whether
14 he has committed the lesser included offense of criminal
15 sexual conduct in the third degree, all right, and then it
16 goes on to ask that question if you found him not guilty of
17 the first criminal sexual conduct in the first degree, all
18 right?

19 As to question number two, it says as to indictment
20 2009-GS-25, charge of kidnapping, we, the jury, unanimously
21 find the defendant, Rodrigues Carter, again either guilty
22 or not guilty.

23 And lastly, as to indictment 2009-GS-25-510, the
24 charge of burglary in the first degree, we, the jury,
25 unanimously find the defendant, Rodrigues Carter, and again

1 guilty or not guilty.

2 And again, as to that third question, Mr. Foreperson,
3 if you find that the defendant is not guilty of burglary in
4 the first degree, you may consider whether he has committed
5 the lesser-included offense of burglary in the second
6 degree, all right? And it asks that question if it's
7 appropriate. If you did find that he was guilty in the
8 burglary in the first degree, you would not answer the
9 second part of that, all right?

10 Ladies and gentlemen, there is then a line for the
11 foreperson. It states that: I certify this is the
12 unanimous decision of the jury. And again it must be the
13 verdict of all twelve jurors, all right?

14 Ladies and gentlemen, for the very last time, I am
15 going to send you back to your jury room and tell you not
16 to begin deliberating. If there is something further that
17 the lawyers want me to instruct you on the law, I'm going
18 to bring you back out and I'm going to instruct you
19 further. If not, ladies and gentlemen, I'm going to send
20 this verdict form, along with all the other physical
21 evidence that has been entered into this case, and that is
22 going to be your signal to begin your deliberations.

23 Mr. Foreperson, when you have reached a unanimous
24 verdict, I ask you to knock on your jury room door. We are
25 going to accept you back into the courtroom to receive your

1 verdict, all right?

2 Ladies and gentlemen, I appreciate your attention.
3 Thank you so much. I'm going to go ahead and send you back
4 to your jury room at this time. Thank you.

5 (THE JURY EXITS AT 3:30 P.M.)

6 (A PAUSE.)

7 THE COURT: Is there any additions or exceptions to
8 the charge from the state?

9 MR. MURDAUGH: None from the state.

10 THE COURT: From defense?

11 MR. PLEXICO: No, Your Honor.

12 THE COURT: All right, y'all, let's make sure we have
13 all the evidence entered.

14 MR. MURDAUGH: If Your Honor please? I have made
15 arrangements for -- Mr. Anthony Russell here has got some
16 rubber gloves. If the grand -- if the jury, grand jury --
17 the jury wanted to look at some of the evidence.

18 THE COURT: Sure. Why don't we just go ahead and give
19 them the gloves so they have them if they want them, okay?
20 All right, let's go. Let's make sure we have all the
21 evidence.

22 (THE ATTORNEYS REVIEW THE EVIDENCE WITH THE COURT
23 REPORTER.)

24 MR. MURDAUGH: I'm satisfied.

25 MR. PLEXICO: We have examined all -- the solicitor,

1 doesn't matter who you're for or against. If there is a
2 sound coming out of your mouth or anything happens, you're
3 going to jail, all right?

4 So, again I'm giving you all this opportunity to
5 remove yourself if you think you cannot control yourself.
6 All right, I appreciate it.

7 Additionally, ladies and gentlemen, no one is to move
8 after the verdict as well until I have excused this jury,
9 all right?

10 Go ahead and bring them in.

11 (THE JURY ENTERS AT 6:58 P.M.)

12 CLERK OF COURT: Mr. Foreman, have you reached a
13 verdict?

14 FOREPERSON: Yes, we have.

15 (A PAUSE.)

16 THE COURT: All right, ma'am, you can go ahead and
17 publish the verdict.

18 If you would please stand, Mr. Carter.

19 VERDICT

20 CLERK OF COURT: This is the case of the *State of*
21 *South Carolina vs. Rodrigues Carter*, indictment numbers
22 2009-GS-25-508, 2009-GS-25-509, 2009-GS-25-510. As to
23 indictment number 2009-GS-25-508, the charge of criminal
24 sexual conduct in the first degree, we, the jury, find the
25 defendant, Rodrigues Carter, guilty. As to the lesser --

1 no, that's wrong. As to the indictment number
2 2009-GS-25-509, the charge of kidnapping, we, the jury,
3 find the defendant, Rodrigues Carter, guilty. Number
4 three, as to the indictment 2009-S-25-510, the charge of
5 burglary in the first degree, we, the jury, find the
6 defendant, Rodrigues Carter, guilty. Signed by the
7 foreman.

8 FOREPERSON: Clautey.

9 CLERK OF COURT: Clautey Taylor. Signed May 18, 2011.

10 THE COURT: Thank you. You may be seated, Mr. Plexico
11 and Mr. Carter.

12 Ladies and gentlemen of the jury, if this is your
13 verdict, will you please raise your right hand? Thank you.
14 I indicate that all twelve jurors have raised their right
15 hand.

16 Would you like for me to individually poll the jury,
17 Mr. Plexico?

18 MR. PLEXICO: Yes, Your Honor.

19 THE COURT: Ladies and gentlemen, when I call your
20 name, I'm going to ask that you stand, and I'm going to ask
21 you is this your verdict, and you're going to answer yes or
22 no. And is this still your verdict, and then you're going
23 to sit down, all right, ladies and gentlemen?

24 Ajetta Harris, ma'am, is this your verdict?

25 JUROR: Yes, ma'am.

1 MR. MURDAUGH: If Your Honor please, there is a June
2 9, 2002, simple assault and battery; a 12/31/05 public
3 disorderly conduct conviction; a 9/29/2007 assault and
4 battery of a high and aggravated nature assault; same date,
5 a simple assault and battery; same date, a common law -- a
6 strong-armed robbery; same date, a common-law robbery.

7 THE COURT: What was his sentence on the ABHAN,
8 assault and battery, the strong-armed robbery, and the
9 second strong-armed robbery?

10 MR. MURDAUGH: The assault and battery was a Youthful
11 Offender not to exceed six years, concurrent sentences on
12 the two strong-armed robberies.

13 THE COURT: All YOAs?

14 MR. MURDAUGH: Ma'am?

15 THE COURT: All Youth Offenders?

16 MR. MURDAUGH: Yes, ma'am.

17 THE COURT: Not to exceed six years, okay.

18 MR. MURDAUGH: The simple assault and battery was ---

19 THE COURT: Thirty days.

20 MR. MURDAUGH: Yes.

21 THE COURT: I understand that.

22 MR. MURDAUGH: If Your Honor please, it also appears
23 that there was assault and battery of a high and aggravated
24 nature that was pled down, or something, to simple assault
25 and battery.

1 THE COURT: Okay..

2 MR. MURDAUGH: And that's it.

3 THE COURT: Thank you, solicitor.. All right. I don't
4 need to hear any further. I have heard the testimony in
5 the case. I certainly understand what the mother's wishes
6 are in this case. Unless they need to speak with me
7 further, I don't think it's necessary. Anything else from
8 the state?

9 MR. MURDAUGH: No, ma'am.

10 THE COURT: Mr. Plexico.

11 MR. PLEXICO: Your Honor, I have the same record. I
12 do not see where a common, where a, where a -- excuse me, a
13 assault and battery of a high and aggravated nature was
14 pled down to a simple assault. I just -- that's my only
15 disagreement.

16 THE COURT: Won't consider it.

17 MR. PLEXICO: Your Honor, my client's twenty,
18 twenty-five years old, Your Honor. He has a long life
19 ahead of him. He worked for Smith Logging. He's a high
20 school graduate.

21 He's here with his family today. Everybody's really
22 -- excuse me, everybody's really heartbroken over the
23 verdict. He's here with him mom. I don't know if his mom
24 wants to say anything. May I see if the family wants to
25 address the court?

1 THE COURT: Okay. Absolutely.

2 MR. PLEXICO: Would you like to say anything on your
3 son's behalf? His sister is here. Do any of y'all want to
4 say anything?

5 They have been working hard with me, Judge. They've
6 been here; they've been attentive. You know, they love him
7 very much. He has a great home to go home to when he, when
8 he does go home.

9 Your Honor, it's just a sad, tragic event here in the
10 community, and we're asking you to be as merciful as
11 possible. Burglary first does carry a minimum of fifteen
12 years and that's, that is a most serious offense. All of
13 these are most serious offenses. He would not be eligible
14 for parole on any of the sentences that you gave.

15 THE COURT: Does anyone from the family wish to speak?

16 MR. PLEXICO: No, Your Honor.

17 THE COURT: Mr. Carter, do you wish to speak?

18 DEFENDANT: Too stunned to say anything.

19 THE COURT: Sir?

20 DEFENDANT: Too stunned to say anything.

21 *SENTENCE OF THE COURT*

22 THE COURT: On indictment number 2009-509, it's for
23 kidnapping, sentence of this court is you be committed to
24 the Department of Corrections for a period of thirty years.
25 On indictment 2009-508 for criminal sexual conduct in the

1 first degree, sentence of this court is you be committed to
2 the Department of Corrections for a period of thirty years.
3 Indictment 2009-5010, it's for burglary in the first
4 degree, sentence of this court is you be committed to the
5 Department of Corrections for a period of life. Good luck
6 to you, sir.

7 --- END OF TRANSCRIPT OF RECORD ---

WITNESSES

Russell

Solomon ✓

ARREST WARRANT NUMBER

N100270

Date of Arrest: September 8, 2009

ACTION OF GRAND JURY

TRUE BILL

April Anderson
 Foreperson of Grand Jury
 Date: OCT 29 2009

VERDICT

Foreperson of Petit Jury
 Date:

INDICT

DOCKET NO. 2009GS25-00508

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

October, Term 2009

THE STATE

vs.

Rodrigues Carter

Indictment for

Sex / Criminal sexual conduct - First degree

SC Code: 16-03-0652
 CDR Code: 0160

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

INDICTMENT

2009GS25-00508

At a Court of General Sessions, convened on October 29, 2009, the Grand Jurors of Hampton County present upon their oath:

Sex / Criminal sexual conduct - First degree

That in Hampton County, South Carolina, on or about September 6, 2009, the Defendant, Rodrigues Carter, did commit a sexual battery upon the victim, Mikqulier Brantley, without her consent, and the Defendant used aggravated force to accomplish the sexual battery, to wit: the Defendant did use physical force to overcome the victim by choking the victim before, and during the sexual battery; all in violation of Section 16-3-652, 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.



Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

WITNESSES

Russell

Solomon ✓

ARREST WARRANT NUMBER

N100271

Date of Arrest: September 8, 2009

ACTION OF GRAND JURY

TRUE BILL

April Anderson
 Foreperson of Grand Jury
 Date: OCT 29 2009

VERDICT

Foreperson of Petit Jury
 Date:

INDICT

DOCKET NO. 2009GS25-00509

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

October, Term 2009

THE STATE

vs.

Rodrigues Carter

Indictment for

Kidnapping / Kidnapping

SC Code: 16-03-0910
 CDR Code:0095

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

INDICTMENT

2009GS25-00509

At a Court of General Sessions, convened on October 29, 2009, the Grand Jurors of Hampton County present upon their oath:

Kidnapping / Kidnapping

That in Hampton County, South Carolina, on or about September 6, 2009, the Defendant, Rodrigues Carter, unlawfully did seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Mikqulier Brantley, without authority of law; all in violation of 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.



Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

WITNESSES

Russell

Solomon ✓

ARREST WARRANT NUMBER

N100272

Date of Arrest: September 8, 2009

ACTION OF GRAND JURY

TRUE BILL

Abie Anderson
 For person of Grand Jury
 Date: OCT 29 2009

VERDICT

Foreperson of Petit Jury
 Date:

INDICT

DOCKET NO. 2009GS25-00510

The State of South Carolina
 County of Hampton

COURT OF GENERAL SESSIONS

October, Term 2009

THE STATE

VS.

Rodrigues Carter

Indictment for

Burglary / Burglary (After June 20, 1985) - First
 degree

SC Code: 16-11-0311
 CDR Code:0079

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

INDICTMENT

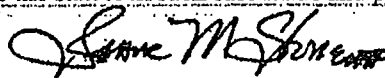
2009GS25-00510

At a Court of General Sessions, convened on October 29, 2009, the Grand Jurors of Hampton County present upon their oath:

Burglary / Burglary (After June 20, 1985) - First degree

That in Hampton County, South Carolina, on or about September 6, 2009, the Defendant, Rodrigues Carter, did enter the dwelling of Mikqulier Brantley, located at _____ without consent and with the intent to commit a crime therein. That, in addition, the entering did occur in the nighttime. All in violation of S. C. Code of Laws §16-11-311.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

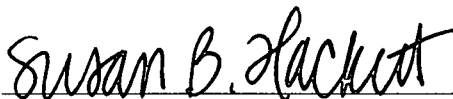


Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

December 5th, 2012

A handwritten signature in black ink, reading "Susan B. Hackett", is written over a horizontal line.

Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEY FOR APPELLANT