

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marion County

Honorable D. Craig Brown, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHAD NELSON STRICKLAND,

APPELLANT

APPELLATE CASE NO 2015-001192

RECORD ON APPEAL

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INDEX

INDEX	i
MOTIONS HEARING TRANSCRIPT DATED DECEMBER 16 AND 18, 2014.....	1
TESTIMONY	
CHAD STRICKLAND	
Direct examination by Mr. Brooker.....	4
Cross-examination by Mr. Clements	22
Redirect examination by Mr. Brooker	44
VICKY HERNANDEZ	
Direct examination by Mr. Brooker.....	47
Cross-examination by Mr. Clements	52
Redirect examination by Mr. Brooker	57
Recross examination by Mr. Clements	58
JOSE HERNANDEZ	
Direct examination by Mr. Brooker.....	59
Cross-examination by Mr. Clements	63
MATT LANE	
Direct examination by Mr. Clements.....	66
Cross-examination by Mr. Brooker	83
Redirect examination by Mr. Clements	103
LOGAN RATLEY	
Direct examination by Mr. Clements.....	104
Cross-examination by Mr. Brooker	121
Redirect examination by Mr. Clements	154
STACY FOWLER	
Direct examination by Mr. Clements.....	158
Cross-examination by Mr. Brooker	193
Redirect examination by Mr. Clements	213
Recross examination by Mr. Brooker	215
CLOSING ARGUMENT BY MR. BROOKER.....	221
CLOSING ARGUMENT BY MR. CLEMENTS.....	235
RULING BY THE COURT.....	239

TRIAL TRANSCRIPT DATED MAY 18-22, 2016	245

TESTIMONY

MARTIN BELL (IN CAMERA)

Direct examination by Mr. Clements	257
Cross-examination by Mr. Brooker	269

HARRY CHARLES WATSON (IN-CAMERA)

Direct examination by Mr. Clements	273
Cross-examination by Mr. Brooker	280
Redirect examination by Mr. Clements	283

OPENING STATEMENT BY MR. CLEMENTS	291

OPENING STATEMENT BY MR. BROOKER	300

TESTIMONY

DANIEL CRIBB

Direct examination by Mr. Clements	311
Cross-examination by Mr. Brooker	326
Redirect examination by Mr. Clements	334

RICHARD ATKINSON

Direct examination by Mr. Clements	337
Cross-examination by Mr. Brooker	341

JAMES POWELL

Direct examination by Mr. Clements	344
Cross-examination by Mr. Brooker	348

JERRY RICHARDSON

Direct examination by Mr. Clements	349
Cross-examination by Mr. Brooker	352

ETHAN ALLEN

Direct examination by Mr. Clements	356
Cross-examination by Mr. Brooker	375
Redirect examination by Mr. Clements	404

EDDIE SAWYER	
Direct examination by Mr. Clements.....	406
Cross-examination by Mr. Brooker	408
JAMES LEE	
Direct examination by Mr. Clements.....	411
Cross-examination by Mr. Brooker	418
DARREN MILES	
Direct examination by Mr. Clements.....	422
Cross-examination by Mr. Brooker	425
MARTIN BELL	
Direct examination by Mr. Clements.....	429
Cross-examination by Mr. Brooker	458
Redirect examination by Mr. Clements	483
Recross examination by Mr. Brooker	486
SCOTT HARDEE	
Direct examination by Mr. Clements.....	490
Cross-examination by Mr. Brooker	527
Redirect examination by Mr. Clements	546
CHRISTOPHER OWENS (IN-CAMERA)	
Direct examination by Mr. Clements.....	550
Cross-examination by Mr. Brooker	564
Redirect examination by Mr. Clements	572
Recross examination by Mr. Brooker	574
CHRISTOPHER OWENS	
Direct examination by Mr. Clements.....	590
Cross-examination by Mr. Brooker	603
Redirect examination by Mr. Clements	609
Recross examination by Mr. Brooker	614
LOGAN RATLEY	
Direct examination by Mr. Clements.....	630
Cross-examination by Mr. Brooker	672
Redirect examination by Mr. Clements	711
Recross examination by Mr. Brooker	714
DR. CYNTHIA SCHANDLE	
Direct examination by Mr. Clements.....	717
Cross-examination by Mr. Brooker	727

KENNETH WHITLER	
Direct examination by Mr. Clements.....	737
Cross-examination by Mr. Brooker	751
MATTHEW LANE	
Direct examination by Mr. Clements.....	759
Cross-examination by Mr. Brooker	788
Redirect examination by Mr. Clements	823
Recross examination by Mr. Brooker	829
STACY FOWLER	
Direct examination by Mr. Clements.....	833
Cross-examination by Mr. Brooker	881
Redirect examination by Mr. Clements	938
VICKIE HERNANDEZ	
Direct examination by Mr. Brooker.....	955
Cross-examination by Mr. Clements	987
Redirect examination by Mr. Brooker	1023
Recross examination by Mr. Clements	1025
HOSEA ERIC HERNANDEZ	
Direct examination by Mr. Brooker.....	1028
Cross-examination by Mr. Clements	1038
Redirect examination by Mr. Brooker	1058
Recross examination by Mr. Clements	1059
CHAD STRICKLAND	
Direct examination by Mr. Brooker.....	1063
Cross-examination by Mr. Clements	1121
Redirect examination by Mr. Brooker	1159
Recross examination by Mr. Clements	1162
CLOSING ARGUMENT BY MR. BROOKER.....	1182
CLOSING ARGUMENT BY MR. CLEMENTS.....	1227
VERDICT	1289
SENTENCING	1301
INDICTMENT AND SENTENCING SHEETS	1303
CERTIFICATE OF COUNSEL	1307

STATE OF SOUTH CAROLINA) IN THE TWELFTH JUDICIAL CIRCUIT
COUNTY OF MARION) IN THE COURT OF GENERAL SESSIONS
) 2013-GS-33-00225
STATE OF SOUTH CAROLINA,)
)
PLAINTIFF,)
)
VERSUS)
)
CHAD STRICKLAND,)
) DATE: DECEMBER 16 and 18, 2014
DEFENDANT.) MARION, SOUTH CAROLINA

MOTIONS HEARING

B E F O R E:

THE HONORABLE C. CRAIG BROWN

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INDEX

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE-CROSS</u>
<u>CHAD STRICKLAND</u>				
MR. BROOKER	4-22		44-47	
MR. CLEMENTS		22-44		
<u>VICKY HERNANDEZ</u>				
MR. BROOKER	47-52		57-58	
MR. CLEMENTS		52-57		58-59
<u>JOSE HERNANDEZ</u>				
MR. BROOKER	59-63			
MR. CLEMENTS		63-66		
<u>MATT LANE</u>				
MR. CLEMENTS	66-83		103	
MR. BROOKER		83-103		
<u>LOGAN RATLEY</u>				
MR. CLEMENTS	104-121		154-157	
MR. BROOKER		121-154		
<u>STACY FOWLER</u>				
MR. CLEMENTS	158-192		213-215	
MR. BROOKER		193-213		215-221
ARGUMENT BY COUNSEL - MR. BROOKER				221-234
ARGUMENT BY COUNSEL - MR. CLEMENTS.				235-239
RULING BY COURT				239-243
CERTIFICATE				244

EXHIBITSSTATE'S EXHIBITS

S) 1 8X10 PHOTOCOPY (ID ONLY)	40
S) 2 8X10 PHOTOCOPY (ID ONLY)	55
S) 3 8X10 PHOTOCOPY (ID ONLY)	56
S) 4 LARGE AERIAL (ID ONLY)	56
S) 5 LARGE AERIAL (ID ONLY)	57
S) 6 8x10 PHOTOCOPY - NIGHT	75,235
S) 7 MIRANDA FORM (ID ONLY)	190

DEFENSE EXHIBITS

NONE

COURT'S EXHIBITS

NONE

1 MORNING - DECEMBER 16, 2014

2 THE COURT: All right. We're here on the State versus
3 Chad Strickland. Is that right?

4 MR. CLEMENTS: That's correct, Your Honor.

5 THE COURT: His attorney, Mr. Thurmond Brooker, on his
6 behalf, has a motion to dismiss pursuant to §16-11-440.
7 We're here for that hearing on this matter. Is the State
8 ready to proceed?

9 MR. CLEMENTS: We are, Your Honor.

10 THE COURT: Defense counsel ready to proceed?

11 MR. BROOKER: Yes, Your Honor.

12 THE COURT: All right. Mr. Clements, you are
13 recognized.

14 MR. CLEMENTS: Your Honor, this is Mr. Brooker's motion
15 so we would defer to him. I think he has the burden of proof
16 on this issue.

17 THE COURT: All right. Mr. Brooker.

18 MR. BROOKER: Thank you, Your Honor. Would you like for
19 us to call our first witness?

20 THE COURT: Yes, sir.

21 MR. BROOKER: Your Honor, we'd call Chad Strickland.

22 (After being duly sworn by the Clerk of Court, **CHAD**
23 **STRICKLAND** testified as follows:)

24 THE COURT: Go ahead.

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

5

1 MR. BROOKER: Yes, sir. Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MR. BROOKER:

4 Q Mr. Strickland, do you remember the date of November, I
5 think, 3rd, 2012?

6 A Yes, sir.

7 Q Okay. Is that the date that the shooting took place that
8 resulted in the death of Blake Dozier?

9 A Yes, sir.

10 Q Okay. Now, I'm going to ask you, at least for the
11 benefit of this Court is, is to identify at least a
12 couple of people. Do you know a Stacy Fowler?

13 A Yes.

14 Q Okay. And what is your relationship, or was your
15 relationship, with Stacy Fowler?

16 A She's the mother of my child.

17 Q How long have you known Stacy?

18 A (No verbal response).

19 Q And I'm talking about at the time in which -- November
20 3rd of 2012, roughly how long had you and Stacy known
21 each other?

22 A Seven years.

23 Q Okay. There is also a Logan -- I think it's Ratley. Do
24 you know Logan?

25 A Not personally.

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

6

1 Q Okay. How do you know him? You said you don't know him
2 personally?

3 A She was friends of a friend and then her and Stacy were
4 friends and that's kind of how I met her that night.

5 Q Okay. And November 2012, roughly, how long had you known
6 her by that time?

7 A No more than a week.

8 Q No more than a week?

9 A A couple days.

10 Q Okay. Okay. All right. Now, November 3rd of 2012,
11 what was the status of your relationship with Stacy at
12 that particular period of time, on that particular day?

13 A We weren't together in a relationship or anything like
14 that. We were getting along for the child and I was at
15 the house. But as far as a actual relationship, we
16 didn't have one.

17 Q Okay. Were y'all intimate?

18 A We were, yes.

19 Q And, of course, this is at -- now, you said she's the
20 mother of your child. Is that correct?

21 A Yes, sir.

22 Q Okay. How long were y'all together before y'all had
23 broke up?

24 A Six years, seven years.

25 Q Okay. And then when y'all broke up, is that when she

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

7

1 started to date, I think, Blake Dozier?

2 A Yes, sir.

3 Q Okay. And how long had they been dating at that
4 particular period of time, in November 2012?

5 A It couldn't have been more than nine months, of my
6 knowledge.

7 Q Okay. Okay. Now, you said that you and Stacy had started
8 to become intimate. Around when did that start back up?

9 A November.

10 Q It was November of 2012?

11 A Yes, sir.

12 Q Okay. And when you say "intimate," are you referring to
13 full-blown intercourse?

14 A We had sex that day.

15 Q Okay. That's November 3rd, November 3rd, 2012, the date
16 of ---

17 A That Saturday.

18 Q --- and of this particular incident? And, of course,
19 just, you know, for references to that, you know, prior
20 to that particular period of time, how many times did
21 y'all -- how many times prior to that particular period
22 of time had y'all been intimate?

23 A I think, once, after we split up.

24 Q Okay. All right. Now, tell me, that particular day, what
25 happened that particular day? And I want you to start

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

8

1 from the beginning, from when you woke up that day. Did
2 you eventually see Stacy that day?

3 A Yes, sir.

4 Q And how did y'all end up seeing each other?

5 A That morning I was going to get my daughter, but never
6 did, and we ended up going to the Pizza Hut in Mullins,
7 me, her and my child and then I went back home after
8 that. And that night I decided to go out to the The
9 Game Changer in Mullins and I did. I went out there. And
10 then at that point, it was brought to me that Mr. Dozier
11 was coming to get me and the bar owner asked me if I
12 knew him. I told him, "yes". He asked me what ---

13 MR. CLEMENTS: Object to hearsay, Your Honor.

14 THE COURT: Objection sustained.

15 Q All right. Just, you said that you and Stacy -- and
16 we're going to start off at least early that morning.
17 You said, you, Stacy, and your daughter went to Pizza
18 Hut?

19 A Yes, sir. The Pizza Hut in Mullins.

20 Q Okay. And what was the purpose of going to Pizza Hut?

21 A To eat.

22 Q Were y'all kind of getting back together at that
23 particular period of time?

24 A No, sir, not really.

25 MR. CLEMENTS: Object to leading, Your Honor.

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

9

1 THE COURT: Overruled. Go ahead. Go ahead, sir.

2 MR. BROOKER: Thank you, Your Honor.

3 Q Now you said that you, I think you testified, at least
4 previously, is that y'all had been intimate that day.
5 Was it prior to going to Pizza Hut or either after y'all
6 had come back from Pizza Hut?

7 A I think before, but I'm not a hundred percent sure.

8 Q Okay. Now, you only tell me if you know. Did you know
9 what the status of Blake and Stacy's relationship was at
10 that time?

11 A To my knowledge, they were not together.

12 Q Okay. Now after y'all had had Pizza Hut, I think you
13 said, is that you said at some point in time that night
14 you were deciding to go out?

15 A Yes, sir. After Pizza Hut I returned home, which was the
16 residence of my father's house.

17 Q Okay.

18 A And later that afternoon, that night, I went out to The
19 Game Changer in Mullins.

20 Q Okay. All right. And did you go there with anyone?

21 A No, sir. My father took me and dropped me off, but I
22 did have a friend there, but technically, I went alone.

23 Q Okay. Now, did at some point in time -- how long were
24 you at The Game Changer before you met with Stacy and
25 Logan?

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

10

1 A It was a couple of hours, but not the whole time.

2 Q Did you call them or did you receive a call from them?

3 A I received a call.

4 Q And who did you receive a call from?

5 A Stacy.

6 Q Okay. Now, when you were at The Game Changer, did you
7 know whether or not Blake was at The Game Changer that
8 afternoon, Blake Dozier?

9 A I was told he was coming. I did not know he was there
10 until after the incident actually happened and then
11 that's when I realized the same car that he was
12 operating the night of the incident was the same car
13 that was at the car park.

14 Q And why did Stacy -- if you know, why did she call you?
15 What was the purpose of her calling you?

16 A When she called, she was telling me that he was supposed
17 to be coming out there and she did not want me to get in
18 trouble. She didn't want me to get in trouble. We had a
19 child together.

20 Q Was it your understanding that Blake wanted to fight
21 with you?

22 MR. CLEMENTS: Objection. Leading, Your Honor.

23 THE COURT: Objection sustained.

24 MR. BROOKER: Sure.

25 Q Okay. How did Blake feel about ---

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

11

1 MR. CLEMENTS: Objection to speculation.

2 THE COURT: Let him finish his question first. If you
3 want to object, you can object at that time. Finish your
4 question, please, sir.

5 Q --- if you know?

6 MR. CLEMENTS: I would object to speculation, Your
7 Honor. I don't know how he ---

8 THE COURT: I still haven't heard the remaining, the
9 complete question. Please re-state your question.

10 MR. BROOKER: Okay. All right. Let me phrase it this
11 way.

12 Q Did you ever talk with Blake that night?

13 A Through other phones, I did. Not through my personal
14 phone.

15 Q Okay. From conversations, from conversations you had
16 with him -- don't tell me what Blake said, but you can
17 tell me what was your impression, what was your
18 impression of his demeanor from your conversations with
19 him?

20 MR. CLEMENTS: Your Honor, my ---

21 THE COURT: Hold on.

22 MR. CLEMENTS: My understanding is, he said he didn't
23 talk with Blake directly. He had conversations with other
24 people and he's asking him now about something that would be
25 pure speculation on his part, even if he did speak to Blake

1 directly.

2 THE COURT: Mr. Brooker ---

3 MR. BROOKER: Your Honor, it is ---

4 THE COURT: --- respond to what Mr. Clements objected
5 to, please.

6 MR. BROOKER: Of course, Your Honor, unless I misheard
7 him, it is that -- if I can ask him at least one more
8 question, Your Honor, it would make it clearer.

9 Q Did you have any conversations with Blake yourself?

10 A Yes. Through other phones, as I stated.

11 Q Through other phones?

12 A Yes. Not through my personal phone.

13 Q You were using other peoples' phones, but you talked
14 with him directly?

15 A Yes, sir. Yes, sir.

16 THE COURT: And that is my understanding of what the
17 question was a minute ago and his response was he talked to
18 Mr. Dozier by utilizing somebody else's phone.

19 MR. CLEMENTS: My fault, Your Honor.

20 THE COURT: That's all right.

21 MR. CLEMENTS: But as to the point where it calls for
22 speculation, I would object to any speculation.

23 THE COURT: Well, when it gets to that, if you feel like
24 you need to object, object.

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

13

1 MR. CLEMENTS: Yes, sir.

2 MR. BROOKER: Okay.

3 Q Now, from your impressions from your conversations that
4 you had with Blake, what was his demeanor?

5 A He was out to kick ---

6 MR. CLEMENTS: He can make it as a -- I'll let him
7 respond to it, Your Honor.

8 THE COURT: Have you got an objection?

9 MR. CLEMENTS: Your Honor, he said, "from your
10 impression, what was his demeanor". I would think that would
11 call for speculation from the phone call and he could ask him
12 maybe what Blake said to him or if there was a threat or
13 anything like that, but I don't think he can say what
14 somebody's demeanor was from speculating over the phone.

15 THE COURT: Re-phrase your question, Mr. Brooker.

16 MR. BROOKER: Okay.

17 Q What did Blake say to you?

18 A He wanted me to meet him at different areas.

19 Q And for what purpose?

20 A The sole purpose of whipping my ass.

21 Q Is that what he told you?

22 A Yes, sir.

23 Q Did you believe him?

24 A Yes, sir.

25 Q Now, when you learned that he had come in The Game

1 Changer, was it your belief that that's what was going
2 to take place?

3 A Yes, sir.

4 Q Now, you said Stacy arrived?

5 A Yes, sir. Stacy and Logan.

6 Q Why did you go with them when they showed up?

7 A Because I also thought about what would have been the
8 smartest thing for me to do was to leave a public place
9 and avoid danger, avoid trouble.

10 Q Okay. All right. So let me make sure I understand what
11 your intentions was. You just indicated your intentions
12 was to avoid trouble?

13 A Yes, sir.

14 Q Trouble with who?

15 A Mr. Dozier and the crowd that he had with him.

16 Q Did you want to have a confrontation with him?

17 A No, sir, I didn't.

18 Q Were you seeking to have a confrontation with him?

19 A No, sir, I didn't. That's the purpose of leaving the
20 bar.

21 Q Now, when you left the bar -- okay, you were picked up
22 by Stacy and Logan?

23 A Along with my child.

24 Q And so in the vehicle Stacy, Logan, your child, and you
25 were in the car?

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

15

- 1 A Yes, sir.
- 2 Q And whose car was it?
- 3 A Logan Ratley's.
- 4 Q How old's your daughter? Is it a daughter? Is your
- 5 child, she's female?
- 6 A Yes, sir.
- 7 Q How old was she at that particular period of time?
- 8 A Three.
- 9 Q Now, when you were in the car, did you have
- 10 conversations with Blake in the car?
- 11 A In the vehicles is where the phone calls took place back
- 12 and forth, from Mr. Lane's phone to Mr. Dozier's, Ms.
- 13 Fowler's phone and Ms. Ratley's phone.
- 14 Q Okay. And they were telephone calls or were they texts?
- 15 A There was a few texts. Most of it was short, loud
- 16 calls.
- 17 Q Did you see any of the texts?
- 18 A No, sir, not personally.
- 19 Q Did you hear any of the calls, the conversations?
- 20 A I've heard a good many of them, yes, sir.
- 21 Q Okay. And these were from Mr. Dozier?
- 22 A And Mr. Lane.
- 23 Q Okay. Okay. What was being said, at least by Mr. Dozier?
- 24 MR. CLEMENTS: Object to hearsay, Your Honor.
- 25 THE COURT: Overruled. Go ahead.

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

16

1 Q What was being said by Mr. Dozier?

2 A That he wanted to fight, he was going to whip ass, as I
3 stated earlier. He wanted me to meet him at the
4 residence, if I'm not mistaken, Mr. Lane's, out in the
5 field and several other places, just wanted me to meet
6 and I wasn't up for that.

7 Q Did you decline to meet him?

8 A Yes, I did.

9 Q Who was driving the car ---

10 A --- Which one?

11 Q --- at that particular period of time ---

12 A I was starting ---

13 Q --- when you left from The Game Changer? Who was ---

14 THE COURT: Hold on. When he's asking you a question,
15 let him finish his question.

16 MR. STRICKLAND: Yes, sir.

17 THE COURT: All right. Go ahead.

18 Q When you left The Game Changer, who was operating the
19 vehicle?

20 A I left driving.

21 Q Who was operating the vehicle at the times in which the
22 telephone calls and the conversation, or at least the
23 statements from Mr. Dozier, was made that you just
24 discussed?

25 A Over half of them, I was.

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

17

1 Q Okay. Now, where did you go to?

2 A When I left The Game Changer?

3 Q Yeah.

4 A I went to my father's house. I picked up a hoodie and I
5 grabbed a little bit of cash. I don't remember exactly
6 how much it was, and the intention was to go out to the
7 Mud Bog and play some music and when I went through
8 Nichols, I seen a couple trucks on trailers pass. At
9 that point, I figured it was over. We then turn around,
10 me and Ms. Fowler swapped drivers. I got in the back
11 with my daughter. She got in the front seat and drove
12 straight back to her house, which is at [REDACTED] Ard Drive.

13 Q Okay. And do you know about what time y'all got there?
14 I don't know if you remember or not.

15 A I would say about 11:00, 11:15.

16 Q Okay. What happened when you got to Ms. Fowler's house?

17 A Once we pulled up, I got my daughter out. We went in
18 the house. Ms. Ratley then said she had to use the
19 bathroom and left. She was supposedly going to a friends
20 house. We were sitting in the house. Ms. Fowler's phone
21 rung. I'm not sure of the conversation that was had on
22 there, and then shortly after that, here comes a car up
23 in the yard, wide open.

24 Q When Ms. Ratley left, you said that yourself, your
25 child, and Stacy Fowler was left at her home?

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

18

1 A Yes, sir.

2 Q Okay. How long were y'all there before Ms. Ratley left?

3 A Five minutes. Long enough for her to go in the house,
4 use the restroom, and leave.

5 Q Okay. And, of course, after she left what were you
6 doing?

7 A Well, me, Ms. Fowler and the child was all sitting down
8 in the living room.

9 Q Doing what?

10 A Absolutely nothing. Trying to keep my daughter asleep.

11 Q Okay. Now, how long was it before you heard, or at least
12 before Blake Dozier arrived? How long was it that you
13 and Stacy Fowler was there alone before Blake Dozier
14 arrived?

15 A I'd say thirty minutes, no more than forty-five.

16 Q So you were there approximately about thirty to forty-
17 five minutes with her?

18 A Yes, sir.

19 Q Now, tell me what happened once he arrived?

20 A When he came up in the yard, Ms. Fowler went out the
21 house and at that point, I was in the doorway with my
22 daughter. She was laying on the couch. They were out at
23 the car arguing. I'm not sure all that was said. When I
24 stepped out the house, I walked up. At that point,
25 that's when she was kind of, not shoved, but was kind of

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

19

1 slid out the way. I got hit. When I got hit, at that
2 point, I noticed a vehicle behind them, which was the
3 vehicle of Ms. Ratley's. Two more individuals got out,
4 along with her, and when I seen them and after being
5 hit, that's when I pulled my weapon.

6 Q Okay. Now, let's talk at least a little bit about the
7 weapon. Where did you have your weapon?

8 A It was in a inside in pants holster in the front of my
9 belt.

10 Q All right. Now, and just for purposes of this hearing.
11 Prior to this particular incident, did you have any
12 felony criminal record?

13 A No, sir, I have a clean slate. Never been in trouble or
14 anything.

15 Q Were you lawfully in possession of that weapon?

16 A Yes, sir. It was bought legal, registered to me.

17 Q Now, where did the gun come from? How did it end up
18 getting to Stacy's house?

19 A It was on my person when I was picked up.

20 Q Okay. Now, and I just want to make sure that we go
21 through this clearly. You said when Blake Dozier pulled
22 up, you came -- Stacy came out of the house first?

23 A Yes, sir.

24 Q Okay. All right. And how long before you followed?

25 A Two minutes, a minute.

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

20

1 Q And why did you follow her? What was your concern?

2 A I didn't know exactly what was going on and with our
3 three-year-old daughter in the house, I didn't want
4 nothing coming in that door. I'd rather everything that
5 happened, happened outside.

6 Q Did you -- were you concerned that there was a
7 possibility that he would enter the residence, Blake
8 Dozier?

9 A He was out to get me. Had I not walked outside, he would
10 have come in.

11 Q Now, when you stepped outside, I think you said that
12 they were arguing or talking, Blake Dozier and Stacy
13 Fowler?

14 A Yes, sir.

15 Q Were you privy -- did you hear the conversation?

16 A I didn't hear all of it, but he was told that he needed
17 to leave and she also told Ms. Ratley and the other two
18 individuals in the vehicle that they did not need to be
19 there, that they needed to leave, immediately.

20 Q And did they leave?

21 A After ---

22 Q And let me re-phrase that question. Let me rephrase
23 that question. Did they leave immediately after they
24 were asked or requested?

25 A No, sir.

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

21

1 Q Now, at some point in time, what I think you testified
2 previously is, that you came up behind Stacy?

3 A Yes, sir.

4 Q Okay. And so explain to me, so we can be absolutely
5 certain, everyone's position; your position versus
6 Stacy's position versus Blake's position.

7 A When I stepped out, it would be like me coming out the
8 door, straight to you, if you were to just get out the
9 vehicle. She was standing in between us. And the
10 closer I got, that's when he just kind of, not shoved
11 her or pushed her, just kind of stepped around her and
12 at that point is when it was him, her and me. She was
13 standing kind of to his left shoulder, which would have
14 been my right shoulder, facing him.

15 Q Okay. And that's what he did what, after ---

16 A Stepped around her and commenced to swinging.

17 Q Okay. All right. Were you struck?

18 A Yes, sir. I was struck one time.

19 Q And where were you struck at?

20 A The left side of my face, right up here (indicating), or
21 more of my head.

22 Q And at that particular period of time when you were
23 struck, what were you thinking?

24 A My ass is grass.

25 Q Okay. What do you mean when you said your ass was

1 grass? I mean, is that a ---

2 A At that point I figured that with him and the other two,
3 I figured that I was done for. I figured that I would be
4 beat pretty bad that night.

5 Q All right. Now, you said that they were -- that in the
6 car that followed Blake, followed the vehicle Blake was
7 driving, who was that car driven by?

8 A Logan Ratley.

9 Q And you said that there were two guys that got out of
10 the car, that you previously testified to.

11 A Yes, sir.

12 Q Did you know the two guys?

13 A Not before that night. The only reason I know who they
14 were that night is their names were called.

15 Q Okay. All right. Now, do you know if, and you tell me
16 whether you do or not. If you don't, you say you don't.
17 Do you know whether or not those guys had a relationship
18 with Blake, the two guys that were following in the car?

19 A They were best friends.

20 Q Why were you thinking that -- why did you -- did you
21 have a thought as to what was your belief when you saw
22 them get out of the car and come towards y'all's
23 position or your position?

24 A They were there to help him beat me, because I was told
25 prior that night through one of those phone calls that

DIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

23

1 if I messed with Blake, I also had to mess with Mr.
2 Lane.

3 Q Okay. Mr. who?

4 A Lane, Matt Lane.

5 Q Okay. Was Matt Lane one of the persons that was there
6 that night?

7 A Yes, sir.

8 Q Now, you said that after you got struck, you went down.

9 A Yes, sir. I wasn't knocked completely to the ground,
10 but I was knocked back.

11 Q Okay. And then what did you do?

12 A I kind of regained my balance, realized where I was at,
13 seen the other two individuals coming, and I reached
14 down and grabbed the weapon out of my belt.

15 Q Okay. And did you discharge the weapon?

16 A Yes, sir. I discharged it one time.

17 Q Okay. And who did you discharge it at?

18 A I discharged it at Mr. Dozier.

19 Q Okay. Now, after you shot, discharged at Mr. Dozier,
20 did you discharge the weapon any further?

21 A No, sir.

22 Q Why didn't you continue to shoot?

23 A Because the threat was over. I fired one round to save
24 me. Once that was over, there was no need for me fire
25 my weapon again.

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS

24

1 Q What did you do at that particular period of time?

2 A I took my right thumb, dropped the clip out the bottom
3 of the weapon, I ejected the next round that went into
4 the chamber out, and put everything back together, put
5 it back in my, in the holster that it was in. I told
6 Ms. Fowler to call 9-1-1 because he was dead and I was
7 going to my father's house.

8 Q Now, and I just want to make this clear is, is that
9 Logan's [verbatim] residence and did you have -- were
10 you there by -- I mean, Stacy's residence. Were you
11 there by invitation or by her wishes?

12 A Yes, sir. She picked me up.

13 MR. BROOKER: I don't have any further questions of this
14 witness, Your Honor, at this time.

15 THE COURT: All right. Mr. Clements, cross examination.

16 CROSS EXAMINATION

17 BY MR. CLEMENTS:

18 Q Mr. Strickland.

19 A Yes, sir.

20 Q You said you had your weapon in a holster, stuck inside
21 the front of your pants?

22 A Yes, sir.

23 Q And so it was concealed?

24 A Yes, sir.

25 Q And do you have a concealed weapons permit?

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS

25

- 1 A No, sir.
- 2 Q You don't?
- 3 A No, sir.
- 4 Q You don't have a concealed weapons permit, yet you were
- 5 carrying a concealed weapon?
- 6 A On private property, you don't have to have one.
- 7 Q Did you get it there at Stacy's house and put it in
- 8 there?
- 9 A No, sir, I had it on me.
- 10 Q You had it on you beforehand, didn't you?
- 11 A Yes, sir.
- 12 Q Did you get it when you told Logan and Stacy to stop so
- 13 you could get your money and your coat? Did you get the
- 14 gun then?
- 15 A First, I didn't tell no one to stop. I was driving.
- 16 Q Okay. You were driving. All right. Did you get the gun
- 17 then?
- 18 A No, sir. I had it prior to that.
- 19 Q All right. So, you had it. When you were at The Game
- 20 Changer, you were in -- they serve alcohol there, don't
- 21 they?
- 22 A Yes, sir.
- 23 Q And so you had a concealed weapon on you there in the
- 24 building where they serve alcohol without a concealed
- 25 weapons permit?

1 A Not the whole night, I didn't, sir.

2 Q You had it on you though then, didn't you?

3 A It was in the glove box of Mr. Cody Walters' vehicle.

4 Q Oh, I was going to get to that. You testified that your
5 dad dropped you off at The Game Changer, but actually,
6 you called Cody Walters and he picked you up and took
7 you there to The Game Changer. Didn't he?

8 A No, sir. He didn't.

9 Q He didn't?

10 A No, sir. He didn't.

11 Q Okay. So, you didn't text him at 7:12 p.m. on November
12 3rd and ask whether he was going to The Game Changer and
13 told him to pick you up and take you there?

14 A No, sir. My daddy dropped me off that night. He had
15 picked me up multiple times before, but that night he
16 did not. My father dropped me off. When I walked into
17 the bar, Cody asked me if I would go to Burger King for
18 him. I told him, yes, I would. I took his keys, his
19 money, and his vehicle. I went to Burger King. At that
20 time, that's when the weapon was placed in Mr. Walter's
21 vehicle.

22 Q So, if you hadn't driven his car, you would have gone
23 in, according to your testimony with what you're saying
24 here tonight, you would have gone in there armed with a
25 weapon?

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS

27

1 A Well, I can't answer that, because I drove the vehicle
2 and I don't know what would have happened.

3 Q So, he didn't pick y'all up when you got to The Game
4 Changer around 8:30 p.m.?

5 A Not that night, no, sir.

6 Q And then you shot three games of pool and on the third
7 game of pool, that's when you went to Burger King in his
8 vehicle?

9 A We did play pool, yes, sir. But I wasn't there ---

10 Q And you had the weapon on you when you played pool
11 inside The Game Changer?

12 A Yes, sir, I did.

13 Q Okay. So, you didn't arm yourself when you went to your
14 house to get your money and your coat?

15 A No, sir.

16 Q All right. And you had no concealed weapons permit?

17 A No, sir.

18 Q And you said -- I want to be sure I understood you. You
19 said, when you saw those guys getting out the car, you
20 didn't know who they were?

21 A No, sir, I didn't. I'd never seen them before.

22 Q You'd never seen them before?

23 A No, sir. Well, I did see one of them before. I grew up
24 beside one of them.

25 Q Who was that?

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS 28

1 A That as Mr. Ethan, but I didn't realize that's who was
2 in that vehicle. The only reason I knew who was in that
3 vehicle is because their names were called.

4 Q Okay. But you didn't know -- you saw them in the
5 vehicle, saw them getting out the vehicle, you didn't
6 know what they were going to do, because you didn't know
7 who they were?

8 A When they came running toward me, I didn't want to wait
9 to find out what they were going to do.

10 Q They came running toward you? Was that before or after
11 you shot Blake?

12 A When he come up -- when the first lick was passed,
13 that's when they started to advance. I didn't let it get
14 any further.

15 Q Okay. And so you didn't have to shoot all three of
16 them, you just had to shoot Blake?

17 A I didn't have to shoot ---

18 Q Anybody, did you?

19 A Well, I'm not saying that I had to or did not have to.
20 I'm saying was I was trying to protect myself.

21 Q But you didn't have to shoot them?

22 A I felt like I needed to shoot to protect myself.

23 Q Okay. You couldn't just pull the gun and say, all right,
24 everybody stop, there's three of y'all and one of me,
25 stop?

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS

29

1 MR. BROOKER: I'm going to object to asked and answered,
2 Your Honor. He's already stated that he felt like he needed
3 to pull the gun and shoot to protect himself.

4 THE COURT: Objection overruled. Re-state your question.

5 Q So, you couldn't just pull the gun and say, "Stop,
6 Blake. You two other guys stop. There's three of y'all
7 and one of me and I've got this, stop." You couldn't
8 have done that?

9 A I didn't think about it.

10 Q Didn't think about it.

11 A Once you're assaulted and you see two more coming,
12 you're not going to sit there and holler stop.

13 Q Oh, okay. And Blake lived there, didn't he? As a matter
14 of fact, he spent that night before there. He spent it
15 there because he'd been living with Stacy for quite some
16 time and he was living there.

17 A I didn't know that.

18 Q You didn't know that?

19 A No, sir, I didn't. At the time, they were not together.
20 To my knowledge they were not together. I may have been
21 lied to.

22 Q So, you didn't know he'd been living there, at all?

23 A I knew he had been. To my knowledge, he was not living
24 there then. They were not together.

25 Q All right. But he had been living there. He had his

1 clothes there and had medicine there and ---

2 A I'm not sure what he had there.

3 Q Okay. But he had some stuff there, right?

4 A I guess. I don't know. I don't go in and search people's
5 houses.

6 Q All right. And you say they drove up in Logan's
7 vehicle?

8 A Blake drove up in his own, in a vehicle of his own.

9 Q But Logan drove up in her vehicle with two other people
10 with her?

11 A Yes, sir.

12 Q All right. She's got a dark-colored Explorer, right?

13 A Yes, sir.

14 Q Okay. Now, she came up in her dark-colored Explorer.
15 You said there was two people with her and they got out
16 of the car and rushed at you?

17 A Uh-huh.

18 Q Okay. And that's when you decided to shoot Blake?

19 A No, sir. That's when I pulled my weapon, after I was
20 struck.

21 Q Okay. And he never really got around the door of his
22 car, did he?

23 A Yes, sir, he did. He was completely out of the vehicle.

24 Q He was out of the vehicle. But I'm talking about when
25 you get out, you open the door, if you're driving, and

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS

31

1 you've got to get out and then you've got to come around
2 the door, right?

3 A Well, if you step back you don't have to come around it,
4 no, sir.

5 Q All right. But he never came around it, did he?

6 A He was out the vehicle.

7 Q He was out. I understand that. He's out of the vehicle,
8 but he never came around that door, did he?

9 A He didn't never come to the house, because I come out
10 before that.

11 Q And Stacy told you to stay on the porch, didn't she?

12 A I'm not sure what she told me that night.

13 Q You're not sure about a lot, are you?

14 A No, sir. That's been two years ago.

15 Q Okay. So she told you to stay. She didn't want y'all to
16 fight, did she?

17 A Not at that particular time, no.

18 Q And she told you to stay on the porch. Didn't she?

19 A Yeah. She did.

20 Q And you didn't stay on the porch, did you?

21 A No.

22 Q You went out there and confronted Blake yourself, didn't
23 you?

24 A No, sir, I didn't. I didn't go confront anyone.

25 Q Well, what were you going to do?

1 A Find out what was going on.

2 Q You couldn't -- it was only probably about as far as
3 from where you're sitting right now to about here,
4 (indicating) where Blake's car was. Wasn't it?

5 A I'd say about the length of this courtroom.

6 Q That far?

7 A From the porch to where his car was sitting would be
8 pretty close to, I'd say at least where that last
9 gentleman is sitting there.

10 Q So about right here? (Indicating)

11 A I'd say right there, yes, sir.

12 Q Okay. And you can see what I'm doing right here, right
13 now, can't you?

14 A Well, it's also pretty light in here, too. It's not
15 12:00 at night.

16 Q Okay. So, you're saying from your porch to here, you
17 couldn't see what was going on from where you're sitting
18 to right here?

19 A Not at midnight, no, sir.

20 Q You couldn't see at midnight? So you had to come out
21 and come all the way to the car to see what was going
22 on?

23 A Yes, sir.

24 Q You couldn't, from across the yard, see what was going
25 on or down the road, see what was going on, could you?

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS

33

1 A Without the headlights in your face, yes, you can. But
2 when you have a car facing you, with their bright lights
3 on, in your face, you've got to get away from those
4 front headlights to be able to see, which is what I did.
5 I come on the porch, off the porch, and out in the front
6 yard, from out in front of the car so the headlights
7 would not be in my face.

8 Q So, you couldn't see Stacy?

9 A I could see. I could not tell what was going on.

10 Q Okay. But you could hear, couldn't you?

11 A I could hear a lot of hollering, yes, sir.

12 Q So, you could see them and you could hear them, but yet
13 you say you didn't know what was going on?

14 A Uh-huh.

15 THE COURT: Is that a yes or a no? We need a verbal
16 response, yes or no.

17 MR. STRICKLAND: Yes, sir. Yes.

18 THE COURT: Thank you.

19 Q And you were going to go over there and get in the
20 middle of it and you didn't care what Stacy said to you
21 about staying on the porch, did you?

22 A I wasn't going to get in the middle of anything.

23 Q Well, why did you go out there?

24 A Because my three-year-old daughter was in the house.

25 Q Well, she wasn't going to come out the door, was she?

1 A She was asleep.

2 Q Okay. And nobody said anything about her, did they?

3 A No, sir.

4 Q Matter of fact, Blake lived with her and took good care
5 of her, didn't he?

6 A I don't know if he took good care of her or not. Her
7 mother took good care of her.

8 Q And her mother wasn't going to let Blake live there if
9 Blake didn't care of her and wasn't good to her as well,
10 would she?

11 A No, she wouldn't.

12 MR. BROOKER: Objection, Your Honor. I believe this calls
13 for speculation. He doesn't have any idea what she would do.

14 THE COURT: Asked and answered. (Addressing the witness)
15 When an objection is made, you need to let me rule on it
16 before you proceed.

17 MR. STRICKLAND: Yes, sir.

18 Q Now, you were riding around for a while with Logan and
19 with Stacey, right? And you were driving some of the
20 time, most of the time, and then Logan drove part of the
21 time. Is that correct?

22 A Nope.

23 Q All right. Well, tell me who was driving.

24 A It was not a while. It was long enough to leave The Game
25 Changer, stop at my house, leave my house, go to Nichols

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS

35

- 1 Highway on the other side of Nichols and then turn
2 around. I drove from The Game Changer to my home, to
3 Nichols Highway. Ms. Fowler drove from Nichols Highway
4 to her address. At that point, Logan never drove at all.
- 5 Q And that takes a little while, doesn't it?
- 6 A Fifteen, twenty minutes.
- 7 Q Enough time to be on the phone some, right?
- 8 A Yeah. There was plenty of phone calls made.
- 9 Q And you drove to Nichols. You said you were driving to
10 the Mud Bog, right?
- 11 A Yes, sir.
- 12 Q But you'd actually asked Matt Lane and asked Blake
13 Dozier to meet you at the Sunny Mart to fight, didn't
14 you?
- 15 A No, sir, I didn't.
- 16 Q You didn't ever say anything to them about, "meet me at
17 the Sunny Mart"?
- 18 A No, sir. I was told to meet them.
- 19 Q At Matt's house, right?
- 20 A That was one of the locations. The old car lot ---
- 21 Q You also, you told them about the old car lot in Nichols
22 and you asked them to meet you there, didn't you?
- 23 A No, sir. I didn't.
- 24 Q You didn't?
- 25 A I'm not dumb enough to ask two grown men to meet me some

1 where to beat me.

2 Q Well, you're a pretty grown man, aren't you?

3 A Yes, sir.

4 Q And you can handle yourself, can't you?

5 A I'm more than grown.

6 Q And didn't you tell Matt Lane, "Boy, you don't know who
7 you messing with. You want some of me?" And he says,
8 "I'm not scared, ---

9 A I told him ---

10 Q --- come on to the house?"

11 A I told him he didn't know me. He made the statement if I
12 mess with Blake, I had to mess with him, too.

13 Q And if Blake was trying to mess with you, then that
14 wouldn't be you messing with Blake would it?

15 A They're still together. I'm not going to take that
16 chance.

17 Q So Matt said, "Don't you mess with Blake." He was
18 telling you, don't mess with Blake, right?

19 A Yes, sir.

20 Q In the beginning, that's what he was saying, right?

21 A (No verbal response)

22 Q And didn't Blake have surgery on his eye and had his eye
23 stitched up?

24 A I think he had had surgery on his eye. When, I'm not
25 sure or, why, I'm not sure.

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS

37

1 Q So would it be reasonable or not reasonable for his
2 buddy to not want somebody to mess with his friend who
3 had his eye, had had surgery on it?

4 A I don't think it would be reasonable for two individuals
5 to jump on one.

6 Q That's not my question. If you would please respond to
7 my question. It's reasonable for somebody to not want
8 another person to fight or mess with their buddy if his
9 eye's been stitched up and he had had serious surgery on
10 his eye. That'd be reasonable, wouldn't it?

11 A Yeah. That would be reasonable.

12 Q And to tell you, "Don't mess with Blake. You mess with
13 him, he's had surgery, his eye's hurt, you're going to
14 have to mess with me." A good friend would do that,
15 wouldn't they?

16 A I guess they would.

17 Q And he wouldn't have any cause, whatsoever, to tell you
18 not to mess with Blake unless you were messing with
19 Blake or threatening to mess with Blake. Would he?

20 MR. BROOKER: Your Honor, at this time I'm going to make
21 an objection. It's been going on for a little while and I
22 didn't say anything, but I know he's testifying and asking
23 him questions with respect to what Matt Lane said to him.

24 And ---

25 THE COURT: Objection sustained. Move on, Mr. Clements.

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS

38

1 Q Bottom line is, you said you were going to mess with
2 Blake too, didn't you?

3 A No, sir, I didn't.

4 Q You said you were going to whip his ass or whip his butt
5 too, didn't you?

6 A I was not going to let anybody whip my ass. I'm sure I
7 did say that, yes, sir, I did, but had I wanted trouble,
8 I would not have left The Game Changer to avoid it. Had
9 I wanted trouble, I would have went to him, I would not
10 have let him come to me. Had I wanted trouble, I would
11 have met him where he told me to meet him, but I did not
12 do that.

13 Q And if you'd been living with Stacy and he'd come over
14 there and been messing with her, that would have made
15 you angry too, wouldn't it?

16 A I'm sure it would.

17 Q And particularly if you were living there, right?

18 A But he wasn't living there.

19 Q You just said earlier you didn't know.

20 A That's what I was told. I just stated to you earlier, I
21 did not know that he was living there.

22 Q Okay.

23 A And I did state I may have been lied to, but I was told
24 he was not living there. I was told they were split up
25 at the time.

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS

39

1 Q All right. And you were also told to stay on the porch,
2 Stacy was going to handle it, right?

3 A Yes.

4 Q And you didn't?

5 A No, I didn't stay on the porch.

6 Q If you'd stayed on the porch, none of this would have
7 happened, would it?

8 A How could I say that? I'm not a fortune teller.

9 Q If you'd have stayed on the porch, you wouldn't have
10 gone out there and pulled the weapon at the car, would
11 you?

12 A If I'd have been on the porch, no I wouldn't have went
13 out there.

14 Q Okay.

15 A I mean, that's kind of self-explanatory.

16 Q But you couldn't tell what was going on and they were
17 about this far from you? (Indicating)

18 MR. BROOKER: Your Honor, I think that question has been
19 asked a couple of times.

20 THE COURT: It's cross exam -- I'm sorry. Go ahead and
21 finish your objection. Go ahead.

22 MR. BROOKER: I know it's cross-examination, Your Honor,
23 but I think that question has been asked at least three times
24 and he's answered that he couldn't see from that particular
25 distance. He was thoroughly hammered on that. It's getting

1 repetitive, tremendously repetitive.

2 THE COURT: All right. Objection overruled. Go ahead,
3 Mr. Clements.

4 Q From there to here, you couldn't tell what was going on?

5 A Once again, as I stated previously, when it's midnight,
6 it's dark outside, and you have two headlights that's on
7 bright in your face, no, I could not see that far at
8 that time. Had I been at the side of the vehicle or at
9 the rear of the vehicle, I'm pretty sure I could have
10 seen it, but with the two lights in my face, no, I
11 couldn't see it.

12 Q I'm going to show you what's been marked for
13 identification, State's Exhibit #1. Do you recognize
14 that?

15 A Yeah.

16 Q What is that?

17 A Ms. Fowler's home.

18 Q And is this about where Blake's vehicle that he was
19 driving was parked at or was it a little bit more like
20 right in here?

21 (Mr. Brooker approaches)

22 THE COURT: You can come around. Is that what you were
23 going to ask, Mr. Brooker?

24 MR. BROOKER: Yes, sir.

25 Q Was he parked where this vehicle was or kind of more

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS

41

1 like right here?

2 A He was not in the grass. It was still in the driveway
3 area.

4 Q But more like back here?

5 A I'm not that -- I didn't measure it that night. I'm not
6 sure exactly where he was parked. I can't tell you
7 precisely it was sitting here, ten feet from this, five
8 foot from that. I honestly don't know.

9 Q This was the location, though?

10 A That is the residence.

11 Q Okay.

12 MR. CLEMENTS: Your Honor, we'd move State's Exhibit #1
13 into evidence at this time.

14 THE COURT: Any objection?

15 MR. BROOKER: I do, Your Honor. And the only objection
16 would be is, my understanding is, we discussed these
17 photographs and these photographs were taken, I think, last
18 month, which is roughly two years from the date of the
19 incident and my concern is that these photographs are not an
20 accurate or may not be an accurate depiction with respect to
21 the way things were on the night of the particular incident,
22 that this is two years later. Now, there are photographs
23 that shows exactly where the car is because photographs were
24 taken that night. If he wants to enter one of those
25 photographs to show exactly where the car was and the

1 position with respect to where it was in the yard, I have no
2 objection, but that's two years old.

3 THE COURT: Mr. Clements can you lay a better
4 foundation?

5 Q Did it look very different that night than it does right
6 there or does it look about the same?

7 A It looked very different.

8 Q Very different. How different was it?

9 A I've told you once already, it was midnight. That's a
10 daylight picture took there. There ain't no car lights
11 ---

12 Q I understand.

13 A --- facing that camera.

14 Q And there wasn't any car lights would have been facing
15 the camera from this direction, would they?

16 A From which direction? There were two vehicles in the
17 driveway.

18 Q From this direction, from where it was taken.

19 A From where that picture was taken, no, sir.

20 Q No headlights would have been facing that direction,
21 would they?

22 A No, sir. They were all facing the house.

23 Q Okay. All right. Or down the side of the house, right?
24 Down to that end?

25 A They pulled in the driveway facing the house.

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS

43

1 Q Okay. But the yard, there's nothing substantially
2 different there?

3 A I'm not sure.

4 Q Not sure?

5 A Huh-uh.

6 Q Okay. Because you weren't living there, were you?

7 A No, sir, I wasn't.

8 Q But Blake was?

9 A I was told he wasn't.

10 Q And who told you that?

11 A Ms. Fowler.

12 Q You asked her?

13 A Me and her talked about it several times.

14 MR. CLEMENTS: I beg the Court's indulgence, Your Honor.

15 Q Now, you know the neighbors around there?

16 A Uh-huh.

17 Q You know Vicky and Jose Hernandez?

18 A Uh-huh. Yes, sir.

19 Q You know them well?

20 A Pretty well, yes, sir.

21 Q Talked to them a good bit after this happened?

22 A No, sir.

23 Q Didn't talk to them at all?

24 A I haven't talked to them at all since this happened.

25 Q Not at all?

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS

44

1 A No, sir. Not that I'm aware of. I do not think so.

2 Q Anybody else talk to them on your behalf?

3 A On my behalf?

4 Q Yeah.

5 A Other than my attorney, no, sir.

6 Q Okay. Nobody else has?

7 A Not that I'm aware of, no, sir.

8 Q And you stood your ground is what you're telling this
9 Court today, right?

10 A Yes, sir.

11 Q And you stood your ground against three people, shot one
12 time, and then took the clip out your gun?

13 A Yes, sir.

14 Q Okay. If you were standing your ground, why was it
15 necessary to run, hide, and go throw the gun away?

16 A I threw the gun because I was scared, but I told them
17 where it was at and I ran because there was still two
18 individuals there.

19 Q But you weren't scared of them. You said earlier, you
20 know, you fired one weapon and the threat was gone.

21 A Which was Blake.

22 Q Well, you still had the gun in your hand, didn't you?

23 A Yes, I did.

24 Q And you're still scared of them?

25 A Yes, I am, because ---

CROSS EXAMINATION OF CHAD STRICKLAND BY MR. CLEMENTS

45

1 Q Well, then why did you take the ammunition out the gun
2 and get rid of the gun and leave if you were still
3 scared of them?

4 A Because.

5 Q You could have stood your ground right there where you
6 were, couldn't you?

7 A I did.

8 Q You left.

9 A Yes.

10 Q And you unloaded the gun.

11 A Yes, sir, because I was scared.

12 Q You unloaded the gun, because you were scared of the
13 other two guys?

14 A I unloaded the gun before I left, because I was pretty
15 sure if a sheriff or a cop passes someone with a loaded
16 gun, they're probably going to gun them down. So,
17 therefore, I got rid ---

18 Q Probably going to do what?

19 A Shoot them. Take lethal weapon, lethal force, or
20 whatever.

21 Q Not unless you used that weapon in some way. You could
22 have laid it on the ground and said (raises both hands),
23 couldn't you?

24 A Well, I didn't -- I probably could have, but I don't
25 know. I wouldn't know that, because I didn't do it.

1 Q But you unloaded the gun, right?

2 A Yes, sir, I did.

3 Q And you unloaded the gun and you say you were still
4 scared of the two other guys?

5 A Yes, sir. I mean, I didn't want to just shoot
6 everybody.

7 Q The only person you really wanted to shoot was Blake,
8 wasn't it?

9 A I didn't want to shoot any of them.

10 Q Well, then why didn't you stay on the porch?

11 A (No verbal response)

12 MR. CLEMENTS: No further questions, Your Honor.

13 THE COURT: Any redirect?

14 MR. BROOKER: Just very briefly.

15 THE COURT: All right.

16 REDIRECT EXAMINATION

17 BY MR. BROOKER:

18 Q You were asked on direct examination, I mean, on cross
19 examination with respect to, why did you leave the
20 porch, and I'm asking you, based upon your own, your own
21 thoughts that particular night -- and, of course, this
22 is based upon your own thoughts, okay? What were you,
23 what did you think he was there for?

24 A To get me.

25 Q Were they -- and I think you testified to the fact that
THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

REDIRECT EXAMINATION OF CHAD STRICKLAND BY MR. BROOKER

47

1 there was yelling between Stacy and Blake when they were
2 outside?

3 A Yes, sir.

4 Q What did you think at that particular period of time
5 when you heard this yelling?

6 A I was thinking he was pretty miffed.

7 Q Now, you testified previously that you thought that if
8 you didn't come outside, he was going to come in the
9 house and get you.

10 A Yes, sir.

11 Q Why did you think that?

12 A Because he was in a pretty outraged state of mind. He
13 had one thing in mind and that was to, or one intention,
14 and that was to get me.

15 Q Did you want to fight him that night?

16 A No, sir, I didn't.

17 Q Did you come to, did you come to where he was?

18 A No, sir, I didn't.

19 Q Did you have any idea that he was coming to that house
20 that night?

21 A No, sir, I didn't, or I would not have been there.

22 Q Now, you testified previously that Stacy, when they
23 pulled up in the yard, that Stacy told them all to
24 leave.

25 A Yes, sir, she did.

1 MR. CLEMENTS: Your Honor, I don't believe that's any
2 new matter.

3 THE COURT: Restate your question, I'm sorry. Restate
4 your question, Mr. Brooker.

5 MR. BROOKER: Okay. I'll restate it.

6 Q When they were -- how long were they there? This is a
7 new question. When you testified previously that Stacy
8 said for them to leave, how long did they stay there,
9 thereafter, after Stacy made that declaration?

10 MR. CLEMENTS: Your Honor.

11 THE COURT: Yes, sir.

12 MR. CLEMENTS: Your Honor, I think redirect is for new
13 matter that came up on cross. I don't believe I asked that
14 question at all on cross.

15 THE COURT: You asked him about them coming up and her
16 asking them to leave. Is that right? Did you not ask him
17 about that?

18 MR. CLEMENTS: I didn't ask him about her asking them to
19 leave, no, sir.

20 THE COURT: I'm going to allow it. Go ahead, Mr.
21 Brooker.

22 Q How long? How long after she had said, you know, y'all
23 leave, how long did they stay there, thereafter, before
24 there was a discharge of the gun? If you know.

DIRECT EXAMINATION OF VICKY HERNANDEZ BY MR. BROOKER

49

1 A Before the gun was discharged?

2 Q The time between when she told them to leave and the
3 time in which you actually would have discharged the
4 gun, if you know.

5 A Under five minutes. I'm not sure exact.

6 MR. BROOKER: No further questions, Your Honor.

7 THE COURT: Any re-cross?

8 MR. CLEMENTS: Nothing, Your Honor.

9 THE COURT: All right, sir. You may step down. Thank
10 you. All right. Call your next witness, please?

11 MR. BROOKER: We would call Vicky Hernandez.

12 (After being duly sworn by the Clerk of Court,

13 **VICKY HERNANDEZ** testified as follows:)

14 DIRECT EXAMINATION

15 BY MR. BROOKER:

16 Q Ms. Hernandez, have you ever met me before?

17 A Yes, sir.

18 Q When did you meet me?

19 A You'd come out to my house and asked me about the
20 shooting.

21 Q Now, I'm going to ask you to ---

22 THE COURT: Would you please speak up?

23 MS. HERNANDEZ: Yes, sir.

24 Q I'm going to ask you, at least, if -- how do you know

1 Chad Strickland?

2 A He was dating my cousin, Stacy Fowler.

3 Q That's how you met him is through his relationship with
4 Stacy?

5 A Yes, sir.

6 Q And November 2012, roughly how long had you known him at
7 that particular period of time?

8 A I don't really know. I know it's been quite a few years.

9 Q And, of course, I think you just testified is that, your
10 relationship with Stacy is, that Stacy is your cousin?

11 A Yes, sir.

12 Q Do you know Logan Ratley?

13 A No, sir.

14 Q What about Matt Lane?

15 A No, sir.

16 Q Do you know Ethan Allen?

17 A No, sir.

18 Q Now, on November 3rd of 2012, were you home that night?

19 A I wasn't at first. I had went and me and my husband and
20 my kids had went and got groceries from Walmart and then
21 we come home.

22 Q Okay.

23 A While it was taking place.

24 Q Okay. Well, tell me what you -- tell me what you saw.
25 You said, "While it was taking place". What do you

DIRECT EXAMINATION OF VICKY HERNANDEZ BY MR. BROOKER

51

1 mean, "while it was taking place"?

2 A I was putting my groceries out of the back of my car
3 into my house and then I heard, I seen a car. It flew up
4 in Stacy's yard and I didn't know what was going on.
5 And I heard Stacy come out the house and she said, who
6 in the F is that? They need to get the F out of my yard,
7 because she didn't know who it was, neither, or I didn't
8 think she knew who it was. And then he got out and they
9 was all arguing and everything.

10 Q Okay. They were arguing?

11 A Yes. Stacy and, well, now I know it was Blake, was
12 arguing. And she did tell Chad, you know, to stay on the
13 porch.

14 Q Okay.

15 A Because he had come out and then he was coming off the
16 porch and Stacy hollered at him and told him, Chad stay
17 the F up on the porch.

18 Q Okay. What happened next? Tell me everything you saw.

19 A When Chad come off the porch, the car was parked in the
20 driveway and Blake, you know, he was mad. I don't know
21 Blake. I didn't know Blake. I'd only met him one time.
22 I seen him one time at my aunts house and I only spoke
23 to him one time. And they -- he pulled up in the yard.
24 He was mad. He got out the car and he was fussing,
25 raising all kind of cane and, you know, Stacy was

1 keeping -- telling him to leave. And then it was Blake
2 standing at the car, like where the car door opened up.
3 And then it was, he was facing Stacy's house. Stacy was
4 facing Blake coming out of the house. She was in the
5 middle and then Chad had come up behind Stacy and they
6 were all arguing and everything. Stacy was right in the
7 middle of it all. And Blake, I don't know if he swung.
8 I don't know what he done. I just seen Chad when he went
9 back, as if somebody had swung at him and when he went
10 back, Chad come up and he says, I'm tired of your shit.
11 And he shot the gun. How that bullet missed Stacy, I
12 don't know, because it come right by Stacy.

13 Q Okay. Now, was there anyone else there? Was there
14 another vehicle there?

15 A Yes, sir. Before he shot the gun -- I'm sorry. Before
16 he shot the gun, when they were arguing, the other car
17 pulled up behind where Blake was and it flew up in the
18 yard and then they were arguing and everything. I mean,
19 like I said, I don't know if Chad, I mean Blake, swung
20 at Chad or what happened, but the other people got out
21 of the other vehicle and were at the trunk, right about
22 where the trunk is of the car that Blake was driving,
23 and that's when Chad come up and he says, "I'm tired of
24 your shit," and he shot the gun.

25 Q How many other people were in the other vehicle that

DIRECT EXAMINATION OF VICKY HERNANDEZ BY MR. BROOKER

53

1 pulled up?

2 A I don't know how many people was in it. I know two was
3 out.

4 Q Okay. And the two that was out, were they male, female?

5 A They looked like they were male. I mean, I was at some
6 distance, so I couldn't tell you exactly who they were.
7 I don't know who they were.

8 Q Yeah, I'm not talking about their identity. Could you
9 see whether or not they were male or female?

10 A Yeah, they were guys. They looked like guys, yes, sir.

11 Q Now, when the gun was discharged, how many times was it
12 fired?

13 A At that time, once.

14 Q Okay. Okay. And then, of course, what happened once
15 the gun was fired?

16 A Well, I seen Blake when he dropped down and then the
17 other people jumped back in the car and left out the
18 yard really fast and then ---

19 Q Okay. I'm sorry. Go ahead.

20 A --- the car left. At the end of the dirt road, I don't
21 exactly know which way it went from the dirt road, but I
22 know it did come up by my house and at my -- to the
23 right of my trailer there's like a "T" in the middle of
24 the road and that car come inside the middle of the "T".
25 At that time, I heard another gunshot go off. I don't

1 know where the gunshot come from or who done it and at
2 that time -- and, you know, I shut my door because I had
3 my children inside and everything. I didn't know,
4 really, what was going to take place from there. I do
5 know that Chad and Stacy went back into Chad's, I mean,
6 Stacy's house, afterwards.

7 Q Okay.

8 MR. BROOKER: No further questions, Your Honor.

9 THE COURT: Cross-examination.

10 CROSS-EXAMINATION

11 BY MR. CLEMENTS:

12 Q You say Chad went back in the house?

13 A Yes, sir.

14 Q And you remember, you gave a recorded statement to Mr.
15 Brooker, right?

16 A Yes, sir.

17 Q And in that recorded statement, you told him it was a
18 white SUV pulled up, right?

19 A Yes, sir.

20 Q And that it was a white SUV that the people got out of.
21 And that they jumped in, and rode back out of. That was
22 a white SUV?

23 A Yes, sir, that's what I thought it was, a white SUV. I
24 know it was a SUV. I do know that.

25 Q And you said -- or y'all thought it was a Jeep Cherokee?

CROSS EXAMINATION OF VICKY HERNANDEZ BY MR. CLEMENTS

55

- 1 A Yes, sir. An older ---
- 2 Q And white?
- 3 A --- one of the older ones.
- 4 Q And white?
- 5 A Yes, sir.
- 6 Q Okay.
- 7 A And like I said, I couldn't tell you the exact type of
- 8 car it was.
- 9 Q But white?
- 10 A Yes, sir.
- 11 Q That's fine. Yeah. State's Exhibit #1, is that
- 12 recognizable to you?
- 13 A Yes, sir.
- 14 Q What is that?
- 15 A Stacy's house.
- 16 Q Stacy's house? All right. And then State's Exhibit #2
- 17 for identification, do you recognize that?
- 18 A Yes, sir.
- 19 Q What is that?
- 20 A That's either the path between my house -- the path
- 21 between my house and Stacy's house.
- 22 Q And that's looking towards your house? Is that correct?
- 23 A Yes, sir.
- 24 Q Okay. Is that, substantially, like it was then?
- 25 A Except for it being dark. Yes, sir.

1 Q Okay. All right. And State's Exhibit 3, you recognize
2 that?

3 A Yes, sir.

4 Q And that's looking from where?

5 A From my house.

6 Q From your porch?

7 A Yes, sir.

8 Q Towards where?

9 A Towards Stacy's house.

10 Q All right. And is this, substantially, like it was on
11 that day?

12 A Yes, sir.

13 Q Other than it being dark?

14 A And it's grew up a little bit between there.

15 Q Okay. But all that underbrush and stuff, that was there
16 previously, wasn't it? And those trees?

17 A Yes, but it wasn't as filled out as it is in that image.

18 Q All right. But it was there, right?

19 A Yes, sir.

20 Q Okay. Now, I know you might not have been up this high
21 before. So, I want to show you State's Exhibit #4, and
22 if you can't that's fine, but is that something you
23 recognize?

24 A Yeah.

25 Q What is this?

CROSS EXAMINATION OF VICKY HERNANDEZ BY MR. CLEMENTS

57

- 1 A That's my area, a map of the area where I live at.
- 2 Q Okay. And this is Ard Drive?
- 3 A Uh-huh.
- 4 Q And that's where you live on Ard Drive?
- 5 A Yes.
- 6 THE COURT: You can come around and look. (Mr. Brooker
- 7 comes around)
- 8 Q And whose house would that be right there?
- 9 A Stacy's.
- 10 Q Stacy's? Okay. I'll show you what's been marked, for
- 11 identification, as State's Exhibit #5, and the same
- 12 question, Ms. Hernandez, do you recognize that?
- 13 A Uh-huh. That's Stacy's house and my house.
- 14 Q This house right here is whose?
- 15 A That's Stacy's.
- 16 Q Stacy's. And this house over here?
- 17 A Mine.
- 18 Q That's yours? All right. And there's actually two lots
- 19 in between y'all's two houses. Is that correct?
- 20 A Yes, sir.
- 21 Q And there's trees here and trees here and brush. Is that
- 22 correct?
- 23 A Yes, sir.
- 24 Q All right. And this is your porch. Is that right?
- 25 A Yes, sir.

CROSS EXAMINATION OF VICKY HERNANDEZ BY MR. CLEMENTS 58

1 Q And you say you pulled in. Did you pull up to the door
2 or did you pull into the side?

3 A No, sir. I pulled up to where the porch was.

4 Q And raised your trunk lid up?

5 A It opens up in the back.

6 Q Opens up the back. And you raised it up to get your
7 groceries out?

8 A Yes, sir.

9 Q And were you looking from the porch?

10 A Yes, sir. I was back and forth from the tail end of my
11 car to the porch.

12 Q Okay.

13 A I mean, when it all got bad, I was on the porch.

14 Q Okay. And so when it got bad -- this is State's Exhibit
15 #3. When it got bad, you'd have been from this vantage
16 point right here, looking in that direction, right?

17 A Yes, sir.

18 Q Okay. And you say it was dark, about midnight?

19 A Yes, sir.

20 Q And she doesn't have any real big lights?

21 A Huh-uh. (Shakes head)

22 THE COURT: Is that a "no"?

23 MS. HERNANDEZ: Yes, sir.

24 THE COURT: I need a yes or no answer, please.

25 MS. HERNANDEZ: Yes, sir.

REDIRECT EXAMINATION OF VICKY HERNANDEZ BY MR. BROOKER

59

1 Q So, this was dark and she had no lights?

2 A There wasn't any light except for the lights on, the
3 headlights on Blake's car.

4 Q Okay. But they were at or close to the door. Blake, if
5 he was at the door, he wouldn't have been in front of
6 his headlights, would he?

7 A No, sir.

8 Q And if Stacy had come close to him, and if Chad had come
9 close to him, they would have been behind the beam of
10 those headlights as well, wouldn't they?

11 A Yes, sir.

12 Q Okay. And you'd been looking over there pretty much in
13 the dark, right?

14 A Yes, sir.

15 Q Okay.

16 MR. CLEMENTS: No further questions.

17 THE COURT: Any redirect?

18 MR. BROOKER: Just a few. Well, one brief question.

19 REDIRECT EXAMINATION

20 BY MR. BROOKER:

21 Q And that is that, what you testified to on direct
22 examination, was that based upon your observation from
23 where you were, at your house?

24 A What do you mean?

RE-CROSS EXAMINATION OF VICKY HERNANDEZ BY MR. CLEMENTS 60

1 Q The night of the incident, you've testified to some
2 things that you saw and heard.

3 A Yes, sir.

4 Q What you testified to, did you actually see and heard
5 those things that you testified to?

6 A Yes, sir, I did.

7 MR. BROOKER: No further questions.

8 THE COURT: Re-cross?

9 RE-CROSS-EXAMINATION

10 BY MR. CLEMENTS:

11 Q Did you get any information from other people like Mary
12 Stroud or anyone like that, right after the fact?

13 A No, sir, because I'm not going to get up here and lie.
14 I've not going to -- I haven't done anything wrong.

15 Q I'm not suggesting that. Please excuse me if it came
16 across that way.

17 A Okay.

18 Q You did get some other information, afterwards, right?
19 That other people told you stuff?

20 A Everybody was talking about it.

21 Q Okay. And you didn't talk to law enforcement right then,
22 did you?

23 A No, sir. I went ---

24 Q Okay.

25 A --- up ---

DIRECT EXAMINATION OF JOSE HERNANDEZ BY MR. BROOKER

61

1 Q Not until after you talked to Mr. Brooker. Is that
2 correct?

3 A I went up there the night of the incident and when I
4 went up there, I seen Stacy sitting out on the porch.
5 She was all shook up crying about it. And the officer
6 put his gun on me and told me to back up out the yard.

7 Q To get out of the crime scene?

8 A Uh-huh.

9 Q Okay. But you didn't talk to anybody there at that time,
10 did you? As far as telling them, giving them a
11 statement?

12 A The onliest ones I spoke to was Stacy's mama and her
13 sister.

14 Q And you didn't talk to anybody in law enforcement until
15 well after you talked to Mr. Brooker. Is that correct?

16 A No.

17 Q Okay. Thank you.

18 THE COURT: Thank you, ma'am. You may step down. Call
19 your next witness, please.

20 MR. BROOKER: We would call Jose Hernandez.

21 (After being duly sworn by the Clerk of Court, **JOSE**
22 **HERNANDEZ** testified as follows:)

23 DIRECT EXAMINATION

24 BY MR. BROOKER:

25 Q Mr. Hernandez.

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

1 A Yes, sir.

2 Q Have we met before?

3 A Yes, sir.

4 Q Okay. Where did we meet at?

5 A In my house.

6 Q Okay. Now, when we met at your house did you tell me
7 what you saw and heard that particular night, November
8 3rd, 2012, of the shooting?

9 A Yes, sir, I saw a little bit. My wife told you a while
10 ago that we was coming from Walmart. We went to get
11 groceries, me and my wife and my girls and when we pull
12 in our yard, me and her -- well, she went in the house
13 and I was getting the groceries out from the trunk on
14 her vehicle and I heard them arguing, so I called my
15 wife out there and I was taking the groceries inside the
16 house and then I keep my girls inside, because I heard
17 that they was arguing loud and it was Stacy and Blake,
18 which we met him only one time and I really didn't know
19 him like that. But they was -- I really didn't see that
20 much. It was my wife, she was the one that saw
21 everything about it. And used to, I mean, you could see
22 through to their house because the grass, it was not
23 that tall. But right now, them people don't clean their
24 yard no more. Nobody lives there, you know.

25 Q So, that particular night -- so on November 3rd, 2012,

DIRECT EXAMINATION OF JOSE HERNANDEZ BY MR. BROOKER

63

1 the grass wasn't that high between the houses?

2 A No. I mean, you could see all the way through to their
3 yard over there. The grass was not that tall.

4 Q Okay. All right. Now, I know you just -- tell us what
5 you did see. I know you said that you didn't see
6 everything, but tell us what you did see.

7 A Well, when we come home from the grocery store, from
8 Walmart, when I heard them arguing, I told my wife to
9 come out. And then we saw the vehicle. I saw the vehicle
10 that come out, that white SUV, or whatever it was, a
11 Blazer, I don't know what kind of vehicle that was. And
12 they was arguing and the next thing I know a gun went
13 off and I went inside to the house. I run inside and to
14 see where the -- when that gun shot, that vehicle took
15 off, I went inside my house and I heard another gunshot,
16 and the SUV, the white SUV was at the crossroads right
17 there. That's all I know. I don't know who shot the gun.

18 Q Okay. Before the shots fired, did you see anybody get
19 out of that SUV in the yard?

20 A Yes, sir.

21 Q Okay. And I know you don't know who the identity is,
22 but how many people did you see get out of the SUV?

23 A Two of them.

24 Q Okay. And I know that you don't know identities, but
25 from your perspective, could you tell whether or not

DIRECT EXAMINATION OF JOSE HERNANDEZ BY MR. BROOKER

64

1 they were male or female?

2 A I think they was males.

3 Q Okay.

4 A Two men.

5 Q Okay. All right. And what were they doing when they
6 got out of the vehicle?

7 A All I know is they were standing there behind that other
8 vehicle, the car.

9 Q Okay. Okay. And what specifically was -- did you knew
10 it was Blake at that particular period of time that was
11 in the first car?

12 A No, sir. I don't know who that was.

13 Q Okay.

14 A All I know they was, they was arguing like crazy.
15 That's all I know.

16 Q Okay. Okay. And how long, at least, did you hear or
17 witness the argument?

18 A About -- at least about thirty minutes, thirty-five
19 minutes. They sat there and argued and argued. I don't
20 know, something like that.

21 Q Okay. Okay. And when the shots fired, what happened
22 then?

23 A When the gun was fired, what happened then?

24 Q Yeah. When the gun was fired.

25 A When the gun was fired, when they shot Blake, everything

went quiet. I mean, and the -- the SUV took off and that's when they went and shot again behind our house right there in the crossroads thing.

Q Okay. Did you see whether or not -- I think -- were you in the courtroom when your wife testified?

A Say it again?

Q Were you in the courtroom when your wife testified?

A Yes, sir.

Q Did you see whether or not Blake was swung at?

A Yes. Well, I didn't see that. I mean, I don't remember.
It's been so long, so far back.

Q Okay. Anything else that you saw or heard?

A No, sir.

MR. BROOKER: No further questions, Your Honor.

THE COURT: Cross examination.

CROSS EXAMINATION

BY MR. CLEMENTS:

Q Mr. Hernandez, you know Chad, don't you?

A Yes, sir, I know him.

Q He's been a friend of yours, hasn't he?

A Yeah. He's been a good friend of mine. I never knowed him, I never knowed Chad like that. He's never been in trouble as far as I know of.

Q But he's been a good friend for a while?

A He's been a good friend for a while to me. Anytime that

1 I needed him, he was there.

2 Q Now, I want to ask you to be sure I understood it. You
3 say they were arguing for about thirty, thirty-five
4 minutes?

5 A Something like that. I mean, I didn't see -- yes, sir,
6 something like that. It was a while.

7 Q Your testimony is, it went on for a good while, thirty
8 or thirty-five minutes?

9 A Yes, sir.

10 Q Okay. All right. And you said it was a white SUV?

11 A Yes, sir.

12 Q And you said later on you heard a second gunshot, right?

13 A Yeah. Around ---

14 Q But you didn't see anybody fire ---

15 A No, I didn't see nobody, but that white SUV was sitting
16 right there in the crossroads. I don't know if they
17 shot. I don't know.

18 Q Or anybody could have shot?

19 A Yeah.

20 Q All right. But you only heard one shot during the time
21 when Blake got killed, right?

22 A Yes, sir.

23 Q And it was dark over there, wasn't it?

24 A Yes, sir.

25 Q And y'all are actually about three hundred and ninety-

CROSS EXAMINATION OF JOSE HERNANDEZ BY MR. CLEMENTS

67

- 1 three feet -- would you say that'd be about right, three
2 hundred and ninety-three to four hundred feet from your
3 porch to where ---
- 4 A Something like that.
- 5 Q So, that's a pretty good ways?
- 6 A Yeah.
- 7 Q And it's two lots in between you, right?
- 8 A Yes.
- 9 Q And the grass, you said they don't keep it cut now, but
10 there was still those trees and those bushes were still
11 there, right?
- 12 A Yes, sir. The trees, they was there. But them bushes,
13 it was not that, I mean, that tall. It was, it used to,
14 like I say, used to, you can see through there.
- 15 Q But it's two groups of trees, right?
- 16 A Yes, sir.
- 17 Q But it was dark, wasn't it?
- 18 A Yeah.
- 19 Q Okay. And they weren't out in front of the headlights,
20 were they? They were back behind the headlights where
21 Blake was, right?
- 22 A Where Blake was?
- 23 Q Yeah?
- 24 A Well, all the white SUV was behind.
- 25 Q And it was white?

DIRECT EXAMINATION OF MATT LANE BY MR. CLEMENTS

68

1 A It was between that.

2 Q Okay. All right. And you were in and out, taking
3 groceries in. Right?

4 A Yes, sir.

5 Q For about thirty, thirty-five minutes?

6 A Yes, sir.

7 Q Okay. All right. Thank you.

8 THE COURT: Anything further?

9 MR. BROOKER: No, Your Honor.

10 THE COURT: You may step down. Does the Defense have
11 any additional witnesses?

12 MR. BROOKER: I apologize, Your Honor?

13 THE COURT: Any further witnesses?

14 MR. BROOKER: No further witnesses, Your Honor.

15 THE COURT: All right. I'm going to stand down for just
16 a minute.

17 (Short Break)

18 THE COURT: Mr. Clements, call your first witness,
19 please.

20 MR. CLEMENTS: Thank you, Your Honor. We'd call Matt
21 Lane.

22 (After being duly sworn by the Clerk of Court, **MATT**
23 **LANE** testified as follows:)

24 DIRECT EXAMINATION

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

DIRECT EXAMINATION OF MATT LANE BY MR. CLEMENTS

69

1 BY MR. CLEMENTS:

2 Q Mr. Lane, please state your name for the record.

3 A My name's Matt Lane.

4 Q Where do you live Matt?

5 A I live in between Mullins and Nichols.

6 Q And you know Chad Strickland?

7 A No, sir.

8 Q Didn't know Chad?

9 A No, sir.

10 Q Did you know Blake Dozier?

11 A Yes, sir.

12 Q Did you know Stacy Fowler?

13 A Not until that day.

14 Q All right. About how long had you known Blake?

15 A It would have been about six years now, I think. So, I
16 guess about four years before this.

17 Q Was that somebody you hung around with regularly?

18 A Not regularly, but semi-regularly.

19 Q Every now and then?

20 A Yes.

21 Q Okay. Did you know Logan Ratley?

22 A Yes, sir. I went to school with her.

23 Q Went to school with Logan?

24 A Yes, sir.

25 Q And had you known her longer than anybody else?

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

1 A Yes, sir.

2 Q Okay. Now, you recall what happened November 3rd, 2012?

3 A Yes, sir.

4 Q Okay. Who were you riding around with or were you not
5 riding around, were you staying in a particular place
6 for a period of time? Tell us what you were doing that
7 evening.

8 A That evening, I was -- well, I hung out with Blake about
9 all day and then my friend, Ethan, met up with us and he
10 started driving us.

11 Q All right. And did you ever have any conversation to
12 notice whether or not Blake was having a lot of cell
13 phone conversations?

14 A Yes, sir. He was talking to Stacy about all day.

15 Q Okay. Off and on?

16 A Yes, sir.

17 Q Okay. And did you ever have occasion to talk to Stacy on
18 the phone?

19 A No, sir.

20 Q Did he ever use your phone?

21 A Not that I recall.

22 Q Did you ever have occasion to talk to Logan that day on
23 the phone?

24 A I did that evening.

25 Q That evening?

DIRECT EXAMINATION OF MATT LANE BY MR. CLEMENTS

71

- 1 A Yes, sir.
- 2 Q Okay. All right. How about Mr. Chad Strickland, did you
- 3 have occasion to talk to him that evening or that day,
- 4 if you recall?
- 5 A Yes, sir, that evening.
- 6 Q Okay. And did you call him or did he call you or did
- 7 someone hand you the phone, how did that happen that you
- 8 got to have a conversation with Mr. Strickland?
- 9 A He ended up getting on Logan's phone while I was there.
- 10 Q Okay. While you were talking to Logan?
- 11 A Yes, sir.
- 12 Q Okay. And you ended up talking to him on Logan's phone?
- 13 A Yes, sir.
- 14 Q All right. What was the nature of that conversation?
- 15 A Well, we didn't -- I kind of -- we kind of started
- 16 fussing a little bit.
- 17 Q And why were y'all fussing? You didn't know him, so why
- 18 would y'all fuss?
- 19 A About Blake.
- 20 Q About Blake?
- 21 A Yes, sir.
- 22 Q All right. And tell us what was said.
- 23 A I can't recall exactly what was said.
- 24 Q All right. Do you recall any of the conversation?
- 25 A Yes, sir. I remember he wanted me to meet with him at

1 Sunny Mart or either at Jack King's old used car lot.

2 Q And where is Jack King's old used car lot?

3 A Heading out of Nichols, towards Fair Bluff or towards
4 Green Sea. It's at the fork.

5 Q Okay. And I heard something mentioned about a Mud Bog in
6 Pleasant View. Is that out towards the same direction?

7 A I think you can get there if you go #9.

8 Q Okay. All right. And how about any other location,
9 other than -- did you say the Sunny Mart?

10 A Yes, sir.

11 Q And where's the Sunny Mart located at?

12 A In Nichols on 76.

13 Q All right. And did you say anything to Mr. Strickland
14 about meeting you anywhere?

15 A I told him that he could come to my house.

16 Q Okay. And for what purpose?

17 A If he wanted to fight me or Blake.

18 Q Okay. Did anybody say anything beyond the term
19 "fighting"?

20 A No, sir.

21 Q And when you hear the term "fighting", what do you think
22 of?

23 A Fist fight.

24 Q Do you think of guns?

25 A No, sir.

DIRECT EXAMINATION OF MATT LANE BY MR. CLEMENTS

73

- 1 Q Do you think of knives?
- 2 A No, sir.
- 3 Q Okay. And what did you do when he offered for you to
4 meet him at the Sunny Mart or the old used car lot, what
5 was your response?
- 6 A I refused. I wasn't going to leave my house to...
- 7 Q And why were you getting involved in when it was clear
8 that it was something going on between Chad and Blake?
- 9 A Well, he'd got on the phone with me and that was kind of
10 how it started with that.
- 11 Q Why did he get on the phone with you?
- 12 A I can't remember.
- 13 Q Okay. All right. And so that's how y'all started
14 talking?
- 15 A Yes, sir.
- 16 Q All right. Did you want to fight Mr. Strickland?
- 17 A No, sir, not before that. When he started fussing with
18 me, I mean, I was a little more inclined to.
- 19 Q Okay. And did you hear Blake talking to him on the phone
20 at all?
- 21 A No, sir.
- 22 Q Do you have any knowledge of Blake talking to him on the
23 phone?
- 24 A No, sir, not that I remember now.
- 25 Q Okay. All right. Later that evening, right after this

DIRECT EXAMINATION OF MATT LANE BY MR. CLEMENTS

74

1 phone conversation, do you recall about what time the
2 phone conversation was?

3 A I'd say around 11:00, 11:30.

4 Q All right. Around 11:00, or 11:30 at night?

5 A Yes, sir.

6 Q All right. After the phone conversation with Mr.
7 Strickland, where did you go or where were you?

8 A I was -- well, I was at home and we walked over to my
9 neighbor's house. Well, we went over to my neighbor's
10 house, yes, sir.

11 Q Okay. And then what did you do next? What happened?

12 A Logan had been on the phone. I told you I, that's when I
13 talked to Chad and she ended up coming to my house.

14 Q Okay.

15 A Yes, sir.

16 Q And what was Logan driving?

17 A Her Explorer.

18 Q All right. What color is that Explorer?

19 A It's a black Explorer.

20 Q Did you see any white SUVs that evening?

21 A No, sir.

22 Q And do you have a car?

23 A Yes, sir.

24 Q And what kind of car is that?

25 A A Pontiac Gran Prix.

DIRECT EXAMINATION OF MATT LANE BY MR. CLEMENTS

75

1 Q And what color is it?

2 A Bluish green or greenish blue.

3 Q All right. And did anybody drive that vehicle that night
4 other than yourself?

5 A Yes, sir. Ethan had drove it and then Blake had drove
6 it.

7 Q Okay. All right. I'm going to show you what's been
8 marked State's Exhibit #6 to see if you recognize this
9 at all and can identify this. Yes or no?

10 A That's my car, yes, sir.

11 Q That's your car? Okay. And where is it located at right
12 here?

13 A In front of Stacy's house.

14 Q Okay.

15 MR. CLEMENTS: And let the record reflect this is
16 State's Exhibit #6 for identification. (Mr. Clements shows
17 photo to Mr. Brooker)

18 Q Logan drove up to your house. What happened next?

19 A She went over to Blake's -- well, she went over to my
20 car. Blake was sitting in my car.

21 Q Okay.

22 A And she started fussing at him, because he'd called her
23 a name.

24 Q Okay. And what happened after that?

25 A I went upstairs to my neighbor's house, in my neighbor's

DIRECT EXAMINATION OF MATT LANE BY MR. CLEMENTS

76

1 house and I was trying to work out a ride to get over to
2 Stacy's, because were told that Chad was gone.

3 Q You were told that Chad was gone?

4 A Yes, sir.

5 Q All right. Did you work out a ride?

6 A As we were working out a ride, Blake took off in my car.

7 Q Okay. Do you have any reason -- or any way of knowing
8 why he did that at that time?

9 A No, sir.

10 Q Okay. All right. As a result of him taking off, driving
11 your vehicle, what did you do next?

12 A I went and got in the car with Logan and we followed
13 after him.

14 Q All right. And where did y'all go?

15 A Towards Stacy's house. To Stacy's house.

16 Q Did you get to Stacy's house?

17 A Yes, sir.

18 Q When you got to Stacy's house, please tell the Judge
19 what you found there when y'all pulled up.

20 A Blake was getting out of ---

21 THE COURT: Talk into the microphone. You're going to --
22 I can't hear you.

23 MR. LANE: I'm sorry.

24 THE COURT: That's all right.

25 A Blake was getting out of the vehicle when we pulled up

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

DIRECT EXAMINATION OF MATT LANE BY MR. CLEMENTS

77

1 and as he was getting out of the vehicle, he wasn't
2 completely standing up, he was shot by Chad.

3 Q All right. You said he was getting -- so he pulled up
4 in the vehicle and he opened the door and he got out?

5 A Yes, sir.

6 Q All right. Where was Stacy at this time, if you know?

7 A I'm not sure. I wasn't paying attention for ---

8 Q You weren't paying attention for her?

9 A Yeah. I wasn't looking. I was worried about Blake.

10 Q Okay. And so, you saw Chad?

11 A I saw -- yes, sir.

12 Q Did you see him shoot the gun or did you just hear him
13 shoot the gun?

14 A I saw him shoot.

15 Q What hand did he have it in?

16 A His right hand.

17 Q All right. Could you tell what kind of gun it was?

18 A It was a handgun.

19 Q Don't know color or anything like that?

20 A No, sir.

21 Q What was the lighting like out there?

22 A It wasn't real great.

23 Q Were your headlights shining on Blake or shining on Chad
24 when y'all pulled in?

25 A The headlights, Logan's, they were -- I guess they were

1 pointed straight towards my car. So yes, they were --
2 well, when Blake got out of the car, so, yes.

3 Q Okay. But the headlights were right at him?

4 A Well, I could see Blake better than I could see anybody.

5 Q Now, he pulled up in your car and Stacy [verbatim]
6 pulled up right behind him?

7 A Yes, sir.

8 Q All right. When I give ---

9 A Well, Logan pulled up right behind him.

10 Q Excuse me. Logan pulled up. I didn't mean to say Stacy.
11 I apologize. Logan pulled in. What seat were you in, in
12 her car?

13 A I was in the passenger's seat.

14 Q Right front passenger's seat?

15 A Yes, sir.

16 Q Now, tell me when I'm about as close to that gate as she
17 pulled your car -- I mean, she pulled her car up to your
18 car. Am I going in the right direction or do I need to
19 back up?

20 A I'm not positive. If I had to say, I would say about
21 from here to the table.

22 Q So, about this distance?

23 A Yes, sir. From the back, yes, sir.

24 Q All right. Front bumper to back bumper?

25 A Yes, sir.

DIRECT EXAMINATION OF MATT LANE BY MR. CLEMENTS

79

- 1 Q Okay. All right. And you could see Blake better than
2 anybody?
- 3 A Yes, sir.
- 4 Q All right. Did Blake have anything in his hands that you
5 could see or tell?
- 6 A No, sir.
- 7 Q Did you see him throw any punches?
- 8 A No, sir.
- 9 Q Was the door, the car door that he had to open to get
10 out, was that car door between he and Chad or was he
11 moved out from around that car door?
- 12 A Chad would have been at an angle towards him.
- 13 Q At an angle. So the is door here, and Chad would have
14 been at this angle or this angle, as he's getting out of
15 the car?
- 16 A Well, I would have to do that a different way if I would
17 show you. I would say it would be at this angle from
18 Blake.
- 19 Q Okay. So, this is the seat of the car.
- 20 A Yes, sir.
- 21 Q This is the car door.
- 22 A Yes, sir.
- 23 Q Are you where Blake was standing?
- 24 A Yes, sir.
- 25 Q And tell me about where Chad would have been.

DIRECT EXAMINATION OF MATT LANE BY MR. CLEMENTS

80

1 A Chad would have been coming from the house at this
2 angle.

3 Q Coming from the house, kind of at an angle, this way?

4 A Yes, sir.

5 Q All right. And you're not sure where Stacy was or not?

6 A No, I can't. I can't remember where Stacy was.

7 Q All right. About how close did Chad get? Was he this
8 close, further back, or about right here?

9 A He was further back than that.

10 Q All right. Tell me when.

11 A Probably about where -- probably about where ---

12 Q About right here?

13 A Yes, sir.

14 Q So, if Blake was standing where you are, Chad was about
15 this close?

16 A Yes, sir.

17 Q Coming from the house?

18 A Yes, sir.

19 Q Okay. All right. And so you never saw Blake swing?

20 A No, sir.

21 Q Did you hear anything they were saying?

22 A No, sir.

23 Q Now, when I say, "hear anything they're saying", did you
24 hear any noise of talking? I'm not talking about being
25 able to say what the words were, but were you able to

DIRECT EXAMINATION OF MATT LANE BY MR. CLEMENTS

81

1 hear any noise of talking?

2 A Not that I can recall. No, sir, because I was still
3 inside the vehicle.

4 Q So, did you have the radio on in your car or hear any
5 radio or anything that you can remember?

6 A No, sir.

7 Q Don't remember or didn't hear any?

8 A I don't remember any talking until after the shot was
9 fired.

10 Q All right. Were you out of your car or inside your car
11 or inside Logan's car, when the shot was fired?

12 A I was inside.

13 Q Inside?

14 A Yes, sir.

15 Q Were you about to get out or were you just sitting in
16 the car?

17 A I had my hand on the handle and that's as far as I got.

18 Q Handle of the door?

19 A Yes, sir.

20 Q That's as far as it got?

21 A Yes, sir.

22 Q How about Logan? Did you notice whether she was moving
23 out or not?

24 A No, sir. She was still sitting there, too.

25 Q Okay. All right. And you heard the gunshot?

- 1 A Yes, sir.
- 2 Q After hearing the gunshot, what did you see or hear
- 3 next?
- 4 A I heard him holler something at the car, well, at
- 5 Logan's ---
- 6 Q In y'all's direction?
- 7 A Yes, sir.
- 8 Q Okay.
- 9 A Sounded like, you want some too or -- but I can't swear
- 10 to that.
- 11 Q You can't swear to the exact words?
- 12 A I can't swear, exactly.
- 13 Q But it was something of that nature?
- 14 A Yes, sir.
- 15 Q Okay. And so what else did you hear?
- 16 A That's all. Logan put it in reverse and took off from
- 17 there trying to get me home.
- 18 Q And y'all, I guess for lack of a better term, did y'all
- 19 haul butt?
- 20 A Yes, sir. She took me home.
- 21 Q Okay. And how did she get out?
- 22 A She backed out.
- 23 Q There was no vehicles behind y'all?
- 24 A No, sir.
- 25 Q No white SUV?

DIRECT EXAMINATION OF MATT LANE BY MR. CLEMENTS

83

- 1 A No, sir.
- 2 Q No any type of vehicle?
- 3 A No, sir.
- 4 Q All right. She backed out into the road?
- 5 A Yes, sir, she backed out.
- 6 Q And then when as y'all backed out, did she go this way
- 7 or this way?
- 8 A She went towards Scotts Community Road.
- 9 Q So, this way?
- 10 A Yes, sir.
- 11 Q Okay. And she took you home?
- 12 A Yes, sir.
- 13 Q All right. Did you later have any occasion to talk to
- 14 law enforcement?
- 15 A Yes, sir. My neighbor and Ethan went straight up there
- 16 after I got back to their house and my neighbor called
- 17 me and told me to stay there and that the detectives
- 18 were on the way to the house to talk to me.
- 19 Q Okay. Did they drive a white SUV up there?
- 20 A No, sir. I think they drove one of the black ones, the
- 21 black Tahoes.
- 22 Q A Black Tahoe?
- 23 A Yes, sir.
- 24 Q And did you wait on the detectives to come talk to you?
- 25 A Yes, sir.

DIRECT EXAMINATION OF MATT LANE BY MR. CLEMENTS

84

1 Q Okay. And you talked to them?

2 A Yes, sir.

3 Q Okay.

4 MR. CLEMENTS: Beg the Court's indulgence.

5 Q Anybody else there other than you, Logan, Blake, Chad
6 and Stacy? Did you see anyone else?

7 A No, sir.

8 Q Okay. Please answer any questions Mr. Brooker may have.

9 THE COURT: Hold on a minute, Mr. Brooker

10 MR. BROOKER: I'm sorry, Your Honor. Did you say
11 something?

12 THE COURT: Hold on just a minute, please.

13 MR. BROOKER: Yes, sir.

14 THE COURT: Okay. Go ahead, Mr. Brooker.

15 MR. CLEMENTS: Your Honor, may I ask one more question?

16 I apologize. It slipped my mind.

17 THE COURT: Go ahead.

18 DIRECT EXAMINATION CONTINUED

19 BY MR. CLEMENTS:

20 Q Do you know where Blake lived?

21 A Yes, sir.

22 Q Where?

23 A On Old Nichols Highway heading towards Nichols.

24 Q All right. That's where he was staying at that time or
25 do you know?

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

CROSS EXAMINATION OF MATT LANE BY MR. BROOKER

85

1 A I don't -- no, he wasn't staying there at that time. I
2 was pretty sure of that.

3 Q Okay. That's where his folks live?

4 A Yes, sir. That's where his mom and dad and brother live.

5 Q Okay. All right. And you don't know exactly where he
6 was living at that time?

7 A No, sir, I wasn't told.

8 Q Okay.

9 THE COURT: All right. Go ahead, Mr. Brooker.

10 CROSS EXAMINATION

11 BY MR. BROOKER:

12 Q Mr. Lane, I think you said that you'd known Blake. I
13 think at the time in which the incident took place,
14 you'd known him roughly about, you said four years ---

15 A Yes, sir.

16 Q --- at that particular period of time. And at that
17 time, would you consider him to be a friend of yours?

18 A Yes, sir.

19 Q Was he a close friend of yours?

20 A A pretty good friend. I liked Blake a lot.

21 Q I'm sorry?

22 A I said I liked Blake a lot. He was a pretty good friend,
23 yes, sir.

24 Q You liked him a lot. Now, did -- you testified that
25 y'all hung out that day. Is that correct?

1 A Yes, sir.

2 Q Was he upset about anything?

3 A Yes, sir. He was upset because him and his girlfriend
4 had broke up and she was, and they were supposed to have
5 a baby.

6 Q And who was his girlfriend?

7 A Stacy Fowler.

8 Q And how long had they been dating?

9 A I wouldn't know.

10 Q Do you remember giving a statement to law enforcement on
11 -- I think this was on November 13, 2012?

12 A I guess that would be my first statement, yes, sir.

13 Q Okay. Do you remember giving a statement with respect to
14 how long that your understanding was that they were
15 together?

16 A I ---

17 Q Or at least mentioning it. I apologize. At least
18 mentioning in that statement how long they were
19 together?

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

21 MR. BROOKER: If I may approach, Your Honor.

22 THE COURT: Yes, sir.

23 Q Let me give you your statement so you can take a look at
24 it so you can refresh your memory.

25 A Yes, sir.

CROSS EXAMINATION OF MATT LANE BY MR. BROOKER

87

- 1 Q And I'll point to where we are.
- 2 A Oh, okay.
- 3 Q And how long did you indicate in your statement they
- 4 were together?
- 5 A Five months.
- 6 Q Okay. Did you also indicate in that statement -- or you
- 7 also indicate that they were broken up, they had broken
- 8 up.
- 9 A Yes, sir.
- 10 Q And how long did you indicate that they had been broken
- 11 up?
- 12 A Just a few days. I'd have to ---
- 13 MR. BROOKER: If I may approach?
- 14 Q I'll let you take a look at it again very quickly. The
- 15 same statement, November 13.
- 16 A Two weeks.
- 17 Q So, they had broken up about two weeks.
- 18 A (No verbal response)
- 19 Q Now, when y'all hung out that day, of course, I think
- 20 you testified that you hung out with him the entire day,
- 21 that he was upset. Were y'all drinking?
- 22 A Yes, sir.
- 23 Q What were y'all drinking?
- 24 A Beer.
- 25 Q When did y'all start drinking?

CROSS EXAMINATION OF MATT LANE BY MR. BROOKER

88

1 A Probably about, I'd say 1:00 or so that day, maybe a
2 little bit later. I'm not sure on that, sir.

3 Q Okay. And where did y'all start drinking at? Where were
4 y'all when y'all first started drinking? Do you
5 remember?

6 A At my house.

7 Q Okay. Okay. All right. And at some point in time -- how
8 long did y'all stay at your house drinking?

9 A Probably a couple of hours.

10 Q Was there a party or something going there or were y'all
11 just hanging out?

12 A Just hanging out, catching up.

13 Q Just you and him or was there anyone else that showed
14 up?

15 A Just me and him.

16 Q And you said that -- a couple of hours. Did y'all leave?

17 A Yes, sir.

18 Q Where did you go?

19 A To Stacy's.

20 Q Okay. All right. And then, of course, is is that --
21 why did y'all go over to Stacy's?

22 A Her and Blake wanted to talk.

23 Q Was Stacy yelling and screaming and fussing at him at
24 that particular period of time?

25 A Well, she was fussing at him pretty good, yes, sir.

CROSS EXAMINATION OF MATT LANE BY MR. BROOKER

89

- 1 Q And, in fact, she was fussing at him so bad he never
2 even got out of his car?
- 3 A Oh, no, sir.
- 4 Q And how long did that take before, finally, y'all just
5 took off and left?
- 6 A I'd say about twenty or thirty minutes. It wasn't that
7 long.
- 8 Q And then where did you go?
- 9 A We went by the Geraldts. Well, our friends, the Geraldts,
10 down the road.
- 11 Q To a friend's house?
- 12 A Yes, sir.
- 13 Q How long were y'all there?
- 14 A Probably about thirty minutes or so.
- 15 Q Were y'all drinking when you went there, as well, too?
- 16 A Yes, sir. We hadn't stopped.
- 17 Q I'm sorry?
- 18 A No, sir, we hadn't stopped drinking.
- 19 Q You hadn't stopped drinking?
- 20 A Yes, sir.
- 21 Q So, y'all were drinking the entire time?
- 22 A Yes, sir.
- 23 Q Okay. And then, of course, you said you were there for
24 about thirty minutes. Where'd you go after that?
- 25 A Back to my house.

- 1 Q Okay. How long you were there?
- 2 A I can't recall.
- 3 Q Were you drinking when you got there?
- 4 A Yes, sir, I guess.
- 5 Q Roughly, about how much beers did y'all consume?
- 6 A I'd say about -- I don't know, sir.
- 7 Q More than five?
- 8 A Probably more than five, yes, sir.
- 9 Q Was it more than ten?
- 10 A Yes, sir. That whole day.
- 11 Q Now, you said when y'all got back to y'all's house, you
- 12 don't know how long you stayed there?
- 13 A No, sir.
- 14 Q Okay. And did y'all leave and go someplace after you
- 15 left there?
- 16 A Yes, sir. Me and Blake and my friend, Ethan, went too.
- 17 We went to The Game Changer, because he wanted to see if
- 18 Chad was there.
- 19 Q And why did he want to go see if Chad was there?
- 20 A Because they had -- I guess they'd been fussing.
- 21 Q Do you know whether or not they'd been fussing at that
- 22 time?
- 23 A I don't know if they had communicated, verbally.
- 24 Q Now, this was prior to -- my understanding is that this
- 25 was prior to, I guess, the conversations that took place

CROSS EXAMINATION OF MATT LANE BY MR. BROOKER

91

1 later on, after Stacy picked up Chad. So, this is prior
2 to that particular period of time?

3 A (Nods head)

4 Q Okay. Now, did Blake want to fight Chad? Did he go over
5 there to fight Chad?

6 A He'd -- well, we weren't going to let him go in there
7 and fight him, me and Ethan wasn't.

8 Q Oh, I know. And I think that's what you said in your
9 statement, didn't you? But was that what he wanted to
10 do?

11 A Yes, sir. He wanted to.

12 Q And y'all stopped him?

13 A Yes, sir.

14 Q Is that correct?

15 A Yes, sir.

16 Q Now, do you know why he wanted to fight Chad at that
17 particular period of time?

18 A I guess -- well, the whole thing.

19 Q Did he blame Chad for breaking up him and Stacy?

20 A I can't recall, exactly.

21 Q Now, did you tell law enforcement or at least made a
22 statement to law enforcement that Stacy -- that Blake
23 had an issue with Chad because Chad had been seeing --
24 that Chad and Stacy had been seeing and talking to each
25 other?

1 A Yes, sir.

2 Q Quite often?

3 A Yes, sir. And they were talking about an abortion. I
4 remember that.

5 Q Who was talking about abortion?

6 A Stacy was.

7 Q Aborting his -- the child?

8 A Aborting Blake's child, yes.

9 Q So, I imagine he wasn't happy about that, was he not?

10 A Oh, no, sir. Not at all.

11 Q When y'all left The Game Changer, or this would be prior
12 to The Game Changer, did y'all go someplace else and
13 shoot pool and drink, as well, too?

14 A We went to Bill Strickland's after we went to The Game
15 Changer.

16 Q After The Game Changer. And did you drink more there?

17 A Yes, sir, we did.

18 Q And shot pool -- I'm sorry. I didn't mean to interrupt
19 you. Go ahead.

20 A Yes, sir. A little bit. Yes, sir. But I don't think
21 Blake drank as much there. He was preoccupied on his
22 telephone about that whole time.

23 Q Okay. That's the time in which he was -- did you know
24 whether or not he posted, whether or not at some point
25 in time that Blake posted to his Facebook, or either

CROSS EXAMINATION OF MATT LANE BY MR. BROOKER

93

1 Stacy's Facebook, about going to The Game Changer to ---

2 A I didn't know that.

3 Q --- confront Chad?

4 A I didn't know anything about it. No, sir.

5 Q When y'all left Bill Strickland's, where did you go?

6 A Back home and then to my neighbor's house.

7 Q Okay. Was there a party going on, either at your house
8 or your neighbor's house?

9 A No, sir. We're just kind of close, we just hang out on
10 the weekends sometime.

11 Q Were there other people there?

12 A Yes, sir. My friend Ethan and my friend Mary.

13 Q There were also drinking going over there, too, was it
14 not?

15 A My neighbor was and his girlfriend, but Ethan and Mary
16 were not.

17 Q Where you were?

18 A I was, yes, sir.

19 Q Okay. Was Blake?

20 A No, sir, not at that time. He never went in my
21 neighbor's house. He stayed out in the car. He was still
22 upset about what all was going on.

23 Q Now, at some point in time, I think you've indicated
24 that you had a conversation with Chad Strickland on the
25 phone?

- 1 A Yes, sir.
- 2 Q Okay. And, of course, your version of the story is that
- 3 Chad offered you to go out to some used car lot or
- 4 something like that?
- 5 A Yes, sir.
- 6 Q Because he wanted to fight you?
- 7 A Yes, sir.
- 8 Q And you declined?
- 9 A Yes, sir.
- 10 Q And you offered him -- did you offer to him to go to
- 11 your house to fight yourself and Blake?
- 12 A Yes, sir, to me.
- 13 Q And did he decline?
- 14 A Oh, yes, sir.
- 15 Q Now, that particular period of time you thought all of
- 16 this had blown over?
- 17 A Yes, sir.
- 18 Q When you got off the phone?
- 19 A I wasn't really worried about all their problems right
- 20 then, no, sir.
- 21 Q Now, at some point in time after that, did Logan come
- 22 over?
- 23 A. Yes, sir.
- 24 Q Okay. And what happened when Logan came over?
- 25 A She started talking to Blake.

CROSS EXAMINATION OF MATT LANE BY MR. BROOKER

95

- 1 Q Did you receive a text from Logan?
- 2 A Yes, sir.
- 3 Q Okay. What did the text say?
- 4 A I cannot recall, exactly.
- 5 Q You want to take a look at your report to refresh your
- 6 memory?
- 7 A Yes, sir.
- 8 Q And this is the same report that you gave on November
- 9 13th, 2012. Is that correct?
- 10 A Yes, sir.
- 11 Q Do you remember giving that statement?
- 12 MR. BROOKER: May I approach, Your Honor?
- 13 THE COURT: Yes, sir.
- 14 MR. BROOKER: Thank you.
- 15 Q Okay. And I'll let you take a look at it and...
- 16 A Okay. Logan texted me and told me that Blake should go
- 17 over to Stacy's and talk. Logan had told me that he was
- 18 not there anymore, that Chad was not.
- 19 Q That who was not there?
- 20 A That Chad was not at Stacy's anymore.
- 21 Q That Chad was not at Stacy's house?
- 22 A Yes, sir.
- 23 Q But that wasn't true, was it?
- 24 A No, sir.
- 25 Q Chad was there.

1 A Yes, sir. Definitely.

2 Q And how long was it -- when Logan arrived at your house,
3 how long was it, you know, before Blake then left and
4 spun -- Is it true that when Logan got there, that
5 Logan and Blake got into, you know, I guess a verbal
6 argument or a confrontation?

7 A Yes, sir. She was fussing at him.

8 Q How long did that take place?

9 A About five minutes, not very long.

10 Q Okay. And immediately after that fussing, is that when
11 he then took off and went to Stacy's house?

12 A Yes, sir.

13 Q Now, you correct me if I'm wrong, but it's also true
14 that y'all had previously talked about driving over
15 there where Ethan was going to drive Blake?

16 A Yes, sir.

17 Q Okay.

18 A Because I was going to ride with Logan.

19 Q Okay.

20 A Yes, sir.

21 Q Okay. And, of course, is that -- and so y'all were
22 planning to go over there?

23 A Yes, sir.

24 Q At the time in which y'all were planning to go over
25 there, did y'all know that Blake [sic] was there at that

CROSS EXAMINATION OF MATT LANE BY MR. BROOKER

97

1 time?

2 A That Chad was ---

3 Q Excuse me. Did y'all know that Chad was over there at
4 that time?

5 A Well, I thought Chad was gone. Well, we thought Chad
6 was gone at the time, yes, sir.

7 Q Okay. Now ---

8 A We were going to hang out, not to fight.

9 Q And even after planning to drive Blake over there, at
10 some point in time, he just hopped in the car himself
11 and took off by himself. Is that correct?

12 A Yes, sir. He changed from the passenger's seat to the
13 driver's seat and took off while I was upstairs trying
14 to arrange a ride.

15 Q And he didn't even wait for Ethan to drive him?

16 A No, sir.

17 Q You know why?

18 A I assumed it was something -- getting mad at something
19 Logan had said or -- I don't know. Anxious, ready to
20 go. I really have no idea.

21 Q Now, why would Ethan have to drive him? Was he
22 intoxicated?

23 A Yes, sir. We were just worried about driving, being on
24 the roads while we were drinking at night, you know.

25 Q Now, you hadn't been worried about it all that day. I

1 think you said that you and Blake was driving around
2 from different locations and that y'all were pretty much
3 drinking all day long. So, you weren't worried about it
4 that day. Is there any particular reason why you worried
5 about it at that particular period of time?

6 A Law enforcement seems to be more worried about alcohol
7 and drinking at night. Yes, sir.

8 Q When Blake backed out of the yard, did he back into a
9 ditch and people had to help him get the car out of a
10 ditch?

11 A Yes, sir. One time, yes, sir.

12 Q Okay. So, he was pretty wasted?

13 A I guess you could say that. Probably didn't know where
14 the ditch was.

15 Q And he was pretty angry?

16 A Yes, sir. He was upset.

17 Q Now, I think it's -- my understanding is that your
18 testimony is, that then, you and Logan got in her
19 vehicle and went after him.

20 A Yes, sir.

21 Q Now, for purposes of the record, it is your testimony
22 under oath that there were not two males that got in
23 that car and left out?

24 A Oh, no, sir.

25 Q So, just you and Logan?

CROSS EXAMINATION OF MATT LANE BY MR. BROOKER

99

- 1 A Yes, sir.
- 2 Q Now, were you in the courtroom when Mr. and Mrs.
3 Hernandez testified?
- 4 A Yes, sir.
- 5 Q Did you hear them testify about seeing -- there appeared
6 to be two males that got out of a car prior to the
7 shooting.
- 8 A Yes, sir, I heard that.
- 9 Q Do you have any idea who those two males were?
- 10 A There wasn't any. Only -- well, there was three males
11 there; me, Blake, and Chad.
- 12 Q Yeah. I'm talking about getting out of Logan's car or
13 the SUV?
- 14 A Nobody got out of Logan's car.
- 15 Q So y'all raced after Chad [verbatim]. Is that correct?
- 16 A After Blake.
- 17 Q Excuse me. After Blake. I apologize. And then, of
18 course, your testimony is that when y'all got there, I
19 think you testified that as Blake was getting out of the
20 car that Chad shot him before he even -- as he was
21 getting out of the car, before he even got out of the
22 car.
- 23 A Well, he was completely -- well, at his last step of
24 being completely stood up, yes, sir.
- 25 Q Okay. He shot him at that particular period of time?

CROSS EXAMINATION OF MATT LANE BY MR. BROOKER

100

1 A Yes, sir.

2 Q Now, at what time did you arrive? Did you arrive -- is
3 it your testimony that Logan's car, with you in it, that
4 it arrived exactly at the time of the shooting or did it
5 arrive before the shooting?

6 A Just before. Blake was getting out of the -- Blake was
7 opening the door to the car and we were pulling in.

8 Q He was just opening the door to the car when you were
9 pulling in?

10 A Yes, sir.

11 Q And, of course, is that just when he started to get up
12 you said, that he was not quite ---

13 A Not quite completely stood up.

14 Q --- out of the car?

15 A Yes, sir.

16 Q And, and ---

17 A And he was shot.

18 Q --- gunfire?

19 A Yes, sir.

20 Q Okay. Did you ever hear Stacy tell y'all to leave?

21 A No, sir.

22 Q Never heard that?

23 A (Shakes head)

24 Q Now, did you ever see or witness all the yelling and
25 fussing back and forth between Blake and Stacy?

CROSS EXAMINATION OF MATT LANE BY MR. BROOKER

101

- 1 A No, sir.
- 2 Q Prior to the shooting?
- 3 A Earlier that day they fussed, but that's all.
- 4 Q Well, at the time of the shooting?
- 5 A No, sir.
- 6 Q When y'all pulled up?
- 7 A No, sir.
- 8 Q And it's your testimony that you never exited the
9 vehicle? Did Logan ever get out of the vehicle?
- 10 A No, sir.
- 11 Q You also testified that you did not see Blake swing at
12 Chad?
- 13 A No, sir.
- 14 Q When you say you didn't see, is it your testimony that
15 you didn't see it or are you testifying that it never
16 happened?
- 17 A I can't be sure that it didn't happen, no, sir.
- 18 Q So, you're testifying that you didn't see it?
- 19 A Yes, sir. It didn't happen while I was there. I know
20 that, and Blake was just getting out of the car so...
- 21 Q How many shots was fired?
- 22 A Only one while I was there.
- 23 MR. BROOKER: If you could indulge me for just a second,
24 Your Honor.
- 25 THE COURT: Yes, sir.

1 Q Now, when you talked to law enforcement, did you give
2 law enforcement two statements?

3 A Yes, sir. One that night and one later.

4 Q Now, when you talked to Logan, did you talk to Logan
5 when you were driving behind Chad [verbatim] as he was
6 racing to Stacy's house?

7 A I wasn't driving. Logan was driving her car.

8 Q And I apologize. I didn't mean to insinuate that you
9 were driving. You were a passenger in the vehicle.

10 A Yes, sir. And we -- can you restate your question? I'm
11 sorry.

12 Q Were you talking to Logan as y'all were racing behind
13 Blake as he was driving to Stacy's?

14 A We spoke, yes, sir, but we couldn't see the car in front
15 of us.

16 Q Okay. And when was it that you learned -- is that when
17 you learned that Chad was actually at the house?

18 A Yes, sir. When we were about over half-way there, I
19 think, yes, sir.

20 Q And you said you couldn't see Blake's car?

21 A Not until we got there.

22 Q Okay. And I'm going to back you up just a little bit
23 and I'm almost finished.

24 A Yes, sir.

25 Q I know you testified that Blake took off in your car.

CROSS EXAMINATION OF MATT LANE BY MR. BROOKER

103

- 1 A Yes, sir.
- 2 Q The minute that Blake took off, where were you, the
- 3 minute he sped off in your car?
- 4 A When he took off, I was upstairs at my neighbor's house
- 5 trying to work out a ride.
- 6 Q Okay. And how far is that from where Blake was?
- 7 A I guess, horizontally from here to that wall, maybe a
- 8 little more.
- 9 Q And you were upstairs in the house. How did you learn
- 10 that he had taken off?
- 11 A Well, there was -- my neighbor had a glass door right
- 12 there and I was right by the door trying to work things
- 13 out with Ethan driving us over there.
- 14 Q Okay. So, you saw him take off?
- 15 A Yes, sir.
- 16 Q Okay. What did you do right after you saw he'd took
- 17 off?
- 18 A I walked outside and me and Logan, I ended up getting in
- 19 the vehicle with Logan. Logan was pointed to the -- she
- 20 had to turn around to leave and my car was pointed
- 21 towards the highway, towards leaving.
- 22 Q At any point in time, were you able to visibly -- during
- 23 the drive to Stacy's house, were you able to visibly see
- 24 your car that was being driven by Blake?
- 25 A No, sir. I assume that he was driving pretty fast, I

1 guess.

2 Q How long is it from your house to where Blake had left
3 and to Logan's {verbatim} house?

4 A Probably about five minutes.

5 Q Okay. And in that entire five minutes, y'all never
6 caught sight of your vehicle?

7 A No, sir.

8 Q Do you know how long Blake was there before y'all
9 actually got there?

10 A Well, I assume it couldn't have been more than a minute
11 because it's not that far.

12 Q And I guess I'm trying to say -- and I know it's not
13 that far, but I'm trying to figure out how far y'all
14 were behind him.

15 A Well, we probably left about, I'd say, a minute after he
16 did.

17 Q Okay. And so ---

18 A That would mean it would put him a minute being there.

19 Q Assuming that y'all were driving at the same speed?

20 A Right.

21 Q Okay. But do you know what speed -- you don't know what
22 speed he was driving?

23 A No, sir.

24 Q What speed were y'all driving?

25 A Logan was driving pretty fast. That's when I got

REDIRECT EXAMINATION OF MATT LANE BY MR. CLEMENTS

105.

1 worried about Chad being there.

2 Q All right. So, roughly for the minute that he would have
3 been there before y'all got there, you would not have
4 know what took place?

5 A No, sir. I know that he was in the car.

6 MR. BROOKER: No further questions, Your Honor.

7 THE COURT: Any redirect?

8 MR. CLEMENTS: Just briefly.

9 REDIRECT EXAMINATION

10 BY MR. CLEMENTS:

11 Q So Matt, y'all were trying to catch him?

12 A Yes, sir.

13 Q And you're not exactly sure how quickly y'all got there
14 after he had arrived? You don't know how long?

15 A No, sir. I just know he was still in the car.

16 Q And you just saw him getting out of the car?

17 A Yes, sir.

18 Q And you never saw a white SUV or anybody getting out of
19 a white SUV?

20 A No, sir.

21 Q All right. Thank you.

22 MR. CLEMENTS: No further questions.

23 THE COURT: Anything further?

24 MR. BROOKER: Nothing further, Your Honor.

25 THE COURT: Sir, you may step down. Call your next

DIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS

106

1 witness, please.

2 MR. CLEMENTS: Your Honor, we'd call Logan Ratley.

3 (After being duly sworn by the Clerk of Court,

4 **LOGAN RATLEY** testified as follows:)

5 DIRECT EXAMINATION

6 BY MR. CLEMENTS:

7 Q Can you please state your name and spell your last name
8 for the record, please?

9 A Logan Ratley, R-A-T-L-E-Y.

10 Q Now, how old are you Logan?

11 A Twenty-two.

12 Q Where do you live?

13 A In Mullins.

14 Q Lived there all your life?

15 A No, I've lived in -- I lived in North Carolina for six
16 years.

17 Q Do you know Chad Strickland?

18 A Not until a few days before everything happened.

19 Q A few days before this?

20 A Uh-huh. On Halloween, was the first time I met him.

21 Q Some time in October 2012?

22 A Yes, sir.

23 Q Do you know Stacy Fowler?

24 A Yes, sir.

25 Q How well you know her?

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

DIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS

107

- 1 A I met her the summer of 2012.
- 2 Q And did you know Blake Dozier?
- 3 A I've known Blake for a while, but we weren't, like,
- 4 personal friends.
- 5 Q Okay. Did you know Matt Lane?
- 6 A Yes, sir.
- 7 Q How long had you known Matt?
- 8 A Since I was, probably, ten.
- 9 Q Went to school with him?
- 10 A Yes, sir.
- 11 Q Okay. Did you and Blake get along that well?
- 12 A If him and Stacy were getting along. If they was fussing
- 13 then he didn't like me.
- 14 Q All right. So, if they weren't getting along, y'all
- 15 weren't getting along?
- 16 A Yeah.
- 17 Q If they were getting along, y'all were getting along?
- 18 A Yes, sir.
- 19 Q So, how about on November 3rd of 2012, were y'all
- 20 getting along that well, then?
- 21 A No, sir.
- 22 Q Okay. And where, if you know, was Blake living?
- 23 A With Stacy.
- 24 Q With Stacy?
- 25 A Yes, sir.

DIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS

108

1 Q And about how long had they been dating or being with
2 each other, if you know?

3 A That I knew of?

4 Q Yeah?

5 A At least since June, because that's whenever I met Stacy
6 and they were together then, but I know they had been
7 dating before then.

8 Q Okay. So, June, July, August, September, October,
9 November, six months?

10 A Yes, sir, but probably -- they were dating longer than
11 that, but I didn't know them.

12 Q Okay. I'm just asking you about what you know. Now,
13 that day -- well, let me ask you about your vehicle.
14 What kind of vehicle do you have?

15 A A black Ford Explorer.

16 Q Black?

17 A Yes, sir.

18 Q Not white?

19 A No, sir. Not white.

20 Q And were you driving that vehicle that day and that
21 evening?

22 A That night when I went to Matt's, I was driving it.

23 Q Okay. And did anybody else drive your vehicle that
24 night?

25 A Yes, sir.

DIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS

109

- 1 Q Stacy and Chad.
- 2 Q Stacy drove some and Chad drove some?
- 3 A Uh-huh.
- 4 Q Okay. Were you riding in the vehicle with them while
- 5 they were driving?
- 6 A Yes, sir.
- 7 Q Anybody else there, as well?
- 8 A Kaylee.
- 9 Q And who is Kaylee?
- 10 A Their daughter.
- 11 Q Stacy and Chad's daughter?
- 12 A (Nods head)
- 13 Q How old is she?
- 14 A She was three at the time.
- 15 Q Okay. And did you ever hear Chad having any
- 16 conversations with anyone on the cell phone?
- 17 A There was a lot of arguing that was going on between
- 18 Chad and Matt and Blake.
- 19 Q And was your cell phone used in some of those
- 20 conversations?
- 21 A Yes, sir.
- 22 Q Were you present, there listening?
- 23 A I was.
- 24 Q You could hear Chad's end of it?
- 25 A Yes, sir.

DIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS

110

1 Q Did you or did you not ever hear Chad make an offer to
2 fight anyone and suggest where?

3 A Yes, sir.

4 Q Can you please tell us what you heard him say and where
5 was he talking about.

6 A He told them to meet him at Sunny Mart and he'd whoop
7 their ass.

8 Q He told them?

9 A Uh-huh.

10 Q And who's them?

11 A Blake and Matt.

12 Q To meet him at the Sunny Mart?

13 A Uh-huh.

14 Q And he would whip their ass.

15 A Yes, sir.

16 Q Did you ever hear him mention any other place or can you
17 remember?

18 A Not that I can remember.

19 Q Not that you can remember, okay. All right ---

20 A Other than Matt's house.

21 Q Other than Matt's house. You heard about that?

22 A Yeah. But Chad didn't want to go there.

23 Q And why didn't he want to go there?

24 A Because he was scared that they'd call the law.

25 Q He was scared they'd call the law?

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

DIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS

111

- 1 A Uh-huh.
- 2 Q Okay. Did you ever go anywhere with him and he got out
3 of the vehicle and came back to the vehicle?
- 4 A Yes, sir, when he went to his house.
- 5 Q He went to his house? And what was the purpose for
6 going to his house?
- 7 A He said he was getting his coat and his money.
- 8 Q Okay. And did he go inside his house?
- 9 A Yes, sir.
- 10 Q Did he come back out with a coat?
- 11 A Yes, sir.
- 12 Q. Okay. You don't know whether he had money or not,
13 right?
- 14 A I don't know.
- 15 Q Do you have any knowledge whether he got anything else
16 while he was in his house?
- 17 A No, sir.
- 18 Q Okay. All right. Did you ever know he was armed?
- 19 A No, sir.
- 20 Q All right. After going to his house, about what time a
21 night was that, if you recall?
- 22 A It had to be after 11:00.
- 23 Q Okay. After leaving his house, where did y'all go?
- 24 A We went to Sunny Mart.
- 25 Q All right. What did you go to Sunny Mart for?

DIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS

112

1 A Because that's where he was wanting them to meet him.

2 Q All right. And did you stay at Sunny Mart long?

3 A No, sir.

4 Q What did you do then?

5 A He rode a little bit further down the road and he
6 stopped the car and then Stacy got in the driver's seat
7 and he got in the back with Kaylee.

8 Q All right. Then where did you go?

9 A To Stacy's house.

10 Q All right. When you got to Stacy's house, did everyone
11 get out of the car and go inside?

12 A Yes, sir.

13 Q All right. How long did you stay there?

14 A In between five and ten minutes.

15 Q All right. And where did you go when you left?

16 A Matt's.

17 Q When you left to go to Matt's, who was present at the
18 house?

19 A Stacy, Chad. and Kaylee.

20 Q All right. To your knowledge, if you have any knowledge
21 to this degree, did anybody know, have any plans to
22 leave that you know of?

23 A No, sir.

24 Q All right. As far as you know they were staying?

25 A Yes, sir.

DIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS

113

- 1 Q Okay. Not going anywhere else?
- 2 A No, sir.
- 3 Q Did they have a vehicle?
- 4 A No, sir, not at the time.
- 5 Q Okay. All right. And you went to Matt's, was that
- 6 correct?
- 7 A Yes, sir.
- 8 Q When you get to Matt's, who do you see and what did you
- 9 do?
- 10 A The first thing I did was walk over to Matt's car,
- 11 because Blake was in the passenger's seat and I wanted
- 12 to know why he had such a problem with me, because he
- 13 had called me a bitch and he was saying a bunch of
- 14 different things and he told me that it was because
- 15 whenever Stacy hung around me, she tried to act like she
- 16 was single like I was.
- 17 Q Okay. And did you have any other conversation?
- 18 A He asked me where Stacy was. I said she's at home with
- 19 Chad and he said, I'm going to beat his ass and I need
- 20 to go talk to her.
- 21 Q And he needed to go talk to her.
- 22 A Uh-huh.
- 23 Q At any time before, had you communicated to anyone that
- 24 Chad wasn't there?
- 25 A I didn't. It was sent off of my phone, but I didn't say

1 it.

2 Q It was sent off of your phone, but you weren't the one
3 who sent it?

4 A No, sir.

5 Q All right. And who was it sent to?

6 A It was sent to Matt's phone.

7 Q To Matt's phone that Chad wasn't at Stacy's at any
8 longer?

9 A Yes, sir.

10 Q Okay. Who sent that?

11 A Chad.

12 Q Chad did?

13 A (Nods head)

14 Q And you told Blake that he was still there?

15 A Yeah, I told Blake ---

16 MR. BROOKER: Objection.

17 THE COURT: What's your objection?

18 MR. BROOKER: I think the objection is, is that she
19 testified that -- and I want to make sure that I'm correct,
20 because I may be wrong. She testified that Chad texted from
21 her phone to ---

22 MS. RATLEY: To Matt's phone.

23 MR. BROOKER: --- to Matt's phone saying that he wasn't
24 there.

25 MS. RATLEY: Yeah. He said, y'all can come over 'cause

DIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS

115

1 Chad's gone.

2 MR. BROOKER: Okay. And how did you know ---

3 THE COURT: Hold on a minute, now. What's your objection?

4 MR. BROOKER: The objection is -- I apologize, Your
5 Honor. You're absolutely right. The objection is ---

6 THE COURT: Mr. Clements is doing direct examination
7 here.

8 MR. BROOKER: You're right, Your Honor. My objection
9 would be foundation and how could she testify that Chad sent
10 the text when she said that she wasn't there.

11 MS. RATLEY: Because Stacy ---

12 THE COURT: Hold on a minute. Hold on. Mr. Clements?

13 Q Did you see Chad text on your phone?

14 A Yes, sir. And he used my phone to talk to them, also.

15 Q And he texted. And it was your testimony, if I
16 understand correctly, that he texted to Matt, "Y'all can
17 come over to Stacy's now, Chad's gone?"

18 A Uh-huh. Yes, sir.

19 THE COURT: Is that a yes or a no?

20 MS. RATLEY: Yes, sir.

21 THE COURT: Thank you. All right. I believe a
22 foundation had been laid at that point and there's been
23 already testimony in the record that the Defendant was on her
24 phone throughout the night to some extent while they all

DIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS 116

1 four; this witness, the Defendant, Stacy and the child, were
2 in the Explorer. You may continue, sir.

3 MR. CLEMENTS: Thank you, Judge.

4 Q I want to back up and make sure I'm in the right place.
5 You said that Blake, you wanted to know why Blake had
6 problems with you and he explained and said, I'm going to
7 talk to Stacy, because you told him Chad was there.

8 A Yes.

9 Q And he wanted to beat Chad up?

10 A Yes, sir.

11 Q Okay. All right. He took off, right?

12 A He did. Well, Ethan was supposed to drive him. So Matt
13 went up there to get Ethan and I waited, and then Blake
14 just drove off and I thought Ethan had come down and I
15 didn't even see him. So, I didn't know that Ethan
16 wasn't in the car and then Matt came and said, "Follow
17 him".

18 Q Okay.

19 A And then I was trying to catch up with him, but I
20 couldn't.

21 Q You tried to catch him, so you drove pretty fast?

22 A Yes, sir.

23 Q Okay. Do you have any way of knowing how long his car
24 got there before your car got there to Stacy's?

25 A It could have been, well, it would have been thirty

DIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS 117

1 seconds to a minute, because Blake was just getting out
2 the car when we pulled up.

3 Q Okay. All right. When you pulled up, how close did you
4 pull up to Matt's car that Blake was driving?

5 A In between here and like a little bit past this corner
6 right here. Right about there.

7 Q Okay. So you were this close and you pulled up right
8 behind him?

9 A Right behind him.

10 Q Were your headlights shining at the porch or not?

11 A No, sir.

12 Q They weren't?

13 A No.

14 Q Where were they shining at?

15 A On the car.

16 Q What -- did you have your beams on?

17 A Just the regular. My bright lights weren't on.

18 Q Okay. I'm going to show you what's been marked as
19 State's Exhibit, #6 for identification. Do you recognize
20 that?

21 A Yes, sir.

22 Q Okay. And whose car is depicted in this picture?

23 A Matt's.

24 Q. All right. And can you tell me -- well, it speaks for
25 itself where the headlights on that car are pointing.

DIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS

118

- 1 A Yes, but I was in the ---
- 2 Q Where's the porch?
- 3 A Way over there.
- 4 Q The porch is here? And the car is there?
- 5 A Yes, sir. And I was even closer to the car.
- 6 Q You were even closer to that car than that picture is --
- 7 it was made from?
- 8 A Yes, sir.
- 9 Q Okay. All right. And what is that door on that car
- 10 right there?
- 11 A It's open.
- 12 Q And you recognize those boots or not?
- 13 A Yes, sir.
- 14 Q And whose boots were those?
- 15 A Blake's.
- 16 Q All right. And is he or is he not out from around behind
- 17 that door or is he still behind that ---
- 18 A He's still behind the door.
- 19 Q All right. How often did you go to Stacy's?
- 20 A About two or three weeks before that night, I probably
- 21 spent the night with her at least a week-and-a-half out
- 22 of those three weeks, because I was there ---
- 23 Q Out of those three weeks, a week-and-a-half of those
- 24 nights you were there spending the night?
- 25 A Yes, sir.

DIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS

119

- 1 Q You know the Hernandezes?
- 2 A I don't.
- 3 Q Do you know where they live?
- 4 A I know what I saw on the screen. They live across from
- 5 Stacy over there.
- 6 Q All right. I'm going to show you State's Exhibit #1.
- 7 You recognize that?
- 8 A Yes, sir.
- 9 Q What is that?
- 10 A Stacy's house.
- 11 Q Other than it being dark that evening, is there anything
- 12 substantially different in that front yard than from
- 13 that night?
- 14 A No, sir.
- 15 Q Is it basically the same?
- 16 A Yes, sir.
- 17 Q I'm going to show you what's been marked as State's
- 18 Exhibit #2. Can you identify that?
- 19 A That's the side of Stacy's house towards their house.
- 20 Q Towards the Hernandez's house?
- 21 A Yes, sir.
- 22 Q Is that any different substantially from what it was
- 23 like on November 3rd, 2012?
- 24 A Apparently, it looked just like that, because I don't
- 25 ever remember even seeing their house and I stayed with

1 Stacy a lot.

2 Q So ---

3 A It was just like that.

4 Q It was just like that?

5 A Uh-huh.

6 Q All right. And you've never been to the Hernandez's
7 house?

8 A No, sir.

9 Q Okay. So, there's no need to show you State's Exhibit
10 #3. So, looking in that direction in the daytime, can
11 you see their house very well?

12 A I never saw it.

13 Q Okay. All right. Tell me when you pulled up behind
14 Matt's car, what did you see Blake doing and where was
15 he?

16 A Blake was standing on the inside of the door where he
17 had just got out and Stacy was right there and Chad was
18 on the porch at this time and Stacy hollered at me to
19 get Matt out of the yard.

20 Q She hollered at you to get Matt out of the yard?

21 A Uh-huh. Because she didn't want like there to be
22 fighting.

23 Q Okay.

24 A So, I started backing up. I got, I opened my -- I opened
25 my door -- well, I never got out my car. I opened my

DIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS 121

1 door and that's when she hollered at me and so I closed '
2 it and I backed up.

3 Q Did you get your foot on the running board, even?

4 A I'm not even sure.

5 Q Okay.

6 A I think I may have, but I didn't stand up out of the
7 car.

8 Q Okay. All right. You started to back up. And what did
9 you see happen next?

10 A I heard the gun go off.

11 Q You heard the gun go off? Did you see Chad move or not?

12 A No, I never saw Chad move. I never saw him come off the
13 porch or anything, but whenever I looked back, he was
14 standing right behind Stacy and Blake was falling to the
15 ground.

16 Q Right where he was shot. He fell right there?

17 A Yes, sir.

18 Q All right. And what did you do then? Did you hear
19 anything else other than the gunshot? Did anybody say
20 anything?

21 A I heard Stacy start screaming and trying to hit Chad.

22 Q And did you hear Chad say anything?

23 A I couldn't hear anything. I drove off, because I was
24 scared he was going to shoot me.

25 Q Did you back out of the driveway or did you turn around

- 1 and head out of the driveway?
- 2 A I backed out.
- 3 Q And when you backed out onto Ard, which way did you go?
- 4 A Straight towards the paved road.
- 5 Q Scotts Community Road?
- 6 A Yes, sir.
- 7 Q And where did you go?
- 8 A To Matt's house and I dropped him off.
- 9 Q All right. What did you do next?
- 10 A I then went back towards Stacy's and I saw the cops
- 11 there, so then I freaked out and I went to my friend
- 12 Mindy's house, because I didn't know what to do. And
- 13 then Mindy -- well, I talked to Michelle and Jennifer
- 14 and ---
- 15 Q Who are Michelle and Jennifer?
- 16 A That is Stacy's mom and sister.
- 17 Q Okay.
- 18 A And they asked me if Chad had shot him and I said, yes,
- 19 and they said, you need to go back and tell the truth.
- 20 Q Did you?
- 21 A Yes, sir.
- 22 Q And is that the same thing you're telling today?
- 23 A Yes, sir.
- 24 Q All right. Did you see any white SUV?
- 25 A I never saw a white SUV.

CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER

123

1 Q Did you see any other people there, other than Chad,
2 Blake, Stacy, you, and Matt?

3 A Well, Kaylee was inside, but other than that, no, sir.

4 Q How did you know Kaylee was inside? Did you see her or
5 was that the previous ---

6 A Well, she was there when I left before and I knew nobody
7 else had been there to get her.

8 Q Okay. Did you ever see or hear Blake say anything
9 threatening or swing or anything like that?

10 A Never.

11 Q Didn't see anything like that?

12 A Nothing.

13 MR. CLEMENTS: I beg the Court's indulgence.

14 Q After the shot, did you see where Chad went or what he
15 did?

16 A He was just standing there and then that's when I left,
17 I got -- because I was already backing out. I was in the
18 road, as I looked back and I was leaving and Matt was
19 hollering, "He shot Blake. He shot Blake. Blake's dead,"
20 and I was like, "No, he's not." And then, I just kept
21 going.

22 Q Okay. Please answer any questions Mr. Brooker has.

23 THE COURT: Cross examination.

24 MR. BROOKER: Thank you, Your Honor.

25 CROSS EXAMINATION

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

1 BY MR. BROOKER:

2 Q Ms. Rapler. Is it Rapler?

3 A Ratley.

4 Q Ratley, I'm sorry. Ms. Ratley. Now, is it not true
5 that Blake and Chad was communicating through other
6 peoples' phone that night and that Blake had been
7 threatening to fight Chad?

8 A They were both threatening each other. They were both
9 saying they were going to fight.

10 Q Okay. Is that what you told law enforcement?

11 A Yes, sir.

12 Q Did you tell law enforcement or did you write a
13 statement to law enforcement saying that Chad was
14 threatening to fight Blake?

15 A I'm not sure, but I'm sure I did, because he told him to
16 meet him at the Sunny Mart.

17 Q I have your statement that's identified -- that
18 statement of November 4, 2012. I want you to take a
19 look at that statement just very briefly.

20 A (Reviews document)

21 Q Is that it?

22 A Yeah. This is the one I wrote right after it happened.

23 Q It was right after? You wrote that state right after it
24 happened?

25 A Yes, sir.

CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER

125

- 1 Q So it would have been very fresh in your memory at that
2 particular period of time?
- 3 A Yes, sir.
- 4 Q Did you review that statement? Did you look it over?
- 5 A Yes, sir. I looked it over yesterday.
- 6 Q Okay. Is there anywhere in that statement -- and I'm
7 assuming you looked it over in preparation for your
8 testimony here today?
- 9 A I looked it over to make sure that I didn't leave
10 anything out of it.
- 11 Q Is there anywhere in that statement where you indicated
12 that Chad was threatening to fight Blake?
- 13 A No, I didn't say that, because I didn't put that they
14 were fussing. I said they were fussing through the
15 phone. Both kept saying they were going to beat --
16 well, I said they were going to beat Chad's butt.
- 17 Q And I'm going to read that for you, because I want to
18 make sure it's read correctly. You said that Chad and
19 Blake kept fussing through the phone and Blake kept
20 saying he was going to beat Chad's butt.
- 21 A He did.
- 22 Q Okay. Well, that's not true, when you just testified
23 that they kept saying that they were going to be each
24 other's butt. That's not what's in this statement,
25 right?

CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER

126

1 A That's not in that statement, but in my other statement
2 I'm sure it is.

3 Q Now, you also testified that Chad drove to -- what's the
4 name of the mart?

5 A Sunny Mart.

6 Q Sunny Mart. At any point in time, did you ever tell law
7 enforcement that Chad drove to Sunny Mart to fight
8 Blake?

9 A Whenever I made my second statement that was six or
10 seven pages long, I did.

11 MR. BROOKER: Can we pause for a minute, Your Honor, and
12 approach the bench?

13 THE COURT: Yes.

14 (WHEREUPON, counsel have an off-the-record discussion)

15 THE COURT: You requested to approach the bench. And
16 now you're ---

17 MR. BROOKER: I apologize, Your Honor. I withdraw, I
18 think. Mr. Clements cleared up, at least, my concern.

19 THE COURT: Okay. Well, I just want it clear for the
20 record.

21 MR. BROOKER: Thank you, Your Honor. I withdraw the
22 request to approach.

23 THE COURT: You may continue.

24 MR. BROOKER: Thank you, sir.

25 Q Now, you said that you gave -- you made two statements?

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER

127

- 1 A Yes, sir.
- 2 Q Okay. The first statement, I think you said, was the
- 3 one that I just showed you?
- 4 A Yes, sir.
- 5 Q Is that correct? And, of course, that's dated November
- 6 4, 2012?
- 7 A It was right after it happened, yes, sir.
- 8 Q And what time is listed on that statement?
- 9 A One thirty-six.
- 10 Q Okay. Now, you said you gave another statement?
- 11 A Yes, sir.
- 12 Q A longer statement?
- 13 A Yes, sir. I went into detail about everything.
- 14 Q Okay. And when did you make that statement? This was
- 15 November 4. When did you make the long detailed
- 16 statement?
- 17 A They called me, Charlie Watson and, I believe, Mark
- 18 Collins called me and asked me to go to Jones Avenue and
- 19 make another statement and they recorded it.
- 20 Q Was that the same day?
- 21 A No, sir. It was that Tuesday afterwards, I believe.
- 22 Q. Okay. It was that Tuesday afterwards. Okay. And they
- 23 recorded the statement?
- 24 A I think so, because Charlie Watson was the one writing
- 25 it as I was saying it.

1 Q Okay. So it was also written out?

2 A Yes, sir.

3 Q Did you sign a written statement that day, as well?

4 A I signed it at the bottom ---

5 Q And roughly how many pages?

6 A --- after I reviewed.

7 Q I'm sorry. I didn't mean to interrupt you. Go ahead.

8 A I signed it after I reviewed it and made sure that
9 everything that he wrote was what I said.

10 Q And, roughly, how many pages were there?

11 A I think it was five or six pages, I believe.

12 Q Okay.

13 MR. BROOKER: Your Honor, may we approach now?

14 THE COURT: Yes, sir. Come around here.

15 MR. BROOKER: Okay. Thank you, Your Honor.

16 (WHEREUPON, a sidebar discussion is on the record)

17 MR. BROOKER: I'm sorry, Your Honor. The recorded
18 statement that she just indicated and that she discussed
19 and said it was five or six pages long, we have, neither
20 of us, have seen that statement.

21 MR. CLEMENTS: Neither have I, Your Honor. All we have
22 is that statement. That's all I've got, is that two-
23 paged one.

24 MR. BROOKER: I didn't know how to proceed, because I
25 came up and was examining her on it. That's the first I've

1 heard of it.

2 THE COURT: Y'all need to check and see if it's out
3 there. They either have it or they don't have it.

4 MR. CLEMENTS: They are not going to have it. That's not
5 my practice. If they had it and I have it, I would have
6 given it to him.

7 MR. BROOKER: I'm entitled to everything under Rule
8 5/Brady. I agree.

9 THE COURT: What we can do is continue, allow him to
10 recall her. I'm going to give him the opportunity to look
11 into this and if Martin Bell can't put his hands on it,
12 Mr. Brooker, you tell me.

13 MR. BROOKER: I take whatever direction from the Court.

14 MR. CLEMENTS: This is the first I've heard about her
15 having a six-paged statement, written statement.

16 THE COURT: We need an answer. She appears to be pretty
17 adamant about the fact that it exists. There's a line
18 you talked about on her statement. Chad threatened him
19 and told him to come to Stacy's. That was the next line,
20 it sounded like, that she did write.

21 MR. BROOKER: We can deal with that on cross.

22 THE COURT: Let's stand down a few minutes and see if he
23 can locate it and I will give you an amount of time to
24 look at it.

25 MR. BROOKER: Another reason is that she says it's five

1 or six pages and the only statement that we have seen is
2 a two-paged statement and she said it was in greater
3 detail and a recorded statement, then it would be
4 greater detail than what he gave us. I hate to be
5 difficult.

6 THE COURT: You are not being difficult at all. You are
7 just doing your job.

8 MR. CLEMENTS: I'm not complaining.

9 THE COURT: Let's stand down a few minutes and see if
10 Mark Bell can locate it. I had this discussion before.
11 You've got to do your job and look at their files to see
12 if they've given you everything. They need to check their
13 files.

14 MR. CLEMENTS: We thought we had everything. We may.

15 MR. BROOKER: In the future, maybe they need to bring
16 their entire file over. This has happened in a couple of
17 cases.

18 THE COURT: We are not at that point yet. We've got
19 enough to do right now.

20 (TO THE COURTROOM AT LARGE)

21 THE COURT: We're going to stand down for just a few
22 minutes. Ma'am, you may step down, but you are not allowed,
23 and I repeat, not allowed, to discuss your testimony, at all.
24 Understand me?

25 MS. RATLEY: Yes, sir.

 THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

1 THE COURT: Thank you. All right. We'll stand down for
2 just a few minutes.

3 (BREAK)

4 THE COURT: We're back on the record in this matter of
5 Mr. Chad Strickland. I spoke with the attorneys back in
6 chambers. Do y'all want me to go forward or do you want to
7 put something on the record?

8 MR. CLEMENTS: No, sir, that's fine with me, Your Honor.

9 MR. BROOKER: No, that's fine with me.

10 THE COURT: We broke for lunch because Ms. Ratley made
11 reference to a statement that she had given law enforcement
12 and they made every effort to locate the statement. Mr. Mark
13 Bell's case notes were provided to the Solicitor, which, in
14 turn, were provided to Mr. Brooker. I'm going to break for
15 the balance of today on the Chad Strickland matter. We'll
16 reconvene this hearing Thursday morning at 9:30, at 9:30.
17 That will give them the balance of today and all day tomorrow
18 to locate whatever Ms. Ratley -- if there is, in fact,
19 another statement out there. Charlie Watson, who Ms. Ratley
20 testified to took the statement, he is no longer with the
21 Marion County Sheriff's Department. He is actually employed
22 in Darlington County right now. Mr. Clements indicated to me
23 that they've put in a call to him but have not yet spoken to
24 him. So I am instructing law enforcement to chase down
25 whatever leads they can to try to locate it, if in fact, it

1 does it exists. We'll reconvene Thursday at 9:30 in this
2 matter.

3 MR. CLEMENTS: Thank you, Your Honor.

4 MR. BROOKER: Thank you, Your Honor.

5 MORNING - DECEMBER 18, 2014

6 THE COURT: All right. Is the State ready to proceed?

7 MR. CLEMENTS: We are, Your Honor.

8 THE COURT: Mr. Brooker, Defense counsel?

9 MR. BROOKER: Yes, Your Honor.

10 THE COURT: All right. Let's first address this issue
11 of the statement of Ms. Ratley. The lawyers came back in
12 chambers and spoke to me briefly about it. Let me hear from
13 the State with regards to that issue, please.

14 MR. CLEMENTS: Your Honor, in regards to that issue, I
15 believe on cross examination Ms. Ratley said she had talked
16 to Charlie Watson and another officer over on Jones Avenue,
17 which is where the drug unit is, and she thought it was with
18 Mark Collins and she gave a statement there. And my
19 understanding was, that she said that it was written out by
20 Mr. Watson and he went over it with her and she thought she
21 signed it. That's my understanding of what she said. So we
22 began to look.

23 Charlie Watson left his file when he departed and went
24 to Darlington, left his file with Mark Bell. Mark told us
25 that it was not Mark Collins that interviewed Ms. Ratley at

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

1 the Jones Avenue, it was actually him, himself. He had some
2 recollection of it and he had Charlie's file. He looked
3 through that file. I looked through that file with him.
4 There was no other statement form.

5 There was, however, several pages of handwritten notes
6 by Mr. Watson where he interviewed lots of people. Rihannon
7 looked for -- she's got the master file with all the
8 originals. She looked through that file. There was no second
9 statement given by Ms. Ratley that was several pages long.
10 Judy Barker looked at her file that she's got a copy of,
11 there was not anything. We looked through everything we had.
12 We went down to the one stop and went through every room we
13 had there in case something was given when Investigator
14 Fabian was working with us and it was stuffed away somewhere.
15 We looked through every piece of paper there, couldn't find
16 anything. I also checked at -- we looked two times. I looked
17 one time. Gary Street, an investigator in our office, also
18 looked another time. I talked with Ms. Molly Sloan, with the
19 Public Defender's Office, to see if prior to Mr. Brooker
20 being retained, if they had opened a file and possibly they
21 had something in their file, and they did not because she
22 reported that he waived his right, or waived having a public
23 defender, and hired Mr. Brooker. So that's all she had in her
24 file. So that was what we did and we feel like that was
25 exhaustive.

1 Investigator Street talked to Charlie Watson and found
2 out that what he had here was actually what was referred to,
3 because there was an interview down at the drug unit on
4 11/7/2012 at 9:18 A.M. when he and Investigator Bell talked
5 with Ms. Ratley and he made one, two, three, four pages of
6 notes and he has a number, talking with Ms. Ratley in detail.
7 He included all of that when he made his summary of his
8 investigative report, when he put on his summary of everybody
9 he interviewed and who he talked with and what he did with
10 his detailed statement of investigation, which had been
11 provided to Mr. Brooker quite some time ago. But what we
12 discovered on Tuesday morning, we discovered we had these
13 handwritten notes. We immediately made copies of those and
14 gave those to Mr. Brooker and we believe that is what this
15 is, Your Honor.

16 THE COURT: All right. Mr. Brooker, is there anything
17 you would like to add?

18 MR. BROOKER: Nothing, Your Honor, but what I think I
19 can add is that, you know, obviously is that I am now at a
20 disadvantage. Ms. Ratley testified is that she had signed
21 something like a five or six page detailed statement that was
22 more detailed than the one she gave the day or the night
23 after the shooting and, obviously, what I think that law
24 enforcement now is saying is that she did not sign one. So
25 there's no way of knowing. So we're at a disadvantage and so

1 I, you know, Your Honor, at this particular point in time, I
2 don't know what to do, you know, other than the fact is that
3 we can cross examine, you know, Ms. Ratley on her particular
4 memory and, you know, obviously, you know, I need to handle
5 it that way. So, I don't know whether or not there's a
6 written statement by her or not. So, I guess we're just not
7 in a position to -- I just don't know. And that's all I have
8 to say, Your Honor.

9 THE COURT: Well, based upon what Mr. Clements has
10 conveyed to the Court, who is an Officer of the Court, I'm
11 satisfied that they've done extensive search in trying to
12 locate a statement. There's an on-going duty and
13 responsibility regarding Rule 5 and Brady, such as they
14 returned, to be turned over to Defense counsel. I'm
15 certainly satisfied that the State, based upon what Mr.
16 Clements has said as an officer of the Court, that they have
17 extensively searched high and low, so to speak, for this
18 statement that Ms. Ratley said that she reviewed and signed.
19 I'm satisfied that the State at this point has no such
20 statement and has, in fact, turned over what they have.

21 It's very unusual, as you well know, Mr. Brooker, and
22 from my years of practice that you, in fact, get a law
23 enforcement officer's notes from interviews. You typically
24 just get their incident report or their report. I believe the
25 State has gone to lengths to not only provide the report, but

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 136

1 actual investigative notes, which I don't know in my years of
2 practice if I ever got those, that type of information.
3 Maybe on occasion but very rare, very rare. So I'm satisfied
4 the State's done everything they can to turn over this
5 information. But it is an on-going responsibility if such is
6 ever turned up, it will be provided to you.

7 At this time, I am going to ask Ms. Ratley to return to
8 the stand and allow you to continue your cross examination of
9 her. Ma'am, if you'd come back up here.

10 (Whereupon, Ms. Ratley returns to the stand after
11 being duly sworn by the Clerk of Court.)

12 THE COURT: Before you go any further. Ms. Ratley,
13 you've been placed under oath and you'd been placed under
14 oath by the Clerk of Court. Before we broke court on Tuesday,
15 I instructed you not to discuss your testimony with anyone.
16 Have you complied with this Court's order regarding that?

17 MS. RATLEY: I asked Detective Bell if it was him that I
18 had talked to, because I couldn't remember.

19 THE COURT: And that was it?

20 MS. RATLEY: Yes, sir.

21 THE COURT: Okay. All right. I'm satisfied that that's
22 okay. You may continue, Mr. Brooker.

23 MR. BROOKER: Thank you, Your Honor.

24 CONTINUED CROSS EXAMINATION

25 BY MR. BROOKER:

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 137

- 1 Q Ms. Ratley, I'll try not to repeat myself, but I forgot
2 where we left off. But it's my understanding is that
3 it's your testimony that Blake was seeking to fight
4 Chad. Is that correct?
- 5 A Yes, sir.
- 6 Q And, of course, it is, is that it's also my
7 understanding is, is that did you not tell law
8 enforcement that Blake had been looking for Chad all
9 over and was seeing if he could find Chad to fight?
- 10 A I said that Blake had said he was going to The Game
11 Changer to handle some business.
- 12 Q And that, in fact, at some point in time, did you tell
13 law enforcement that Blake said that he was going to The
14 Game Changer to fight Chad?
- 15 A I didn't say he was going to fight. He said he was going
16 to handle some business.
- 17 Q All right. And quite actually, I think the words you
18 used was, he's going to The Game Changer to beat Chad's
19 butt!
- 20 A Well, I don't recall that. I know that he said he was
21 going to handle some business.
- 22 Q Okay.
- 23 MR. BROOKER: Your Honor, if I could approach and ---
- 24 Q Do you remember giving a November 4th, 2012, statement?
- 25 THE COURT: You may approach.

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 138

1 MR. BROOKER: Thank you, Your Honor.

2 Q Do you remember giving a November 4, 2012, written
3 statement?

4 A Yes, sir.

5 Q Okay. And let me just help you, for the interest of
6 time, and I'll direct you exactly where we're looking at
7 is, is that, and I want you to read it to the Court or
8 at least you make sure that I'm reading it correctly.
9 Am I reading correctly when it says: Blake said that he
10 was going to fight Chad at The Game Changer. We went and
11 picked Chad up from The Game Changer and get some money.
12 Chad and Blake kept fussing through the phone and Blake
13 kept saying he was going to beat Chad's butt.

14 A Yes, sir.

15 Q Okay. So you did tell law enforcement that on numerous
16 occasions that he made the allegation, at least that
17 night, that he was going to fight Chad, he was going to
18 beat his butt?

19 A They both did.

20 Q Now, did you also -- well, let me ask you this
21 particular question. When did y'all learn -- you and
22 Stacy was at The Mud Bog, right?

23 A Yes, sir.

24 Q And is that when y'all learned that Chad wanted to fight
25 Blake and that Chad was going to the -- excuse me. That

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 139

1 Blake wanted to fight Chad and that Blake was going to
2 The Game Changer to try to find him?

3 A I actually was not with Stacy at The Mud Bog. She was
4 with her mama and sister down there and I had Kaylee
5 with me and I was with a few other friends and then
6 Stacy came and told me that we had to leave because they
7 were trying to fight each other and we had to go get
8 Chad from The Game Changer.

9 Q Okay. You were at The Mud Bog, but you were not
10 specifically with ---

11 A I mean, I rode there with her, but at that time I was
12 not with her.

13 Q You were not at The Mud Bog together?

14 A Yeah. But we weren't, like, hanging out together.

15 Q Yeah. At that particular period of time, is that when
16 y'all left and went to pick Chad up?

17 A Yes, sir.

18 Q And did y'all leave to go pick Chad up in order to try
19 to avoid a fight?

20 A I honestly don't know why we picked him up.

21 Q You have no idea why you went to pick Chad up?

22 A Because when we picked him up, he was wanting to fight
23 Blake.

24 Q Is that what you said in your statement?

25 A I'm not sure. When we picked him up he wanted to go to

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 140

1 his house and then we went to Sunny Mart and he tried to
2 get them to meet him at Sunny Mart.

3 Q Okay. Now, that statement about Sunny Mart. You gave two
4 statements. If you could take a look at your statement
5 again that you gave on November 4th, 2012, and could you
6 review that? And in that statement, could you review
7 whether or not you made any allegation within that
8 statement that Chad offered to meet Blake at, was it, is
9 it, Car Mart?

10 MR. STRICKLAND: Sunny Mart.

11 Q Sunny Mart?

12 A Sunny Mart.

13 Q At Sunny Mart to fight?

14 THE COURT: Hold on a minute. Hold on a minute. Who
15 just said that?

16 MR. BROOKER: I think he did.

17 MR. STRICKLAND: I did.

18 THE COURT: You're not on the stand. I don't want to
19 hear anything out of you.

20 MR. STRICKLAND: I apologize.

21 THE COURT: Do you understand?

22 MR. STRICKLAND: I apologize, Your Honor.

23 THE COURT: All right.

24 Q So, is that contained anywhere in your statement?

25 A No, sir.

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 141

- 1 Q Is your memory better then that it is now?
- 2 A Not really. But that night after it had just happened,
- 3 I was kind of shook up, so I don't really remember much.
- 4 Q Now, I think it was on November 7th, it was on November
- 5 7th, which would be roughly three days after you gave
- 6 that initial statement, do you remember talking with
- 7 Charlie Watson?
- 8 A Yes, sir.
- 9 Q Okay. In your statement with Charlie Watson, you never
- 10 mentioned at that particular period of time that you
- 11 gave another statement, the one that you referred to as
- 12 a more detailed statement, you never mentioned the
- 13 alleged allegation that Chad offered to meet Blake at
- 14 Sunny Mart to fight him.
- 15 A Okay.
- 16 Q Is your memory better now than it was then?
- 17 A No, but I was still shook up about it. I mean, it's not
- 18 something that you want to have to think about.
- 19 Q All right. So today is the first time, the first time at
- 20 least in any statement you've given, that you're making
- 21 this allegation about Sunny Mart?
- 22 A No, I said it Tuesday, also.
- 23 Q You said it Tuesday?
- 24 A Yeah.
- 25 Q Well, I guess it must have been in the last two years.

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 142

1 But you have never made it to law enforcement. Is that
2 correct?

3 A Well, I haven't talked to anybody since that time I
4 talked to Charlie Watson.

5 Q Now, you said that after y'all picked Chad up, after
6 y'all picked Chad up, that -- I think your testimony
7 was, is is that Chad drove?

8 A Yes, sir.

9 Q And that Chad, then, was driving to Sunny Mart. I think
10 you testified on Thursday [verbatim] that he actually
11 drove to Sunny Mart.

12 A He did.

13 Q Okay. Now, I'll pull it out and show you your
14 statement, but I'll ask you the same question again: Is
15 there anywhere within your statement, when you gave a
16 description in your written statement with respect to
17 where y'all went when y'all picked Chad up from The Game
18 Changer, is there anywhere within that November 4th,
19 2012 statement, that you ever mention that y'all drove
20 to Sunny Mart?

21 A No, sir.

22 Q And the statement seven days later on November 7th,
23 2012, when you talked to Detective Charlie Watson, is it
24 anywhere in that statement that you mention that y'all
25 go to Sunny Mart?

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 143

1 A I'm not sure. I don't remember.

2 MR. BROOKER: Just a second, please?

3 Q Did y'all drove to the Sunny Mart?

4 A Yes, sir.

5 Q Why is that not contained in you statement that y'all
6 drove to Sunny Mart?

7 A Because I didn't remember everything at that time. I'd
8 just seen somebody be killed and I was in shock, pretty
9 much.

10 Q Now, after y'all went to Sunny Mart or after y'all had,
11 allegedly, went to Sunny Mart, was that before or after
12 y'all went to Chad's house?

13 A After.

14 Q Okay. After y'all went to Chad's house.

15 A Yes.

16 Q Okay. And where did you went, thereafter?

17 A After where?

18 Q After you, allegedly, went to Sunny Mart, did you then
19 go to Stacy's house?

20 A Yes, sir.

21 Q Did y'all go directly to Stacy's house?

22 A We may have rode around a little bit before we went to
23 Stacy's. I don't recall. But I know we didn't make any
24 more stops, except for Chad and Stacy to switch seats.

25 Q Now, when y'all got to Stacy's house, what did y'all do?

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 144

- 1 A I went inside. Well, we all went inside and then I had
2 talked to Blake and he called me a bitch and then I
3 talked to Matt and Matt told me I could go to his house.
4 And I ---
- 5 Q Did you -- I apologize. Go ahead.
- 6 A I wanted to find out why he called me that. So I went
7 down there and asked about it.
- 8 Q Did Blake call you or did you call him?
- 9 A I don't recall.
- 10 Q What was your cell phone number at that particular
11 period of time?
- 12 A [REDACTED]-4748.
- 13 Q [REDACTED]-4748?
- 14 A Yes, sir.
- 15 Q Is that the cell number that you still have?
- 16 A Yes, sir.
- 17 Q What was your carrier?
- 18 A T-Mobile.
- 19 Q T-Mobile. Was that a contract phone or a non-contract?
- 20 A Non-contract.
- 21 Q Now, how long did you stay at Stacy's house before you
22 left?
- 23 A Five or ten minutes.
- 24 Q And why did you leave?
- 25 A To go to Matt's house to see why Blake had a problem

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 145

1 with me.

2 Q At that particular period of time when you arrived at
3 Blake's house -- when you arrived at Blake's house ---

4 A I never went to Blake's house.

5 Q Excuse me. Arrived to Matt's house where Blake was, did
6 you and Blake talk?

7 A Yes, sir.

8 Q And did he seem upset?

9 A To begin with.

10 Q Now, you testified also on Tuesday is that, the text
11 messages that was made, there was a text message that
12 was made to Matt. And, of course, were you in the
13 courtroom when Matt testified?

14 A. Yes, sir.

15 Q Okay. And, of course, is is that you testified on
16 direct examination that a text message, or maybe it was
17 in cross, but a text message that Matt testified that he
18 received from you had actually, you had not sent that
19 text and that actually, I think, Chad was sending that
20 text indicating that he was or Chad was not at Stacy's
21 house.

22 A Uh-huh.

23 THE COURT: Is that a yes?

24 MS. RATLEY: Yes, sir.

25 THE COURT: All right. Thank you.

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 146

1 Q When was that text message made? At what point during
2 the night was that text message made?

3 A I don't recall. It was after they had been arguing and
4 trying to get each other to meet somewhere.

5 Q Was this while y'all were riding around, all three of
6 y'all were riding around or all four of y'all were
7 riding around in the car? And what I mean by all four,
8 I mean yourself, Chad, Stacy, and Stacy's three-year-
9 old, Chad and Stacy's three-year-old daughter.

10 A I believe so. I believe it was before we ever got back
11 to Stacy's house.

12 Q Okay. Well, let me ask you a question is, is that, just
13 logically -- you may not answer this, you may not be
14 able to answer this question, but logically, if
15 yourself, Chad -- if Chad was in the car with you and
16 Stacy and y'all were riding around and allegedly Blake
17 and Matt had been texting you and Stacy back and forth,
18 and so it's assuming that Stacy -- that Blake and Matt
19 would have known that y'all were driving around in the
20 car. Is that correct? If they were texting y'all while
21 you were riding around ---

22 A They knew ---

23 Q --- in your ---

24 MR. CLEMENTS: Your Honor ---

25 THE COURT: Hold on a minute. Hold on a minute.

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 147

1 MR. CLEMENTS: I object. That question calls for
2 speculation. I don't know how she can assume anything.

3 MR. BROOKER: I can re-phrase it.

4 THE COURT: Please do.

5 MR. BROOKER: Okay.

6 Q Now, they knew y'all were driving around?

7 A As far as I know they knew it, but they might have
8 thought we were already at Stacy's house.

9 Q If you thought they knew, do you know how?

10 A No.

11 Q Did anyone suggest it to them that y'all were -- did any
12 one of y'all suggest to them that y'all were driving
13 around?

14 A No. We told them -- or Chad told them to meet him at
15 the Sunny Mart, but other than that, they didn't know
16 where we were.

17 Q Now, when you got to Blake's [verbatim] house -- I think
18 you testified that when you left Stacy's house, got to
19 Matt's house to talk to Blake, you testified that Blake
20 was angry, at first?

21 A Uh-huh.

22 Q And do you remember telling law enforcement that all of
23 a sudden while y'all were talking, or after y'all were
24 talking, that Blake just took off.

25 A Yeah.

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 148

1 Q In Matt's car. Did he say anything to you before he took
2 off?

3 A He asked me where Stacy was and I told him she was at
4 home with Chad.

5 Q Okay. Did he indicate why he was going over there?

6 A He said he was going to beat Chad's ass and that he
7 needed to talk to Stacy.

8 Q So, he told you at that particular period of time,
9 before he drove off, that he was going over there to
10 beat Chad's ass?

11 A Uh-huh. Yes, sir.

12 Q Had you talked with Stacy? Once you got over to Matt
13 Lane's house and was talking with her, with Blake?

14 A After Blake left and Matt got in my car and we followed
15 him, I called Stacy and I said, "Blake's about to be
16 there".

17 Q Did you tell her why he was coming?

18 A No, sir. I just said he was about to pull up.

19 Q Now, isn't it true that entire night that you were
20 trying to get Blake and Chad together so that they could
21 fight?

22 A I wasn't trying to get them together to fight.

23 Q Did you ever tell Stacy when y'all were riding around in
24 the car, you know, that if they got together to fight,
25 and that Kaylee, the three-year-old child was there,

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 149

1 that Kaylee could walk away with you while they fight?

2 A I don't recall. But I'm sure I did say that I would
3 make sure Kaylee didn't see nothing.

4 Q And isn't it true, that in the car while y'all were
5 driving, that Stacy became upset at you for trying to
6 arrange this fight?

7 A Not that I recall.

8 Q You don't recall that?

9 A No, sir.

10 Q Now, when Blake finally left Matt's house, and, of
11 course, he was driving over to Stacy's house to, in your
12 words, to beat Chad's ass, y'all went behind him. Is
13 that correct? Yourself and ---

14 A Yes, sir. And Matt.

15 Q Who was there at Matt's house besides yourself and
16 Blake? Who else was there?

17 A I have no idea. I think Ethan Allen was there and his
18 neighbor, Fletcher. I don't know.

19 Q And I think you testified yesterday [verbatim] on direct
20 examination that when -- and you correct me if I'm wrong
21 -- that when Blake took off, that Blake had maybe a
22 thirty second to one minute lead on y'all?

23 A Yes, sir.

24 Q And when y'all got to the house, could you tell me what
25 happened once y'all finally caught up to Blake at

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 150

1 Stacy's house?

2 A Blake had just got out the car.

3 Q I'm sorry?

4 A Blake had just stood up out of the car.

5 Q Okay. Go ahead. Tell me what happened.

6 A When he stood up, Stacy was down there talking to him
7 and Chad was on the porch. And then whenever Stacy saw
8 that I had Matt with me, she told me to get him out of
9 her yard. So, I went to back up and the next thing I
10 know, I heard the gun go off and then I looked back and
11 I saw Blake falling.

12 Q Did you ever get out of the car?

13 A I did not ever get out. I might have opened my door and
14 stood on my side rail, but I'm not sure.

15 MR. BROOKER: If you can indulge me for just a second,
16 Your Honor?

17 THE COURT: Yes, sir.

18 Q Now, do you remember the statement that -- do you
19 remember talking with Charlie Watson on November 7th,
20 2012?

21 A Yes, sir.

22 Q Now, did you tell ---

23 MR. BROOKER: Indulge me for just a second, Your Honor.

24 THE COURT: Yes, sir.

25 Q Let me refer you, not to that statement, but to your

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 151

1 November 4th, 2012, statement that you wrote within
2 twenty-four hours of the shooting. Do you remember
3 giving that statement?

4 A Yes, sir.

5 Q Okay.

6 MR. BROOKER: If I may approach, Your Honor?

7 THE COURT: Yes, sir.

8 Q I want to ask you. You just testified that you never got
9 out of the car. Is that correct?

10 A Yes, sir.

11 Q I'm going to read this and I want you to ask me
12 [verbatim] whether I'm reading it correctly. It says:
13 We followed Blake to Stacy's house. When we pulled up,
14 Blake and Chad were fussing. Stacy told me I needed to
15 get him out of the yard -- and, of course, we have in
16 parenthesis, Matt Lane -- so, I got back in my car and
17 was pulling out the yard. My windows were down. I heard
18 a gunshot go off and saw Blake laying beside the car.
19 He was driving. So you testified then, testified or at
20 least gave a statement there is, that you were out of
21 the car, you know, and that when Stacy told you to get
22 him, get him out of your yard, meaning Matt Lane, after
23 you went back, you got into your car. That's a little
24 bit different from what you're testifying from now. Is
25 that correct?

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 152

1 A The way you're making it sound, it does sound different.

2 But I opened my door. If anything, I stood on the side
3 of my car. I didn't ever touch the ground at Stacy's.

4 Q All right. So, and just to make the record clear, did
5 you or did you not get out of the car? Because I'm
6 confused.

7 A I mean, I got on the side of it, I guess. I don't
8 recall. But I did not get out of my car and walk towards
9 them.

10 Q And did you also not say, is that, as you were getting
11 back into your car and you were driving away, did you
12 also not say that, when I got back into my car and was
13 pulling out the yard, my windows were down and I heard a
14 gunshot go off?

15 A Yeah.

16 Q That was your statement, was it not?

17 A Yes, sir. While I was backing up.

18 Q While you had your head turned, backing out?

19 A I had my head turned back and then when I looked back,
20 that's when I saw Blake fall.

21 Q Okay. All right. And, of course there is that when you
22 talked to Charlie Watson -- do you remember on November
23 7th talking to Charlie Watson?

24 A Yes, sir.

25 Q Did you tell Charlie Watson something different than

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 153

1 what you said in your statement?

2 A Not that I know of.

3 Q Do your remember telling Charlie Watson that you
4 actually witnessed the shooting, that you actually
5 witnessed Blake shot?

6 A No. No, sir.

7 Q You actually witnessed Chad shoot Blake in the head?

8 A No, I --

9 Q That's ---

10 A --- I'm sorry.

11 Q I'm sorry. Go ahead. I didn't mean to interrupt you.

12 A I told Charlie Watson that I never even saw the gun.

13 Q So, you never told Charlie Watson that you witnessed
14 Blake -- just for clarification -- that you witnessed
15 Blake, that you witnessed Chad shot [verbatim] Blake in
16 the head?

17 A No, sir.

18 Q Now, did you remember -- did you ever tell Charlie
19 Watson -- I think you just testified, at least with
20 respect to your fist statement, that you actually, and
21 you correct me if I'm wrong, but that you actually drove
22 up in the yard, got out of the car and, of course, and I
23 think you testified possibly standing up in the, I guess
24 the door jamb of your car, but never touched the ground.
25 Is that correct?

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 154

1 A Yes, sir.

2 Q And my understanding is, is that you said at some point
3 in time Stacy told you to get Matt Lane out of the yard
4 and you started getting back into the car, you put it in
5 reverse and turned around to back out when you heard the
6 gunshot. Is that correct?

7 A Yes, sir.

8 Q And when you turned around, you then saw Blake laying on
9 the ground?

10 A Yes, sir.

11 Q Excuse me. You saw Blake laying on the ground?

12 A As he was falling, yes, sir.

13 Q Now, did you remember telling Charlie Watson on November
14 7th, that when you drove up in the yard, that you saw
15 Chad Strickland shot Blake in the head as he was trying
16 to exit the vehicle?

17 A No, sir.

18 Q So that's not accurate? So if Charlie Watson wrote that
19 down, that would not have been your statement?

20 MR. CLEMENTS: Your Honor, I don't know how she can
21 testify to what Charlie wrote down, but Charlie also wrote
22 down a lot of things that Matt Lane said, so I don't know.
23 If he wants to show it to her or put the notes into evidence,
24 I have no objection.

25 MR. BROOKER: I'm just asking ---

CONTINUED CROSS EXAMINATION OF LOGAN RATLEY BY MR. BROOKER 155

1 THE COURT: Objection overruled. Go ahead Mr. Brooker.

2 Q So, you would not have told, you would not have told
3 Charlie Watson that, that day on November 7th?

4 A No, sir. Because I told Charlie Watson that I was
5 backing out and I heard the gun go off.

6 Q So, what you're saying is, is that the actual moment of
7 the shooting, you never witnessed -- you never witnessed
8 the shooting. Is that correct?

9 A Yes, sir.

10 Q But you more sort of heard the shooting?

11 A Yes, sir.

12 Q And I want to just make this clear, is that when Stacy
13 asked you to leave, to get Matthew Lane out of there,
14 you got back in your car. Is that correct?

15 A Yes, sir.

16 Q You sat down. Did you put your seatbelt on or anything?

17 A No, sir.

18 Q You put your car in reverse, you turned around, and you
19 start backing out?

20 A Yes, sir.

21 Q How far had you backed before you heard the -- how far
22 had your car traveled backwards or how far had your car
23 traveled backwards before you then heard the shot?

24 A I wasn't even in the road so, maybe five feet.

25 Q Maybe five feet or so?

REDIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS

156

1 A Yes, sir.

2 Q About how much time did it take to drive that five feet
3 or whatever it took ---

4 A Two seconds.

5 Q --- to back up before you heard the gunshot?

6 A Two or three seconds.

7 Q So, within that couple of seconds that you were not
8 looking, you're not in a position to say exactly what
9 happened within those couple of seconds that you were
10 not looking, prior to the shooting, prior to the gun
11 discharging?

12 A No, sir.

13 Q How long had you pulled up in the car? How long had your
14 car been in the yard before? From the time in which you
15 pulled up in the yard, how long had you been there
16 before you then started to back out?

17 A Less than a minute.

18 Q Less than a minute?

19 MR. BROOKER: I don't have any further questions, Your
20 Honor.

21 THE COURT: Any redirect?

22 MR. CLEMENTS: Briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. CLEMENTS:

25 Q What kind of car do you have?

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

REDIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS

157

- 1 A A black Ford Explorer.
- 2 Q And tell me about the running board along the side of
- 3 it.
- 4 A There's a -- I guess it's metal, a metal running board
- 5 along both sides, like a step thing to help you get in.
- 6 Q Okay. And I think you told Mr. Brooker you didn't step
- 7 on the ground?
- 8 A Yes, sir.
- 9 Q What were you stepping on?
- 10 A The running board beside my car.
- 11 Q The running board?
- 12 A Yes, sir.
- 13 Q Standing up, looking over the door?
- 14 A Yes, sir.
- 15 Q Is that what you told Charlie Watson?
- 16 A As far as I remember.
- 17 Q Okay. Now, on cross examination Tuesday, Mr. Brooker
- 18 was asking you all about, you said on your written
- 19 statement you wrote that -- and this was the morning,
- 20 early morning, that, the morning that it happened. That
- 21 was only a few hours after the shooting, right?
- 22 A Yes, sir.
- 23 Q And you didn't write every detail on that, did you?
- 24 A No, sir.
- 25 Q When Mr. Brooker was asking you about it, you never put

REDIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS 158

1 anything in there about Chad wanting to fight Blake.

2 A No, sir.

3 Q Now, I want to ask you to read something, because I
4 don't think he read far enough. Can you read -- he
5 talked to you about Blake said he was going to Stacy's
6 to beat Chad's ass and he said that -- and I want you to
7 read this portion right here where it starts here, "So
8 Chad". Will you read that out loud please?

9 A So Chad told him to come to Stacy's so it could get
10 settled.

11 Q And who is the "he" you were referring to there?

12 A Blake.

13 Q So Chad told Blake to come to Stacy's so it could get
14 settled?

15 A Yes, sir.

16 Q All right. Is that because, or not because, they
17 couldn't settle it at the Sunny Mart or the used car
18 place?

19 A I don't remember the used car place, but I remember
20 Sunny Mart and then at Matt Lane's house.

21 Q And then also come to Stacy's ---

22 A Yes, sir.

23 Q --- so we can settle this?

24 A Yes, sir.

25 Q And I think you told Mr. Brooker when you went to Matt

REDIRECT EXAMINATION OF LOGAN RATLEY BY MR. CLEMENTS

159

1 Lane's house, how did Blake know that Chad was at
2 Stacy's at that point in time?

3 A I told him.

4 Q You told him?

5 A Yes, sir.

6 Q And he got mad and left?

7 A Yes, sir.

8 Q And you and Matt followed him for what reason?

9 A Because Blake had been drinking and he was in Matt's car
10 and we wanted to make sure nothing did happen.

11 Q You wanted to make sure nothing did happen, but y'all
12 weren't successful with that.

13 A No, sir.

14 MR. CLEMENTS: I believe that's all the questions I
15 have. Let me check. One moment.

16 Q Did you ever tell Charlie Watson you saw the gunshot?

17 A No, sir.

18 Q What, exactly did you tell Charlie Watson?

19 A From what I can remember, I told him that as I was
20 backing out, I heard it go off and then I turned and
21 looked back and I saw Blake falling and Chad was
22 standing there and Stacy had turned around and was
23 screaming at Chad and was trying to hit him and asking
24 him what had he done.

25 Q Okay. Thank you.

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

160

1 MR. CLEMENTS: That's all.

2 THE COURT: Anything further Mr. Brooker?

3 MR. BROOKER: Nothing further, Your Honor.

4 THE COURT: Ma'am, you may step down. Thank you. Call
5 your next witness, please.

6 MR. CLEMENTS: Your Honor, we would call Ms. Stacy
7 Fowler.

8 (After being duly sworn by the Clerk of Court,

9 **STACY FOWLER** testified as follows:)

10 DIRECT EXAMINATION

11 BY MR. CLEMENTS:

12 Q Ms. Fowler, would you please state your name for the
13 record and tell us where you live.

14 A Stacy Fowler. I live at [REDACTED] Ard Drive in Mullins.

15 Q All right. I'm going to ask you to speak up, okay, so
16 we can be sure to hear you and so the court reporter can
17 take down everything you say.

18 A Okay.

19 Q What is your relationship to Chad Strickland?

20 A We have a daughter together.

21 Q And her name is?

22 A Kaylee S.

23 Q And she's how old?

24 A She's five now.

25 Q She's five now?

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

161

- 1 A Uh-huh.
- 2 Q Back in November 2012, how old was she?
- 3 A She was three.
- 4 Q Okay. What was your relationship with Blake Dozier?
- 5 A Blake and I were living together.
- 6 Q Y'all were living together?
- 7 A Uh-huh.
- 8 Q Had y'all been having some rocky times or was everything
- 9 smooth?
- 10 A We had an argument that morning, but most relationships
- 11 have arguments.
- 12 Q Okay. Had y'all ever talked anything in the past about
- 13 an abortion or anything like that?
- 14 A When I first got pregnant with our daughter, Blake was
- 15 very much alive. I told him if he didn't want her then
- 16 we would have an abortion. He did not want that. He
- 17 said he made her, he was going to take care of her.
- 18 Q All right. But the issue had been mentioned?
- 19 A Yes, sir.
- 20 Q And y'all had some rocky roads?
- 21 A Yes, sir.
- 22 Q Okay. Now, what was Blake's physical condition like at
- 23 this time period, in November?
- 24 A Well, Blake had recently had eye surgery. He was blind
- 25 in his left eye. He actually had stitches in his eye.

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

162

- 1 Q On this occasion?
- 2 A Uh-huh. Yes, sir.
- 3 Q Was he still taking medicine?
- 4 A Yes, sir. He was actually still on his antibiotics.
- 5 Q And where were those antibiotics kept?
- 6 A They're still in the cabinet at our house.
- 7 Q Okay. And how recent had the surgery been?
- 8 A It had just been a few weeks. It hadn't been long at
- 9 all, because the stitches were actually still in place.
- 10 Q And he couldn't see out of the left eye?
- 11 A No, sir. Especially not at night.
- 12 Q All right. Now, you called 9-1-1 that night, didn't you?
- 13 A Yes, sir.
- 14 Q And you talked to the 9-1-1 operator?
- 15 A Yes, sir.
- 16 Q Were you a hundred percent truthful at that time?
- 17 A No, sir.
- 18 Q All right. And we'll get back to that in a little bit.
- 19 And then you've given how many statements to law
- 20 enforcement?
- 21 A A couple, that I'm sure of.
- 22 Q Was the first one or the latter one more detailed?
- 23 A The last one was more detailed.
- 24 Q Why was the first one not as detailed?
- 25 A Well, I was still in shock. Someone I loved had just got

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

163

1 shot in front of my face. I didn't really, you know...

2 Q So you gave an initial statement.

3 A Uh-huh.

4 Q And then gave a more detailed statement?

5 A Yes, sir.

6 Q All right. Did you ever have occasion to write anything
7 for Mr. Brooker?

8 A Yes, sir.

9 Q And why did you write that?

10 A Because I was actually intimidated by the whole
11 situation.

12 Q He asked you to write it or somebody else asked you to?

13 A Someone else asked me to write it.

14 Q All right. Okay. And who was that someone?

15 A Well, actually, Mr. Brooker had actually gotten in
16 contact through my cousin, Mary Stroud, to get my
17 number. He needed to speak to me. And he had actually
18 asked for the statement.

19 Q All right. I want you to be sure you understand you're
20 under oath here today.

21 A Yes, sir.

22 Q And I would like for you to tell the Judge and this
23 court what happened, what was going on, and I don't need
24 every minor detail, okay, but the important things, the
25 relevant points and facts that occurred during that

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

164

1 afternoon, that evening. Please tell the Court, and
2 tell us, exactly what happened; the good, the bad and
3 the ugly.

4 A Okay. Well, you need me to start from that morning?

5 Q Well, you can start from that afternoon or whatever you
6 think's relevant.

7 A Okay. Well, Blake and -- when Blake and Matt actually
8 come to my house the first time, Blake and I did -- I
9 was -- we did have a little brief argument. Blake never
10 said anything. I was upset because Blake was driving
11 after he'd been drinking. I didn't want anything to
12 happen.

13 Q What time of day was this?

14 A That was around 7:00.

15 Q 7:00 in the morning or the evening?

16 A In the evening.

17 Q Okay. All right.

18 A And I told him that Logan and I and Kaylee, my daughter,
19 was going to The Mud Bog and he said, okay. And I told
20 him not to, you know, to be careful. He said he was
21 going back to Matt's house and Logan and I and my
22 daughter went to The Mud Bog. I received a text message
23 from Blake. The text message said, "I found out Chad
24 was at The Game Changer and I'm fixing to mess up
25 everything." My instinct was to call him, because I

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

165

1 didn't know, I wasn't aware of anything going on.

2 Q To call Blake or call Chad?

3 A To call Blake, because I didn't know. Blake wouldn't,
4 Blake wasn't answering the phone.

5 Q All right. Now, let me stop you there. You were with
6 Logan. What was Blake and Logan's relationship like?

7 A Blake did not like Logan.

8 Q Why did he not like Logan?

9 A Blake said Logan was trouble.

10 Q All right. She was single?

11 A Yes, sir.

12 Q He didn't like you hanging around with her?

13 A Well, he probably -- he didn't ever say anything to me
14 about that part. He just said she was trouble. I mean,
15 I'm sure he probably did have that issue but he just, he
16 said she was trouble and he didn't like her, which he
17 told her that, too.

18 Q Okay. And y'all went to The Mud Bog and you got this
19 phone call from Blake?

20 A A text message from Blake.

21 Q A text message from Blake. I'm sorry.

22 A Yes, sir.

23 Q After you got a text message, tell us what you did.

24 A I called Blake. I called him over and over. He wouldn't
25 answer the phone. I was texting -- no, I never texted

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

166

1 him back. I'm sorry. I kept calling. He wouldn't answer
2 the phone. I was worried that something may have
3 happened, so I called Chad and Chad answered and I said,
4 "Where are you?" and he just said, "The Game Changer".

5 Q All right. Let me back up a little bit. Before Matt and
6 Blake came by and you fussed at Blake, had you been with
7 Chad earlier that day?

8 A Earlier that day. He actually had our daughter and we
9 were actually supposed to take her to Chucky Cheese,
10 but I'm not sure why we decided -- I think Chad had
11 decided he was going to take her that Sunday, which
12 would have been the next day, so we never took her to
13 Chucky Cheese. She asked for pizza so we took her to eat
14 pizza and Blake was aware of that.

15 Q Blake was aware of that?

16 A Uh-huh.

17 Q Was he happy about that, unhappy about that or what?

18 A If it was for Kaylee, Blake didn't care.

19 Q All right. So you talked to Chad. He's at The Game
20 Changer.

21 A Uh-huh. Yes, sir.

22 Q All right. You talked to him or you texted him?

23 A Chad?

24 Q Yeah?

25 A I talked to Chad. Chad answered.

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

167

- 1 Q Okay. All right. After you talked to him and you found
2 out he was at The Game Changer, what did you do?
- 3 A I asked him had he seen Blake. He said, "No, but Blake
4 called out here looking for me." And I said, "Well, what
5 is going on?" Because I wasn't aware of the two of them
6 even having any argument at the time, until Blake texted
7 me and he said, "Well, I'm not trying to get in any
8 trouble. Chad did -- Chad said he wasn't trying to get
9 in any trouble and so I went and got him and we were
10 going to go back to my house so that he -- where Kaylee
11 was -- well, Kaylee was actually with me at the time,
12 anyway, but Chad drove.
- 13 Q Okay. Chad drove your vehicle?
- 14 A Logan's.
- 15 Q Logan's vehicle?
- 16 A Logan's.
- 17 Q All right. And what kind of vehicle is that?
- 18 A A black Ford Explorer.
- 19 Q Okay. And where did y'all go after y'all left The Game
20 Changer? Chad got in at The Game Changer and drove?
- 21 A Yes, sir, and I got in the back seat with my daughter.
- 22 Q Okay. Where did y'all go?
- 23 A Chad said that he needed to go by his house to get his
24 money. His money, it may have been his money and his
25 coat, I'm not sure. I know it was either both or one or

1 the other.

2 Q Okay. All right. And did anybody go inside with him?

3 A No, sir.

4 Q Did he stay inside long?

5 A I don't think he was in there long at all. I mean, not
6 longer than just a couple of minutes because I said I
7 had wanted to go home.

8 Q And when he came out, what did he have with him?

9 A I didn't see anything but he had on his jacket.

10 Q Okay. Now, he got in the car. Who drove?

11 A Chad did.

12 Q Chad did. Where did y'all go then?

13 A Well, in between that time, he had actually argued on
14 the phone and that's when he went to Sunny Mart.

15 Q All right. So, who was he arguing on the phone with, if
16 you know?

17 A Matt.

18 Q Matt?

19 A Uh-huh.

20 Q Okay. What could you hear Chad say, if anything?

21 A Chad told them to meet him at Sunny Mart. Chad told Matt
22 to meet him at Sunny Mart. I'm sure -- I mean, Blake may
23 have been listening to the conversation, but Blake
24 wasn't on the phone.

25 Q Okay. All right. And did he say anywhere else?

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

169

- 1 A I don't remember. Well, he did say that they could come
2 to my house and I said there's not going to be any
3 fighting at my house because my three-year-old daughter
4 was there. I didn't want her around any trouble.
- 5 Q Did you hear anything said, or not, about anybody else's
6 house?
- 7 A I wasn't on the phone so -- but -- well, I actually --
8 they may have put it on speaker phone and I'm pretty
9 sure Matt said, "You can come to my house".
- 10 Q What did Chad say about that?
- 11 A Chad said, "I'm not stupid. Y'all going to call the law
12 if I go down there".
- 13 Q All right. So, where did you go to next?
- 14 A To Sunny Mart.
- 15 Q Sunny Mart. All right. How long did you stay there?
- 16 A Just a second, because they said they wasn't meeting him
17 at Sunny Mart.
- 18 Q All right. Was there anything said while y'all were at
19 Sunny Mart about going on to The Mud Bog or anything?
- 20 A I don't remember anything about going to The Mud Bog,
21 because Logan and I had just left The Mud Bog.
- 22 Q Okay.
- 23 A I don't remember that.
- 24 Q All right. So after you left the Sunny Mart, where did
25 you go?

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

170

1 A We actually, after we left Sunny Mart, Chad went further
2 down into Nichols, going towards Green Sea and I really
3 don't even remember why he went that -- I mean, I don't
4 -- there is a old car lot there and I just don't
5 remember anything said about the old car lot, but I told
6 them that I was ready, that I was going home, that me
7 and my child, we were ready to go home. So, that's when
8 we switched drivers.

9 Q And so you switched drivers from which driver to which
10 driver?

11 A I got in the driver's seat and Chad got in the back
12 seat.

13 Q With Kaylee?

14 A Yes, sir.

15 Q All right. Was there still a lot of phone traffic going
16 on at that time?

17 A I don't really -- Logan was on her phone, but I don't
18 really -- I don't -- I don't think the other two phones
19 were being used anymore at the time.

20 Q Well, what happened to your phone at that time?

21 A My phone was in my pocket. I had texted Blake and said,
22 "Blake, please stop".

23 Q Okay.

24 A And Blake stopped.

25 Q Okay. Did your phone go dead or did you have to charge

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

171

- 1 it or anything like that?
- 2 A My phone went dead later on.
- 3 Q All right. So, you switched drivers and you began to
- 4 drive?
- 5 A Yes, sir.
- 6 Q This was in Nichols, right?
- 7 A It was down past Sunny Mart. It was actually on -- I
- 8 think the name of that highway is Old Nichols Highway.
- 9 Q Okay. And in which direction did you begin to head?
- 10 A I turned around and went back towards Nichols, back into
- 11 the Town of Nichols, and went back to my house.
- 12 Q All right. Did you go anywhere or stop anywhere before
- 13 you got to your house?
- 14 A No, sir.
- 15 Q All right. What happened when you got to your house?
- 16 A We all went in the house.
- 17 Q Who's we?
- 18 A Me, Logan, Chad and Kaylee.
- 19 Q Okay. And what happened? What did y'all do?
- 20 A Well, Logan -- I think she had to charge her phone. I
- 21 don't remember if she had to charge her phone or she had
- 22 to use the bathroom, one or the other, but she wasn't
- 23 there but just a couple of minutes. My remembrance --
- 24 well, Chad was holding Kaylee, sitting in the recliner.
- 25 I was sitting on the couch and Logan said that -- I

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

172

1 remember her saying, I don't feel good. I'm going home,
2 which was with Mandy Hooks. Well, then she left and
3 Chad was still getting Kaylee asleep at the time.

4 Q Okay. Rocking her or...

5 A He was rocking her. He was holding her, rocking her in
6 the recliner.

7 Q All right. I'm going to show you what's been marked
8 State's Exhibit #1. Can you identify that for
9 identification purposes?

10 A Yes, sir, that's my front yard.

11 Q Okay. Did it look substantially like that on this
12 occasion, on November 3rd, 2012?

13 A Yes, sir.

14 Q All right. I'm going to show you what's been marked as
15 State's Exhibit #2. You recognize that?

16 A Yes, sir. That's the brush beside my house.

17 Q All right. And looking in which direction?

18 A Towards the Hernandez's house.

19 Q Okay. Is this substantially like it was on November 3rd,
20 2012?

21 A It may have been thicker, but it wasn't any thinner.

22 Q It wasn't any thinner?

23 A No, sir.

24 Q Is that the view?

25 A Yes, sir.

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

173

- 1 Q Okay. All right. Have you ever been to the Hernandez's
2 house?
- 3 A Yes, sir.
- 4 Q Have you ever been on their porch?
- 5 A Yes, sir.
- 6 Q Have you ever been on their porch and looked back at the
7 direction towards your house?
- 8 A Yes, sir.
- 9 Q Okay. Is there a path going through there or anything or
10 do y'all go on the roadway?
- 11 A On the roadway.
- 12 Q Okay. All right. I'm going to show you State's Exhibit
13 #3. Do you recognize that? Can you tell me what that is?
- 14 A Yes, sir. That's looking from Vicky's front porch to my
15 house.
- 16 Q Is that substantially like it was, as far as vegetation,
17 on November 3, 2012?
- 18 A Yes, sir.
- 19 Q All right. Any less than that?
- 20 A No, sir.
- 21 Q I'm going to show you what's been marked as State's
22 Exhibit #6 for identification and I'm going to ask you
23 if you can identify -- there's two pictures on this, one
24 on the left, one on the right. The one on the left, can
25 you identify that?

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

174

- 1 A Yes, sir.
- 2 Q And what is that?
- 3 A That's Blake laying beside the car.
- 4 Q Is this where the car was when he pulled up?
- 5 A Yes, sir.
- 6 Q Was this car ever moved from the time he pulled up to
- 7 the time this picture was made?
- 8 A No, sir.
- 9 Q And you were present?
- 10 A Yes, sir.
- 11 Q Was his body ever moved from that position?
- 12 A No, sir.
- 13 Q Until a coroner and rescue got him?
- 14 A Yes, sir.
- 15 Q That's where he was?
- 16 A Yes, sir.
- 17 Q All right. Now, and the picture that is on the right-
- 18 hand side, you recognize that?
- 19 A Yes, sir.
- 20 Q Can you tell me what that is?
- 21 A Blake's feet.
- 22 Q And where are his feet at?
- 23 A Where he stood up out of the car.
- 24 Q Did he ever move from that spot where he stood before he
- 25 fell?

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

175

- 1 A No, sir.
- 2 Q All right. And describe that for me. Is that where the
- 3 car door is?
- 4 A Yes, sir. The car door was open and he stepped out.
- 5 Q And he was behind that car door?
- 6 A Yes, sir.
- 7 Q And where were you in relation to that car door?
- 8 A I was standing right here, on the same side of the car
- 9 door with Blake, kind of, you know, diagonal from Blake
- 10 but like standing right in front of Blake.
- 11 Q Was the door, was it in between Blake and your house, or
- 12 not?
- 13 A Yes, sir.
- 14 Q The door was in between Blake and your house?
- 15 A Yes, sir.
- 16 Q Okay. Now, on the picture on the left-hand side, where
- 17 -- can you tell me -- locate the porch for me. Where is
- 18 it?
- 19 A It's over further to the left-hand side from where the
- 20 car was at.
- 21 Q Okay. Can you describe for me where that porch is in
- 22 relation to where the headlights on that car were
- 23 shining?
- 24 A It's further to the left from the headlights.
- 25 Q All right. Where were the headlights shining?

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

176

1 A On the end of my house.

2 Q Were the headlights shining at all on the porch?

3 A No, sir.

4 Q When you got off that porch, were the headlights in your
5 eyes?

6 A No, sir.

7 Q Not at all?

8 A No, sir.

9 Q I'm going to show you what's been marked State's Exhibit
10 #5. Ms. Fowler, can you identify this for me?

11 A Yes, sir. That's my house.

12 Q All right. I'm going to hand you this laser pointer
13 and, if you would, you mash this button, this little red
14 button right here, and it'll point. If you will please,
15 will you show me where your house is, where the
16 Hernandez's house is and what, if any, vegetation is
17 present here and would have been there on that day?

18 A Okay. That's my house. That is the -- all the way down
19 that fence line right there is the trees and all the
20 brush. This is trees and brush and this is the
21 Hernandez house.

22 Q And where is their porch?

23 A Right there.

24 Q Okay. And where would Blake's car have been? Well,
25 actually Matt's car that Blake was driving?

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

177

- 1 A It would have been about right there.
- 2 Q Okay. And where would have been Logan's car?
- 3 A Logan's car would have been directly behind it, about
- 4 right here.
- 5 Q Okay. Now, when you came out and Logan had pulled her
- 6 car up, you hollered at her, right?
- 7 A Yes, sir.
- 8 Q What did you holler for her to do?
- 9 A To get the hell out of my yard.
- 10 Q Why?
- 11 A Well, because I was upset with her also, because she had
- 12 tried to get them to fight and because I didn't want any
- 13 trouble at my house.
- 14 Q Okay. Now, were her headlights shining in your eyes
- 15 when you left the porch?
- 16 A No, sir.
- 17 Q Where were her headlights pointing?
- 18 A Inside of the car that Blake was driving.
- 19 Q On the back of Blake's car?
- 20 A Yes, sir.
- 21 Q Okay. I'm going to show you what's been marked as
- 22 State's Exhibit #4, for identification. Can you identify
- 23 this?
- 24 A Yes, sir.
- 25 Q Can you take that laser pointer, please, and point out

- 1 where your home's located on this map?
- 2 A Right there.
- 3 Q And can you point out, again, where Blake parked and
- 4 stopped Matt's car?
- 5 A About right here.
- 6 Q And where would Logan have stopped her car?
- 7 A Directly behind him, right there, but in the grass.
- 8 Q All right.
- 9 A I mean, in the dirt. I'm sorry.
- 10 Q In the dirt?
- 11 A Uh-huh.
- 12 Q The driveway?
- 13 A In the direct driveway.
- 14 Q Okay. All right. And, again, were either one of their
- 15 headlights pointed at your porch?
- 16 A No, sir. They were pointed towards this end of the
- 17 house..
- 18 Q Okay. Would you have been able to stand on that porch
- 19 and see into the yard and see what was going on and know
- 20 what was happening?
- 21 A From my porch?
- 22 Q From your porch, looking towards their vehicles.
- 23 A Yes, sir.
- 24 Q You would not have been blinded in any way?
- 25 A No, sir.

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

179

1 Q All right. If you would, please, tell us in as much
2 detail and as accurately as you can, what happened while
3 you were sitting there in your home with Chad trying to
4 put Kaylee to sleep. Did you receive any phone calls?

5 A Yes, sir. Logan called me.

6 Q And what was the nature of that phone call?

7 A Logan said, "Blake's on his way."

8 Q What did you do?

9 A Well, I asked her why, because I wanted -- I asked her
10 why to make sure that, you know, Blake wasn't upset in
11 any way, so there wasn't any argument and she said she
12 didn't know.

13 Q Did you stay on the phone with her long?

14 A No, I hung up on her. And I walked out onto the porch
15 so that I could, you know, if Blake would have been
16 upset, so I could have, you know, prevented any argument
17 from happening with my child there.

18 Q Did you say anything to Chad about anyone coming?

19 A I told him that Blake was on the way, to stay on the
20 porch.

21 Q Did he follow you out onto the porch?

22 A He followed me out onto -- well, he laid Kaylee down on
23 the couch and then he followed me out onto the porch,
24 which is where I -- that's -- I told him to stay. When
25 he got up to lay Kaylee down, I told him to stay on the

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS 180

1 porch, because by the time I got to the door, Blake was
2 coming. I seen headlights coming down the dirt road and
3 then he was pulling up in the yard when I got onto the
4 porch.

5 Q Is there any possibility that Chad could not have heard
6 you or understood you when you told him to stay on the
7 porch?

8 A No, sir.

9 Q That was clear?

10 A Yes, sir.

11 Q All right. So, Blake pulled up.

12 A Yes, sir.

13 Q How long was it, if you know, before Logan and Matt
14 pulled up?

15 A Right at -- when Blake come into the driveway, I seen
16 her headlights coming.

17 Q Okay.

18 A Blake hadn't even gotten stopped before I could see her
19 headlights coming. Well, he hadn't even gotten to the
20 driveway, and her headlights were probably halfway down
21 the dirt road towards my house.

22 Q Coming from Scotts Community Road onto Ard Drive?

23 A From Scotts Community Road, yes, sir.

24 Q Now, he pulled up, stopped the car. Did he have the
25 radio playing or not?

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

181

- 1 A Yes, sir, the radio was on.
- 2 Q All right. And did he ever cut the car off?
- 3 A No, sir.
- 4 Q Who cut the car off?
- 5 A To my knowledge, if I remember correctly, it was Michael
- 6 Hardee from the Mullins Fire Department.
- 7 Q And that was several, several minutes later?
- 8 A That was after everything had -- I mean, it was -- yes,
- 9 sir, it was a while later.
- 10 Q What about the radio?
- 11 A I think he turned the radio down, too. Michael Hardee
- 12 didn't, Blake did.
- 13 Q All right. So he pulled in the yard, never cut the car
- 14 off, radio going. Tell us what happened.
- 15 A I went up to the car and I told Blake -- I put my hand
- 16 on him right here. (Indicating)
- 17 Q Was he in the car, still?
- 18 A He was still sitting in the car.
- 19 Q He's still sitting in the car?
- 20 A Uh-huh.
- 21 Q Did you come around the door or did he have the window
- 22 down?
- 23 A If I remember correctly, I opened the door for him so
- 24 that I could get to him directly so that, you know, if
- 25 he was upset that nothing would escalate from there.

1 Q Was he upset?

2 A It didn't seem as if he was upset. I mean, he was
3 driving fast, but I drive fast sometimes and it doesn't
4 mean I'm mad.

5 Q Had he been drinking?

6 A Yes, sir.

7 Q And you put your hand actually on him or you kind of
8 held your hand out.

9 A I just put my hand right here and I said, "Blake, don't
10 start anything because Kaylee's here."

11 Q All right. What made him get out of the car? Did you
12 back off, back away or ---

13 A Well, I backed away because he didn't seem upset. So he
14 just stood up, you know. Well, he went to stand up in
15 front of me.

16 Q All right. And at that time was Logan and Matt already
17 in the yard?

18 A Yes, sir. They had pulled up in the yard.

19 Q Where was Chad at this time, if you know?

20 A To my knowledge, he was on the porch.

21 Q All right. What did you say exactly -- if you can
22 recall your exact words or close to it, what did you
23 tell Logan and Matt?

24 A To get the hell out of my yard.

25 Q Did you use any other language?

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS 183

1 A I may have been more harsh about it, but I know I told
2 them to leave.

3 Q And why?

4 A Because Logan had tried to start a fight earlier and I
5 felt that maybe that's why Blake come.

6 Q Now, did you see either Matt or Logan get out of their
7 car?

8 A No, sir. Logan may have stood on her running board, but
9 she didn't go any further.

10 Q Did you look at her and look her in the face?

11 A I looked at her. Well, I looked at her when I told her
12 to leave or when I told them to leave.

13 Q Okay. And what did you notice them do, if anything?

14 A She put the car in reverse.

15 Q And what happened next? What did you see, what did you
16 hear, what did you do?

17 A By the time I said that, you know, Blake was getting out
18 the car, the gunshot, you know, just went -- I mean, it
19 just happened so fast. The gunshot went off and Blake
20 instantly fell.

21 Q And he was standing outside the car when he was shot?

22 A He had just gotten outside of the car.

23 Q All right. And where did the gunshot come from, behind
24 you, beside you? Did you see it or just hear it?

25 A It come from behind me, right -- I mean, I could hear it

1 Q come right past me.

2 Q All right. Well how loud was it?

3 A It was really loud. I couldn't even hear out my ear
4 afterwards.

5 Q All right. And so did it come from your left side or
6 come by your right side?

7 A It come by my left side.

8 Q Okay. All right. And let's say this is the driver's
9 seat of the car Blake was in. (Indicating)

10 A Uh-huh.

11 Q All right. The door opens up right here.

12 A Uh-huh. Yes, sir.

13 Q Tell me, am I about where Blake was standing or should I
14 go this way or back up or what?

15 A He was maybe a little bit further back, because I was
16 standing in front of him.

17 Q And you were standing directly in front of him or right
18 here?

19 A I may have been over to my right a little bit.

20 Q So, a little bit on his left side?

21 A Yeah. Probably a little bit towards his left.

22 Q So, the gunshot would come by you on this side?

23 A By me on that side, which got Blake here, where he was
24 facing me.

25 Q Okay. All right. He was turned facing you a little bit?

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

185

- 1 A Uh-huh.
- 2 Q He wasn't looking straight ahead?
- 3 A No. He was actually looking at me.
- 4 Q And if he's looking at you, which direction would the
- 5 porch be, directly behind you, or this direction, or
- 6 this direction?
- 7 A It probably would have been kind of towards this way a
- 8 little bit. Like, if we were here, it would have been
- 9 kind of like right there.
- 10 Q All right. Kind of straight back over your shoulder?
- 11 A Uh-huh, but further back.
- 12 Q All right. About let's say where Mr. Bailiff is right
- 13 there, he's on your porch. Tell me when I am about as
- 14 far away from your porch as you were.
- 15 A About where Mr. Bell's sitting.
- 16 Q About where Mr. Bell's sitting?
- 17 A Yes, sir.
- 18 Q So, if Mr. Bell had been you and Blake would have been
- 19 right about here?
- 20 A Yes, sir.
- 21 Q And the car would have been about right here?
- 22 A Well, it would have been kind of a little bit more lined
- 23 up with me.
- 24 Q A little bit more in line?
- 25 A Yes, sir.

1 Q With the car here and the door here?

2 A Yes, sir.

3 Q Okay. After you heard the gunshot go off, what did you
4 see?

5 A Blake fell. And then when I looked to my right, Chad was
6 standing there holding the gun.

7 Q And what happened next?

8 A He -- I don't know a lot about guns. I don't remember if
9 he pulled the top, a piece on the top back, if he
10 released something out the gun, I'm really not sure
11 exactly what happened, but I just -- I was in shock and
12 I just panicked.

13 Q What did you say to him?

14 A "Chad, what in the hell did you do."

15 Q Did he ever say anything threatening to you or do
16 anything threatening to you at all?

17 A Well, he had the gun in his hand when he was actually
18 talking to me. What he said after I said, Chad, what in
19 the hell kind of -- it kind of hit me the wrong way.

20 Q What did he say?

21 A He said, in his exact words, "Fuck it. The
22 motherfucker's dead. Call the law." In his exact words.

23 Q Did he ever say anything directly to you in any way
24 threatening?

25 A Well, he told me that he was going home and that I had

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

187

1 better not say anything either. I was in shock and I was
2 scared.

3 Q Where did he go, do you know?

4 A I have no clue. He went -- he run to the left is all I
5 know.

6 Q Okay.

7 A After that, I heard nothing else from him.

8 Q Do you know whether he went in the trailer or went
9 behind the trailer, or you don't know?

10 A No, sir. He ---

11 Q You don't know where he went?

12 A He didn't go in -- I didn't see him in my front yard.
13 But if you go out my driveway, you can go around either
14 way and go into my back yard. So, to my knowledge, I
15 didn't know where he was at.

16 Q Okay. What did you do then?

17 A I run in the house, locked the door and called 9-1-1.
18 Well, I was calling 9-1-1 as I was running in the house
19 and I locked my door and grabbed my child.

20 Q Okay. You had your phone with you?

21 A Yes, sir.

22 Q Had you charged it up?

23 A No, sir. It hadn't -- it didn't die until after the law
24 enforcement got there.

25 Q When you called 9-1-1, did you have a land line in your

1 trailer?

2 A No, sir.

3 Q Just your cell phone?

4 A Just my cell phone.

5 Q When you called 9-1-1 what did you tell them?

6 A I told them -- at the time, I told them that my
7 boyfriend had been shot and that I didn't know who done
8 it.

9 Q All right.

10 A Because I was scared and I didn't know where he was.

11 Q Didn't know where who was?

12 A Chad. I didn't know where he went.

13 Q All right. And was that -- did you tell anything else to
14 9-1-1, that you can recall?

15 A The only thing is, I told them I didn't know who done
16 it.

17 Q Did you tell them anything about whether you witnessed
18 it, saw it happen, heard it happen?

19 A I told them I was inside when it happened.

20 Q All right. And was that true or not?

21 A No, sir.

22 Q All right. Why did you lie to 9-1-1?

23 A Because I was scared and I just -- I lied to them to get
24 them out there to get help. I mean, I was going to
25 straighten it out, but at that time it was just me and I

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

189

1 was pregnant and my three-year-old daughter and I didn't
2 know what else could have happened.

3 Q How quick did they get there?

4 A To me, it felt like forever, but it was pretty quick.

5 Q When they got there and talked to you, were you truthful
6 then?

7 A I really -- I don't think I even talked to anybody then.
8 They actually put me in the back of the ambulance.

9 Q And took you where?

10 A They took me to the hospital, because I was pregnant and
11 my blood pressure was high.

12 Q Okay. Were you pretty upset, I imagine?

13 A Yes, sir.

14 Q How long did you stay at the hospital?

15 A I think it was a few hours. Mr. Fatelli was there in
16 the room where I was at.

17 Q And did you talk to him at that time, give a statement
18 to him?

19 A I did, but I still didn't tell the truth, because I was
20 in the hospital and anyone could have gotten to where I
21 was.

22 Q All right. Did he Mirandize you?

23 A What's that? No, he didn't. No, sir, I'm sorry.

24 Q Are you sure about that?

25 A He may have, but to my knowledge, I don't -- I was so

1 upset, I really don't remember.

2 Q Did you later give him a written statement?

3 A When we got to the Sheriff's department.

4 Q When you got to the Sheriff's department?

5 A Uh-huh.

6 Q Did they Mirandize you then?

7 A (No verbal response)

8 Q That means they tell you you have the right to remain
9 silent, anything you say can ---

10 A I don't remember. I don't remember them doing -- I mean,
11 I'm not saying that they didn't, but I don't remember
12 it.

13 Q Okay. All right. Let me just show you this. Now, when
14 you got back from the hospital, did you go straight home
15 or did you go to the Sheriff's office?

16 A From the hospital, I went to the Sheriff's department
17 with Mr. Richie.

18 Q And by then it was what time of day?

19 A It was, it was in the early hours of the morning.

20 Q So, the early hours of the 4th?

21 A Yes, sir.

22 Q Okay. All right. I'm going to show you ---

23 MR. CLEMENTS: Can I have this marked just for
24 identification. That's #7, I think.

25 Q Can you tell me what that says at the top there?

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

191

- 1 A Yes, sir, I remember signing that now.
- 2 Q All right. And what is that called?
- 3 A Miranda warning.
- 4 Q Is that your signature?
- 5 A Yes, sir.
- 6 Q Is that Detective Fatelli's signature, if you can
- 7 possibly read that?
- 8 A I think that says Richey.
- 9 Q Okay. Did you give him a statement then?
- 10 A Yes, sir, I -- well, I think he was there. I remember
- 11 Mr. Watson.
- 12 Q Charlie Watson?
- 13 A Yes, sir.
- 14 Q All right. And did you ever go back and give a more
- 15 detailed statement?
- 16 A Yes, sir, I did.
- 17 Q Did they Mirandize you again?
- 18 A Yes. I think I signed one of those sheets again.
- 19 Q And that was on the 8th of November?
- 20 A I think it was the day after we buried Blake.
- 21 Q The day after you buried Blake?
- 22 A Yes, sir.
- 23 Q Was that a much more detailed statement?
- 24 A Yes, sir. It had a lot more detail in it.
- 25 Q That last statement, were you telling the truth on that

1 last statement? Are those details correct to the best
2 of your recollection?

3 A Yes, sir.

4 Q Okay.

5 A It may have been mixed up some -- I may have left
6 something small out. I was still, you know, we had just
7 buried him so I was still upset. But there's -- I
8 didn't, you know, it's pretty detailed.

9 Q Could you have gotten anything out of order, perhaps?

10 A I could have.

11 Q You don't recall doing that?

12 A I don't recall it. But, I mean, it's possible.

13 Q How about today? It's been a long time. Do you
14 remember, do you think you remember, accurately, what
15 happened?

16 A I remember it pretty accurately.

17 Q Let me ask you this. Did Blake attack you or threaten
18 you at all that evening?

19 A Never.

20 Q Did he ever hit you or push you?

21 A No, sir.

22 Q Did you ever see him swing or offer to hit or attack
23 Chad?

24 A No, sir.

25 Q As far as you knew, where was Chad?

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

193

- 1 A On the porch.
- 2 Q Until you heard the gunshot?
- 3 A On the porch.
- 4 Q What did you tell him to do?
- 5 A Stay on the porch.
- 6 Q Did Blake have a right to be there?
- 7 A Yes, sir. Blake was welcome anytime.
- 8 MR. CLEMENTS: I beg the Court's indulgence.
- 9 Q Was there any need for anyone to be shot that night?
- 10 A No, sir.
- 11 Q Did Chad have any reason to shoot Blake that you know
- 12 of?
- 13 A No, sir.
- 14 Q Not to protect you?
- 15 A No, sir.
- 16 Q How about Kaylee?
- 17 A No, sir. He would never harm her.
- 18 Q Other than previous offers to fight, did Blake make any
- 19 threats or anything to Chad there in your yard?
- 20 A There at that present time?
- 21 Q Yes.
- 22 A No, sir.
- 23 Q Did anyone else come up to present any kind of threat to
- 24 Chad or anyone else?
- 25 A No, sir.

DIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS

194

1 Q Did Matt Lane ever try to get out of the car and get
2 into a fight?

3 A No, sir.

4 Q Just one more thing to ask you about, did Blake wear a
5 cap?

6 A A hat, yes, sir.

7 Q Where was his hat and how did it get there, if you have
8 any knowledge.

9 A His hat was on top of the car. Blake always wore his hat
10 kind of turned a little, you know, and he was blind in
11 his left eye. As he went to get out the car, I remember
12 his hat hitting the door jamb, so it went back some. So,
13 he just -- he took the hat and set it on top of the car.

14 Q It didn't get blown off by the gunshot?

15 A Not to my knowledge. It may have. I may be wrong, but he
16 didn't take the hat ---

17 Q He didn't take it off like he was getting ready to
18 fight?

19 A No, sir.

20 Q He'd just hit it and it knocked it kind of cockeyed, so
21 he just sat it on the top of the car. That's your
22 testimony?

23 A Yes, sir. He may have even still had his hat on and when
24 he fell it may have come off, but not -- he didn't take
25 it off to fight.

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

195

1 Q All right. Please answer any questions Mr. Brooker may
2 have.

3 THE COURT: Hold on. We're going to break. Ma'am, you
4 may step down. Do not discuss your testimony. We're going
5 to stand down for just a minute.

6 (Break)

7 THE COURT: Ma'am, you can come up to the stand.

8 (Whereupon, Ms. Fowler returns to the stand.)

9 THE COURT: I remind you that you are still under oath.
10 Mr. Brooker, you're recognized for cross examination.

11 MR. BROOKER: Thank you, Your Honor.

12 CROSS EXAMINATION

13 BY MR. BROOKER:

14 Q Stacy, you testified just on direct examination that
15 when you and Logan and, I think, your daughter, Kaylee,
16 went to The Mud Bog, that you received a text from
17 Blake, in which Blake said that, you know, that he's
18 going to mess things up, because he learned or found out
19 that Chad was at The Game Changer?

20 A Yes, sir.

21 Q Okay. And I think you testified that you had no
22 indication, that you had no idea why he would go do
23 that?

24 A No, sir. I didn't know that they had been arguing. I
25 wasn't with them.

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

196

1 Q Okay. Do you know whether or not they had been arguing
2 prior to that point?

3 A Prior to that point?

4 Q Yeah. Prior to you receiving that text. Do you know
5 whether or not Chad and Blake had argued prior to you
6 receiving that text?

7 A Not to my knowledge.

8 Q Okay. Not to your knowledge that you didn't know
9 anything about them arguing prior to proceeding that
10 day?

11 A No, sir.

12 Q Now, you testified also on direct examination that when
13 you received that text that you tried to text him back,
14 but you could not get him, that you tried to call him
15 back ---

16 A I tried to call him.

17 Q --- and he didn't answer.

18 A Right.

19 Q And so you called Chad?

20 A Yes, sir.

21 Q Okay. Now, do you remember giving your statement? I
22 think you talked about the November 4th, 2012, statement
23 you gave and, of course, you would admit that that's a
24 very brief statement?

25 A Yes, sir.

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

197

- 1 Q And, of course, that statement is void of any
2 conversation or text message that you received from
3 Blake while you were at The Mud Bog. Is that correct?
- 4 A I don't understand. Can you re-state the question?
- 5 Q That brief statement is void of any indication that
6 you'd received a text from Blake at the time y'all were
7 at The Game Changer.
- 8 A I'm really not sure what -- it may have it in there, but
9 it may not.
- 10 Q You want to look over it very briefly and see whether it
11 does?
- 12 A Yes, sir. No, sir, because that even -- that starts off
13 from picking Chad up from The Game Changer. That doesn't
14 even start off in the early morning.
- 15 Q But it doesn't have that in it?
- 16 A Because the time of that message wasn't included.
- 17 Q I understand. I understand. I understand. Now, you
18 testified that you tried to call Blake ---
- 19 A Yes, sir.
- 20 Q --- after you received that text, but he wouldn't
21 answer?
- 22 A Right.
- 23 Q And so you ended up calling Chad?
- 24 A Yes, sir.
- 25 Q Do you remember giving a much longer detailed statement

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

198

1 on November 4 -- excuse me -- on November 8th of 2012?

2 A Yes, sir.

3 Q And, of course, it is, is that in that statement? Do you
4 remember in that particular statement you saying that he
5 finally answered you and that you told him that all
6 three of you were drunk and stop where you are and I'll
7 pick you up to go home?

8 A That was actually right before we got to The Game
9 Changer. I do remember that because he was at Bill
10 Strickland's.

11 Q Okay. Okay. And so when you testified on direct
12 examination just a minute ago that you never was able to
13 get in touch with him and that so you called Chad, that
14 that wasn't quite absolutely true. Is that what you're
15 saying now?

16 A Excuse me. What? I don't understand.

17 Q What you testified to on direct examination, that you
18 were never able to get in touch with him ---

19 A Uh-huh.

20 Q --- and so that you end up calling Chad, that statement
21 that you testified on direct examination with the
22 Solicitor's office, that was not accurate. Is that
23 correct?

24 A Actually, it was accurate because I was answering as in
25 why we were at The Mud Bog, I couldn't get in touch with

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

199

1 Blake.

2 Q Okay. But you never mentioned that, you never mentioned
3 that on direct examination with Ed Clements, did you?

4 A As I said, something may have been mixed up or left out.

5 Q You left that out. Is that correct?

6 A Obviously.

7 Q Okay. Now, you said that when you could not get in touch
8 with them -- at least on direct examination and, of
9 course, in here you said that you did get in touch with
10 him -- but you said on direct examination that you
11 called Chad Strickland and that you told Chad Strickland
12 that you'd received a message from Blake and asked him
13 what was going on.

14 A Right.

15 Q And that he told you that he didn't know?

16 A That Blake had called The Game Changer looking for him.

17 Q Yeah. Yeah. That he didn't know what was going on, but
18 that Blake had called The Game Changer looking for him?

19 A Yes, sir.

20 Q Okay. Now, in your November 8, 2014 statement, isn't it
21 true that you never mentioned that you called Blake --
22 that you had called Chad? That you completely left that
23 out of that particular statement and that you actually
24 said that when you got in touch with Blake, that when
25 Blake finally called you back, and you told him that you

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

200

1 would pick him up, that then when you got into Mullins
2 or got close you called him back again and that's when
3 he told you he was at Bill Strickland's?

4 A As I said before, something may have been left out. I
5 had been through a tragedy.

6 Q Now, you testified to the fact that on the brief
7 November 4th statement, that that wasn't a clear
8 statement because you'd just went through a tragedy.
9 But you testified on direct examination that on the
10 November 8th statement, that you'd give a much longer
11 detailed statement because your head was more clear.

12 A But I also stated to him that something may have been
13 left out or mixed up.

14 Q Okay. Did you leave that out? Did you completely leave
15 out any indication -- I'll give it to you and let you
16 take a look at it if you want to. Did you completely
17 leave out that statement, leave out that statement, the
18 November statement, any indication that you had called
19 Chad Strickland and had a conversation with Chad
20 Strickland about the text that you had received before?

21 A I very well could have left it out, but if I did, it was
22 a mistake. Sometimes those are made.

23 Q It was a mistake. You also testified here today that
24 when you talked to Chad and you told Chad about the
25 text, and Chad told you what, told you that Blake had

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

201

1 called to find out whether or not he was at The Game
2 Changer, that y'all made arrangements for you to come
3 and pick him up.

4 A Right.

5 Q Okay. And I think you testified that Chad told you
6 that, okay, pick me up because I don't want to get in
7 any trouble.

8 A That's correct.

9 Q On your November 8th, statement, your November 8th
10 statement is completely void of it. Can you explain why
11 you left out from your November 8th statement that you
12 had a conversation with Chad and that you had made
13 arrangements to come pick up Chad?

14 A Yet, again, I had just buried the father of my child.

15 Q Now, when you got to The Game Changer -- okay, I think
16 you testified today, you said that you had already made
17 arrangements when you talked with him on the phone to go
18 pick him up. Is that correct?

19 A Yes, sir.

20 Q In order to avoid any confrontation. Is that correct?

21 A Yes, sir.

22 Q Now, when you got to The Game Changer and picked him up,
23 I think you testified that y'all left and he was
24 driving. Is that correct?

25 A Chad was driving.

1 Q Chad was driving?

2 A Yes, sir.

3 Q Now, and I think you testified, at some point in time,
4 that y'all went to -- what is it, Sunny Mart?

5 A Yes, sir.

6 Q Did y'all stop there at Sunny Mart?

7 A Yes, sir. We actually pulled to -- there's kind of a
8 parking lot beside the store. We actually pulled right
9 there, but we didn't stay there. We stopped a brief
10 moment, but that was it.

11 Q How many texts went back and forth between Chad and --
12 between Chad's phone and your phone, as all three of
13 y'all were in the car driving around?

14 A I wasn't texting Chad, because I was in the car with
15 him. You mean Blake?

16 Q Excuse me. Blake. I apologize.

17 A The only message between Blake and I was, he had sent me
18 a message. I don't really -- he may not have even texted
19 me. I texted him and said, "Blake, please stop. Please
20 stop." That's all I said, because at that time, I think
21 Logan was on the phone with Blake.

22 Q Okay. So you think that you only talked with him maybe,
23 or texted him, once or twice when yourself and Chad and
24 Stacy [verbatim] was in the car?

25 A Logan. Yes, sir.

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

203

- 1 Q Excuse me. Logan was in the car. So, maybe once or
2 twice, you said?
- 3 A There wasn't many messages exchanged from my phone
4 between Blake and I, because after I said, "Blake,
5 please stop," he stopped.
- 6 Q How many messages between Logan -- from Logan's phone to
7 either Blake or Matt?
- 8 A I really can't speak for Logan. I'm not sure.
- 9 Q Now, you testified to the fact is, that you thought that
10 Logan was trying to get them together so that they could
11 fight, and that means Chad and Blake?
- 12 A She had been, when we were in the car.
- 13 Q What was she doing to try to facilitate that fight?
- 14 A She was trying to set up an arrangement for them to
15 fight.
- 16 Q Okay. And at some point in time did she actually tell
17 you that it would be okay with Kaylee, because she would
18 take Kaylee and walk Kaylee away from the fight?
- 19 A Yes, sir.
- 20 Q How long did it take y'all to get to -- when y'all first
21 picked up Chad, how long before picking up Chad before
22 y'all finally arrived at your house?
- 23 A I didn't time it, but around twenty minutes or so.
- 24 Q And, of course, when y'all got to your house, all three
25 of y'all went into the house. Is that correct?

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

204

1 A Well, four including Kaylee. Yes, sir.

2 Q And I think your testimony on direct examination was is
3 that at some point in time, Stacy said -- Logan said
4 that she didn't feel well or something like that and she
5 was going to leave and go home. Is that correct?

6 A Yes, sir.

7 Q Now, on direct examination -- well, let me ask you this.
8 Did you ever talk with or at least receive a text from
9 Blake when you were at the house with Chad?

10 A No, sir, not that I can remember. The only call I
11 received was from Logan.

12 Q Okay. I'm going direct you to your November 8th, 2012,
13 statement. If I can approach you for just a second.

14 A Okay.

15 MR. BROOKER: Indulge me for just a second, Your Honor.
16 Let me direct her to the point.

17 THE COURT: Yes, sir.

18 Q Now, does your statement not say -- it says -- wait just
19 a second, just a second. It says here, "We are now at
20 my house in our drive and Chad said, yes, and Chad said,
21 yes, says he's calling his dad to come get him and I
22 said, okay. He walks out on the porch to call. Blake
23 called me and said, is Chad still there. I said, yeah,
24 his dad's on the way to get him," and so, in that
25 particular statement you are alleging that you received

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

205

1 a call from Blake and that you had talked with Blake and
2 that you had told Blake that Chad was still there and
3 that he was about to leave?

4 A Yes, sir. Blake -- well, that was actually -- it's
5 actually messed up, but Blake was aware that Chad was
6 there until he, obviously, was told different, but not
7 by me.

8 Q Okay. So when you testified on direct examination, you
9 know, that the only call you had received was a call
10 that you received from Logan after Logan had left, that
11 wasn't actually true?

12 A Well, yes, actually it was. As I said, it was obviously
13 mixed up. I had talked to Blake before Logan left my
14 house.

15 Q Okay. So you were kind of mixed up ---

16 A Yeah.

17 Q --- when you testified on direct examination?

18 A Yes, sir.

19 Q Okay. And left out that part about that ---

20 A I left that part out.

21 Q Now, do you remember writing a statement on January 22,
22 2013, and mailing it to me?

23 A Yes, sir, as I stated, I did write you a statement
24 because I was intimidated by the whole thing.

25 Q What do you mean intimidated by the entire thing?

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

206

1 A As in -- like some of the nasty looks I get from family
2 members who knows what may can happen.

3 Q I apologize, but some nasty looks that you get from
4 family members?

5 A Uh-huh.

6 Q So, you wrote this letter out of intimidation?

7 A Exactly.

8 Q Well, the statement that you gave on November 4th, 2012,
9 did you write that out of intimidation?

10 A November 4th, 2012?

11 Q November 4th, right after the incident, but the short
12 statement. Did you write that out of intimidation?

13 A No, sir, that wasn't written out of intimidation, but I
14 had also just watched someone get shot in the face.

15 Q This statement you gave on November 8, 2012, did you
16 write that out of intimidation?

17 A I'll state once again, I had just buried the father of
18 my child.

19 Q So, in all of these statements where there are
20 inaccuracies, then, of course, you're saying that there
21 was a reason why there's conflicts or inaccuracies? In
22 each one of them it was either because you were in
23 trauma, because of the loss of the father of your unborn
24 child, or either you were under intimidation. Is that
25 correct?

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

207

1 A Exactly. I may be confused, but I'm pretty sure that
2 Blake's the victim here, though, not Chad.

3 Q Now, in that statement, do you remember writing that
4 once you had arrived at home, once yourself, Chad, and
5 Logan had arrived at your house, do you remember writing
6 in that statement that once you got home at that time,
7 Blake was calling me and I wouldn't answer to avoid
8 problems?

9 A I didn't answer him while Logan and Chad were still
10 discussing things, because I didn't want Blake to -- I
11 didn't want Blake to get angry because I didn't want a
12 fight. I had children involved.

13 Q So, you just testified, at least on November -- you
14 know, that your memory was recollected on your November
15 8th, 2014 statement, that you had received a telephone
16 call from Blake. And, of course, on the January 22nd,
17 2013 statement you testified, you wrote in that
18 statement that you refused to take a call from Blake.

19 A I refused to take the call from Blake when he was on the
20 -- when Chad was on the phone with Matt, Blake was
21 calling my phone when we were leaving Chad's house.
22 Chad was on the phone fussing with Matt and I didn't
23 answer at that time. Like I said, I didn't want a fight.
24 I didn't want anyone dead either, though.

25 Q Okay. Also in that statement, the November -- excuse me

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

208

1 -- the January 13th, -- January 22nd, 2013 statement,
2 you never mentioned having a conversation with Blake
3 about Chad being on the porch, that his father was
4 coming to pick him up, and that he'd be leaving soon.
5 That was not included in that statement. Is that
6 correct?

7 A That's correct. I don't think it was included in my
8 first statement either.

9 Q But it was included in the November 8th statement?

10 A That was the second statement.

11 Q So, you're saying that that statement was accurate, but
12 the one that you wrote on November 22nd, 2013, was not?

13 A As I've stated several times, things may be mixed up and
14 there may be things left out.

15 Q Now, when Logan called you and said, Blake is on his
16 way, told you Blake is on his way, you said that when
17 you asked Logan why, that Logan said she didn't know?

18 A To my -- as I can remember, she said she didn't know,
19 but I also hung up on her, too, so that I could get
20 outside.

21 Q Do you remember telling her or did you ever tell her at
22 that time that, "if y'all come here, if all of y'all
23 come here, I'm going to call the police?"

24 A If I was going to do what?

25 Q That, "if they come here, I'm going to call the police?"

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

209

- 1 A Yes, sir, I did say that.
- 2 Q That's what you told Logan?
- 3 A Yes, sir.
- 4 Q And, of course, why did you tell Logan that?
- 5 A Because I had a three-year-old in the house and I didn't
- 6 know what Blake may have been told and what his reason
- 7 was for coming.
- 8 Q So when you told her, if you all come here, I'm going to
- 9 call the police, then, you're indicating is, at that
- 10 particular period of time, that you didn't want Blake to
- 11 come because you thought there was going to be a
- 12 problem?
- 13 A I only thought there was going to be a problem because
- 14 she had tried to get them to fight earlier that day, not
- 15 because I thought Blake was coming for trouble.
- 16 Q So it wasn't necessarily -- you said it wasn't
- 17 necessarily because you thought Blake was coming for
- 18 trouble?
- 19 A It wasn't necessarily directed as if Blake's a
- 20 troublemaker, no. It wasn't directed as that. When I
- 21 seen Blake, I didn't call 9-1-1 at that time because I
- 22 seen Blake was not mad. I figured there was not going to
- 23 be any problems.
- 24 Q And then, of course, is, is that you seen the car coming
- 25 really fast, you saw this car coming fast down the dirt

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

210

1 road and you saw it being followed by an SUV. Is that
2 correct?

3 A Uh-huh. Yes, sir.

4 THE COURT: Is that a yes?

5 MS. FOWLER: Yes, sir.

6 THE COURT: Thank you.

7 Q What did you think was going to happen once he arrived?

8 MR. CLEMENTS: Your Honor.

9 A Well, sometimes, I drive fast not meaning ---

10 THE COURT: Hold on. Hold on just -- go ahead.

11 MR. CLEMENTS: I would object to what she thinks. It's
12 speculation. She can testify to what she's seen, but I'm not
13 sure what her thinking has, as far as relevance to the issue
14 we're here before the Court on.

15 THE COURT: Objection sustained. Re-phrase your
16 question, if you would.

17 MR. BROOKER: And can I -- I don't now how, Your Honor.
18 I'm asking her about her thought pattern and not necessarily
19 Blake's.

20 THE COURT: I'll allow her to -- if she knows, she can
21 answer the question.

22 MR. BROOKER: Thank you, Your Honor.

23 Q I'm asking your about your thought pattern and not
24 necessarily Blake's. I know you can't say what Blake was

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

211

1 thinking. What were you thinking when you saw the car
2 come down the road, flying down the road?

3 A When I saw him flying down the road, I didn't really
4 know, but that's why I met him -- that's why I went onto
5 the porch and told Chad to stay on the porch, to avoid
6 any problems.

7 Q Okay. And then you testified that you came out and met
8 Blake at his car?

9 A Yes, sir.

10 Q Okay. Now, you said -- you testified here that Blake
11 stayed in the car and that y'all talked. Is that
12 correct?

13 A No, I didn't say he stayed in the car and we talked.

14 Q Initially, you testified that when you got to the car
15 that Blake stayed into the car and that y'all talked.
16 That's what you testified to on direct examination.

17 A No, sir. I said that I told Blake not to say anything,
18 not to start anything, I didn't want any trouble. It
19 doesn't take but just a snap of a finger to say that.

20 Q Did Blake get out of the car?

21 A He had time to step out the car.

22 Q And when he stepped out of the car, what were you
23 thinking at that time when he stepped out of the car?

24 A Well, I stepped out of the way so I figured everything
25 was okay. I thought Chad was on the porch.

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

212

1 Q Now, that's not what you said when you wrote that
2 November 22nd, 2013 letter. Is that ---

3 MR. CLEMENTS: Your Honor, I object. I don't know that
4 there's anything about any kind of November 22nd ---

5 MR. BROOKER: Excuse me. January 22, 2013.

6 THE COURT: Thank you.

7 MR. BROOKER: I apologize.

8 A As I stated before, that statement was written, because
9 I was intimidated.

10 Q Yeah. I understand what you said. Now, in that
11 statement, isn't it true that you said -- and, of
12 course, if you need to -- "I met the car in the driveway
13 to avoid any altercation between Blake and Chad. Blake
14 then gets out with a very angry look on his face. At
15 that time, I knew there was no stopping him because he
16 had a lot of anger and he smelled as if he had been
17 drinking. Didn't you write that in that statement?

18 A Blake had been drinking, but he was kind of a big boy.
19 If he'd have wanted me out of his way, he did -- he
20 could have -- I'm not saying he did, but he could have
21 gotten me out of his way.

22 Q But when you just testified to the fact is, is that when
23 Blake got there and gets out of the car, that you
24 thought everything was okay, that's what you just
25 testified to. But in this statement, isn't it true that

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

213

1 the statement says at that time, I knew there was no
2 stopping him because he had a lot of anger built up and
3 he smelled as if he was drinking? So, you indicate in
4 that statement that he was angry.

5 A I also stated that that was written out of intimidation
6 if you can remember that.

7 Q I understand. But I'm just, I just want to recollect.
8 Is that contained in the statement ---

9 A I don't remember ---

10 Q --- would you like to refresh -- would you like to take
11 a look at it and refresh your memory?

12 A I've already read it.

13 Q Did you read it in anticipation of your testimony today,
14 to refresh your memory?

15 A No, I remember what was written in it.

16 Q Now, do you remember saying in that statement that I
17 told them when they pulled up, to leave my yard. No one
18 ever acknowledged I asked them to leave?

19 A I didn't put in that statement that I told Blake Dozier
20 to leave my yard.

21 Q But you put in that statement you told them to leave
22 your yard?

23 A I put in all of the statements that I told them to leave
24 the yard, as in Logan and Matt, not Blake Dozier.
25 That's not in that statement.

CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

214

1 Q Well, you put that in all of your statements.

2 A That they were told to leave. They were told to leave.
3 If it's written in there that I said Blake Dozier, you
4 can show it to me.

5 MR. BROOKER: If you can indulge me for just a second,
6 Your Honor?

7 THE COURT: Yes, sir.

8 Q Now, did Chad have permission to be at your house that
9 night?

10 A Yes, sir, he did.

11 Q And did Blake knew -- at what point in time did Blake
12 knew Chad was there?

13 A Blake knew that Chad was there as soon as Chad
14 [verbatim] got there. Blake was told different by
15 someone else that Chad wasn't there, to my knowledge,
16 but not that I know that for sure.

17 Q Okay. Okay. And to your knowledge, would that person be
18 Logan?

19 A To my knowledge, but I can't state that it was her
20 because, I mean, I wasn't where she went.

21 Q I understand. So in your mind, was that an attempt to
22 get Blake over there? And I'm asking about your thought
23 pattern only and not someone else's, so there's no
24 objection. So in your mind, did you think that that was
25 a trick by Logan to get Blake over there to your house

REDIRECT EXAMINATION OF STACY FOWLER BY MR. CLEMENTS 215

1 so Blake, so they could fight?

2 A Well, I initially thought that he was coming because she
3 had said something to him. I just didn't know what it
4 may have been.

5 Q And I think you testified that when he was on his way,
6 when Blake was on his way, she called and said, Blake's
7 on his way?

8 A Yes, sir.

9 Q Now ---

10 MR. BROOKER: If you can indulge me for just a second,
11 Your Honor.

12 THE COURT: Yes, sir.

13 MR. BROOKER: No further questions, Your Honor.

14 THE COURT: Any redirect?

15 MR. CLEMENTS: Just briefly.

16 REDIRECT EXAMINATION

17 BY MR. CLEMENTS:

18 Q Ms. Fowler?

19 A Yes, sir.

20 Q Mr. Brooker has questioned you at length about a
21 statement you gave on the 4th of November ---

22 A Yes, sir.

23 Q --- at 4:14 AM, right after the shooting.

24 A Yes, sir.

25 Q And a statement you gave on November 8th, 2012, at

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

1 1:43 PM, right after the burial.

2 A Yes, sir.

3 Q And then some letter that their side asked you to write
4 to him on January 27th?

5 A Yes, sir.

6 Q Other than additional details, is there anything,
7 whatsoever, in your November 4th statement and November
8 8th statement that contradicts what happened?

9 A No, sir.

10 Q Is there anything in either one of these statements that
11 says that you told Chad anything, other than to stay on
12 the porch?

13 A No, sir.

14 Q Is there anything in any of these statements you've
15 given or the letter you even wrote to him on January
16 22nd that suggests that Chad was defending you because
17 you were under attack or anybody was under attack?

18 A No, sir.

19 Q What, other than just an old-fashioned fist fight, was
20 considered and talked about, at any time that you were
21 riding with Logan and Chad or hearing Logan talk or
22 anything else, what, other than just an old-fashioned
23 fist fight was ever contemplated?

24 A Nothing. It was nothing other than that.

25 Q Anybody ever talk to anybody about shooting somebody?

RE-CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

217

1 A No, sir.

2 Q When you walked out from your porch to that car, there
3 wasn't headlights beaming in your eyes, were there?

4 A No, sir.

5 Q Was there ever any call for help from you?

6 A No, sir.

7 Q Who is the victim in this situation?

8 A Blake Dozier.

9 Q And he had permission to be there?

10 A Yes, sir.

11 MR. CLEMENTS: That's all I have, Your Honor.

12 THE COURT: Any re-cross?

13 MR. BROOKER: Very briefly.

14 RE-CROSS EXAMINATION

15 BY MR. BROOKER:

16 Q When you were asked whether or not this was nothing but
17 an old-fashioned fist fight, did you and Blake ever
18 discuss in great detail how the fight was going to
19 proceed?

20 A No, sir.

21 Q Did y'all talk about whether or not guns were being
22 used?

23 A No, sir, But I would assume guns weren't going to be
24 used.

25 Q Don't tell me what -- I'm not asking about what you

1 assumed. Did you discuss it with Blake, how the fight
2 was going to proceed?

3 A No, sir. Because I tried to stop a fight.

4 Q. Okay. So, when you suggest that this was going to be
5 nothing but an old-fashioned fist fight, and you said
6 that in response to Ed Clements questions, it is that
7 you never discussed that with Blake, did you?

8 A No, but I also don't ever think of someone just carrying
9 a weapon either.

10 Q Is the answer "no", that you never discussed that with
11 Blake?

12 A No, sir.

13 MR. CLEMENTS: Your Honor, she answered the question. I
14 think she's got a right to explain it.

15 MR. BROOKER: Yeah. She did.

16 THE COURT: Hold on. Hold on. Direct your comments to me,
17 not to Mr. Clements.

18 MR. BROOKER: I'm sorry. I'm sorry, Your Honor.

19 THE COURT: Thank you. She's already answered the
20 question. You may proceed.

21 MR. BROOKER: Thank you, sir.

22 Q Now, with respect to Chad, do you have any idea how
23 Chad, when he is receiving threats from Blake, did you
24 have -- well, let me ask you a quite silly question.
25 Did you have a window into his thought process? Did you

RE-CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

219

1 see into his mind? Did you see what he was thinking?

2 A Well, I was never good at being a fortune teller,
3 either. Obviously, not.

4 THE COURT: He's not asking her what he was thinking.
5 He's asked her a question, she's answered. You can sit back
6 down, please, sir ---

7 MR. CLEMENTS: Yes, sir.

8 THE COURT: --- unless you have any further objection.

9 MR. CLEMENTS: I was just wondering what it had to do
10 with new matter.

11 THE COURT: It's already been answered, asked and
12 answered.

13 Q So you couldn't tell, you couldn't tell, at least you
14 couldn't tell, at least, how he was processing that
15 information and whether or not he felt threatened...

16 MR. BROOKER: He can make an objection.

17 THE COURT: That's what I was waiting on, because it
18 looked like he was going to get up. Sir?

19 MR. CLEMENTS: Objection, for speculation on that.

20 THE COURT: State your question again, Mr. Brooker,
21 please, if you remember it. Or Madam Court Reporter, would
22 you read it back? Now, and in this, some regard goes back to
23 his previous objection, too, Mr. Brooker. You're getting into
24 matters that are new, that weren't dealt with on cross

RE-CROSS EXAMINATION OF STACY FOWLER BY MR. BROOKER

220

1 examination as well -- excuse me -- redirect. Okay? You're
2 getting into matters that weren't dealt with on redirect.
3 You're limited in your re-cross to go into those issues that
4 were addressed on redirect, okay?

5 MR. BROOKER: Certainly, Your Honor, and I understand
6 that.

7 THE COURT: Tell me -- I'm sorry. Go ahead.

8 MR. BROOKER: But I think this is relevant to new
9 matters he got into on redirect.

10 THE COURT: Madam Court reporter, would you tell me the
11 last question, please?

12 MR. BROOKER: Your Honor, I think I've got an idea of how
13 I answered [verbatim] the question and I can re-phrase it in
14 a way that ---

15 THE COURT: All right. Well, re-phrase your question.
16 Go ahead.

17 MR. BROOKER: And, Your Honor, is I think what I was
18 asking her is that whether or not she had any idea how he was
19 processing, you know, the threats that were being made by
20 Chad to him.

21 THE COURT: Go ahead and answer the question, please,
22 ma'am.

23 A / No, sir, I had no idea.

24 Q So, you don't know whether or not he was thinking, this
25 is going to be an old-fashioned fist fight or whether or

THE STATE OF SOUTH CAROLINA VERSUS CHAD STRICKLAND

1 not he was thinking that, you know, this could be, you
2 know, my life could be at risk here. You don't know
3 that, do you?

4 A No, sir, I'm not sure what he was thinking.

5 Q Okay.

6 MR. BROOKER: I don't have any further questions on this
7 matter, Your Honor.

8 THE COURT: Thank you, ma'am. You may step down. Any
9 other witnesses, Mr. Clements?

10 MR. CLEMENTS: Not at this stage of the game, Your
11 Honor.

12 ARGUMENT BY COUNSEL - MR. BROOKER

13 THE COURT: All right. Mr. Brooker, since this is your
14 motion and you bear the burden of proof, anything by way of
15 argument?

16 MR. BROOKER: Yes, Your Honor. And I'll try and be as
17 brief as possible.

18 THE COURT: Well, let me ask this question before you
19 all start your arguments. Would both of you agree that the
20 applicable portion of the statute here would be subsection
21 (C), under §16-11-440?

22 MR. BROOKER: I would agree, Your Honor.

23 THE COURT: Mr. Clements?

24 MR. CLEMENTS: I didn't bring my code with me, Your
25 Honor. I think I know what it says, but if you wouldn't mind

1 reading sub-section (C)?

2 THE COURT: Well, subsection (A) deals with somebody who
3 is using deadly force if he's attacked by or attempting to
4 remove another from a dwelling, residence or occupied
5 vehicle. That's subsection (A). That is not what is going on
6 here. Subsection (C), and this may not be exactly verbatim
7 because it's in some notes that I've typed here pertaining to
8 these types of issues. The pertinent force section states
9 that a person under subsection (c), a person who is not
10 engaged in unlawful activity and who is attacked in another
11 place where he has a right to be, including but not limited
12 to his place of business, has no duty to retreat and has the
13 right to stand his ground and meet force with force,
14 including deadly force, if he reasonably believes it is
15 necessary to prevent death or great bodily injury to himself
16 or another person. That's the pertinent part of that section.
17 I believe that would be one of the facts as stated or
18 testified to during the course of the couple of days that
19 we've been here, that would be the applicable section, or
20 portion of that section. All right, Mr. Brooker. Happy to
21 hear from you.

22 MR. BROOKER: Thank you, Your Honor. Your Honor, I
23 think you state that correctly and I found my copy it.
24 That's exactly what subsection (C) says and basically is, is
25 that with respect to subsection (C), there's pretty much --

1 and I think about four elements that have to be satisfied in
2 order for it to be applicable is that specifically on
3 subsection (C). It says that he must not be engaged in any
4 unlawful activity at the time in which the deadly force is
5 used. You know, in this particular scenario, is that we
6 think that there was absolutely no testimony at the time in
7 which deadly force was used that he was engaged in unlawful
8 activity. I think he testified to the fact that he had a gun.
9 And, of course, is that he is not a felon and he has a right
10 to have that particular gun. And, of course, that he was
11 carrying that gun in his waistband at that particular period
12 of time. There is a statute that prohibits an individual
13 from carrying a concealed weapon in public. But, of course,
14 there is, that there is absolutely no prohibition against
15 that with respect to private property. At this particular
16 period of time that he was on private property, he was at a
17 place at which, I think Ms. Fowler testified that he had a
18 right to be there, you know, which is her residence and so at
19 that particular period of time having it in his waistband was
20 not a violation of the law. So we think that that particular
21 element has been satisfied, that he was not engaged in any
22 unlawful activity at the time that the deadly force was used.

23 THE COURT: Let me ask you this question. He's on
24 private property, but he's not on his own private property.
25 Does that make a difference?

1 MR. BROOKER: No, it doesn't. It does not. The State can
2 only regulate, the State can only regulate with respect to
3 State property. I think with respect to private property, it
4 would be a different thing that if Ms. Fowler knew he had a
5 weapon. I mean, of course she said, "Chad, I don't want you
6 to have the weapon on my particular premises," and she had
7 outlawed it on her particular premises. Then, of course, you
8 know, maybe an argument could be made, but the fact that he
9 was on private property, the fact that he had it in his
10 waistband, I think is not a violation of the law. He was not
11 breaking any law at that particular period of time.

12 It goes on to say is that the next element is that he
13 has to demonstrate, at least prove by, I think, by a
14 preponderance of the evidence, that he was attacked and, of
15 course, there's been testimony here with respect to that,
16 that that has occurred. Testimony came from virtually, two,
17 possibly, three witnesses. One is that Chad Strickland got up
18 on the stand and testified, you know, that prior to his
19 discharging the weapon, prior to discharging the weapon, that
20 Blake Dozier had swung and struck him, I think, on the side
21 of the head, that he had leaned back or went back. He didn't
22 go completely down, but he went back and then when he came
23 back up, that's when he retrieved the gun from his waistband
24 and discharged the gun. That fact was also testified to by
25 Vicky Hernandez and, of course, Ms. Hernandez testified to

1 the fact that while this was going on, that her and her
2 husband was watching. And then, of course, she testified to
3 the fact is that she did not actually see the blow, but what
4 she saw was is, is that Chad Strickland going back and down
5 as if he had been struck and that then he came back up, but
6 then, of course, that's when the gunfire shot. So she
7 corroborated his particular version of the facts.

8 Now, they've put up, I think, three witnesses. The first
9 one was Matthew Lane and I think we asked Matthew Lane with
10 respect to whether or not, whether or not he could testify
11 whether or not that blow or either strike did not take place,
12 and I specifically remember asking him this, because I asked
13 him specifically this particular point. And, of course, he
14 testified to the fact that he did not see, you know, a blow
15 coming from Mr. Dozier striking Chad Strickland. But, of
16 course, it is that he testified to the fact that he could not
17 say that it didn't take place. He simply said that he could
18 not see it. He did not see a strike taking place, okay? So,
19 of course, there's that particular testimony is neutral.
20 With respect to what Ms. Logan testified to is that -- and,
21 of course, there is that there was at least a lot of
22 inconsistencies with respect to her statement upon that
23 particular issue, is that she testified, at least at one
24 particular point in time, that she'd actually gotten out of
25 the vehicle, and it doesn't matter whether or not she hit the

1 ground or not, that's not the pertinent point, that Stacy
2 Fowler then told her that she needed to leave and then, of
3 course, when she proceeded to get back in her vehicle and
4 back up, and then, of course, that she had her head turned
5 and then, of course, that's when she heard the shot and she
6 turned around and saw Mr. Dozier laying on the ground. And
7 then, of course, it is that she testified that she did not
8 actually see at the time in which the weapon was discharged,
9 which means is, is that, which means is that for that
10 particular period of time, what happened immediately
11 following or immediately following the discharge of the gun,
12 that she testified that she was not looking. She was not in
13 a position to be able to say, you know, whether or not that
14 particular part of Mr. Strickland's story did or did not
15 happen. And so, of course, with respect to her statement,
16 her statement is not a denial of that fact. It's just like
17 Mr. Lane simply saying is that I did not see it happen. I
18 don't know.

19 And so, four of those witnesses, of the six witnesses, I
20 think you have at least two, possibly three, and the three
21 I'm including is Jose Hernandez. I don't specifically
22 remember whether or not he testified to that, but he may have
23 testified in corroboration of what his wife said. And then,
24 of course, on the other side you have at least those two
25 witnesses that does not refute it and I think with respect to

1 Ms. Fowler and of course it is, is that I don't think that
2 she ever testified directly onto the issue. She testified
3 that everything had happened so fast at that particular
4 period of time and I think she testified she was talking with
5 him, and then, of course, all of a sudden a gunshot went off,
6 that everything happened so fast. But she never testified
7 with respect to whether or not she saw a swing or not. She
8 did make the statement that she thought that, that Mr. Dozier
9 was the victim. She did make that, you know, kind of adverse
10 statement, but, of course, that statement's not relevant.
11 That's a legal matter to be determined. And obviously is,
12 you know, I think she's basing that statement or making that
13 statement based upon her own belief and not based upon some
14 sort of, you know, on some sort of understanding of the law
15 and what the law requires. And so I think there is sufficient
16 enough evidence at least with respect to the issue of attack,
17 that the preponderance of the evidence standard has been
18 satisfied with respect to whether or not he was under attack.

19 And, of course, I think the third element, which is not
20 in controversy, and that is that he has to be in a place
21 where he has a right to be and I think if you heard me when I
22 asked Stacy Fowler as to whether or not he had a right to be
23 there, of course, with respect to Mr. Strickland, and she
24 said that he did, that he did have a right to be there, that
25 she had actually brought him back to her house and that at

1 that particular period of time, that he was actually holding
2 their child and trying to put their child to sleep when Mr.
3 Strickland [verbatim] came, and so, that element has been
4 satisfied.

5 And, of course, it says if these elements were
6 satisfied, you know, that of course is he can avail himself
7 of subsection (C) of the statute, you know, if he had a
8 reasonable belief, if he had a reasonable belief that it was
9 necessary in order to prevent his death or either great
10 bodily injury to himself or either another person or to
11 prevent the commission of a violent crime and so that
12 particular section is asking is, that at the time that he
13 used deadly force, did he have a reasonable belief that it
14 was necessary to use it because he was either at risk of
15 death or either great bodily harm or he believed that the
16 commission of a violent crime, as defined under subsection
17 16-1-60 of South Carolina law was about to take place.

18 Now, the relevant evidence with respect to that is, is
19 that there has been a lot of testimony that has taken place
20 with respect to that particular issue. I think Mr. Strickland
21 testified to the fact, testified to the fact that when he was
22 at The Game Changer he had actually received, that a call had
23 actually come through in which Mr. Dozier called The Game
24 Changer and stated to, at least to, I think Brent, I think,
25 who is the owner, the owner from the bar, that he was coming

1 there to kick Chad's ass and had advised Chad of that. That
2 was corroborated by Ms. Stacy Fowler. Stacy Fowler indicated
3 that she received a text message from Mr. Dozier indicating
4 that he was going to The Game Changer to mess things up.
5 And, of course, also, I think Ms. Logan Ratley testified to
6 the same thing, that the reason that they went to The Game
7 Changer to pick Chad up is, is because of a text message that
8 they received from Blake making that threat.

9 Now, they testified that when they picked Chad up, and
10 this is specifically Ms. Stacy Fowler, she said that when she
11 talked with Chad and told Chad, you know, about the text,
12 Chad said, well, you know, he'd also called The Game Changer
13 looking for him and that Chad told her to come and pick him
14 up because he was seeking to avoid any trouble, he didn't
15 want any problems, and that she did. She came to pick him up
16 in order to try to avoid an altercation. She testified when
17 they got in the car -- then, of course, this is where the
18 testimony was a little bit muddled on exactly who said what,
19 but we know that there was a number of exchanges in which
20 either, in which Blake was allegedly threatening to fight
21 Chad and allegedly Chad was threatening to fight Blake and
22 then, of course, there was testimony also, I think from Ms.
23 Ratley that Mr. Lane also got into the conversation, too, and
24 that Mr. Lane, who is a friend of Mr. Dozier, had also made a
25 threat and they talked about possibly meeting to fight at

1 various locations, but it did not happen. It did not happen.
2 And, of course, is is that they then went to Stacy Fowler's
3 house.

4 The crux of this is, is that whether or not Chad
5 Strickland was told by Stacy Fowler, was told by Logan
6 Ratley, and also told by the owner, you know, of the club
7 that Mr. Dozier had called threatening to fight him, coupled
8 with the fact that when he was actually picked up by Ms.
9 Stacy Fowler and Logan Ratley, and then, of course, then
10 received additional threats from Mr. Dozier and also from Mr.
11 Dozier's friend, Matt Lane, as to whether or not that is
12 sufficient to feel a reasonable fear. Reasonable fear. And
13 that if he met up with them, that, of course, they would do
14 him great bodily harm if not worse.

15 We believe, by a preponderance of the evidence standard,
16 that is sufficient enough for a reasonable person under his
17 circumstances, in his particular circumstances to believe,
18 you know, that had Mr. Dozier found him and come across him,
19 that Mr. Dozier intended to do him great bodily harm and/or
20 worse.

21 Now, this is also coupled with the fact that when Mr.
22 Dozier did show up at the residence -- and, of course, there
23 was testimony from various witnesses that he drove there
24 extremely fast, shot up in the yard, that he got out of the
25 car and, of course, this is where there is some dispute. I

1 think Mr. Strickland testified to the fact is that an
2 argument ensued between Mr. Dozier and Ms. Fowler, that at
3 some point in time he came off the porch because he could not
4 see exactly what was going, that he had a concern. I think
5 his original testimony was is, is that he knew that -- he
6 thought that Blake was coming there to fight him and that
7 when he was inside with his daughter that he, in his mind, if
8 he did not go outside, that he thought that he would come
9 inside to fight him where his daughter was. So, he went
10 outside in order to avoid a confrontation on the interior of
11 the house where his daughter was. And, of course, he
12 testified that when he eventually approached, that an
13 argument ensued involving himself and that at some point in
14 time, that Mr. Dozier attempted to get past Stacy Fowler and
15 actually swung and struck him and he went back. And, of
16 course, he testified to the fact is that when he saw that --
17 and, of course, he testified that there was two guys that had
18 gotten out of the car and that they were advancing. That was
19 the car that was being followed by Mr. Dozier's vehicle, that
20 he thought at that particular period of time that he was
21 about to be double-teamed by Mr. Dozier and his friends and
22 he pulled his gun and he discharged it once, shooting Mr.
23 Dozier.

24 So, the question then becomes is, at that particular
25 period of time, looking at all of those particular factors,

1 that when he pulled the gun out of his waistband, is that any
2 person who had went through that, who had been threatened
3 repeatedly that night, who'd been told -- who had been in the
4 situation where not only there was threats, but, of course,
5 when he actually came to The Game Changer, for the purpose of
6 actually following through with that threat. And, of course,
7 Matt Lane testified to the fact is that when Mr. Dozier came
8 to The Game Changer, that himself and Ethan Allen was in the
9 car and that they had actually stopped Mr. Dozier from
10 getting out to go into The Game Changer to fight. With all
11 of this, the question then becomes is, is that enough to
12 create reasonable fear? When he pulled that gun after all of
13 these threats, after being struck by Mr. Dozier, after seeing
14 Mr. Dozier's friends advancing, after all of that, is that
15 enough to create a reasonable fear of great bodily injury.
16 And, of course, we think by the preponderance of the evidence
17 that it is sufficient. And, of course, is is that that was
18 also corroborated by Vicky Hernandez and also her husband,
19 Jose Hernandez, who probably are, probably are two of the
20 most credible, I think, witnesses that testified here today.
21 And the reason why is that, to say it in kind of an
22 inarticulate way is that they did not have a dog in this
23 fight, that they're actually related -- I think she testified
24 to the fact that she's actually related to Ms. Fowler,
25 they're actually cousins. She has absolutely nothing to gain

1 by going against, at least what Ms. Fowler testified to and
2 I'm pretty sure is that it probably put her at extremes with
3 her and the rest of the family. But they were pretty
4 extremely credible and she testified that she saw, what
5 appeared to be two guys get out and advancing, and advancing
6 towards the car when Chad Strickland went down and popped
7 back up and that's when the shots had occurred. And, of
8 course, is that -- and, of course, I'm about to finish to
9 Your Honor, with respect to is that if that insufficient
10 enough to create, I think, reasonable fear.

11 Then, of course, the next question, reasonable fear,
12 that reasonable fear and the risk of great bodily harm injury
13 is, I think the statute says is that, or to commit during the
14 commission of a violent crime, it says he can use deadly
15 force to prevent the commission of a violent crime and so he
16 had a reasonable fear that a violent crime was about to occur
17 and, of course, it is that he could then use deadly force to
18 prevent the commission.

19 And so, it's not asking why that a violent crime does
20 take place, but he has to have that reasonable belief. And,
21 of course, what sort of violent crime would be applicable in
22 this particular situation. It says a violent crime, as
23 described underneath in South Carolina subsection 16-1-60.
24 And, of course, the violent crime we think is applicable is
25 assault and battery of a high and aggravated nature or

1 attempt to commit assault and battery of a high and
2 aggravated nature. Assault and battery of a high and
3 aggravated nature is subsection 16-3-600(B) is listed
4 underneath, 16-1-60 as a violent crime. So the question then
5 would be that under the circumstances, with everything that
6 we just explained, would he have a reasonable fear that
7 assault and battery of a high and aggravated nature was about
8 to occur when he was struck and he saw the two friends
9 advancing or an attempt to commit an assault and battery of a
10 high and aggravated nature. Because underneath subsection
11 16-1-60, it says not only is assault and battery of a high
12 and aggravated nature a violent crime, but any attempt to
13 commit an assault and battery of a high and aggravated nature
14 is also considered to be a violent crime. So if there's an
15 attempt to commit assault and battery of a high and
16 aggravated nature, that is a violent crime in and of itself.

17 So, I think those are the two crimes that Your Honor has
18 to consider in making a determination as to whether or not he
19 had a reasonable fear. The actual assault and battery of a
20 high and aggravated nature or whether or not there was
21 reasonable fear of an attempt to commit an assault and
22 battery of a high and aggravated nature and we think at least
23 there is enough evidence to satisfy by the preponderance of
24 the evidence and that he did have reasonable fear of great
25 bodily injury or reasonable fear that Mr. Dozier and his

1 friends were attempting to subject him to great bodily injury
2 or worse. Thank you, Your Honor.

3 THE COURT: All right. Mr. Clements.

4 ARGUMENT BY COUNSEL - MR. CLEMENTS

5 MR. CLEMENTS: Your Honor, reasonable fear? What did
6 that young man have to be afraid of at all? He's standing
7 there on the porch, got an automatic, there's a .45 or .9 mm,
8 whatever it was, stuck in his waistband that nobody knows
9 he's got and he's there, as safe as he can be, on that porch.
10 Never had to come off of that porch. Nobody advanced on him.
11 He was told by Stacy, stay on the porch. It's her house where
12 she lived with Blake. Blake was coming home. He had
13 permission to be there, but Blake was coming home. He came
14 off that porch, come up behind a woman, from behind the
15 woman, shoots a man in the face that's just standing there in
16 his doorframe.

17 And I meant to move these into evidence, and I don't
18 know if it's too late to do that now, but I have identified
19 and the foundation laid that they were accurate depictions of
20 what was there that night and if I can move them into
21 evidence at this time so you can look at them, I would like
22 to do so.

23 THE COURT: Any objection?

24 MR. BROOKER: Well, I think some of them, Your Honor, is
25 is they're pictures of which we have made a previous

1 objection to.

2 THE COURT: Well, your previous objections were before
3 witnesses testified that they were in substantially the same
4 conditions it was on the night of this incident, absent the
5 fact that some of them were taken in the daytime as opposed
6 to night.

7 MR. BROOKER: Yeah, Your Honor, and I think that's why
8 the decision's going to have to be left by you, because I
9 think the Hernandezes testified to the fact that those
10 photographs, you know, were not substantially the same, that
11 at that particular period of time, there was not as much
12 growth and I think Ms. Fowler testified to, in her opinion,
13 that it was substantially the same, you know, after two years
14 growth. So we would still object to it because we don't
15 think it's an accurate depiction. I think common knowledge
16 would tell you that, you know, would suggest that after two
17 years that, you know, growth in grass and leaves and brush
18 does not remain substantially the same. And so -- but with
19 that being said, we object to it, but I guess it's Your
20 Honor's decision.

21 MR. CLEMENTS: My understanding is that Ms. Hernandez
22 did say it was substantially the same.

23 THE COURT: Regardless, what is State's, for
24 identification purposes, of the trailer at dark? You had two.
25 It's got a picture of the car pulled up with the headlights

1 shining on the trailer.

2 MR. CLEMENTS: State's Exhibit #6, Your Honor, has the
3 victim's car and his body covered up with a sheet and then
4 another depiction is his feet right where he fell.

5 THE COURT: Okay.

6 MR. BROOKER: And I would make it very easy on that,
7 Your Honor, is, is that this was taken the night of the
8 incident ---

9 THE COURT: And that's been testified to.

10 MR. BROOKER: --- and I don't have an objection to that.

11 THE COURT: You don't have an objection to that?

12 MR. BROOKER: No.

13 THE COURT: All right. State's Exhibit #6, I'll admit
14 into evidence, without objection.

15 (Whereupon, a photocopy is entered into evidence as
16 State's Exhibit #6, without objection)

17 THE COURT: I'm not going to allow those in. I really
18 don't need to see those other ones, based upon the testimony
19 that's been elicited.

20 MR. CLEMENTS: Yes, sir.

21 THE COURT: So, but go ahead with your argument.

22 MR. CLEMENTS: Your Honor, the Hernandezes were three
23 hundred and ninety-three feet away. I don't think there's any
24 way they could see what they thought they saw. I think

1 everybody in the neighborhood talked about it and they kept
2 talking about a white SUV. There was no white SUV with all
3 these people getting out. There was a black SUV. I just
4 think that their testimony is completely unreliable.

5 But this shows that Mr. Chad Nelson Strickland was
6 lying. He said he had to come off the porch to see what was
7 happening because headlights were shining in his eyes and he
8 couldn't see and that is baloney, because you can look and
9 see right here (indicating) and you can see the feet of Mr.
10 Dozier in that picture where he was behind that door and when
11 he got ambushed by Mr. Strickland and shot. He fell right
12 there where he was standing, inside the apex of the
13 doorframe. He wasn't coming to attack anyone. He couldn't.
14 He had to come around from behind the car to attack him. He
15 didn't swing at anybody. Stacy Fowler said he didn't. He
16 didn't attack Chad. Chad wasn't under attack. She was
17 standing right there. And Mr. Strickland committed one of the
18 most cowardly acts I've ever seen in my life, where he comes
19 up behind Stacy Fowler and shoots Blake Dozier in the head.
20 Blake Dozier's not doing anything. I asked him on the witness
21 stand and he said he could have stayed on the porch. If he
22 wanted to stand his ground, he could have stayed on the
23 porch. If there was a bunch of people coming at him, he could
24 have gone inside, locked the door. He's armed with a weapon.
25 He's safe. Nobody's attacking him. And I could go on and make

1 a lot more argument, Your Honor, but I don't feel like I need
2 to hold us here any longer today. If anything, at best, this
3 is a jury question perhaps on this issue, but this man was
4 not standing his ground. He was not under threat of a violent
5 attack or threat of a violent crime. No one did anything.
6 They talked about it. A lot of offers were made. He made
7 offers. He told them to come to Stacy's house and let's
8 settle it. He told them, come to Sunny Mart, we'll fight. Go
9 to the used car lot, we'll fight. Matt Lane said, well, why
10 don't you just come out in the field by my house? He goes,
11 well, I'm not going over there, they'll call the law on me.
12 If he stood his ground why did he run? Why did he run away
13 and throw the gun away and hide it? If he was standing his
14 ground, he would have stood right there, thrown the gun on
15 the ground and said, I'm going to wait for the police to get
16 here. I'm standing my ground.

17 RULING OF THE COURT

18 THE COURT: All right. In State v. Curry, 406 S.C. 364,
19 testimony of the Defendant and witnesses in that particular
20 case varied, substantially, as they have to some extent
21 during the course of the last couple of days that I've heard
22 testimony in this case. In State v. Curry, as I've
23 previously stated on the record under section §16-11-440(C),
24 and the lawyers have acknowledged that this is the applicable
25 section as it pertains to this case before me, the Court in

1 that case says that consistent with the Castle Doctrine, in
2 the text of the act, talking about the Protection of Persons
3 and Property Act, which includes section §16-11-440, a valid
4 case of self-defense must exist and the trial court must,
5 necessarily, consider the elements of self-defense in
6 determining a Defendant's entitlement under the act of
7 immunity.

8 This includes all elements of self-defense, save the
9 duty to retreat. The first element of self-defense is that
10 Defendant was without fault in bringing on the difficulty.
11 The second element being the Defendant actually believed he
12 was in imminent danger of losing his life or sustaining
13 serious bodily injury or he actually was in such danger. The
14 third element being, if defense is based upon Defendant's
15 actual belief of imminent danger, a reasonable, prudent man
16 of ordinary firmness and courage would have entertained the
17 same belief. Each of those elements, according to State v.
18 Curry need to viewed and looked at by the Court. That
19 element, which is not required to be looked at pursuant to
20 case law, is the fourth element of self-defense, which says
21 the Defendant has no other probable means of avoiding the
22 danger of losing his life or sustaining serious bodily injury
23 than to act as he did on this particular instance.

24 With regards to looking at each of the elements of self-
25 defense, the uncontradicted testimony in this case, albeit

1 there was a substantial amount of contradicting testimony,
2 the uncontradicted testimony in this case was, that the
3 Defendant was at this home, that he was told to stay on the
4 porch. This was brought out during, I believe direct
5 examination, but it was certainly brought on cross
6 examination, that he was told by Ms. Fowler to stay on the
7 porch, that he, of his own volition, came off of the porch,
8 approached the vehicle that was being operated by the victim
9 in this case after having been told by Ms. Fowler, by his own
10 testimony and the testimony of Ms. Fowler, he approached the
11 vehicle and discharged the firearm, ultimately killing the
12 victim. I do not believe that the Defendant can assert at
13 this point that he was without fault in bring on the
14 difficulty.

15 Separate and apart in self-defense is, in which the law
16 says is not to be considered, there was no other probable
17 means of avoiding the danger of losing life or sustaining
18 serious bodily injury. The Court's not considering that. The
19 Court is considering all the testimony, which certainly built
20 up to what transpired and ultimately the demise of the
21 victim. There was fault. There was fault, whether it be on
22 one party or both parties, there was fault on both, and the
23 Defendant cannot sit here and assert that he was without in
24 bringing on this difficulty.

25 The Defendant has not -- and let me say this. Under

1 State v. Grantham, which is a 1953 case, which preceded the
2 Protection of Persons and Property Act, §224 S.C. 45, it goes
3 back and kind of gives the history of the Castle Doctrine, in
4 which the Protection of Persons and Property Act, in some
5 sense, codified the common law. It codified the common law
6 on that issue. The Castle Doctrine Law was predicated on the
7 absence of aggression or fault on the Defendant in not
8 bringing on the difficulty. The Doctrine is for defensive and
9 not offensive purposes. That's the Castle Doctrine. That's
10 the Castle Doctrine. While the Act may be considered, and
11 it's talking about the Protection of Persons and Property
12 Act, while the Act may be considered offensive, offensive as
13 opposed to defensive in the sense that the immunity operates
14 as a barr to prosecution, such immunity is predicated on the
15 accused demonstrating -- and this is, State v. Grantham is
16 being cited in State v. Curry, which I've already mentioned.
17 Such immunity is predicated on accused demonstrating the
18 elements of self-defense to the satisfaction of the trial
19 court by a preponderance of the evidence. The facts, as
20 testified to during the course of the last two days, this
21 Court finds that the Defendant has not, has not, to the
22 satisfaction of this Court, by a preponderance of the
23 evidence, satisfied the elements of self defense by a
24 preponderance of the evidence.

25 Such immunity, as stated previously, is predicated only

1 if he was demonstrating the elements of self-defense to the
2 satisfaction of the trial court, which this Defendant has not
3 done by a preponderance of the evidence. Mr. Brooker has
4 done a valiant job in asserting such, but it does not apply
5 in this particular case and I am respectfully denying your
6 motion. Thank you.

7 MR. BROOKER: Thank you, Your Honor.

8 MR. CLEMENTS: Thank you, Your Honor.

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)

CERTIFICATE

BE IT KNOWN THAT I, THE UNDERSIGNED JO RICE, OFFICIAL COURT REPORTER FOR THE TWELFTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT REPRESENTS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING OF THE CAPTIONED CASE, RELATIVE TO APPEAL, BEFORE THE CIRCUIT COURT FOR MARION COUNTY, SOUTH CAROLINA, SO GIVEN ON DECEMBER 16 AND 18, 2014, TO THE BEST OF MY SKILL AND ABILITY;

THAT I AM NOT RELATED TO NOR AN EMPLOYEE OF ANY OF THE PARTIES HERETO, NOR A RELATIVE OR EMPLOYEE OF ANY ATTORNEY OR COUNSEL EMPLOYED BY THE PARTIES HERETO, NOR INTERESTED IN THE OUTCOME OF THIS ACTION.

IN WITNESS WHEREOF I HAVE HERE UNTO SET MY HAND AND
SEAL THIS 27TH DAY OF JANUARY, 2015.

s/Jo Rice
JO RICE
OFFICIAL COURT REPORTER

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF FLORENCE	)	2013-GS-33-00225
	)	
	)	
	)	
State Of South Carolina	)	)
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
Chad Nelson Strickland	)	)
DEFENDANT	)	May 18-22, 2016
		Marion, South Carolina

B E F O R E:

THE HONORABLE D. CRAIG BROWN, JUDGE; and a jury.

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

ED CLEMENTS, SOLICITOR
JOHN HOLT, ASSISTANT SOLICITOR
Attorneys for the State

THURMOND BROOKER, ESQ.
Attorney for the Defendant

KESHIA REED

Official Court Reporter

		<u>I N D E X</u>			
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1					
2					
3	Martin Bell In-Camera				
4	Mr. Clements	55			
5	Mr. Brooker		67		
6					
7	Harry Charles Watson In-Camera				
8	Mr. Clements	71		81	
9	Mr. Brooker		78		
10					
11	Opening Statements				
12	Mr. Clements	97			
13	Mr. Brooker	106			
14					
15	Daniel Cribb				
16	Mr. Clements	117		140	
17	Mr. Brooker		132		
18					
19	Richard Atkinson				
20	Mr. Clements	143			
21	Mr. Brooker		147		
22					
23	James Powell				
24	Mr. Clements	150			
25	Mr. Brooker		154		

		<u>I N D E X</u>			
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1					
2					
3	Jerry Richardson				
4	Mr. Clements	155			
5	Mr. Brooker		158		
6					
7	Ethan Allen				
8	Mr. Clements	162		210	
9	Mr. Brooker		181		
10					
11	Eddie Sawyer				
12	Mr. Clements	212			
13	Mr. Brooker		214		
14					
15	James Lee				
16	Mr. Clements	217			
17	Mr. Brooker		224		
18					
19	Darren Miles				
20	Mr. Clements	228			
21	Mr. Brooker		231		
22					
23	Martin Bell				
24	Mr. Clements,	235		289	
25	Mr. Brooker,		264		292

		<u>I N D E X</u>			
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1					
2					
3	Scott Hardee				
4	Mr. Clements	296		352	
5	Mr. Brooker		333		
6					
7	Christopher Owens In-Camera				
8	Mr. Clements	356		378	
9	Mr. Brooker		370		380
10					
11	Christopher Owens				
12	Mr. Clements	396		415	
13	Mr. Brooker		409		420
14					
15	Logan Ratley				
16	Mr. Clements	436		517	
17	Mr. Brooker		478		520
18					
19	Dr. Cynthia Schandle				
20	Mr. Clements	523			
21	Mr. Brooker		533		
22					
23	Kenneth Whitler				
24	Mr. Clements	543			
25	Mr. Brooker		557		

	<u>I N D E X</u>			
	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u> <u>RECROSS</u>
1				
2				
3	Matthew Lane			
4	Mr. Clements	565		629
5	Mr. Brooker		594	635
6				
7	Stacy Fowler			
8	Mr. Clements	639		744
9	Mr. Brooker		687	
10				
11	Vickie Hernandez			
12	Mr. Brooker	761		829
13	Mr. Clements		793	831
14				
15	Hosea Eric Hernandez			
16	Mr. Brooker	834		864
17	Mr. Clements		844	865
18				
19	Chad Strickland			
20	Mr. Brooker	869		965
21	Mr. Clements		927	968
22				
23	Closing Arguments			
24	Mr. Brooker	988		
25	Mr. Clements	1033		

1	<u>I N D E X</u>				
2	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	Jury Charge	1066			
4	Verdict of the Jury	1095			
5	Sentence of the Court	1107			
6	Certificate of Reporter	1108			
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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
S-1	Miranda Warning Document		247
S-2	CD of Defendant Statement	66	250
S-3	Aerial Map		123
S-4	Aerial View		123
S-5	Photograph		126
S-6	Photograph		126
S-7	Photograph		126
S-8	Photograph		126
S-9	Photograph		126
S-10	Photograph		126
S-11	Cartridge Casing	213	547
S-12	Fired Bullet	213	547
S-13	Gun	213	327
S-13A	Bullets		1091
S-14	Photograph	216	221
S-15	Photograph	216	221
S-16	Photograph	216	222
S-17	Photograph	216	222
S-18	Photograph		312
S-19	Photograph		312
S-20	Photograph		312
S-21	Photograph		312
S-22	Photograph		312

<u>I N D E X</u>				
	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3	S-24	Photograph		312
4	S-25	Photograph		312
5	S-26	Photograph		312
6	S-27	Photograph		312
7	S-28	Photograph		312
8	S-29	Photograph		312
9	S-30	Photograph	355	
10	S-31	Photograph	355	
11	S-32	Photograph	355	
12	S-33	Photograph	355	
13	S-34	Photograph	355	
14	S-35	Photograph	355	
15	S-36	Photograph	355	
16	S-37	Photograph	355	
17	S-38	Photograph	355	
18	S-39	Photograph	355	
19	S-40	Photograph	355	
20	S-41	Photograph	355	
21	S-42	Photograph	355	
22	S-43	Photograph	355	
23	S-44	Photograph	355	
24	S-45	Photograph	355	
25	S-46	Photograph	355	

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
S-47	Photograph	355	401
S-48	Photograph EVD	355	416
S-49	Photograph	355	
S-50	Photograph	355	
S-51	Photograph	355	
S-52	Photograph	355	401
S-53	Photograph	355	407
S-54	Photograph	355	401
S-55	Logan Ratley Statement	447	
S-56	Matthew Lane Statement	631	
S-57	Matthew Lane Statement	631	
S-58	Stacy Fowler Statement	680	
S-59	Stacy Fowler Statement 11/8/2012	681	
S-60	Stacy Fowler Statement	683	
S-61	Vicki Hernandez CD Statement	793	
S-62	Hernandez Statement	793	
S-63	Vicki Hernandez Statement	793	
D-1	Envelope	700	742

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
C-1	Defendant's Voir Dire Request		49
C-2	Juror Note		234
C-3	Juror Note		331
C-4	Name of New Alternate		331
C-5	Name of New Foreperson		331
C-6	U.S. Naval Sun & Moon Data		563
C-7	U.S. Naval Sun & Moon Data		563
C-8	Note from Jury		1092

1 THE COURT: All right. Is the State ready to
2 proceed?

3 MR. CLEMENTS: The State is ready, Your Honor.

4 THE COURT: Defense counsel?

5 MR. BROOKER: We are, Your Honor.

6 THE COURT: Solicitor, if you'd call you case
7 please.

8 MR. CLEMENTS: Please the Court. Your Honor, we
9 call the case of The State vs. Chad Nelson Strickland
10 indictment number 2013-GS-33-225.

11 THE COURT: All right. Ladies and gentlemen,
12 the State has called the case of the State of South
13 Carolina vs. Chad Nelson Strickland. Mr. Chad Nelson
14 Strickland is charged by an indictment which I hold in my
15 hand with the offense of murder, possession of a weapon
16 during the commission of a violent crime and pointing and
17 presenting a firearm. Please listen the indictment reads
18 as follows as to Count 1 of murder: It says that Chad
19 Nelson Strickland did in Marion County on or about
20 November 4, 2012, willfully, feloniously, and
21 intentionally killing the victim, Joseph Blake Dozier,
22 with malice aforethought either expressed or implied by
23 means of shooting the victim and he did die as a proximate
24 result thereof on or about November 4, 2012, in Marion
25 County in violation of section 16-3-10 of the South

1 Carolina code of laws. Count 2 being possession of a
2 weapon during the commission of a violent crime alleges
3 that Chad Nelson Strickland did in Marion County on or
4 about November 4, 2012, possess a firearm or visibly
5 display what appeared to be a firearm during the
6 commission or attempted commission of a violent crime in
7 violation section 16-23-490 of the South Carolina code of
8 laws. Count 3 alleges is a charge of pointing and
9 presenting a firearm and it alleges that Chad Nelson
10 Strickland did in Marion County on or about November 4,
11 2012, point or present a loaded or unloaded firearm to wit
12 a firearm at one Stacy Fowler in violation of section
13 16-23-410 of the South Carolina code of laws.

14 Now, ladies and gentlemen, what I just read to
15 you all are the charges that are in this indictment which
16 I hold in my hand. Please understand, ladies and
17 gentlemen, that this indictment of what I have just read
18 you all is simply the charging document by which this case
19 is brought into this court. It is in no way shape or form
20 evidence in this case. The defendant, Mr. Chad Nelson
21 Strickland, has pled not guilty to each of these charges.
22 Therefore, the State of South Carolina bares the burden of
23 proving his guilt beyond a reasonable doubt. Now, before
24 we go any further in selecting a jury, please listen very
25 carefully. There's some questions that I'm going to have

1 will not be forthcoming. You understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And you understand if a jury
4 convicts you of murder in this case, you looking at life
5 in the penitentiary?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And it's still your desire and your
8 choosing of your own freewill to go forward with this
9 trial?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Thank you. You may be seated.
12 Let's move forward with the Jackson vs. Denno hearing.

13 Call your first witness please.

14 MR. CLEMENTS: Thank you, Your Honor. If it
15 please the Court, we call Investigator Martin Bell.

16 THE CLERK: Do you swear to tell the truth, the
17 whole truth, and nothing but the truth so help you God?

18 THE WITNESS: I affirm.

19 WHEREUPON,

20 Martin Bell,

21 after first having been duly sworn, testified as follows:

22 DIRECT EXAMINATION IN-CAMERA

23 BY MR. CLEMENTS:

24 Q Can you please state your name and occupation for the
25 record?

1 A Martin Bell Marion County sheriff's office.

2 Q And how long have you been a detective in the Marion
3 county sheriff's office?

4 A About seven years.

5 Q And were you part of the investigation regarding the
6 death Blake Dozier?

7 A Yes, sir, I was.

8 Q And did Chad Strickland become a suspect in that
9 case?

10 A Yes, sir, he did.

11 Q And were you participating in when you all made an
12 arrest of Mr. Strickland?

13 A Yes, sir, I was.

14 Q And you please tell me what day that was or in
15 connection with when the death occurred how far along was
16 it from that point?

17 A The following morning.

18 Q The following morning?

19 A Yes, sir, it was.

20 Q And where did y'all find Mr. Strickland to be?

21 A At his home.

22 Q Okay. And who live there in that home with him?

23 A His dad and his mom and I believe a brother.

24 Q Okay. Y'all went there and served an arrest warrant
25 on him at that time?

1 A Yes, sir, we went there and knocked on the door and
2 briefly spoke with his father, Mr. Nelson, and upon him
3 coming out, asked if he was there, he stated he was. Chad
4 was there and he come out.

5 Q All right. At that time what do you explain to Mr.
6 Strickland that you were doing?

7 A We told him that we were there and I ask him if he
8 want to tell his daddy why we were there or if he want us
9 to tell him. And he told his daddy why we were there that
10 he shot and-killed somebody.

11 Q What else did you tell or do with Mr. Strickland at
12 that time?

13 A At that point we placed him in cuffs and escorted him
14 around front and placed him in the patrol car. At which
15 time I read him his rights off of a Miranda card that I
16 keep in my pocket.

17 Q Did you have warrants that you served on him at that
18 time?

19 A I don't think we served him right then. We had them
20 in hand, but I believe they were later served at the
21 office, you know, if I remember correctly.

22 Q And what warrants were they?

23 A For murder.

24 Q Any other additional warrants at that time?

25 A Point and presenting -- there were several warrants.

1 Possession of a firearm and commission of a crime.

2 Q Okay. All right. You said you read his Miranda
3 rights to him in your police -- sheriff's office car?

4 A Not mine. It was actually another officer's. It was
5 a mark unit and I read it to him while he was sitting in
6 the backseat.

7 Q Who's unit was that?

8 A It was James Powell.

9 Q Now, do you have that same card with you today?

10 A Yes, sir, I do.

11 Q Can you please for the record read to us what you
12 read to Chad Strickland that morning?

13 A Yes, sir. It says suspect Miranda Warning. You have
14 the right to remain silent. Anything you say can and will
15 be used against you in the court of law. You have the
16 right to talk to an attorney have him or her present with
17 you while you're being questioned. You cannot afford to
18 hire an attorney, one will be appointed to represent you
19 before any questioning if you want. You can decide at any
20 time to exercise these rights and not answer any questions
21 or make any statement. Do you understand each of these
22 rights as I have explain them to you. Having these rights
23 in mind, do you wish to talk to us now.

24 Q After you read that card to Mr. Strickland, did it
25 appear to you that he understood what you were talking to

1 him about and reading?

2 A Yes, sir, he did. He understood it very well.

3 Q Okay. What was his demeanor or state at that time?

4 A He -- at that time he was sorry for what he had done,
5 seem to be very upset about what he had done talking to
6 me. He wasn't crying like a baby or nothing, but he was
7 concerned about what he had done.

8 Q And he didn't appear to be under the influence of
9 anything, did he?

10 A No, sir, nothing at all.

11 Q Didn't appear to be at a loss of his faculties or his
12 understanding or his reasoning at that time, did he?

13 A No, sir.

14 Q Did y'all in any way after reading his Miranda rights
15 to him, did y'all coerce or threaten him in any way?

16 A No, sir, we did not.

17 Q Did you talk to him at that particular time in the
18 patrol vehicle to any detailed extent?

19 A For a short period I ask him about the weapon because
20 if it was there, we would like to have recovered the
21 weapon.

22 Q At his father's home?

23 A Yeah, and at that point he told me he said, no, but
24 I'll take you to where it's at and that was after he was
25 Mirandized not before. It was after he was Mirandized.

1 Q Okay. Now, did he take you to the gun?

2 A Yes, sir, he did.

3 Q Did he do that before or after going to the police --
4 to the sheriff's office?

5 A Before we went to the sheriff's office.

6 Q Before you went ---

7 A Yes, sir.

8 Q Okay. And when he took you there, I guess -- we want
9 get into that at this time because of the limited purpose
10 for this hearing.

11 A Yes, sir.

12 Q But sufficient to say he took you to find the gun?

13 A Yes, sir, he did.

14 Q And you found the gun?

15 A Yes, sir, we did.

16 Q And how many other officers were there?

17 A Myself, Detective Watson, the shift that was working,
18 Daniel Cribb, the one that transported him Mr. James
19 Powell. And I can't ---

20 Q James Lee there?

21 A I can't remember. He might have been. There were
22 several others there because we all been working this case
23 kind of diligently since the murder. We wanted to get
24 something done.

25 Q All right. After you retrieved the gun, where did

1 you go and where did y'all take Chad Strickland?

2 A When we got through there, we had got the gun in
3 possession boxed up. We left there and drove straight to
4 the sheriff's office.

5 Q All right. When you got to the sheriff's office what
6 did you do?

7 A We took him into my office there at the sheriff's
8 office. We then talked to him for a minute and Mirandized
9 him again except this time we did it off of a sheet that
10 we use a standard Miranda form at our office and had him
11 sign off on it as we went over it step by step.

12 Q I'm going to show you what's been marked as State's
13 Exhibit Number 1 for identification. Can you identify
14 that yes or no?

15 A Yes, sir, I can.

16 Q Can you tell me what it is?

17 A It's a Miranda form standard form for our office even
18 has Marion County Sheriff's Office across the top of it?

19 Q Okay. And whose handwriting and whose signatures are
20 reflected on that document?

21 A Detective Watson, myself and then the defendant
22 Mr. Chad Strickland's signature and his initials by each
23 line as we went over it. Line by line he initials it that
24 he understands what we're going over.

25 Q Okay.

1 MR. CLEMENTS: Your Honor, at this time I move
2 State's Exhibit Number 1 into evidence?

3 THE COURT: Any objection?

4 MR. BROOKER: None, Your Honor.

5 THE COURT: Without objection State's Exhibit
6 Number 1 admitted into evidence.

7 (WHEREUPON, State's Exhibit No. 1 was admitted
8 into evidence.)

9 BY MR. CLEMENTS:

10 Q Now, you were talking about his initials. Can you
11 explain for the record what each of those lines are, what
12 they represent and what the initials are for?

13 A It starts out at the very top. You know, it says
14 Marion County Sheriff's Office. It says Miranda Warning.
15 It also has the sheriff's name underneath Marion County
16 Sheriff's Office. It has the case number that is assigned
17 to this particular case that we were doing an interview on
18 2012-1100066, location M.C.S.O., which stands for Marion
19 County sheriff's office. The date is 11-4-2012. The time
20 is 9:37 a.m. Then the next line is just letting you know
21 what we're going over. It says the United States -- the
22 Constitution of the United States requires me to inform
23 you that. And at that point it starts with each line and
24 it goes through the Miranda's. You have the right to
25 remain silent. At the end of each line, we instruct them

1 that if you understand please initial it that you
2 understand that what's going on.

3 Q And did he initial each line?

4 A Yes, sir, he did.

5 Q And these lines are these anything different than
6 what you read off the Miranda card?

7 A No, sir. There's no difference. It's just now it's
8 in written form his and his signature goes on it, showing
9 that we went over it again with him. In the field, we
10 didn't have it with us, so we couldn't go over it at that
11 time.

12 Q That's why you have the cards to carry with you?

13 A Yes, sir, so at any time you got it on you.

14 Q And did you go through each line with him on this
15 form line by line?

16 A Yes, sir, we did.

17 Q Did he understand each line to your knowledge and
18 your observation?

19 A The next to the last line before you get to where he
20 puts his information. It actually says do you understand
21 each of these rights as I have explain to you and it says
22 yes or no and he initialed yes. And at that point usually
23 I'll interject, do understand this and most people they
24 would respond.

25 Q Did he initial each line?

1 A Yes, sir, he did.

2 Q Did he leave anything out?

3 A No, sir, he didn't.

4 Q Okay. How does that document end?

5 A It says a waiver of rights. I have read this
6 statement of my rights and I understand what my rights
7 are. I am willing to make a statement and answer
8 questions. I do not want an attorney at this time. I
9 understand and know what I am doing, no promises, threats
10 had been made to me. And no pressure of any kind has been
11 used against me by anyone in exchange for my statement. I
12 then go over that with him.

13 Q All right. And did he understand that?

14 A Yes, sir. And then he signed it and then time, date.
15 He actually wrote the time in as 9:41 and then myself, and
16 Detective Watson witnessed it as being there when it was
17 done. I believe we also recorded that statement.

18 Q Okay. You recorded that on video?

19 A No, sir, on this cassette because it was actually
20 recorded and loaded on the video, but it's actually
21 cassette recorded.

22 Q Okay. Now, and then transferred that to a CD?

23 A Yes, sir, that was transferred to a CD.

24 Q Okay. So right here where the address, city, state
25 and name who wrote that?

1 A I believe Detective Watson might have wrote that.
2 Q Okay. And down here where it's signed is that ---
3 A Mr. Chad Strickland's signature.
4 Q Right above the time?
5 A Yes, sir.
6 Q And the first witness was who?
7 A Mr. Watson.
8 Q And the second witness was?
9 A Myself Detective Bell.
10 Q At any time while you executed this form, did
11 Mr. Strickland appear to not know what was going on,
12 appear to be under any type of duress?
13 A No, sir, no duress at all, came freely and willingly
14 to talk to us at that point.
15 Q All right. Now, this statement was documented by
16 audio?
17 A Yes, sir.
18 Q So it could be available later; is that correct?
19 A Yes, sir, it is.
20 Q Okay. And I'm going to show you what's been marked
21 for identification as State's Exhibit 2. You know what
22 that is?
23 A Yes, sir. It says Chad Strickland statement. I
24 believe the writing on that it says statement. Hold on
25 kind of look like my writing.

1 Q Okay. You can't recall for sure that you wrote that?

2 A No, but it looks like my writing for sure.

3 Q Okay. All right.

4 MR. CLEMENTS: Your Honor, at this time we like
5 to move this into evidence for identification purposes and
6 pursuant to what your ruling is on Jackson vs. Denno then
7 we would have a motion at that time.

8 THE COURT: What number is it?

9 MR. CLEMENTS: State's Exhibit Number 2.

10 THE COURT: State's 2 admitted at this time for
11 purposes of this hearing subject to the Court's ruling on
12 Jackson vs. Denno hearing.

13 MR. CLEMENTS: Thank you, Your Honor.

14 (WHEREUPON, State's Exhibit No. 2 was admitted
15 into evidence.)

16 BY MR. CLEMENTS:

17 Q How would you describe how you and Detective Watson
18 treated Mr. Strickland that day?

19 A I would say treated him very well. At one point I
20 know we got him something to drinking. I think between
21 the two of us one of us went in our pocket and actually
22 brought him lunch that day, so he could eat something. He
23 hadn't ate, you know, we wasn't cruel by no means. We
24 treated him no different than we treat anybody else.

25 Q All right. Did he appear to the best of your

1 knowledge to have freely and voluntarily talked to you
2 after having his Miranda explained to him?

3 A Yes, sir, very much so.

4 MR. CLEMENTS: All right. If you would please
5 answer any questions that Mr. Brooker may have.

6 THE COURT: Mr. Brooker, cross-examination.

7 MR. BROOKER: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. BROOKER:

10 Q Detective Bell, I want to ask you at least just a few
11 questions in reference to -- you know, at least a time
12 line of the occurrence of events from when you obviously
13 left the scene and where the shooting took place, until
14 you went to secure a warrant and et cetra, et cetra. You
15 were at the scene of the shooting, were you not?

16 A Yes, sir, I was.

17 Q Okay. And how long were you at that scene? When did
18 you leave?

19 A I could not tell you. I mean, that's being honest
20 because we were there for a while. We had to wait for
21 SLED to get there and they processed the scene. We stood
22 by with them. We also had witnesses we were interviewing.
23 I mean to sit here and give you a time will be wrong.

24 Q Okay. Was it daylight at that particular period of
25 time or was it still dark?

1 A It was dark when we was actually sent there.

2 Q Okay. Now, when you left?

3 A Best of my recollection it's probably still dark.

4 Q It's probably still dark. And where did you go after
5 you left the scene, what's the first thing that you went
6 to do?

7 A I can't recollect at this point.

8 MR. CLEMENTS: Your Honor, I wouldn't have an
9 objection to this line of questioning later, but right now
10 I don't know in the interest of time how that has anything
11 to do with Jackson vs. Denno.

12 MR. BROOKER: It has a relevancy, Your Honor,
13 with respect to when they secured the arrest warrant and
14 whether or not at the time in which they arrested him
15 whether or not they had -- at the time in which they came
16 to his house and picked him up whether or not they had
17 secured an arrest warrant, you know, from a judge and
18 that's what we're getting at because that is relevant.

19 THE COURT: Get to that point, go ahead and get
20 to that point, okay. I understand what you're trying to
21 get at, but let's get there, what time he obtained an
22 arrest warrant, when he went et cetra et cetra please,
23 sir.

24 BY MR. BROOKER:

25 Q The arrest warrant was signed by a judge --

1 magistrate's Judge Mackie Darrell Hayes; is that not
2 correct?

3 A I'd have to look at. It's been a while since I
4 looked, if you don't mind?

5 Q Sure. Give you a copy of -- are those the arrest
6 warrants a copy of them at least that I just pass to you?

7 A It does appear to be.

8 Q Okay. All right. And then, of course, it indicates
9 on those search warrants that -- those arrest warrants
10 they were signed by Judge Mackie Hayes magistrate's judge
11 Mackie Hayes; is that correct?

12 A Yes, sir, it does.

13 Q Okay. Did you secure these search warrants excuse me
14 -- arrest warrants?

15 A No, sir, Detective Watson did. His signature on
16 them.

17 Q Did you go with Detective Watson to secure the arrest
18 warrants?

19 A No, sir, he would have went before the judge by
20 himself.

21 Q Did you draft them up?

22 A No, sir, I didn't.

23 Q Do you know when Judge Hayes signed these warrants?

24 A No, sir, I don't.

25 Q Do you know whether or not -- and I'm asking you

1 don't speculate, but I'm asking you do you know whether or
2 not at the time in which you went to Chad Strickland's
3 home and pick him up whether or not these warrants had
4 been executed by Judge Mackie Hayes?

5 A I want to say, yes, but you saying not speculate, so
6 I'm not going speculate. But may have not, but I'm
7 thinking, yes, sir, they were.

8 Q Okay. And you're thinking, but I'm just going to ask
9 yes or no do you know?

10 A Right offhand, no, I wouldn't venture into a lie.
11 You're asking me I'm not going to speculate.

12 Q So you don't know?

13 A I recall having them. I don't see us going to arrest
14 a man without them and tell him he's under arrest. It's
15 not a normal procedure for us.

16 Q It's not a normal procedure for you?

17 A No, sir, I had them in hand I would think.

18 Q You would think?

19 A Yes, sir.

20 MR. BROOKER: No further questions from this
21 witness, Your Honor.

22 THE COURT: Any redirect?

23 MR. CLEMENTS: None, Your Honor.

24 THE COURT: Sir, you may step down. Thank you.

25 (WHEREUPON, the witness leaves the witness

1 stand.)

2 THE COURT: Any other witnesses?

3 MR. CLEMENTS: Your Honor, I would like to call
4 Detective Harry Charles Watson.

5 THE COURT: All right.

6 THE CLERK: Do you swear to tell the truth, the
7 whole truth, and nothing but the truth so help you God?

8 THE WITNESS: I do.

9 THE CLERK: Thank you.

10 WHEREUPON,

11 Harry Charles Watson,
12 after first having been duly sworn, testified as follows:

13 DIRECT EXAMINATION IN-CAMERA

14 BY MR. CLEMENTS:

15 Q Will you please state your name for the record and
16 tell us where you work?

17 A Harry Charles Watson. I work for Darlington police
18 department.

19 Q So I should have said formally investigator?

20 A Yes.

21 Q I apologize about that. How long you been with
22 Darlington?

23 A Right at ten months.

24 Q Okay. And prior to working with the Darlington
25 police department, where were you employed?

1 A Marion County sheriff's office.

2 Q How long did you work at the Marion County sheriff's
3 office?

4 A From 2005 to 2014.

5 Q Okay. And in 2014 when you left, what position did
6 you leave from?

7 A As a criminal investigator detective.

8 Q Okay. Now, in November of 2012, what capacity were
9 you working with the sheriff?

10 A I was a criminal investigator detective and I was on
11 call.

12 Q All right. You were on call, you were the on-call
13 investigator that night?

14 A Yes.

15 Q All right. And how did you get called out?

16 A I received a call from 9-1-1 and they informed me
17 that they had a shooting and I responded right away.

18 Q Okay. And where did you respond to?

19 A Ard Drive can't remember the specific numeric.

20 Q And you remain there that whole evening pretty much?

21 A Pretty much, yes.

22 Q Who did you develop to be a suspect in that shooting?

23 A Chad Strickland.

24 Q Okay. And after developing him as a suspect was that
25 one or multiple sources?

1 A Multiple sources.

2 Q What did you do in regards to having him as a
3 suspect?

4 A Detective Bell and myself were partnered up and we
5 went and located him at his father's house.

6 Q Okay. Prior to that, did you do anything in regards
7 to getting arrest warrants?

8 A I can't remember right off hand. We had the warrants
9 already or not.

10 Q Okay. All right. And you went his home where he
11 lived?

12 A Yes.

13 Q Is that his father's residence?

14 A Yes.

15 Q What did y'all do when you got there?

16 A When we got there, Detective Bell knew the suspect's
17 father. So I kind of backed off since he had rapport with
18 his father and everybody was nice, cooperative. Chad
19 come out of the house and spoke with Detective Bell as
20 Detective Bell testified. He asked Chad if he want to
21 tell his father what we were therefore and he turned
22 around and told us that he had shot and killed somebody.

23 Q Okay. And from that point on, what did you do with
24 Mr. Strickland?

25 A Well, I was driving in a separate car, but I stood

1 there while they put him in a patrol car and I observed
2 Detective Bell read his Miranda rights from his Miranda
3 card.

4 Q All right. And that was done in your presence. Was
5 there any questioning then done by you?

6 A Detective Bell and myself asked him do you know where
7 the gun was and he said, yes. He was very cooperative.
8 And he said that he would show us where the gun was.

9 Q Did he?

10 A Yes.

11 Q And did y'all retrieve it?

12 A Yes.

13 Q Is that before or after you went back to the
14 sheriff's office?

15 A That was before. We went there first right leaving
16 the residence.

17 Q All right. Do you recall exactly where you recovered
18 the gun from?

19 A Yes, it was in the ditch where there's a little
20 bridge right there at Wood Lawn Baptist church right on
21 the other side of Ard Drive the Scotch community.

22 Q And after retrieving the gun, what did y'all do next?

23 A Once we retrieved the gun, we went straight to the
24 sheriff's office where Detective Bell and myself conducted
25 an interview with Mr. Strickland.

1 Q Did y'all docket that interview in any fashion?

2 A Yes, we done a standard department Miranda form which
3 Detective Bell testified and explained.

4 Q Okay. I'm going to show you State's Exhibit Number 1
5 tell me do you recognize that?

6 A Yes.

7 Q What is it?

8 A It is a Marion County sheriff's office standard
9 Miranda form.

10 Q And whose signature is at the bottom?

11 A The first signature is mine as a witness and
12 Detective Bell as a second witness and it was signed by
13 Mr. Strickland and the time was 9:41 a.m.

14 Q All right. And when did it begin that form?

15 A It was time documented at 9:37 a.m., which there's a
16 space for that.

17 Q Okay. All right. So within that four minute strand,
18 you got from the top of the page to the bottom of the
19 page; is that correct?

20 A Yes.

21 Q Okay. Did you go over these rights with him or did
22 Detective Bell?

23 A I think Detective Bell went over it I just filled it
24 out.

25 Q Were you present there while Detective Bell did that?

1 A Yes, I was.

2 Q Okay. Did you observe Mr. Strickland?

3 A Yes.

4 Q Did he appear to be under any type of duress or
5 anything have him very upset at that time or fearful or
6 did y'all threaten him or coerce him or just what was his
7 demeanor and how did y'all treat him?

8 A We treated him very good. I mean, he was very
9 co-operative, very respectful like Detective Bell
10 testified. We both went together and got him something to
11 eat because he was hungry. He was upset about the whole
12 situation not necessarily particular about the Miranda
13 forms or talking to us. He was upset about the whole
14 situation.

15 Q Okay. And did y'all document your interview?

16 A Yes, we had a tape recorder. We recorded the whole
17 from start to beginning to the finish.

18 Q Okay. And what's your normal procedure when you
19 record that, what do you then transcribe it on to?

20 A A disk.

21 Q Did you do that in this case?

22 A Yes, sir.

23 Q I'm going to show you State's Exhibit Number 2. Does
24 that look familiar to you?

25 A Yes.

1 Q How so?

2 A It's a disk that's got Chad Strickland's name written
3 on it.

4 Q All right. Is that handwriting familiar to you?

5 A Well, it's two separate handwritings on there. I
6 think one is Rihanna and statement was definitely written
7 by my old partner Detective Bell.

8 Q Detective Bell, okay. And you say Rihanna in the
9 sheriff's office?

10 A Looks like her handwriting, yes. I can't be for
11 sure.

12 Q All right. And was that maintained in the case file?

13 A Yes.

14 Q Okay. Who was the case agent on this?

15 A Rihanna Gerald.

16 Q Who was the case -- the lead investigator on this
17 case?

18 A I'm the lead investigator.

19 Q Okay. You being on call?

20 A Yes, sir.

21 Q Okay. All right.

22 MR. CLEMENTS: Beg the Court's indulgence.

23 (WHEREUPON, a pause in the proceedings.)

24 BY MR. CLEMENTS:

25 Q At any time did Mr. Chad appear not to understand

1 what was going on during the interview?

2 A No, he understood completely.

3 Q Okay. At any time did y'all put any threats or
4 duress on him at any point at all in the interview?

5 A No.

6 Q To your observation, did he give this statement to
7 you, did y'all document it by recording it freely and
8 voluntarily?

9 A Yes.

10 Q Did he appear to be in his right mind at that time?

11 A Yes.

12 Q Did he appear at all to be under the influence of
13 anything alcohol, drugs or anything else that might have
14 an impact on how he was reasoning and thinking?

15 A No.

16 MR. CLEMENTS: Please answer any questions that
17 Mr. Brooker has.

18 THE COURT: Cross-examination.

19 MR. BROOKER: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. BROOKER:

22 Q Detective Watson, just sort of briefly. Obviously,
23 you were the lead detective on at least the crime scene;
24 is that correct?

25 A Yes, sir.

1 Q And, of course, I think you were in the courtroom
2 when Detective Bell testified. When you left the crime
3 scene, did you leave the crime scene and go directly to
4 Chad Strickland's home based upon the information that you
5 received from witnesses there?

6 A If my memory serves me correctly, yes.

7 Q Okay. Now, the warrants did you secure the warrants
8 or had the warrants prepared?

9 A I got the warrants from the judge, but I can't
10 remember if it was before or after we went and picked up
11 Mr. Strickland. I'm giving you an honest answer on that.

12 Q Okay, okay, certainly. And then, of course, I think
13 would you agree with me I have a copy of the warrants.
14 Would you take a look at them and just tell me whether or
15 not those copy of the warrants was obtained for
16 Mr. Strickland's arrest?

17 A Yes, sir, they were.

18 Q Okay. And would you agree with me that these
19 warrants were signed and executed by Mackie Hayes; is that
20 correct?

21 A Yes, sir.

22 Q Now, just very quickly at least for procedure, is is
23 that it's my understanding you correct me if I'm wrong, is
24 that normally whenever law enforcement officer makes a
25 determination that there is sufficient probable cause to

1 arrest someone that that or either some law enforcement
2 officer has to go, I guess, to the department's computer
3 and have the warrants prepared to present to a judge?

4 A Yes.

5 Q Okay. Were you -- and my understanding you correct
6 me if I'm wrong is that when you go into that computer
7 system, is that it has a security mechanism that time
8 dates when an officer checks into the computer, when an
9 officer checks out of the computer exactly what they do
10 when they're inside that computer; is that correct?

11 A Best of my knowledge, yes.

12 Q Okay. Did you go into that computer and prepare --
13 were you the one that went into the computer and the
14 department's computer and prepared the search warrant?

15 A I cannot remember. I cannot. I cannot say yes or
16 no.

17 Q Yes, sir, I understand, but you were not the one --
18 the one that actually had these warrants served on
19 Mr. Strickland; is that correct?

20 A No, sir.

21 Q Okay. If I'm not incorrect, the copy of the warrants
22 that we have indicated that detective Reggie looks like
23 Hotaling ---

24 A Hotaling.

25 Q Hotaling was the one who signed these warrants as to

1 serve them on Mr. Strickland?

2 A Yes, sir, Mr. Brooker.

3 Q And it's my understanding is is that when you and
4 Detective Bell went to retrieve Mr. Strickland, that
5 Detective Hotaling was not with y'all.

6 A I can't remember if he was there or not, I don't. I
7 know we had several officers there, that's the only thing
8 I can tell you. I can tell you who I remember.

9 Q Sure.

10 MR. BROOKER: No further questions, Your Honor.

11 THE COURT: Anything else, Mr. Clements?
12 Anything further, Mr. Clements?

13 MR. CLEMENTS: Beg the Court's indulgence.

14 (WHEREUPON, a pause in the proceedings.)

15 REDIRECT EXAMINATION

16 BY MR. CLEMENTS:

17 Q When you arrest somebody, do you always serve the
18 warrants on them right then or do you sometimes take them
19 back to the sheriff's office and serve it on them?

20 A It varies. I mean, we sometimes we have the warrants
21 or execute the warrants, but normally when we serve the
22 warrants on the person it's back at the sheriff's office
23 or at the detention.

24 Q That's normally where you serve them on?

25 A Yes, that's part of the booking procedure.

1 Q All right. And you said earlier when you went out to
2 the scene that pretty much all the detectives were out
3 there; is that correct?

4 A Yes, whenever we have a incident of that magnitude,
5 it's stand protocol the captain always activates the
6 whole unit.

7 Q And who alls on that unit?

8 A At the time it was me, Detective Bell, Detective
9 Reggie Hotaling, Detective James Lee, and Detective Neil
10 Rouse.

11 Q Okay. And all y'all were out there that evening you
12 recall ---

13 A Oh, absolutely.

14 Q --- at some point in time?

15 A Yes.

16 Q But you don't know exactly when Detective Hotaling
17 actually served the warrant?

18 A No, I don't. }

19 MR. CLEMENTS: Okay. All right. Thank you.

20 THE COURT: Mr. Brooker, anything further?

21 MR. BROOKER: Nothing further from this witness.

22 THE COURT: Sir, you may step down. Thank you.

23 (WHEREUPON, the witness leaves the witness
24 stand.)

25 THE COURT: Any more witnesses, Mr. Clements?

1 MR. CLEMENTS: That's all we have in regards to
2 Jackson vs. Denno, Your Honor.

3 THE COURT: Mr. Brooker, you got any witnesses
4 concerning this issue?

5 MR. BROOKER: We have no witnesses concerning
6 the issue, Your Honor.

7 THE COURT: All right. Anything by way of
8 argument, Mr. Clements?

9 MR. CLEMENTS: Your Honor, I think the interview
10 was made pursuant to a Miranda warning that meets the
11 standard it needs to meet and the statement and interview
12 was given freely and voluntarily by Mr. Strickland to --
13 Investigator Bell and Mr. Watson. We believe it's
14 admissible.

15 THE COURT: All right. Mr. Brooker, anything
16 further?

17 MR. BROOKER: Just very briefly, Your Honor, is
18 is that we believe that the statement was given by
19 Mr. Strickland doesn't satisfy the requirements of Jackson
20 vs. Denno is one of the things that we were alluding to at
21 least in the questions in which we were asking, is is that
22 under South Carolina law it is that South Carolina
23 specifically states is is that normally whenever an
24 individual is arrested, South Carolina requires that that
25 individual be arrested pursuant to an arrest warrant, that

1 an officer has to first go obtain a warrant and then, of
2 course, is that then serve that warrant on that particular
3 individual prior to the arrest. And, of course, there are
4 exceptions to that. And, of course, one exception to that
5 is is that under South Carolina law is that when the crime
6 is committed in the presence of a law enforcement officer,
7 that officer is not required to go obtain a warrant
8 because he actually visually witnessed it. Another
9 exception or at least a common exception is is that also I
10 think there's one written into South Carolina Domestic
11 Violence Act, you know, in which the General Assembly
12 specifically says is is that in cases of domestic violence
13 even though the officer does not actually witness the
14 offense, that when the officer gets there -- and, of
15 course, after obtaining sufficient information, law
16 enforcement believes that there's enough information to
17 arrest, you know, then, of course, is is that it creates
18 an exception.

19 Under this particular scenario, is is that
20 neither law enforcement officer testified that they were a
21 witness until the actual crime. They testified that they
22 obtained evidence from witnesses, that they developed at
23 least information lead them to believe that Mr. Strickland
24 was a suspect. And at that particular period of time,
25 they would not have had the authority and then to go and

1 place him under arrest. Now, they indicated in their
2 testimony is is that I think Detective Watson did is that
3 after they left the scene from where the shooting took
4 place, that they then went to Mr. Strickland's home, that
5 they then detained Mr. Strickland, read him his rights,
6 put him in handcuffs. And then, of course, took him to
7 jail where he was further questioned. At that particular
8 period of time, if you follow South Carolina's law, he was
9 not lawfully in detention. They had failed to secure that
10 arrest warrant prior to picking him up.

11 Now, unless the State can, you know, at least
12 identify an exception to that requirement under the South
13 Carolina law and, of course, there are a few, you know, at
14 the time in which they picked him up from his home. Then,
15 of course, that detention would not have been lawful
16 because they will have failed to have obtained a search
17 excuse me -- an arrest warrant, which is required by South
18 Carolina law if the offense was not committed within the
19 presence of the officer or if there's not some other
20 statutory exception which they can cite to. And then, of
21 course, is is that I have not heard any exceptions, so we
22 would ask the Court to deny the -- or at least suppress
23 the statement or find that the statement was not freely
24 and voluntarily given pursuant to Jackson vs. Denno
25 because at the time in which the statement was given, that

1 he was not law fully in detention. Thank you, Your Honor.

2 THE COURT: All right. Under the law, the Court
3 is task with the responsibility of determining the
4 admissibility of a statement given by a defendant. Based
5 upon preponderance of the evidence, first question herein
6 lies whether or not the defendant was in custody. The
7 Court does find that such statements were given by the
8 defendant, that he was in fact in custody by law
9 enforcement.

10 Pursuant to being in custody, the defendant was
11 Mirandized pursuant to Miranda vs. Arizona 86 Supreme
12 Court 1602 1966. In looking at the factors with totality
13 of the circumstances, the Court does not find that there
14 were any threats of violence, any promises or other
15 exertions of improper influence over Mr. Strickland for
16 purposes of obtaining a statement from him. Furthermore,
17 there was nothing with regards to length, location and
18 continuity of interrogation, nothing that would give the
19 Court concern about his age, maturity, lack of education,
20 background, physical or mental health, that would in any
21 way shape or form give this court concern about the
22 freely, voluntarily, knowingly and intelligently
23 discussing this matter with law enforcement.

24 Furthermore, there was nothing by way of
25 evidence and or testimony indicating that any necessities

1 such as food, drink, restroom were made to this defendant
2 for purposes of obtaining a statement. Therefore, the
3 Court holds that such statement after the defendant was
4 taken into custody was freely, voluntarily, knowingly and
5 intelligently given after having been fully advised of his
6 rights and the consequences thereof pursuant to Miranda.
7 And therefore the Court will allow the statement to come
8 in, but your objection is so noted.

9 MR. BROOKER: Thank you, Your Honor.

10 THE COURT: All right. Anything further?

11 MR. CLEMENTS: No, Your Honor.

12 THE COURT: It's my understanding if you'll
13 check the jury is supposed to be back at two. I don't
14 know if they're being held downstairs in the conference
15 room or where they may be. Is that where they are right
16 now?

17 BAILIFF: Yes.

18 THE COURT: All right. I just want to make sure
19 they weren't standing out there in the hallway. Anything
20 further before I bring the jury in, Mr. Clements?

21 MR. CLEMENTS: No, sir, Your honor. I just ask
22 that I be allowed to take a bathroom break while the jury
23 is coming in.

24 THE COURT: We'll do that while I'm bringing
25 them in. I just want to know if there any other legal

1 issues we need to deal with?

2 MR. CLEMENTS: No, sir.

3 THE COURT: Mr. Brooker, anything further at
4 this time?

5 MR. BROOKER: None that I can think of, Your
6 Honor.

7 THE COURT: All right. We'll stand down for
8 just a minute. If you'll get the jury up here please and
9 let me know when they get up here.

10 (WHEREUPON, a break was taken.)

11 THE COURT: All right. Anything from the State
12 before I bring the jury out?

13 MR. CLEMENTS: No, Your Honor.

14 THE COURT: Defense counsel?

15 MR. BROOKER: No, sir, Your Honor.

16 THE COURT: If you will bring me the jury
17 please, sir.

18 (WHEREUPON, the jury came into open court.)

19 THE COURT: All right. Good afternoon, ladies
20 and gentlemen, I appreciate you all being back here when I
21 asked you to be back here. We are getting ready to start
22 the trial of this case.

23 Before we go any further, madam clerk, I'm going
24 to recognize you if you would swear the jury please,
25 ma'am.

1 Now, later in this case, ladies and gentlemen, a
2 foreperson will be selected to preside over deliberations
3 in the jury room. It will be the foreperson's added
4 responsibility to be the spokesperson here in the
5 courtroom. It will also be the foreperson's duty to
6 write the verdict, but I will give the foreperson further
7 instructions about that at the conclusion of the case.
8 Now, in order to preserve everyone's rights, I will give
9 the parties an opportunity to object to anything that I
10 have said. Any exception or objection to anything that I
11 have said to the jury by the State?

12 MR. CLEMENTS: No, sir, Your Honor.

13 THE COURT: Defense counsel?

14 MR. BROOKER: No objection, Your Honor.

15 THE COURT: Ladies and gentlemen, we are now
16 going to begin the trial of this case. The State is so
17 recognized for opening statements.

18 MR. CLEMENTS: Good afternoon, ladies and
19 gentlemen. I want to thank you for being here on behalf
20 of the State of South Carolina and on behalf of several
21 families that are here Chad Strickland and his family,
22 Blake Dozier and his family, Stacy Fowler and her family.
23 They all have been waiting for a long time to get their
24 day in court here. And y'all are here to make sure that
25 we do the job we're suppose to do.

1 I'm the Solicitor. I have the burden of proof
2 in a criminal case. I have to come here and I have to
3 explain to y'all or show y'all beyond a reasonable doubt
4 that a crime has occurred and then the person we have
5 charged did it. And normally people come in with some
6 kind of preconceived notions a lot of times and I think
7 the judge referred to that and they think it's like TV or
8 like a movie or something. It's not. It's not. It's
9 real people and it's real facts and it's real serious. So
10 I thank y'all for being here and thank you for your
11 willingness to serve and for listening and paying close
12 attention because this isn't going to be like most murder
13 cases.

14 Most murder cases are who done it, can we prove
15 that this person killed the victim, that's not the case
16 here at all. This is not a who done it. This is a what
17 is it. This is what is it because Chad Strickland he's
18 already told law enforcement that he did it and he shot
19 Blake Dozier. Y'all have to decide what happened, was it
20 murder or was it murder.

21 And what's murder? The judge is gone tell you
22 at the end of the trial what murder is. Murder is when
23 you kill somebody with malice aforethought and malice
24 means an evil intent of the heart, that you kill somebody
25 with malice, you know. Kind of like saying premeditated,

1 but we really don't have premeditation. It could just be
2 a little bit of time, that much time aforethought and
3 that's murder or you got to decide, well, be this was
4 voluntary manslaughter.

5 The judge is gone tell you what voluntary
6 manslaughter is when he charges you with the law on that.
7 He's gone tell you this the taking of a human life with
8 legal provocation in the heat of passion. In other words,
9 you didn't have any time to cool off. You didn't have any
10 time to think about it, you just did it. You didn't
11 prepare yourself ahead of time, it just happened in the
12 heat of passion, but he's going to explain to you what
13 voluntary manslaughter is. I submit to you is one of your
14 two choices. There's a third choice and that is that Chad
15 Strickland killed Blake Dozier in self-defense. And I
16 believe he's gone tell you about self-defense and I
17 believe he's gone tell you that he got certain
18 requirements for self-defense.

19 Number one is the defendant must be without
20 fault in bringing on difficulty. That the defendant had
21 anything to do with bringing on the bad at the scene, he
22 doesn't get self-defense because he has to be without
23 fault. Number two is the defendant had to actually
24 believe that he was in imminent danger of losing his life
25 or sustaining serious bodily injury, had to actually

1 believe not have some kind of half-hearted belief of I'm
2 going to get hurt and actually believe he'd endangered
3 losing his life or serious bodily injury, that's the other
4 requirement you got to have.

5 Third, a reasonably prudent person, a person
6 with good sense like all of us or reasonably prudent
7 person of ordinary firmness and courage would have
8 entertained the same belief that he was in danger of his
9 life, not some chicken, not some person with no courage,
10 not some person with no firmness, ordinary firmness, but
11 somebody that had ordinary firmness and courage to believe
12 he was endanger of losing his life. And then finally the
13 last requirement is the defendant had no other probable
14 means to avoid the danger. That he couldn't avoid it any
15 other way then by taking a life.

16 Now, y'all gone hear the facts -- excuse me for
17 turning my back on y'all I didn't mean to do that, that
18 was rude I apologize, kind of close in here want to move
19 along here, but y'all have the responsibility of judging
20 the facts in a case. The judge is the judge of the law.
21 He's gone give you the law like I explain to you tell you
22 what murder is, voluntary manslaughter those things, but
23 guys y'all are the judge of the facts. Y'all gone hear
24 those facts from this witness stand right here under oath
25 or you gone get those facts from the exhibits or pieces of

1 evidence that the judge thinks is competent evidence and
2 let us submit to y'all to consider. But y'all gone take
3 those witness' testimony and y'all take those exhibits of
4 pieces of evidence and you gone have to judge those facts
5 and form a conclusion. In court, we call it a verdict.
6 The Latin term -- I never took Latin. I have a hard
7 enough time with English, but a Latin term veredicto I've
8 heard about this in law school. I'm not trying to show
9 off here. Veredicto means to speak the truth to tell the
10 truth. Y'all got to determine veredicto what tells the
11 truth is this murder. Is this voluntary manslaughter or
12 was it self-defense.

13 Now, I courage you to listen carefully from
14 everything that comes from this witness stand because the
15 judge is gone tell you that you are the sole judge of the
16 credibility of the witnesses, the believability of the
17 witnesses. And he's gone tell you you can believe every
18 word that comes out of someone's mouth. You can believe
19 not a single thing they say or you can believe part of
20 what they say. Part you can reject it. You got to judge
21 the credibility. Do they have some kind of bias. Do they
22 have some kind of prejudice against somebody. They have
23 some kind of vested interest. Are they trying to reward a
24 friend or hurt an enemy, you know. You got to judge those
25 things from their demeanor on the witness stand, how they

1 look, how they sound to you, that's your job.

2 Now, we gone be asking questions, y'all listen
3 to the answers and look at the demeanor and look how they
4 respond and say to yourself did they have the ability to
5 actually see what they said they saw. Do they have the
6 ability to actually hear what they said they heard.
7 That's for you guys, that's for y'all to judge. And I
8 believe that you gone hear a pretty interesting story.
9 And it's gone be a tragic, tragic story. It should have
10 never happened, should have never happened.

11 You got three people involved in this. I guess
12 the best thing to do is call it kind of a love triangle in
13 some ways this might be a little bit like TV, some of
14 these Life Time movies or something like. We got a
15 triangle here. And one part of the triangle is Chad
16 sitting right here. He's part of the triangle. He's a
17 dad. He had a daughter at that time was three years old
18 and the mother of that daughter was Stacy Fowler. She's
19 the second part of the triangle. You gone hear from her
20 on the witness stand.

21 Now, the third part of the triangle was the man
22 she lived with. She had had a relationship with Chad.
23 You gone hear about that for a number of years, but they
24 had split up. But Chad wanted to get back with her, but
25 she was with Blake Dozier and Blake and her were pregnant.

1 They were about to have another baby. Well, you gone hear
2 about a lot of things going back and forth or what all
3 happened during that particular day on November 4th 2012.
4 But really it all boils down to what happens in the last
5 five minutes or so, that determines what really happens.
6 But for the background, you gone hear that Stacy and Chad
7 were out with their daughter Kayle and they gone to eat
8 pizza. And they were doing some other things and that
9 Blake and Stacy were kind of having a little fuss with
10 each other. And they had just found out not too long ago
11 they were pregnant. They were worried about that.

12 Well, Blake and Chad had cared about the same
13 woman, so you gone hear about bad blood. And there's a
14 bunch of text messages and cell phone calls back and forth
15 about, well, I'm gone beat your butt. Well, I'm gone beat
16 your butt. Well, you come to the Sunny Mart and I'll beat
17 your butt. No, you come to my house and beat your butt.
18 No, you come over here to Stacy's and we'll settle it.
19 You know, you gone hear about all that yang, yang, yang,
20 yang, yang like a bunch of children, but then it got
21 serious.

22 You gone hear from Logan Ratley who was riding
23 around with Stacy and Chad and Kayle. And she dropped
24 them off at Stacy's home on Ard Drive and she left. And
25 she went to see Blake because Blake had called her a bitch

1 and wanted to know why you call me a bitch, what's all
2 this stuff why. You'll hear an explanation for that, why
3 he was kind of a little mad at Logan. But then you gone
4 hear that he heard that Chad was still there and thought
5 he wasn't. And then he takes off and his buddy Matt
6 Lane's car to go there. And then Matt jumps in the car
7 with Logan and they try to catch Blake.

8 Well, you gone hear Blake comes pulling up in
9 the yard and he gets out of his car. And he's got that
10 door open. He's standing in the apex of that car and
11 Stacy comes out there and they're talking back and forth.
12 And Stacy you gone hear this from this witness stand.
13 Stacy told Chad to stay on that porch, to stay out of it,
14 but Chad didn't do it. And Chad comes out there about the
15 time Logan and Matt pull up. And they see -- they hear a
16 gunshot go off and then they see Blake fall -- drop right
17 where he stood. You gone see the pictures right where he
18 stood inside the door between him and Stacy and then Chad
19 behind Stacy. He dropped right there.

20 And you gone hear testimony of what happened and
21 what was said and people that said they saw certain things
22 and could they see certain things. People heard different
23 things and everybody's got a little piece of it. You got
24 to put it all together, that's your sworn duty and I got
25 confidence in you. I know you gone do that and you gone

1 put that puzzle together and it's gone tell the truth
2 because it's gone show you that Chad didn't have to come
3 off that porch. That Chad did not have to have that gun
4 hidden in his waist band and pull it out and shoot Blake
5 in the head. And you gone hear what he said to Stacy and
6 then he left and he ran.

7 And I'm gone to submit to you the facts you hear
8 and what gets testified to is gone tell you this is not a
9 man of ordinary firmness and courage. This is not a man
10 who had no fault in bringing on the difficulty. This was
11 not a man who believed his life really actually was in
12 danger. The only thing he was in danger of maybe losing a
13 fistfight, but you gone hear all these facts. And you
14 gone weigh all these facts and you gone listen carefully.
15 And you gone give the State of South Carolina a fair
16 trial. And you gone give Chad Strickland a fair trial
17 because he deserves that right now just like he's got on
18 that purple shirt and gray jacket kind of like mine. He's
19 clothed also right now with what we call a presumption of
20 innocence. He's presumed innocent until you find him
21 guilty beyond a reasonable doubt and that's the burden
22 I've got to meet this week with you. I believe we can
23 meet it.

24 And you gone hear all these facts and you gone
25 say Chad I'm sorry Bud, but this ain't self-defense. And

1 you gone remove that presumption of innocence from him and
2 you gone come up with a verdict that speaks the truth.
3 And he contemplated walking out there with that gun and he
4 didn't kill him in the heat of passion. He just killed
5 him. And that's a verdict that speaks the truth. Now,
6 listen careful the Fowler family, the Dozier family, the
7 Strickland family and the State of South Carolina all
8 deserve your full attention. I know you gone do a good
9 job and return a verdict that speaks the truth. Thank
10 you.

11 THE COURT: Mr. Brooker.

12 MR. BROOKER: Thank you, Your Honor. The facts
13 in this case will show that this is not a case of murder.
14 This is a case of justifiable self-defense. It is a case
15 in which Mr. Chad Strickland was under attack by Blake
16 Dozier. And after being under attack by Blake Dozier
17 whether or not he had a reasonable fear of great bodily
18 injury to himself or death or to those around him that he
19 care about.

20 Now, you heard at least the State present some
21 theories of how the events of that particular night
22 unfolded. And you're going to hear a lot of witnesses get
23 on the stand and testify. And you're going to hear
24 witnesses testifying to statements that they had made
25 previously and then thereafter contradicted themselves.

1 But let's talk a little bit about at least the actual
2 facts. The actual facts that should come from witnesses,
3 that hopefully you will be able to listen to and determine
4 and determine the reality from fiction.

5 This shooting occurred on November 4th 2012.
6 And although the shooting occurred on that night, that's
7 not the beginning of at least this particular story. Chad
8 Strickland, who I represent, is seated here at this table.
9 And at some point in time, I think, in high school he and
10 Stacy Fowler developed a relationship when they were very
11 young. I think still in high school at that particular
12 period of time, but they dated for roughly seven odd
13 years. And at some point in time during that relationship
14 at least, I think, in the middle of that relationship they
15 had a child. They moved in together like a lot of young
16 people do. And at some point of time the relationship
17 kind of developed a little sour. It had it's difficulty.

18 I think in around March, April, May sometime of
19 2012, that Chad Strickland moved out of the home in which
20 they were living in, out of the home with Stacy Fowler.
21 Although, he moved out of that home because of his
22 seven-year relationship, they still had feelings and
23 affections for each other, that's natural. And you're
24 going to hear testimony that even though they were not
25 living together anymore even though they were not

1 officially a couple any more, that at times they got
2 together and at times they were intimate.

3 Now, sometime thereafter Stacy Fowler begin to
4 or at least develop a relationship with Blake Dozier.
5 And, I think, this relationship at least as far as we're
6 aware of occurred sometime after they split up. This was
7 somewhere around, you know, the spring of 2012. This
8 incident the shooting that we are here today occurred in
9 November of 2012 roughly six months later. Now, during
10 that period time during that six months or seven months
11 roughly, that Stacy developed a relationship with Blake
12 Dozier and they started dating. But although were in this
13 relationship, Chad Strickland was always somewhere in the
14 picture. They have a seven-year relationship. And at
15 times, you know, they would be intimate. At times he
16 would come over and he would stay with her.

17 Well, on the night of the shooting on
18 November 4, I think, 2012 early morning of the shooting
19 November 4, 2012. I think this started on a Saturday
20 night which would have been November 3rd 2012, that Chad
21 Strickland had went and saw Stacy, I think, earlier that
22 day, which would have been a Saturday. And, I think, they
23 had made plans to get together and take their daughter out
24 to pizza and that they did. That he came over to the
25 house and at some point in time prior to them going out,

1 at some point in time prior to them taking their daughter
2 out for pizza or either thereafter, they became sexually
3 intimate, but it wasn't new. They had done this before
4 even though she was in a relationship with Blake Dozier.
5 They had a seven-year relationship and a child.

6 So at some point in time after the intimacy,
7 after they had spend the day together with their child
8 with pizza, this is at -- Chad left. I think it was not
9 until later that afternoon that Chad had made a decision
10 that he would go to, you know, a local sports bar in
11 Mullins. And some of you may have heard it, it's called
12 Game Changer. He went there, obviously, is for the same
13 reason we all go to a sports bar and that is to relax and
14 be with friends.

15 While he was at the bar, the sports bar, that he
16 received communication from Stacy, that he also received
17 communication from another friend that Blake Dozier was
18 going to get him. That Blake had actually put on his
19 Facebook that he was going to take care of business. He
20 was going to the Game Changer with Chad was to take care
21 of business to fight him, to hurt him. And that when
22 Stacy found that out, Stacy called Chad. And Stacy rushed
23 to the Game Changer to pick him up because she wanted to
24 avoid a confrontation between Chad and Blake.

25 And you're going to hear testimony that she

1 called Blake to try and persuade him to change his plans
2 to not fight or injure Chad. But she was so concerned
3 that he would, that she came to the Game Changer to pick
4 him up and she did. And she was with her friend Logan
5 Ratley, riding with Logan Ratley. And in the car when
6 they came and picked up Chad at the Game Changer was Stacy
7 Fowler, Logan Ratley, Stacy's friend, and also Chad and
8 Stacy's young daughter. If my memory serves me correctly,
9 she may have been somewhere around three or four at the
10 time but don't hold me to that. She was very young, she
11 was in the car. They were coming from an event I think
12 some sort of mud bogging event or something like that. So
13 they left and went by Chad's house where Chad picked up
14 some money.

15 Now, Chad had been carrying a gun and you'll
16 hear testimony that Chad has always carried a gun. That
17 he had brought that gun earlier, that he had been raised
18 around guns and he carried it for protection. That when
19 he worked out of town, he would always carry it. This
20 wasn't nothing new. So when he left with Stacy Fowler and
21 Logan, they went by Chad's house. And the evidence will
22 show that he picked up some money or something like that.
23 And during the course of this ride, either prior to them
24 getting to Chad's house or either thereafter. There were
25 a barrage or exchanges of phone messages where Blake would

1 call Stacy's phone or Blake would call Logan's phone or
2 Logan would call Blake or vice versa. And there was an
3 exchange back and forth where you going to hear testimony,
4 you know, that both parties jarred each other. You are
5 going to hear testimony that Blake threatened Chad, that
6 Chad threatened Blake. That they were angry.

7 And you're going to have to figure out exactly
8 what happened there, but you are going to hear slightly
9 diverse statements from these witnesses. It's not
10 perfect. It's not going to be perfectly handed to you.
11 You're going to hear some conflicting statements, but we
12 believe the testimony is going to show that there was
13 bickering back and forth between the two. And we believe
14 that you're going to hear testimony from Stacy that at
15 some point in time that Chad and Blake said let's squash
16 this, let's squash this. We don't have a problem with
17 each other, let's squash this.

18 Thereafter, Stacy and Blake the testimony is
19 going to be is that Stacy, Logan, and Chad along with
20 Chad's daughter drove to Stacy's house, that they all got
21 out and went in. That Stacy -- that Logan at some point
22 in time, you know, after a few minutes decide that she
23 would leave and that when she left, she left Chad and
24 Stacy and their daughter alone at Stacy's house. And the
25 evidence is going to be this is nothing new been there

1 before.

2 Now, our testimony or the testimony that we
3 think will be presented from the stand is is that Chad
4 probably was going to spend the night there. He didn't
5 have a vehicle, had made no plans to go home and that
6 Stacy had not requested it. Chad saw his daughter go to
7 sleep or assisted in putting his daughter to sleep. And
8 at some point in time while they were alone at home and
9 this would have been 11, 12 o'clock at night or early in
10 the morning why they were there alone. The testimony is
11 going to be is that Stacy received a call from either
12 Logan or Blake saying that Blake was coming over. I think
13 it was from Logan saying that Blake was coming over and
14 that Stacy was angry about it. She didn't want him to
15 come over and that Stacy thought that this was an attempt
16 by Logan to get Chad and Blake into a fight as she had
17 been trying to do the entire night.

18 And at some point in time Blake gets here.
19 Blake actually -- you'll hear testimony that Blake jumped
20 into his friend's car, that he took off. I think Blake
21 was at a house party or something like that. And he
22 jumped in his friend's car and he took off. And he race
23 to Stacy's house and some might say the testimony might be
24 is that he was driving erratically. He was mad. And that
25 when he got there, he jumped out of his car. And when he

1 jumped out of his car, that Stacy and that Chad I think
2 came out of the house. That Stacy approached him at his
3 car after he gets out. You'll hear testimony that Blake
4 was furious, that he was cursing and that he was yelling,
5 that he was screaming, that he was flaying, that he was
6 out of control. And you're going to hear testimony that
7 Stacy was telling him to leave, trying to convince him to
8 go. She didn't want him there, but that he refuse. And
9 they argued for a long time.

10 And you're going to hear testimony at some point
11 in time that is when Chad walked up behind Stacy because
12 it got very heated. It had gotten very heated. You're
13 going to hear testimony that it got so heated that he
14 became concerned for Stacy's safety because Blake was
15 furious. And what did he have to be furious about. The
16 testimony is going to show that one of the things that
17 Blake learned about earlier that night was is that Chad --
18 and had told Blake while they were ranting back and forth
19 over the phones, that he had sexual relationships with
20 Stacy early that morning. This was over hours before this
21 event happened. The evidence is going to show he had
22 every reason to be pissed and outraged. The evidence will
23 show at some point in time a car driven by Logan and two
24 guys that was from that party, these were Blake's friends
25 came up into the yard chasing behind Blake after he had

1 left the party. And that those two guys got out of that
2 car and started approaching on the position where Logan
3 and Blake were and Stacy were. And you going to hear
4 testimony at some point in time that Blake swung on Chad,
5 that Chad went down. And when Chad came back up, he
6 pulled his gun and he discharged it. He shot him once.
7 And when he shot him once, the two boys along with Stacy
8 excuse me -- along with Logan jumped back into the vehicle
9 that they had gotten into and fled the scene. And that
10 Chad scared about what had just happened, that he ran off
11 and fled the scene as well too.

12 Now, let me just be very brief -- I'm not going
13 to go into great detail in reference to the law because
14 that is the domain of Judge Brown sitting on the bench.
15 He's going to be the instructor of law, but some of the
16 things that Judge Brown said is so important they bear
17 repeating. They are the foundation of our criminal
18 justice system. And one most important principles within
19 our criminal justice system is and that is the presumption
20 of innocence. As Chad Strickland sits at this table or
21 sits at this table right now, he is as innocent as anyone
22 of us in this courtroom. And everyone of us in this
23 courtroom, our system of justice basically says is that
24 before the State can strip a citizen of his freedom -- his
25 or her freedom, his or her property for a crime, that the

1 State has to prove that that individual committed that
2 crime beyond a reasonable doubt and that burden of proof
3 does not rest with Chad Strickland.

4 Chad Strickland doesn't have to put up an ounce
5 of evidence. He doesn't have to say a word. He doesn't
6 have to present one witness. He doesn't have the burden
7 of proving his innocence. The sole responsibility is on
8 the State to prove his guilt beyond a reasonable doubt.
9 And that presumption carries with him throughout the
10 course of this trial. It's going to carry with him when
11 every witness gets on the stand and testify. It's going
12 to carry that presumption of innocence going to be with
13 him during closing arguments, upon instruction to the law
14 by the judge, that presumption of innocence will be with
15 Chad Strickland until you, ladies and gentlemen, go into
16 that jury room there and completely and thoroughly deliver
17 -- completely and thoroughly deliberate the facts and
18 evidence of this case or lack thereof and make a
19 determination that guilt beyond a reasonable doubt has
20 been established, but that robe of innocence has been
21 removed that all of us carry.

22 Now, the Solicitor said something that is very
23 true and that is this is not about whether or not Chad
24 Strickland discharged a firearm that lead to the death of
25 Blake Dozier. This case is about whether or not under the

1 law he was justified in doing so, whether or not he had a
2 right to. And I think the Solicitor accurately explained
3 to you what murder is and that is is that murder is that
4 when an individual kills another individual with malice
5 aforethought.

6 Now, he also explained to you what the
7 appropriate definition, I think, of self-defense in South
8 Carolina is. It must be without fault with bringing on
9 the difficulty, make sure I repeat his words accurately,
10 must be without fault for bringing on the difficulty and
11 he told you that he must have actually believed that there
12 was an imminent threat of serious injury or great bodily
13 injury, that a reasonable person within the same
14 circumstances would have drawn the same conclusion. And
15 that he must have been in a situation in which he could
16 not flee.

17 I'm about to wrap up very briefly, but one of
18 the things -- another thing that I will tell you very
19 briefly is is that I am not a witness in this case.
20 Solicitor Clements is not a witness in this case.
21 Anything that we say to you is not considered to be
22 evidence and should not be construed as evidence. Our
23 role myself, as a defense attorney, and Solicitor
24 Clements, as the solicitor, we are facilitators. Our job
25 is to assist in the orderly presentation of the evidence

1 that will come from this stand hopefully in a way that at
2 the conclusion of this case, you can make a determination
3 as to whether or not proof beyond a reasonable doubt on
4 each and every element of the offense has been satisfied.
5 That is our job. So please listen carefully. This is
6 extremely important to Chad Strickland and to everyone
7 involved. Thank you very much.

8 THE COURT: Call your first witness please.

9 MR. CLEMENTS: Your Honor, we would call
10 Sergeant Daniel Cribb. I apologize, Your Honor, he's on
11 the metal detector.

12 Sergeant Cribb, will you step up please and let
13 the clerk swear you in.

14 THE CLERK: Do you solemnly swear or affirm the
15 evidence you're about to give in the trial of this case
16 will be the truth, the whole truth, and nothing but the
17 truth so help you God?

18 THE WITNESS: I do.

19 THE CLERK: Thank you. Take the witness stand.

20 WHEREUPON,

21 Daniel Cribb,
22 after first having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. CLEMENTS:

25 Q Good afternoon.

1 A How you doing, sir?

2 Q Can you tell this jury what your name is and where
3 you work and what you do?

4 A My name is Daniel Cribb. I work for the Marion
5 County sheriff's office.

6 Q In what capacity?

7 A I'm a supervisor for a three-man shift.

8 Q Is that what we call a patrol officer?

9 A Patrol officer, yes, sir.

10 Q Okay. And y'all ride in a marked car usually?

11 A Yes, sir.

12 Q Okay. And being sergeant you're over a shift, how
13 many shifts y'all have a day usually?

14 A We have a 12-hour day shift and a 12-hour night
15 shift.

16 Q Were you working on November 3rd, November 4th,
17 November 5th 2012?

18 A November 4th, yes, sir.

19 Q November 4th. Did you receive a dispatch from 9-1-1
20 to go to any scene somewhere close around between 11 and
21 midnight?

22 A I did.

23 Q Can you please tell this jury where you went and what
24 was the nature of that call?

25 A We responded to a shooting call on [REDACTED] Ard Drive in

1 Mullins. It was at 12:19 Sunday morning.

2 Q Okay. And who was on shift with you that day?

3 A Deputy James Powell and Reserve Deputy Richard
4 Atkinson.

5 Q Okay. Did all three of y'all respond to that scene?

6 A We did.

7 Q How many vehicles?

8 A Two.

9 Q Okay. And y'all get there about at the same time?

10 A We did.

11 Q Can you please tell this jury what you found when you
12 got there?

13 A Upon our arrival, we -- the first thing we saw was a
14 female standing at the door of the residence crying and a
15 male subject lying on the ground with what appeared to be
16 a gunshot wound to his head beside a car that was still
17 running at the time.

18 Q And when you found that tell this jury what did you
19 do?

20 A The first thing we did was immediately secure the
21 area with what we call a protective sweep to make sure
22 there was no one around that could harm us. I actually
23 check to see if the subject lying on the ground had a
24 pulse and he did not. And then after that we called for
25 EMS to come in and provide medical care for the person

1 lying on the ground. And then we began to secure the
2 scene putting caution tape up, crime scene tape around the
3 area.

4 Q So how did y'all secure the scene?

5 A We put an outer piece of crime scene tape around the
6 front back of the residence and then we put an inner piece
7 of tape around the actual body and around the car, so we
8 actually did two crime scenes.

9 Q Okay. So you had an inner perimeter and an outer
10 perimeter?

11 A That's correct.

12 Q Okay. And that's for what purpose?

13 A Preserve the evidence to make sure it doesn't get
14 contaminated.

15 Q How are ways it can get contaminated?

16 A Someone could come in and remove something or disturb
17 anything that may be there.

18 Q Somebody doesn't belong in there?

19 A Right.

20 Q And crime scene y'all depend on that tape alone to
21 keep people out or you do something extra?

22 A No, once we put the tape up, our officers actually --
23 Deputy Powell and Deputy Atkinson actually one was
24 positioned at the back of the perimeter. One was
25 positioned at the front and myself was kind of rooming

1 back and forth to make sure no one entered that area until
2 we got the detectives on scene to make sure nothing was
3 taken.

4 Q Other than seeing the body and the car there, did you
5 see anything else?

6 A Yeah, there was actually a casing from a .45 auto
7 lying on the ground. It was about six to eight foot away
8 from the body.

9 Q A spent shell casing?

10 A A spent shell casing, yes, sir.

11 Q And did you see anything else?

12 A The door on the car was open and the subject had been
13 shot was lying down with his head back toward the rear of
14 the vehicle. His legs were facing the front of the
15 vehicle and he was along the side near the apex of the
16 door.

17 Q Where were his feet exactly?

18 A Near the doorway of the car door.

19 Q All right. Like where you step out when you open the
20 door?

21 A That's correct.

22 Q Okay. Can you see this from where you are?

23 A Yeah.

24 Q Can you identify that yes or no?

25 A Yeah, I can.

1 Q Okay. Can you tell us what it is? And I'm referring
2 to State's Exhibit Number 3 for ID right now at this time?

3 A This is the Scotch Community Road here. This is Ard
4 Drive up here.

5 Q All right. Is that the location you responded to?

6 A That's it.

7 Q Okay. And in a second I'm going to ask you to step
8 down.

9 A Okay.

10 Q I'm going to refer to State's Exhibit Number 4 for ID
11 right now hold this up so you won't have to strain your
12 eyes so much. Can't show it to the jury quite yet. Can
13 you identify State's Exhibit 4?

14 A I can. This is Ard Drive right here. The location
15 where I actually responded.

16 Q Okay. And is that where you responded right there?

17 A Yeah.

18 Q All right.

19 MR. CLEMENTS: Your Honor, at this time I move
20 to have State's Exhibits 3 and 4 admitted into evidence at
21 this time.

22 THE COURT: Any objection?

23 MR. BROOKER: Indulge me just a second, Your
24 Honor, so I can look at it.

25 THE COURT: Yes, sir.

1 MR. BROOKER: Without objection, Your Honor.

2 THE COURT: Without objection, so admitted
3 State's 3 and 4.

4 (WHEREUPON, State's Exhibits Nos. 3 and 4 were
5 admitted into evidence.)

6 MR. CLEMENTS: Now, if I could have permission,
7 Your Honor, for the Sergeant to step down?

8 THE COURT: Yes, sir.

9 Mr. Brooker, feel free to move to where you can
10 see what he may be referring to on those exhibits.

11 MR. BROOKER: Thank you, Your Honor.

12 THE COURT: Yes, sir.

13 Officer Cribb, I would ask that you stand with
14 your back towards the audience facing this way so my court
15 reporter can hear clearly what you may be saying to any
16 response to any questions that are asked of you.

17 BY MR. CLEMENTS:

18 Q Thank you for being patient, Sergeant Cribb. Can you
19 explain -- be careful. I'll move it this way just a
20 little bit. Can you please describe for us what State's
21 Exhibit 3 is?

22 A This is actually a picture of the road that the
23 incident was on and this is actually from the location
24 where the incident occurred.

25 Q All right. What is this road right here, what is

1 that?

2 A That's on Scotch Community Road.

3 Q This road right here is?

4 A Ard Drive.

5 Q All right. And where did you -- is this the house
6 you responded to or this one, which one was it?

7 A This one here.

8 Q This one?

9 A Yes, sir.

10 Q Okay. And who lived at that residence, did you ever
11 find out?

12 A I believe it was Stacy Fowler.

13 Q Okay. All right. So when you came on the 9-1-1
14 call, did you come from this direction or the other
15 direction?

16 A I did. I came up Scotch Community off of 76.

17 Q And then made a right-hand turn?

18 A On Ard Drive.

19 Q Okay. And can you identify State's Exhibit 4 for us.
20 What road is that right there?

21 A That is Ard Drive also.

22 Q Okay. And where is it located on here is the house
23 where you went -- just tell me when I get the dot to it?

24 A Right there.

25 Q Right here?

- 1 A Yes, sir.
- 2 Q And that is the home?
- 3 A Yes, sir.
- 4 Q Okay. You find any vehicles when you pulled up other
5 than the car that Mr. Dozier was lying beside?
- 6 A No, there was no other vehicle.
- 7 Q Whereabout was that vehicle?
- 8 A If you're say facing the trailer from the front, it
9 was to the far right.
- 10 Q To the far right?
- 11 A Yes, sir.
- 12 Q Okay. Thank you. Sergeant Cribb, when you pull up
13 there, can you tell us what was the lighting like?
- 14 A It was very dark.
- 15 Q Very dark?
- 16 A It was very dark other than the headlights on the
17 car. And the car at the time was still running when we
18 pulled up and the headlights were on, that was the only
19 light that...
- 20 Q Were they shining on the trailer, on the porch, on
21 the end of the trailer pass the end of the trailer which
22 direction?
- 23 A If you're facing the trailer, they were shining on
24 the far right end of the trailer.
- 25 Q Away from the porch.

1 A Away from the porch.

2 Q Okay. I'm going to show you what's been marked
3 State's Exhibit 5 through 10 I believe without objection.
4 Can you tell me if State's Exhibit 5 looks familiar to
5 you?

6 A It does.

7 Q Okay. And what was that related to what you found
8 when you got there?

9 A This is a picture of the victim that was lying beside
10 the car upon our arrival.

11 Q All right. Is that about what the lighting was like?

12 A Yes, sir.

13 MR. CLEMENTS: Your Honor, we move State's
14 Exhibit 5 into evidence at this time.

15 THE COURT: Any objection?

16 MR. BROOKER: No objection, Your Honor.

17 MR. CLEMENTS: And, Your Honor, just for speed
18 purposes, State's Exhibits 6, 7, 8, 9 and 10. We move
19 those into evidence at this time as well.

20 THE COURT: Any objection?

21 MR. BROOKER: No objection, Your Honor.

22 THE COURT: State's five through ten admitted
23 without objection.

24 (WHEREUPON, State's Exhibits Nos. 5, 6, 7, 8, 9
25 and 10 were admitted into evidence.)

1 BY MR. CLEMENTS:

2 Q I'm going to show you State's Exhibit 6. If you can,
3 can you tell the jury what that is. And I'm sorry to ask
4 you again to step down you don't mind with the Court's
5 permission.

6 THE COURT: Yes, sir.

7 BY MR. CLEMENTS:

8 Q You can stand right here kind of show -- I'm going to
9 let you stand back this way, so they can hear you well.

10 A This is actually a picture of the car that was there
11 and picture of the body laying beside the door when we
12 first arrived on the scene. I think this crime scene tape
13 kind of shows after we secured the scene, but that's how
14 it looked.

15 THE COURT: What exhibit is that again?

16 MR. CLEMENTS: Number six, Your Honor.

17 THE COURT: Thank you.

18 BY MR. CLEMENTS:

19 Q I'm going to show you number five again. If you can
20 publish that to the jury explain that?

21 A This is actually a picture of the body that was lying
22 beside the car.

23 Q Is that where y'all found him, y'all didn't move him
24 or anything, did you?

25 A No, this is where we found him.

1 Q State's Exhibit Number 7 please you can explain what
2 the perspective and the direction on that for the jury?

3 A This is the rear of the car. So you standing at the
4 rear of this car, your back would actually be toward Ard
5 Drive, which is the road that I just showed y'all on the
6 map. The body that I was showing you of his vehicle, he
7 actually facing the rear and his feet actually facing the
8 front of the car.

9 Q Okay. I'm going to show you State's Exhibit 8 if you
10 can describe that and who's that in that picture there if
11 you know?

12 A This is some of the fire and EMS personnel that was
13 trying to, I guess, have to try and work on the victim was
14 lying down and this is in the same area I showed you
15 earlier.

16 Q All right. State's Exhibit Number 9?

17 A This is just another picture of the rear of the car.

18 Q Is that what the lighting was like?

19 A That's what the light was like. It was very dark.
20 The only lights that were there was the lights from the
21 front of this car that was shining on the house of the car
22 running and then the headlights you see back here was
23 probably the lights from our cars where we parked on the
24 road when we responded.

25 Q So those can you tell from that direction where those

1 headlights on that car pointed at the trailer or pass the
2 trailer?

3 A They were in this picture here was pointed pass the
4 trailer. You can only have a small portion on the point
5 of the trailer.

6 Q And the porch is more toward the middle?

7 A The porch will be facing more toward the middle.

8 Q All right. Last State's Exhibit 10?

9 A It's just another picture of the car kind of notice
10 the headlights shining in towards the house.

11 Q Now, this is before the SLED crime scene got there;
12 is that correct?

13 A That's correct.

14 Q Okay. Is this taken by one of your crew, one of your
15 shifts?

16 A Taken by Deputy Powell.

17 Q Deputy Powell took these?

18 A Yes, sir.

19 Q Okay. All right. Thank you, sir. Sergeant Cribb,
20 did anyone try to get into the crime scene that you know
21 of?

22 A I don't recall anyone trying to get in the crime
23 scene.

24 Q Anybody approach you or your two deputies?

25 A No, sir, not that I recall no one approached us at

1 all.

2 Q Did y'all have to pull a gun on anyone telling them
3 back up out to the crime scene?

4 A No, that never happen.

5 Q That never happen?

6 A Uh-uh.

7 MR. CLEMENTS: Beg the Court's indulgence just a
8 moment.

9 BY MR. CLEMENTS:

10 Q When you received a 9-1-1 dispatch, I guess, it's
11 safe to say you probably went at a pretty quick rate of
12 speed to get there?

13 A Yeah, absolutely.

14 Q Do you recall passing any traffic or any type of
15 vehicles on the way there?

16 A In the immediate area?

17 Q Yes, sir.

18 A No, I don't recall any vehicles leaving. The fact I
19 know there were none leaving off of Ard Drive.

20 Q Okay. And later at a later time -- well, let me ask
21 you this first, how long have you stayed on the scene?

22 A My report shows here from 12:19 to 4:30, so pretty
23 much all that night and all that morning.

24 Q Okay. At any time during that time later, did anyone
25 else come up and speak to you or talk to you at the edge

1 of the crime scene?

2 A When I was standing at the edge of the crime scene,
3 there was a young man that was just looking for someone to
4 give a statement to. This was later on that night after
5 the detectives had arrived on scene and I just pointed him
6 in the direction of one of the detectives, but I never
7 took a statement. I never spoke with him about anything.

8 Q That wasn't your job, was it?

9 A That wasn't my job.

10 Q You know the young man's name?

11 A I think it might have been Ethan, I believe. I can't
12 remember his last name.

13 Q Okay. All right.

14 A It was a young white male.

15 Q Okay. All right. Anyone else?

16 A No, that's the only person.

17 Q No females?

18 A No.

19 Q Okay. No Hispanics, no African Americans just that
20 one white Caucasian?

21 A Yes, sir, that's the only one.

22 Q All right. And did you keep a crime scene log?

23 A I did. I actually did the log myself.

24 Q And does that reflect what you said here today?

25 A It does.

1 Q Anyone other than law enforcement or EMS come on the
2 scene?

3 A No, sir, not while I was there.

4 Q That would have been up until 4:30?

5 A Yes, sir.

6 MR. CLEMENTS: Okay. Please answer any
7 questions that Mr. Brooker may have.

8 THE COURT: Cross-examination.

9 MR. BROOKER: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. BROOKER:

12 Q Sergeant Cribb, were you one of the first individuals
13 to arrive on scene that night?

14 A Myself and Deputy Powell and Deputy Atkinson we all
15 arrived at the same time.

16 Q Okay. You all arrive there at the same time. And
17 obviously is it that when you arrived there I think you
18 testified at least on direct examination that at some
19 point in time that you secured the scene with crime scene
20 tape?

21 A Yes, sir, we did.

22 Q Now, was there anyone out in the yard at that
23 particular period of time?

24 A The only person that was in the yard was the victim
25 and the female was standing at the door crying when we

1 arrived which was later identified as Ms. Stacy Fowler.

2 No one else was there.

3 Q Okay. Did y'all immediately secure the scene?

4 A I'm sorry.

5 Q Did y'all immediately put the tape up?

6 A No, immediately we did a protective sweep of the area
7 and I checked him to see if he had a pulse. I got EMS en
8 route. And then within minutes or probably less than two
9 minutes maybe we started putting crime scene tape up, so
10 it was pretty fast after we did a protective sweep.

11 Q Yes, sir. And between that period of time, between
12 the period of time you arrived and that did protective
13 sweep, did anyone else come up on the scene at that
14 particular period of time?

15 A No, no one else came up.

16 Q Okay. Now, normally in a situation like this, you
17 know, where you have a crime scene, you correct me if I'm
18 wrong, it's my understanding that normally what you try to
19 do is control the crime scene because you don't want
20 evidence to be contaminated or either lost from people
21 tracking back and forth to the crime scene?

22 A Absolutely.

23 Q Okay. It's also my understanding is that what you
24 attempt to do is make sure, you know, that only personnel
25 that absolutely needs to be on a crime scene is there to

1 at least limit the footprint within a crime scene; is that
2 correct?

3 A That's correct.

4 Q It is also your procedure that you keep track of who
5 enters and who leaves the crime scene and what time?

6 A That's correct.

7 Q Is that done through a crime scene log?

8 A It is.

9 Q Okay. Did you prepare a crime scene log that night?

10 A I did.

11 Q Okay. All right. And do you have your crime scene
12 log?

13 A I don't have my crime scene log with me. It was
14 turned in with the original report once my shift ended
15 that night it was turned in. I have noted in my narrative
16 of my report that the log was done and the persons that
17 was in that scene.

18 Q Tell me who was in that scene?

19 A The only persons that's listed is the medical, fire
20 and EMS personnel and they were -- give me just a second
21 to find it Michael Hardee, Timothy Smith, Billy Herring,
22 Adam Rogers, Lisa Revell and Eric Lindaman and that was
23 fire and EMS personnel. The only other persons there was
24 myself, Deputy Powell and Deputy Atkinson.

25 Q Now, I'm assuming that -- and let me show you at

1 least what I have and see if you can identify is this. Is
2 this your crime scene log that you completed?

3 A It is.

4 Q And, of course, that crime scene log, I think, is
5 showing I think all -- looks like it shows members from
6 the fire department and then, of course, members from EMS
7 but, no one else; is that correct?

8 A That's correct.

9 Q Does it list all of the officers that would have come
10 on the scene?

11 A Once the other officers arrived on scene, the
12 detectives -- I turned it over to the detectives and I
13 just remained outside the scene. And I did not log none
14 of the detectives coming in. I only logged the medical
15 personnel and fire personnel that came in.

16 Q Okay. But it is procedure when you complete a crime
17 scene log, it's a log of everyone that goes in and out of
18 the crime scene to make sure ---

19 A That is correct.

20 Q Okay. Was that done?

21 A It was not.

22 Q It was not?

23 A It was not. The only one's logged was the medical
24 and fire personnel.

25 Q Okay. Now, and, of course, this is not a stupid

1 question, but it is for the purposes of the jury. Now, at
2 the time of the shooting you were not present, right?

3 A I was not.

4 Q All right. So you have no firsthand knowledge as far
5 as seeing and hearing what took place that particular
6 night?

7 A I do not.

8 Q Any information that you would require would have
9 been acquired, you know, through third parties, that you
10 had no direct and personal knowledge; is that correct?

11 A That's correct.

12 Q And it's not your intention to tell this jury that
13 you have any direct and personal knowledge with respect to
14 what unfolded the night of the shooting?

15 A That's correct.

16 Q Now, you also indicated that at some point in time
17 that a young white male approached the crime scene with --
18 and wanted to give a statement. Do you know roughly about
19 what time that was?

20 A It was very late -- well, I say very late actually
21 very early. I know it was long after several of our
22 detectives had got there. I don't have a time when I
23 spoke with him because it was very briefly. I was
24 basically standing there just making sure no one entered.
25 He just walked up to me and said he needed to talk to

1 somebody to give a statement. I just pointed him in the
2 direction one of our detectives and that's all I did.

3 Q Okay. Now, I want you to tell me what he says, but I
4 am looking at your report and I'm assuming this is the
5 same one that you have in your hands?

6 A It is.

7 Q Okay. And just to make sure that I'm not misreading
8 it is is that there any indication in your report of a
9 young man approaching you?

10 A There's not.

11 Q It's not contained in your report?

12 A No, sir.

13 Q Now, my understanding is is that one of the main
14 purposes, you know, having these reports is is to document
15 information so that later on it can be used in proceedings
16 like this and so we can get an accurate understanding of
17 everything that took place. When someone walks up to you
18 purporting to be a witness, you think it's important that
19 their name should be included within your report?

20 A I didn't get involved in part of the investigation.
21 I basically was just sending him in the right direction to
22 give a statement and it wasn't my job to actually to do
23 that.

24 Q So even though you had a conversation with that
25 person you didn't mention it in your report?

1 A No, sir.

2 Q Now, did anyone else -- let me ask it this way, did a
3 white female also approach the crime scene at some point
4 in time and -- let me rephrase that question. Did a white
5 female at some point in time approach the crime scene
6 seeking to talk with a detective in reference to what she
7 had seen?

8 A She never spoke with me if she did.

9 Q Do you know whether or not that happen completely?
10 Do you know whether or not -- I know that you said that
11 she didn't spoke with you. Do you know whether or not
12 that this white female approached any of the other
13 officers that was on the scene?

14 A None. My guys Deputy Powell, Deputy Atkinson they
15 would have advised me if she did approach and I was never
16 advise to answer that question. No, we never spoke with
17 no one else.

18 Q Did any of your officers pull a gun on a female and
19 ordered her to leave the scene?

20 A No, sir.

21 Q Okay. Now, and I'm also finish because this may not
22 be your particular area, but I'm going to ask it any way
23 because I need to be absolutely certain. I think the
24 State's introduced what's been I think identified as
25 State's Exhibit 4 and I think also State's Exhibit 3.

1 A You need me to step down?

2 Q It may not be necessary. Now, which one of these
3 houses did the shooting take place on?

4 A This mobile home right here.

5 Q This mobile home right here?

6 A Yes, sir.

7 Q And at least from this particular photograph there
8 other homes in the area I'm not mistaken?

9 A Yes, sir.

10 Q There is this mobile home here; is that correct?

11 A Yes, sir.

12 Q There's one here; is that correct?

13 A That's correct.

14 Q There's also a home here; is that correct?

15 A That's correct.

16 Q And there's a home that's on the other side of the
17 mobile home where the incident took place?

18 A That's correct.

19 Q Now, it may not have been your duty, but I'm going to
20 ask it because I don't know. Did you or either any of
21 your officers went to these homes seeking to talk with any
22 of the individuals in those homes seeking information?

23 A No, sir, no other guys on my shift went to any of the
24 homes and spoke with anyone. All we did was remain on
25 scene and keep that scene secure.

1 Q One more question is is that who took this photograph
2 do you know?

3 A I have no idea.

4 Q Do you know when it was taken?

5 A I have no idea.

6 Q Was this taken by one of your officers to your
7 knowledge?

8 A To my knowledge, it wasn't.

9 MR. BROOKER: You can indulge me for just a
10 second, Your Honor. I want to make sure I don't have any
11 further questions.

12 THE COURT: Yes, sir.

13 (WHEREUPON, a pause in the proceedings.)

14 MR. BROOKER: No further questions, Your Honor.

15 THE COURT: Any redirect?

16 MR. CLEMENTS: Just one.

17 REDIRECT EXAMINATION

18 BY MR. CLEMENTS:

19 Q Other than you and the two other officers on your
20 shift, was there anybody else guarding the perimeter?

21 A No, sir.

22 MR. CLEMENTS: Thank you. No further questions.

23 THE COURT: Mr. Brooker, anything else?

24 MR. BROOKER: No, sir.

25 THE COURT: Thank you. You may step down.

1 MR. CLEMENTS: I ask that he be released from
2 his subpoena, Your Honor.

3 THE COURT: Any objection?

4 MR. BROOKER: Your Honor, the only objection we
5 may have is is that at least if we may approach, Your
6 Honor, I don't want to say anything. This might be
7 something we take up at side bar.

8 THE COURT: I'll just order that he remain under
9 subpoena subject to being recalled if necessary.

10 MR. BROOKER: Thank you, Your Honor.

11 THE COURT: You don't need to come up here.

12 MR. CLEMENTS: I think he'll be right at the
13 metal detector.

14 THE COURT: If he's not make sure, Sergeant
15 Cribb, that you provide a number that Mr. Clements can get
16 in touch with you immediately if need be.

17 All right. Ladies and gentlemen, we been going
18 about an hour and a half. I'm going to let you take a
19 break at this point. Please step to the jury room. Do
20 not discuss the case. Do not discuss the case. I'll get
21 you back out here as quickly as possible.

22 (WHEREUPON, the jury retire to the jury room.)

23 (WHEREUPON, a break was taken.)

24 THE COURT: Anything from the State?

25 MR. CLEMENTS: No, sir.

1 THE COURT: Anything from the defense?

2 MR. BROOKER: No, Your Honor.

3 (WHEREUPON, the jury came into open court.)

4 THE COURT: Anything from the State before I
5 bring the jury back out?

6 MR. CLEMENTS: We're ready, Your Honor.

7 THE COURT: Anything from defense counsel?

8 MR. BROOKER: No, sir, Your Honor.

9 THE COURT: See, if they're ready.

10 (WHEREUPON, the jury came into open court.)

11 THE COURT: Ladies and gentlemen, let me tell
12 you as you come in and out of the courtroom, I know we're
13 creatures of habit so to speak. Nobody right now has an
14 assign seat except these two gentleman sitting here they
15 need to sit in one of these two seats as they come in and
16 out. You all have been selected as alternates and the
17 alternates during the course of the trial sit in one of
18 those two seats. So you two are the only individuals that
19 had an assign seat at this point.

20 Now, later during the process, a foreperson will
21 be selected to serve as a foreperson of this jury. And
22 they will sit where this young man in the orange shirt is
23 and the foreperson will have that assign seat throughout
24 the remainder of the trial as we go forward after they are
25 selected, but right as you come in and out you may sit

1 where so desire. At this time we want to continue the
2 trial of the case. I recognize the State call your next
3 witness please.

4 MR. CLEMENTS: Thank you, Your Honor. We call
5 Richard Atkinson.

6 THE CLERK: Do you solemnly swear or affirm that
7 the testimony you're about to give in the case shall be
8 the truth, the whole truth, and nothing but the truth so
9 help you God?

10 THE WITNESS: I do.

11 THE CLERK: Take your seat.

12 WHEREUPON,

13 Richard Atkinson,
14 after first having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. CLEMENTS:

17 Q Good afternoon. Can you please tell these jurors who
18 you are and what you do for a living?

19 A My name is Richard Atkinson. I'm a reserved deputy
20 for Marion County sheriff's office. I also work at Otis
21 Elevator in Florence, South Carolina.

22 Q Were you working as a reserve deputy on November 4th
23 2012?

24 A Yes, sir.

25 Q And what kind of deputy were you patrol?

1 A I was riding patrol that night.

2 Q Okay. And who were you on patrol with?

3 A Captain -- Sergeant Cribb.

4 Q Sergeant Cribb. You want to give him a promotion,
5 you think he deserves one. Sergeant Cribb and who else?

6 A Deputy Powell.

7 Q Deputy Powell. Okay. Now, do you recall being
8 dispatched around midnight to a shooting scene?

9 A Yes, sir.

10 Q Where was that?

11 A Ard Drive, Scotch Community Road.

12 Q When you got there who were you riding with or were
13 you driving?

14 A I was riding but that night I can't particularly tell
15 you who I was riding with.

16 Q It was either Cribb or Powell?

17 A It was one or the other, yes, sir, because I switch
18 around.

19 Q Yes, sir. And when you got there what did you find?

20 A Well, when we rode up in the yard, there was a
21 distraught woman standing in the doorway and the victim
22 was laying beside his car.

23 Q I want to show you State's Exhibit 5 through 10. If
24 you just glance at those six pictures for me a moment.

25 Does State's Exhibit 5 through 10 do they accurately

1 represent or reasonably facsimile of what you found that
2 evening when you got there?

3 A Yes, sir.

4 Q Can you tell me how would you characterize the
5 lighting out there in that neighborhood and specifically
6 at that home?

7 A I would say it was dark immediately upon arrival we
8 come out with our flashlights because it was that top
9 scene. It was very dark.

10 Q All right.

11 A I could see the light from the inside of the home
12 with the door open, that was about it.

13 Q Okay. Now, can you tell us how the body of Mr. Blake
14 Dozier was positioned by his car? If this was his car
15 door and this was the car, where should my feet be?

16 A Was in the apex of the door.

17 Q So right up here?

18 A Well, not that close.

19 Q About right there?

20 A It's like he just stepped out of the car and he fell
21 toward the road.

22 Q Okay. He fell backwards?

23 A Right.

24 Q Okay. Could notice -- could you tell where the wound
25 was?

1 A It's been a long time, but it seem like it was
2 somewhere right in the head somewhere long in there.

3 Q Okay. All right. Did you see any other pieces of
4 evidence out there at all?

5 A Upon scanning with the lights, we found a .45 shell
6 casing.

7 Q Okay. Now, what did y'all do then after y'all came
8 and saw what you had and did a sweep through for safety?

9 A Right, did a safety sweep.

10 Q What did you do then?

11 A Then put up crime scene tape around the perimeter.

12 Q All right. After you put crime scene tape up, did
13 you man that area?

14 A Yes.

15 Q Until when?

16 A Until we left.

17 Q You recall what time that was?

18 A I would say probably 4:30 roughly.

19 Q In the morning?

20 A Yes, sir.

21 Q Okay. Did you leave plenty of law enforcement
22 officers there when you left?

23 A Some, yes, sir. We were one of the last ones to
24 leave. I remember it was very cold.

25 Q Did anyone approach you trying to get into the crime

1 scene or duck under the tape or ask to speak to someone at
2 all?

3 A Not to me, no, sir.

4 Q The whole time you were out there?

5 A No, sir, not to me.

6 Q No one?

7 A No, sir.

8 Q Did you ever pull your gun and tell somebody to back
9 up, get away, back out the crime scene?

10 A No, sir.

11 MR. CLEMENTS: Okay. All right. Please answer
12 any questions that Mr. Brooker has.

13 THE COURT: Cross-examination.

14 MR. BROOKER: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. BROOKER:

17 Q Officer Atkinson, I'll be very brief. Just for
18 purposes of the jury immediately at the time of the
19 shooting and immediately thereafter you were not at the
20 crime scene, right?

21 A No, sir.

22 Q So you didn't witness what happened and what I mean
23 when I say witness with your own eyes and with your own
24 ears, you didn't witness what happened immediately
25 proceeding prior to at least the gun discharge or what

1 happened at the time of the gun discharge?

2 A No, sir.

3 Q And you are not here to tell this jury you correct me
4 if I'm wrong, you're not telling this jury that you
5 personally witnessed what happened immediately proceeding
6 the gun discharge and at the time of the gun discharge?

7 A No, sir.

8 Q Okay. So basically is it that you were there just
9 simply to assist in securing the scene when you arrived
10 with either Crib or either Powell; is that correct?

11 A Correct.

12 Q Okay. Now, I will ask you the same question and I'll
13 be very brief. I have what's been identified as
14 Defendant's Exhibit 4. I want you to take a look at this.
15 Can you recognize ---

16 THE COURT: What exhibit is that?

17 MR. BROOKER: This is State's Exhibit 4. I
18 apologize.

19 THE COURT: Thank you.

20 BY MR. BROOKER:

21 Q State's Exhibit 4 can you identify at least on this
22 depiction which house was it that the shooting took place
23 at?

24 A I'm not that familiar with that area and the aerial
25 view is a little bit different too. I know it's a single

1 wide trailer, but I'd be hard pressed to pick out which
2 one.

3 Q Is this a community area? Is there other homes
4 around and that sort of thing?

5 A Yeah, mobile homes.

6 Q Okay. Now, were you apart of the team or did you
7 take any part in going around to the various homes or
8 within that particular vicinity to try and see whether or
9 not they witness anything?

10 A No, sir.

11 MR. BROOKER: Indulge me for just a second, Your
12 Honor.

13 THE COURT: Yes, sir.

14 (WHEREUPON, a pause in the proceedings.)

15 MR. BROOKER: No further questions, Your Honor.

16 THE COURT: Any redirect?

17 MR. CLEMENTS: No further questions, Your Honor.

18 I ask that Mr. Atkinson be released from his subpoena.

19 THE COURT: Any objection?

20 MR. BROOKER: Without objection, Your Honor.

21 THE COURT: Sir, you may step down. You free to
22 go. Thank you for being here.

23 (WHEREUPON, the witness leaves the witness
24 stand.)

25 MR. CLEMENTS: Your Honor, we like to call James

1 Powell to the stand.

2 THE CLERK: Do you solemnly swear to tell the
3 truth, the whole truth, and nothing but the truth so help
4 you God?

5 THE WITNESS: I do.

6 THE CLERK: Thank you.

7 WHEREUPON,

8 James Powell,
9 after first having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. CLEMENTS:

12 Q Good afternoon. Mr. Powell, can you tell this jury
13 who you are and where you work?

14 A My name is James Powell. I'm employed by SME, it's
15 an engineering testing firm in Florence.

16 Q And you just had got off work?

17 A Yes, sir.

18 Q Thank you for coming.

19 A Yes, sir.

20 Q Now, formally in November of 2012, you had a
21 different job, didn't you?

22 A Yes, sir.

23 Q What job was that?

24 A Employed by the Marion County sheriff's office.

25 Q As what type of officer?

1 A Patrol officer.

2 Q Patrol officer. Whose shift were you working on that
3 evening?

4 A Sergeant Cribb.

5 Q Okay. And how many men on shift?

6 A That particular night I couldn't exactly tell you. I
7 know it was me myself -- me, Officer Cribb and Mr.
8 Atkinson.

9 Q All right. Let me go ahead and try to save
10 Mr. Brooker sometime. You got there after the shooting,
11 right?

12 A Yes, sir.

13 Q Didn't see any of it?

14 A No, sir.

15 Q Okay, want to be sure. Now, when you first got
16 there, what was the first thing you did and follow through
17 to the second and third thing you did?

18 A When I first got there, Sergeant Cribb went up and
19 checked for a pulse. Then we did a safety sweep of the
20 scene and area.

21 Q What is a safety sweep of the scene for the jury's
22 benefit?

23 A We pretty much scan and walk and scan the area of the
24 scene to make sure there's no threat.

25 Q Had somebody dead and didn't know where the person

1 was that killed them?

2 A Correct.

3 Q Now, after that, what did you do?

4 A We put up crime scene tape around the immediate crime
5 scene and then around the whole perimeter of the
6 residence.

7 Q And what is one other thing you did that the others
8 didn't do?

9 A After we put up the crime scene tape, I took pictures
10 of the crime scene -- of the immediate crime scene.

11 Q All right. State's Exhibits 5 through 10 if you
12 would glance through those for me a moment. Who took
13 those pictures?

14 A I did.

15 Q You took State's 5 through 10?

16 A Yes, sir.

17 Q All of them, okay. Does this present a reasonable
18 representation of what you found that night on the scene?

19 A Yes, sir.

20 Q All right. After doing that and you had the crime
21 scene tape up, how many perimeters did you have?

22 A How many perimeters did we have?

23 Q Yes, sir.

24 A We had the main perimeter and there was an inside
25 perimeter of the actual crime scene. We wouldn't let

1 anybody in the main perimeter.

2 Q Y'all blocked off the whole yard?

3 A Yes, sir.

4 Q Okay. And after you blocked it off had the crime
5 scene tape up, what did you do to make sure that crime
6 scene tape was effective?

7 A We stood around the perimeter to make sure nobody
8 crossed the crime scene tape.

9 Q Until when?

10 A Until we left and I'm not exactly sure what time that
11 was.

12 Q Early morning, mid morning?

13 A It was early morning.

14 Q Early morning. Okay. And at that time while you
15 were guarding that crime scene tape area and keeping that
16 perimeter secure, did anyone come up to you and ask to get
17 in or try to slip in under the yellow tape?

18 A No, sir.

19 Q Did you pull a gun on anyone tell them back up and
20 get out of the crime scene?

21 A No, sir.

22 Q No one?

23 A No, sir.

24 MR. BROOKER: Okay. Thank you. Please answer
25 any questions that Mr. Brooker may have.

1 THE COURT: Cross-examination.

2 MR. BROOKER: Very briefly, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. BROOKER:

5 Q When you're at the scene or when you're at the scene
6 of the shooting, did you see a man and a woman at any
7 point in time walk up to approach the crime scene?

8 A No, sir.

9 Q Never saw that?

10 A No, sir.

11 Q Now, and obviously just for purposes of the jury be
12 absolutely certain, you didn't personally witness anything
13 or hear anything prior -- immediately prior to the gun
14 fire or either at the time of the gun fire?

15 A No, sir.

16 Q You wasn't there?

17 A No, sir.

18 Q So you're not a witness to anything that happened at
19 that particular period of time?

20 A No, sir.

21 Q Okay.

22 MR. BROOKER: You can indulge me, Your Honor.

23 THE COURT: Yes, sir.

24 MR. BROOKER: I might be finished. No further
25 questions for this witness, Your Honor.

1 THE COURT: Any direct?

2 MR. CLEMENTS: No, Your Honor. We ask that Mr.
3 Powell be excused from his subpoena.

4 THE COURT: Any objection?

5 MR. BROOKER: Without objection, Your Honor.

6 THE COURT: Sir, you are excused. You have no
7 further responsibility under your subpoena. Thank you for
8 being here have a nice day. Thank you.

9 MR. CLEMENTS: Your Honor, we call Jerry
10 Richardson to the stand.

11 THE CLERK: Do you solemnly swear or affirm that
12 the testimony you're about to give shall be the truth, the
13 whole truth, and nothing but the truth so help you God?

14 THE WITNESS: I do.

15 WHEREUPON,

16 Jerry Richardson,
17 after first having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. CLEMENTS:

20 Q Good afternoon.

21 A Good afternoon.

22 Q I'm sure everyone here in Marion County knows you.
23 If you humor me and please tell these people who you are
24 and what you do and what that job entails?

25 A I'm Jerry Richardson. I'm your Marion County

1 coroner, have been for almost 40 years now. It's my job
2 to investigate all deaths in the county of violent,
3 unknown cause, pronounce and certify and take care of the
4 death certificate.

5 Q Thank you. Now, on November the 4th 2012, did you
6 get called out?

7 A I did.

8 Q And where did you respond to?

9 A The location where this body was [REDACTED] Ard Road.

10 Q All right. And I'm going to show you what's been
11 State's Exhibit Number 5. Does that look familiar at all?

12 A Yes, it does.

13 Q Is that a reasonable facsimile of how you found
14 Mr. Dozier's body?

15 A When I got there, they did have a sheet over him.
16 They normally cover the victim.

17 Q Yes, sir. And I kind of jumped the gun a little bit.
18 Were you able to determine who that victim was?

19 A Yes, sir, they told me who they thought it was.

20 Q Okay. And that was Mr. Blake Dozier?

21 A Yes, sir.

22 Q Coroner, did you look at the wound?

23 A When we planned to send the body for autopsy, I
24 don't examine the body real thoroughly for fear of
25 disturbing any evidence. So I did look at him. He

1 appeared to have a gunshot wound to the head.

2 Q Okay. And what is a through and through wound?

3 A Penetration goes all the way through.

4 Q And can you tell what kind of wound this was if it
5 was ---

6 A I couldn't tell at that time. As I said, I didn't
7 investigate any further, did not touch the body, but it be
8 evidence in the autopsy report.

9 Q All right. But is it your professional opinion as
10 the coroner that that the gunshot wound was the cause of
11 his death?

12 A Yes, sir.

13 Q Okay. You can say that to a reasonable degree of
14 certainty ---

15 MR. BROOKER: I'm going to at least object, Your
16 Honor, unless there's a foundation for medical credentials
17 established.

18 THE COURT: Objection sustained.

19 BY MR. CLEMENTS:

20 Q Let me ask you this, you are also as well as the
21 coroner you're a funeral home director; is that correct?

22 A Yes, sir.

23 Q And been embalming for how many years?

24 A About 50 years.

25 Q About 50 years?

1 A Uh-huh.

2 MR. CLEMENTS: Your Honor, would that satisfy
3 requirement that he could tell what would be a deadly
4 wound or not after 50 years of being a coroner -- many
5 years of being a coroner and 50 years of being a funeral
6 home director and embalmer.

7 THE COURT: I'm looking at you to hear your
8 response before I answer.

9 MR. BROOKER: Your Honor, it would not, Your
10 Honor, is is that ---

11 THE COURT: Objection sustained.

12 MR. CLEMENTS: All right. Thank you, Your
13 Honor. Coroner Richardson, we appreciate you being here
14 today. Thank you so much. Please answer any questions
15 Mr. Brooker has.

16 THE COURT: Cross-examination.

17 MR. BROOKER: This will be very brief, Your
18 Honor.

19 CROSS-EXAMINATION

20 BY MR. BROOKER:

21 Q Coroner Richardson, just very briefly is is that
22 you're not an eye witness to what happened immediately
23 prior to the shooting; is that correct?

24 A No, sir.

25 Q And you're not an eye witness with respect to the

1 shooting itself; is that correct?

2 A That's correct.

3 Q Okay. And you correct me if I'm wrong is is that I
4 think you testified to is that your job is to go out and
5 certify death and then, of course, also the appropriate
6 paperwork like the death certificate and that sort of
7 stuff? Am I right in assuming that is that what you
8 testified to?

9 A You correct.

10 Q Okay. Okay. All right. Now, in your job as
11 coroner, it is not the job of the coroner to perform a
12 forensic medical examination on the body; is that correct?

13 A No, sir.

14 Q Okay. And you did not perform a forensic medical
15 examination of the body; is that correct?

16 A No, sir, the medical university does that.

17 Q Yes, sir. You send it off to the medical university
18 to have that done?

19 A That's correct.

20 Q Okay. All right. Now, and I just wanted to make
21 anything or just make one other thing at least clear is is
22 that approximately what time did you arrive at the scene?

23 A It probably would have been about one o'clock.

24 Q Okay. Now, at that particular period of time when
25 you arrived at the scene, were you aware whether or not

1 EMS had handled Mr. Dozier's body?

2 A They had placed a sheet over the body.

3 Q Okay. Now, do you know whether or not they rendered
4 medical services to Mr. Dozier when they arrived on scene?

5 A I can't remember exactly, but I believe they were
6 still on the scene when I arrived.

7 Q Okay. Do you know whether or not they move the body
8 EMS did when they first arrived on the scene for any
9 reason?

10 A The only time they would move the body is to roll it
11 to check it and put any devices on it to assist maybe in
12 recovering the body or bringing him back.

13 Q Okay. All right. Now, just one more and I hope this
14 is my last question it should be. Now, do you have any
15 law enforcement investigative background in crime scene
16 investigations, is that apart of your job as coroner?

17 A It is. We have a continuing education program that
18 we have to attend so many hours a year and I have attended
19 ever since it's been available.

20 Q Okay. Were you involved in the crime scene
21 investigations from beginning to end?

22 A I was called, you know, about one o'clock that
23 morning to go to the scene, went to the scene, did my
24 investigation and as I told you had the body carried to
25 the hospital and put in the morgue to carry to Charleston

1 for an autopsy the next morning.

2 Q Okay. And that was the extent of your involvement?

3 A Well, I been involved ever since, but that night that
4 was my involvement.

5 Q Yes, sir, I'm talking about that night?

6 A That night.

7 Q Okay.

8 MR. BROOKER: You can indulge me for just a
9 second, Your Honor, let me just make sure I don't have any
10 follow-up questions.

11 THE COURT: Yes, sir.

12 (WHEREUPON, a pause in the proceedings.)

13 MR. BROOKER: Nothing further for this witness,
14 Your Honor.

15 THE COURT: Any redirect?

16 MR. CLEMENTS: Nothing, Your Honor. We ask that
17 Mr. Richardson be released from his subpoena.

18 THE COURT: Any objection?

19 MR. BROOKER: Without objection, Your Honor.

20 THE COURT: Sir, you may step down. You free to
21 go. You have no further responsibilities here have a nice
22 day.

23 (WHEREUPON, the witness leaves the witness
24 stand.)

25 MR. CLEMENTS: Your Honor, we call Ethan Allen

1 to the stand.

2 THE CLERK: Do you solemnly or swear the
3 testimony you're about to give shall be the truth, the
4 whole truth, and nothing but the truth so help you God?

5 THE WITNESS: I do.

6 WHEREUPON,

7 Ethan Allen,
8 after first having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. CLEMENTS:

11 Q Good afternoon.

12 A Good afternoon.

13 Q Can you please tell these jurors who you are and
14 where you live and what you do for a living?

15 A My name is Ethan Allen. I live in Mullins, South
16 Carolina, and I'm police a officer with Hemingway, South
17 Carolina.

18 Q So you are a member of the Hemingway Police
19 Department?

20 A Yes, sir.

21 Q All right. Now, you're kind of soft spoken, so I'm
22 going to ask if you speak up loudly, make sure the court
23 reporter gets everything and all these jurors hear you,
24 okay.

25 A Yes, sir.

1 Q All right. Mr. Allen, how long you lived in Mullins?

2 A I lived in Mullins my entire life.

3 Q All right. And how long you been a police officer?

4 A I been a police officer since September of 2014 and I
5 just recently graduated the police academy last April.

6 Q Now, in November of 2012, what were you doing
7 professionally wise or educationally at that period of
8 your life?

9 A At that point in time I was still in college. I was
10 home that weekend. I was at that time I was a life guard.
11 I'm also a certified life guard. I was a life guard with
12 the YMCA in Georgetown, South Carolina.

13 Q Where were you going to college at?

14 A I was going to Horry Georgetown Technical College.

15 Q Okay. Now, do you know Blake Dozier, did you know
16 Blake?

17 A Yes, sir, I did know Blake Dozier.

18 Q How well did you know him?

19 A I known Blake my entire life, but I wouldn't say that
20 we were best friends, but we were friends.

21 Q Y'all were casual friends?

22 A Yes, sir.

23 Q Not real close friends?

24 A Yes, sir.

25 Q Now, Chad Strickland do you happen to know Chad?

1 A Yes, sir, I do.

2 Q And how long have you known Chad?

3 A I've know Chad the same -- about the same length I've
4 known Blake I've known Chad. I been familiar with him my
5 entire life, yes, sir.

6 Q Get along with Chad?

7 A Yes, sir.

8 Q Okay. Do you know Matt Lane?

9 A Yes, sir.

10 Q How well do you know Matt and for how long?

11 A I've known Matt my entire life as well and he's my
12 best friend.

13 Q Okay. How about Stacy Fowler do you know Stacy?

14 A Yes, sir, I do know Stacy.

15 Q How long you known Stacy?

16 A I mean, I've known of her, but I've known her I say
17 probably since grade school.

18 Q Okay. How about Logan Ratley did you know Logan?

19 A Yes, sir, I do know Logan.

20 Q How long have you known Logan?

21 A I say maybe ten years.

22 Q Okay. Now, you recall what you were doing early in
23 the evening on November 4th 2012?

24 A Yes, sir.

25 Q What were you doing?

1 A I was at my home. I'd stay there that day and then
2 later after I left my house I met up with Matthew Lane and
3 Blake Dozier at Matt's residence.

4 Q And where does Matt live?

5 A Matt lives -- I'm not exactly sure right now of the
6 address, but I know he stays closer towards Nichols --
7 between Nichols and Mullins.

8 Q Close to the river?

9 A Yes, sir, right on the river, yes, sir.

10 Q All right. Who lives next door to him?

11 A Fletcher Estes.

12 Q Okay. Now, about what time of the evening was it or
13 afternoon that you got up with Blake and Matt?

14 A I arrived at Matt's house I would say around maybe
15 seven o'clock that day. The sun was still up.

16 Q The sun was still up?

17 A Yes, sir.

18 Q Okay. Now, it was getting close to dusk it was
19 November, right?

20 A Yes, sir.

21 Q Okay. What, if any, kind of arrangement did you have
22 with Blake and Matt that day?

23 A Whenever I arrive there, I talk to them, hey, how are
24 you doing. That was my first time I had seen Blake in
25 weeks. I hadn't seen him and he had told me that he was

1 gone be a father. . And he was -- he didn't really seem
2 happy about it. He told me that him and his girlfriend,
3 Stacy, were fighting and that he had been drinking. He
4 told me he been drinking and Matt was drinking as well.
5 He was happy about it, but he had told me that she was
6 thinking about getting an abortion with the baby. And,
7 you know, he was heart broken about it. But he wasn't --
8 he was trying not to show it. He was trying to have fun.
9 He was trying to, but you could tell something was
10 bothering him the whole night. So right then and there I
11 agreed I told him I said I'll be the designated driver
12 tonight. You guys have a good time. I'll make sure
13 everybody gets home safe and that's what I did.

14 Q All right. So where did y'all go?

15 A After we left their residence, we rode around for a
16 little while. And then I believe it was Blake they said
17 let's go to the Game Changer. So we drove there and then
18 we sat in the parking lot. We sat in the parking lot for
19 maybe ten minutes tops.

20 Q Okay. And was Blake wanting to go into the Game
21 Changer?

22 A Yes, sir, but he didn't.

23 Q And but he didn't?

24 A No, sir.

25 Q Okay. And why -- what kind of attitude was he

1 displaying at that time?

2 A He was extremely agitated. I mean, he knew that --
3 I believe he was aware that Chad was in the bar at that
4 time, but me and Matthew talked him out of not going into
5 the bar. We told him it wasn't worth it. So he ended up
6 not getting out of the car.

7 Q What did he want to do?

8 A He wanted to go inside the bar and confront Chad.

9 Q Confront Chad?

10 A Yes, sir.

11 Q Okay. And why was there bad blood between Chad and
12 Blake?

13 A Well, I mean Blake they were fighting over Stacy. I
14 mean, I guess I know that they were back and forth on the
15 phone the entire night. I'm not sure the exact details.
16 Like I said, I didn't get there until later that night,
17 but I don't really know the history of their bad blood. I
18 knew that they were fusing, but I didn't know the history
19 or the extent of their bad blood.

20 Q Was he just fusing and upset or was he just about to
21 blow up or in between?

22 A He wasn't about to explode. I mean, he wasn't that
23 irate. I mean, he was agitated, but he wasn't, I mean, on
24 the verge of doing something crazy.

25 Q Now, y'all left the Game Changer; is that correct?

1 A Yes, sir.

2 Q Where did you go from there?

3 A Once we left the Game Changer, we rode around for a
4 little while and then we went to another little pool. It
5 was a little pool bar Bill Stickland's over in Nichols,
6 South Carolina.

7 Q Okay. What did y'all do there at Strickland's?

8 A We went inside and shot pool for maybe around 30
9 minutes.

10 Q And then after that what did y'all do?

11 A Once we left there, we went back to Matt's house.
12 Around that time, it was getting late, so we just go back
13 to Matt's house and just hang out.

14 Q Okay. Is that a normal type weekend kind of thing?

15 A Yes, sir, at the time it was, yes, sir.

16 Q All right. And who all was hanging out?

17 A Well, whenever we arrived back at Matt's house, it
18 was still me, Matt and Blake. And then we walked over to
19 Fletcher Estes' house, which is Matthew's neighbor.

20 Q Matt's neighbor Fletcher?

21 A Yes, sir.

22 Q Okay. And when you were driving that route whose car
23 were you driving?

24 A I was driving Matthew Lane's car.

25 Q And what kind of car is that?

1 A I believe it was a green Pontiac.

2 Q Okay. Now, y'all hung out for a while, was anybody
3 else there any people in and out, any new people?

4 A Whenever we got back to Matthew's house, we walked
5 over to Fletcher's house and the people that were there
6 Fletcher Estes, Carol Hardee and Mary Strouder.

7 Q And when you say we, who is we walked over?

8 A Me, Matt and Blake.

9 Q Okay. All right. How long y'all stayed over there?

10 A We were over there for -- I mean, we stayed there the
11 remainder of the night until Blake had took off, that was
12 our last stop. We didn't drive anywhere else that night.

13 Q Now, during the time you were riding around, what, if
14 anything, was Blake preoccupied with?

15 A Blake was on his cell phone the entire time. If he
16 wasn't texting, he was talking. I'm not exactly sure who
17 he was talking to. My job was to drive. He was on his
18 cell phone texting. I don't know who he was talking to.
19 I mean, I heard a male's voice. I heard a female's voice,
20 but I don't know exactly who he was talking to.

21 Q How about Matt?

22 A Matthew was in the passenger seat of the car and I
23 believe Matt talked on the phone several times as well.

24 Q Was he on his phone or Blake's phone or both?

25 A I believe they may have passed the cell phone back

1 and forth, but Matt may have talked on his own cell too.

2 Q So Blake was in the back seat?

3 A Yes, sir.

4 Q Okay. So Fletcher's house was kind of your last
5 stop?

6 A Yes, sir.

7 Q Okay. And you were there awhile?

8 A Yes, sir.

9 Q Anything unusual happen later or something got
10 stirred up later or somebody else arrive there, tell me if
11 there was any change in this situation?

12 A We were just -- we were at Fletcher's house and then
13 Logan Ratley she comes up -- she pulls up to Fletcher's
14 house.

15 Q In what kind of vehicle?

16 A I'm not exactly sure what vehicle she was driving.
17 I'm not exactly sure what she was driving to be certain.

18 Q A car or a SUV?

19 A I believe it was an SUV, yes, sir.

20 Q You got any idea about the color?

21 A I'm not exactly sure.

22 Q Light, dark?

23 A It may have been dark not exactly sure, but I know
24 she was driving something.

25 Q Okay. Now, when she came up, what happened if you

1 know?

2 A Her and Blake were talking. I mean, they were
3 fusing. I mean, I don't really know the extent of the
4 argument because I was at Fletcher Estes' house. I was
5 upstairs at his house. And I know they were fighting
6 downstairs.

7 Q You say fighting, they weren't like ---

8 A No, not fist fighting. They were fighting verbally.
9 I mean, they were having an argument say the least.

10 Q Okay.

11 A I knew that Blake wanted to go over to Stacy's
12 residence and I'm not sure if that's why Logan was there
13 at that time. But I knew that she was there because I
14 mean I know Blake had called her a bitch or something of
15 that nature and I think she wanted to confront him. But I
16 knew while I was up there that Blake did want to go over
17 to the residence.

18 Q All right. Go over to Stacy's?

19 A Yes, sir.

20 Q Now, Blake and Logan were arguing?

21 A Yes, sir.

22 Q Where were they? You said you were upstairs. Where
23 were they?

24 A They were on the dirt road right in front of Fletcher
25 Estes' house.

1 Q Okay. You could hear them?

2 A Yes, sir.

3 Q All right. And so what happened next?

4 A What happened next was I was -- I know Matthew Lane
5 was trying to talk me into driving him over there -- I
6 mean Blake was intoxicated. He had been drinking and I
7 was going to drive him over there.

8 Q You were or you weren't?

9 A I was going to drive him over there. Once I figured
10 out that Chad was gone from the residence, I mean I would
11 have drove him over there.

12 Q So you thought Chad was gone?

13 A Yes, sir. And Matthew Lane was trying to get me to
14 drive him over there. I was the D.D. that night. And
15 then I'm not sure exactly how this happened, but Blake was
16 sitting in the passenger seat while him and Logan were
17 talking. And then some how or another I didn't see it
18 happen. He ends up in the driver seat ---

19 Q Of whose car?

20 A Of the green Pontiac of Matthew Lane's car.

21 Q Okay.

22 A Then as I look back out the door, I see the car
23 driving up the dirt road and he's already gone. And then
24 I see Matthew Lane get into the car with Logan and then
25 they follow behind him.

1 Q How quickly?

2 A It was very fast. I mean, this happened in a matter
3 of seconds.

4 Q So Blake's gone too and then Matt jumps in the car
5 and he and Logan take off boom.

6 A Yes, sir.

7 Q Okay. What did you do?

8 A I stayed there. I mean, there really isn't much I
9 can do at that point. I figured they were going to go
10 down there and whatever happens happens. I just figured
11 they fight, maybe argue over a girl, you know, basically.

12 Q Just a good old fashion fistfight?

13 A I didn't really think much of it. I stayed there at
14 the residence with Fletcher.

15 Q All right. How much time transpired before something
16 else occurred?

17 A I would say it was about ten minutes maybe. I mean,
18 that's the max maybe. It may have been less.

19 Q Max was ten minutes?

20 A Maybe, yes, sir.

21 Q Could have been less?

22 A Yes, sir, it could have been less.

23 Q All right. What happened?

24 A I received a phone call and Matt was -- he was very
25 distraught. He was -- something bad had happen. I'm not

1 exactly sure what had happen. He had said something
2 wrong.

3 Q What was his demeanor on the phone?

4 MR. BROOKER: Your Honor ---

5 A It was very disturbed.

6 THE COURT: Hold on a minute, hold on a minute.
7 State your objection?

8 MR. BROOKER: Just want to make an objection at
9 least to the hearsay at this particular period of time
10 because Mr. Lane has not testified.

11 THE COURT: Mr. Clements.

12 MR. CLEMENTS: I don't think that the last
13 question I had had anything to do with hearsay.

14 THE COURT: Hadn't gotten to that yet.

15 MR. CLEMENTS: Don't tell me what anybody said.

16 THE COURT: Sir?

17 MR. CLEMENTS: I was telling him don't tell me
18 what anybody said, tell me what he observed.

19 THE COURT: Okay.

20 BY MR. CLEMENTS:

21 Q From you speaking to him on the phone, what did you
22 discern was his demeanor or manner of mood?

23 A He was scared. He was scared. It was -- he sounded
24 terrified extremely.

25 Q All right. After the phone call what happened?

1 A After the phone call, I mean I thought he was joking.
2 I mean, honestly I thought it was a joke. And then after
3 I didn't hear anything back from him after the phone call,
4 that's when I started getting worried. So I asked Mary
5 Strouder I said let's go look for him. As we ---

6 Q How many minutes had passed between that time?

7 A Not long at all maybe five minutes.

8 Q Maybe five minutes. So we talking about a total of
9 15 minutes right now?

10 A Yes, sir.

11 Q Okay.

12 A And then as we're leaving, I'm trying to get him on
13 the phone and I'm not getting any answer. And as we were
14 looking for him, we're not thinking much of it. We just
15 figured they got in a fight and maybe there's a little bit
16 of blood that's about it. Then I get ahold of Matt again
17 on the phone and he's still scared and he's in shock the
18 way he was acting. And at this time I realize it wasn't a
19 joke. You know, something bad has happened. And as we're
20 getting off the dirt road, I believe we see Logan and Matt
21 we pass them. And I get Matt back on the telephone he
22 says about to be ---

23 Q Don't tell me what he says.

24 MR. CLEMENTS: May we approach, Your Honor?

25 THE COURT: Yes.

1 (WHEREUPON, a bench conference was held in the
2 presence of the jury, but out of the hearing of the
3 jury.)

4 THE COURT: Go ahead ask the question,
5 Mr. Clements.

6 BY MR. CLEMENTS:

7 Q You pass them on the road, you trying to get him on
8 the phone. Did you turn around?

9 A Yes, sir.

10 Q And where did you turn around and go back to?

11 A We went back down the dirt road.

12 Q To where?

13 A Fletcher Estes house, we pulled in.

14 Q And what did Logan and Matt do?

15 A Matt gets out of the vehicle.

16 Q What does he say?

17 A He says Blake's dead, Blake's dead. He's been shot.

18 Q Okay.

19 THE COURT: Hold on. Any objection?

20 MR. BROOKER: No objection, Your Honor, at least
21 to that limited hearsay.

22 THE COURT: I think it falls certainly and
23 clearly under exceptions 803(1)(2) and even possibly
24 three. Go ahead. Objection so noted for the record,
25 Mr. Brooker.

1 BY MR. CLEMENTS:

2 Q I want to be sure I heard you because you soft
3 spoken. What did Matt say?

4 A Blake had been shot, he's dead.

5 Q Okay. Thank you. Now, did you stay with Matt at
6 that time?

7 A No, sir.

8 Q What did you do?

9 A At that time whenever Matt had told us that Blake has
10 been shot he's dead, me and Fletcher Estes we get in his
11 truck and then ---

12 Q What kind of truck is that?

13 A It's a white -- I believe it's a white Dodge Ram.

14 Q Okay.

15 A We get in his truck and then -- we were going to go
16 find this place wherever he's at. And as we're driving
17 ---

18 Q Did you have any idea where it was?

19 A No, sir. I mean, I knew it was in the Scotch
20 community area, but I didn't know exactly where it was
21 located.

22 Q Did you have any idea whose house it was?

23 A Yes, sir, I knew we needed to go to Stacy Fowler's
24 house.

25 Q But you didn't know exactly where that was?

1 A No, sir.

2 Q Okay. All right. So what did y'all do ride around?

3 A No, sir, as we were driving, we pass Woodlawn Church.
4 And we basically just followed the blue lights. We could
5 see them from a distance and we just followed them. And
6 whenever we arrived there, they already had the tape up
7 and that was it we were there.

8 Q Did you speak to anyone there?

9 A Yes, sir.

10 Q Who did you speak with?

11 A I spoke to Officer James Powell and also spoke to
12 Shawn Lee who was on scene.

13 Q Okay. And who is Shawn Lee?

14 A I believe he was one of the paramedics or EMT or fire
15 fighters that arrived on the scene.

16 Q Did you ask to talk to anyone else?

17 A No, sir. I don't believe I asked to talk to anybody
18 else.

19 Q Okay. So what happened after that?

20 A After that ---

21 Q Could you get on the scene?

22 A I mean, I was -- I mean, I could clearly see the
23 scene. I wasn't pass the tape or anything like that. It
24 was -- I mean, I was -- I lost it at that point seeing him
25 like that. It was hard. I had given a statement to an

1 officer.

2 Q At the scene right there?

3 A Yes, sir, at the scene.

4 Q Okay. You know who that officer was?

5 A I believe it was Mr. Crib at the time.

6 Q All right. And you tell him real briefly or long in
7 detail or what?

8 A Enough to give my statement. I was so shook up at
9 the time I couldn't write. So I gave him -- I gave him
10 consent he could write it for me. He wrote it down my
11 words verbatim.

12 Q About how long -- how many sentences was it?

13 A It didn't take up half the page. I say maybe five,
14 six maybe.

15 Q Do you remember what you told him?

16 A Yes, sir, I remember briefly what I told him.

17 Q Can you tell the jury what you told him?

18 A I basically told him the events leading up to it,
19 what happened. We were with Blake and whenever he left
20 and then when me and Fletcher Estes arrived on the scene
21 to put it shortly.

22 Q Okay. Now, did you get in the car with Logan and
23 Matt at all?

24 A No, sir.

25 Q Other than riding up there with Fletcher Estes after-

1 this all occurred, had you ever been to Stacy Fowler's
2 house?

3 A No, sir.

4 Q When Matt left with Logan, did you see anyone else
5 get in that car and ride with them?

6 A No, sir.

7 Q Now, let me ask this so I can be sure because this is
8 sensitive. I'm not suggesting an answer to you, but it's
9 a variety of answers that you didn't see it or didn't
10 happen or you saw it, which one is it?

11 A I didn't see anybody else get in the vehicle with
12 Logan and Matt.

13 Q Could anybody have gotten in that vehicle and you not
14 seen it?

15 A Yes, sir.

16 Q Was there anybody that was missing after they left in
17 the car?

18 A No, sir.

19 Q No one was missing?

20 A No, sir.

21 Q Okay. And you knew who all was there?

22 A Yes, sir.

23 MR. CLEMENTS: Beg the Court's indulgence.

24 THE COURT: Yes, sir.

25 (WHEREUPON, a pause in the proceedings.)

1 BY MR. CLEMENTS:

2 Q So the only time you went to Stacy Fowler's house was
3 when?

4 A Whenever me and Fletcher Estes arrived on the scene.

5 Q Police were already there?

6 A Yes, sir.

7 MR. CLEMENTS: Thank you. Please answer any
8 questions that Mr. Brooker may have.

9 THE COURT: Cross-examination.

10 MR. BROOKER: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. BROOKER:

13 Q Ethan, I think you testified on direct examination
14 that you knew Blake your entire life?

15 A Yes, sir.

16 Q Okay. And that you also testified that you were best
17 friends with Matt Lane?

18 A Yes, sir.

19 Q You know what the relationship were with Matt and
20 Blake?

21 A Matt and Blake were friends as well.

22 Q They were friends?

23 A Yes, sir.

24 Q That's not the first time y'all hung out together, is
25 it not?

1 A No, sir, we've hung out plenty of times before that,
2 yes, sir.

3 Q You hung out many times in the past?

4 A Yes, sir.

5 Q So not only was Matt your friend, but Blake was
6 always -- was also your friends; is that correct?

7 A Yes, sir.

8 Q So he's more than just someone that you knew he was a
9 friend?

10 A Yes, sir.

11 Q Now, Chad wasn't a friend, was he not?

12 A No, sir.

13 Q You didn't hung out with him or pal around or buddy
14 around with him, did you?

15 A No, sir.

16 Q So these were all your friends Matt and Blake?

17 A Matt and Blake, yes, sir.

18 Q And they were not just any friends, they were good
19 friends?

20 A Yes, sir.

21 THE WITNESS: Judge, may I have a glass of
22 water?

23 THE COURT: Yes, hold on. The witness ask could
24 he have a glass of water, could you all provide him.

25 BAILIFF: I'll get him one.

1 THE COURT: You continue, Mr. Brooker, as the
2 bailiff is getting him a water and a cup.

3 BY MR. BROOKER:

4 Q And you were so good friends with him that is the
5 main reason why you testified here today that you were
6 driving them around because they were drinking?

7 A Yes, sir.

8 Q Now, when they got to your house, I think you said
9 that, you correct if I am wrong, that it was around about
10 seven o'clock that you got together with Matt and Blake?

11 A I believe it was somewhere around that time, but I
12 know it was still daylight outside. And it was later in
13 the evening when I arrived at the house. That exact time
14 I'm not -- I can't say that for sure, but I know it was
15 still daylight outside.

16 THE COURT: Mr. Allen, that glass of water --
17 that cup of water is right beside you.

18 THE WITNESS: Thank you, sir.

19 BY MR. BROOKER:

20 Q And when you got to them at seven o'clock that
21 afternoon they had been drinking?

22 A Yes, sir.

23 Q And they had been drinking to the extent in which you
24 thought it was necessary for you to drive them?

25 A No, sir, they didn't appear that grossly intoxicated.

1 I knew they had been drinking, so I automatically offered
2 to drive since I hadn't been drinking previously.

3 Q But you definitely thought it wasn't safe for them to
4 be?

5 A Yes, sir.

6 Q Now, I think you said after you left -- after y'all
7 left, if I'm not mistaken and you correct me if I'm wrong,
8 that first place that y'all went was the Game Changer?
9 Where was the first place y'all went after y'all left,
10 y'all got in the car and left?

11 A Like I said, we had drove around a little while, but,
12 yes, sir, we went to the Game Changer.

13 Q When y'all were driving around was there alcohol in
14 the car?

15 A No, sir.

16 Q They were not drinking as y'all were driving around?

17 A There was no alcohol while I was driving the vehicle.
18 While I was driving them around, there was no alcohol in
19 the car.

20 Q Where did y'all drove to?

21 A We drove to the Game Changer the bar in Mullins.

22 Q Did y'all go straight there?

23 A We went -- that was our first destination that we
24 drove to. It wasn't a straight shot there. We had
25 cruised around for a little bit, then we went there, yes,

1 sir.

2 Q And isn't it true that the purpose of going to the
3 Game Changer was is that Blake wanted to fight Chad?

4 A He wanted to confront Chad, yes, sir.

5 Q Now, you testified that y'all had to talk him out of
6 it when you got to the Game Changer?

7 A Yes, sir.

8 Q You also testified that he was angry and upset?

9 A Yes, sir.

10 Q And you testified also that there was bad blood, I
11 think, your words between Chad and Blake?

12 A I knew that they were angry with each other, but I
13 didn't know the extent of the bad blood.

14 Q So you're asking this jury to believe that he was
15 going over there just to have a conversation with Blake --
16 excuse me with Chad? Blake was going over to the Game
17 Changer simply to have a conversation with Chad?

18 A Yes, sir, I don't know the nature of that
19 conversation. I don't know the extent -- I knew it may
20 have turned into an argument, but from the best of my
21 knowledge, yes, sir.

22 Q Okay. Did Blake text on Facebook that he was going
23 to the Game Changer to quote handle some personal
24 business?

25 A I do not know that, sir.

1 Q Did Blake -- did he also call the Game Changer prior
2 to arriving there to make sure that Chad was at the Game
3 Changer for the purposes of confronting him?

4 A Blake had made many phone calls that night. I can't
5 remember if those were one of them, so I can't say that
6 for sure.

7 Q You're in the car with him, right?

8 A Yes, sir.

9 Q He didn't call Brent Cook and talk with Brent Cook?

10 A He may have, sir. Like I said, he was on the phone a
11 lot that night and I'm not exactly sure who all he was
12 talking to, so I can't say that or not.

13 Q And I think you also testified to the fact is is that
14 what he was upset about was is that his relationship with
15 Stacy was complicated?

16 A Yes, sir.

17 Q You testified that he had told you that Stacy was
18 pregnant, but he didn't seem happy about it because Stacy
19 and Chad -- excuse me Stacy and Blake were feuding. They
20 were not getting along at that particular period of time?

21 A Yes, sir.

22 Q Okay. How long have you been friends with Blake
23 excuse me -- you've already testified to that life-long
24 friends, right?

25 A Yes, sir.

1 Q Okay. Did he often talk with you about what was
2 going on in his relationship with Stacy?

3 A No, sir.

4 Q Even though you were best friends?

5 A I was not best friends with Blake. I was friends
6 with him, but I wouldn't say we were best friends.

7 Q I'm sorry I think you testified that you were goods
8 friends with him?

9 A Yes, sir.

10 Q Okay. Now, after you left the Game Changer, where
11 did you go to after you talk Blake out of in your words
12 confronting Chad?

13 A We went to Bill Strickland's.

14 Q And did y'all drink there?

15 A They drank, yes, they did.

16 Q How much did they drink?

17 A I don't know the exact number of beers that they had,
18 but I know they were drinking.

19 Q Do you know what they were drinking?

20 A I believe it was beer.

21 Q But you're not quite sure the quantity of it?

22 A No, sir.

23 Q And just for the record is that you know how much
24 that he had drink prior to at least your becoming the
25 designated driver for him and Matt at around seven

1 o'clock. You know how much they drink prior to that?

2 A No, sir.

3 Q So at least at this bar in Nichols you don't know
4 whether or not they drink one or whether or not they drink
5 seven?

6 A They didn't have -- I don't believe they had that
7 many drinks. We were only there for maybe an hour tops.
8 I'm not sure -- I can't say yes or no as to that. I don't
9 know how many they had to drink.

10 Q Okay. So because you don't know how many she -- they
11 had to drink you don't know whether or not it was one, you
12 don't know whether or not it was seven?

13 A Yes, sir.

14 Q That's the definition of I don't know how much; is
15 that correct?

16 A Yes, sir.

17 Q Okay. You also testified to the fact that you're in
18 the car when Blake and Matt were constantly on the phone
19 back and forth. I think you said they were on the phone,
20 you heard a male or female voice at some point in times;
21 is that correct?

22 A Yes, sir.

23 Q Did you know at some point in time that they were
24 talking -- that Blake was talking with Stacy and Logan and
25 even sometimes even had a conversation with Chad on the

1 phone? Did you know who he was talking to?

2 A No, sir.

3 Q Okay. Was he angry when he was talking on the phone?

4 A Yes, sir.

5 Q In fact, he was very angry, was he not?

6 A He was upset.

7 Q Did Blake tell you that night when he was back and
8 forth on the phone with Chad and Logan and Stacy that Chad
9 had confessed to sleeping with Stacy earlier that morning?

10 A I don't have any knowledge of that.

11 Q You don't know about that?

12 A No, sir.

13 Q The only thing that you know is that he was on the
14 phone and he was very angry?

15 A Yes, sir.

16 Q Was he cursing?

17 A He was cursing a little bit, yes, sir.

18 Q And after y'all left that bar, I think you testified
19 that you went back over to -- was it Matt's house?

20 A Yes, sir, we had went to Matt's house and we walked
21 over to Fletcher Estes' house his next door neighbor.

22 Q Okay. And who all was over at Fletcher Estes' house?

23 A It was Fletcher Estes, his girlfriend Carol Hardee,
24 Mary Strouder, myself, Matt and Blake.

25 Q And what was going on at Fletcher's house?

1 A They were cooking dinner at the time, we just walked
2 over to talk to them say hey. It's a normal thing on the
3 weekends we may walk over there and hang out with them.

4 Q They were also drinking, were they not? And there
5 was not alcohol at that event?

6 A I believe they may have been drinking with supper,
7 yes, sir.

8 Q And I just want to at least make sure for the jury.
9 I think you said they may have been -- did you see any
10 beer or not?

11 A Did I see any beer at Fletcher Estes's house?

12 Q Yes.

13 A No, sir.

14 Q Why do you think they may have been drinking for
15 dinner?

16 A I know in the past they've had beer with dinner, I
17 didn't see any at the time that night that I can remember.

18 Q Did you know whether or not Blake was continuing to
19 drink?

20 A Whenever we arrived back at Matt's residence, he
21 hadn't drink any more. But whenever he left, I mean, I
22 can't say for sure if he was drinking. I don't know if he
23 had got another beer from somewhere else.

24 Q So when you're at Fletcher Estes' house, you were not
25 with him the entire time?

1 A No, sir, he was -- sometime at some point he was
2 downstairs and I was upstairs.

3 Q So again you don't know whether or not he consumed
4 more beer or how much?

5 A No, sir.

6 Q How long did y'all stay at Fletcher Estes' house?

7 A We were there for -- I'm not exactly sure the time,
8 but it wasn't long at all. We weren't there longer than
9 an hour, I believe, before Blake had took off.

10 Q So less than an hour?

11 A I would say, yes, sir.

12 Q Now, did you see Logan when Logan arrived at Fletcher
13 Estes' home?

14 A Yes, sir.

15 Q Okay. And how did you know that she had arrived were
16 y'all all in the house?

17 A I was upstairs. And from how Fletcher Estes' house
18 is positioned, his house is high up so you can look down
19 into the yard. And I saw her standing outside talking to
20 Blake.

21 Q And how long were her and Blake -- well, I think you
22 previously testified that they were not just talking, but
23 they were actually yelling and screaming. I think you
24 said that they were verbally fighting?

25 A They were arguing.

1 Q How long did they verbally fight or argue?

2 A I'm not sure the duration of their time arguing.

3 Q How long had Stacy been at Fletcher Estes' house
4 before Blake took off?

5 A Stacy was never at Blake's house.

6 Q I apologize Logan. How long had Logan been at
7 Fletcher Estes' house before Blake had taken off in the
8 car?

9 A It wasn't long after she got there. She wasn't there
10 for a long period of time.

11 Q Was is it more than five minutes?

12 A Right around five minutes, yes, sir.

13 Q I think you testified that they were at the dirt road
14 and they were yelling and talking -- they were yelling at
15 each other and arguing with each other. Was anyone else
16 around them when they were yelling and arguing?

17 A No, sir.

18 Q And I think you testified that Blake may have called
19 her a bitch?

20 A I believe that's why they were arguing.

21 Q At any point in time was Stacy excuse me -- was Logan
22 attempting to get Blake and Chad together so that they
23 could fight?

24 A No, sir.

25 MR. CLEMENTS: Objection. I don't know how he

1 would even know that.

2 THE COURT: Objection sustained. Restate your
3 question.

4 MR. BROOKER: Thank you, Your Honor.

5 BY MR. BROOKER:

6 Q Okay. Let me at least ask it this way and you may
7 not know. When you were riding with Chad in the car and I
8 think you said that Chad was talking back excuse me --
9 riding with Blake in the car and Blake was talking back
10 and forth on the phone when you described it being maybe a
11 male or a female?

12 A Yes, sir.

13 Q And I think you testified that he was angry. He was
14 yelling on that phone?

15 A Blake wasn't verbally yelling. I mean, he was
16 talking back, but I could hear yelling coming from the
17 other end of the phone, yes, sir.

18 Q And isn't it true that he wanted to meet some place
19 in order to fight?

20 A Yes, sir.

21 Q Did he order you to drive some place so that he could
22 fight?

23 A No, sir.

24 Q Was there any plans to go any place to have this
25 fight? I know that you said he wanted to fight, but was a

1 meeting place or either a designation ever decided as to
2 are we going to go to this place and fight?

3 A I know at one point it was offered that Chad, if he
4 wanted to, he could come down to Matthew Lane's home. And
5 then it was later determined that they were going to go to
6 Stacy's house. I don't know if they were going to fight.
7 I was under the impression and I believe everybody else
8 was that Chad had left the residence, that was the only
9 way I would agree to drive him over there. But I didn't
10 have that opportunity do it he had took off.

11 Q Now, you testified that at, you know, at one point in
12 time that it was offered for Chad to come to Matt's house
13 to fight; is that what you just said?

14 A Yes, sir.

15 Q Okay. So by saying that is that what you're saying
16 is that you knew it was Chad at least at some point in
17 time on the other end of that phone.

18 A At some point, yes, sir.

19 Q Okay. So when you previously testified, you know,
20 that there was some unknown male, you know, that was on
21 the phone an unknown female, that wasn't the truth. You
22 knew who was on the phone?

23 A He was on the phone so many times that night, I don't
24 know if he was talking to one or two people that entire
25 night. He could have been talking to multiple people. I

1 don't know that for certain, but I do know at one point he
2 was on the phone with Chad.

3 Q And isn't it true that the reason why you were not
4 forthcoming with that information is is that you don't
5 want to paint your friend, your good friend Blake, in a
6 bad light and you don't want to explain how angry and
7 disgruntled he was that night; isn't that true?

8 A No, sir.

9 Q Okay. Now, who offered to meet at Matt Lane's? You
10 said there was an offer made for Chad to come to Matt
11 Lane's house? Did Blake make that offer?

12 A No, sir, I believe it was Matt that made that offer
13 since it was his home where he lived.

14 Q And Chad was also excuse me -- Matt was also on the
15 phone and also threatening to fight Chad?

16 A Matt was on the phone, but I don't recall any
17 threats.

18 Q Now, you testified -- I'm going to take you back to
19 Fletcher Estes' house and we're going to move forward.
20 You testified that y'all had discussed the possibility of
21 your driving Blake over to Stacy's house; is that correct?

22 A Yes, sir.

23 Q Who did you discuss that with?

24 A I talk to Matthew about that and Blake was aware of
25 that possibility as well.

1 Q And why were y'all going to go over to Stacy's house
2 around 11 or 12 o'clock at night whatever the time it was.
3 Why were y'all going to go over there?

4 A I was going to drive Blake over there because he was
5 going to talk to Stacy. I guess they were going to
6 discuss the fight that they just recently had, that was my
7 knowledge of that.

8 Q Did he tell you that or you drawing that conclusion
9 or assumption?

10 A We were under the impression it was only Stacy at the
11 residence.

12 Q And who gave you that impression?

13 A I believe it was out of Logan or Matt or Blake or one
14 of them had said that Chad had left, that's why we were
15 going to go over there.

16 Q So you believe out of Logan or Matt -- I'm sorry I
17 don't want to get what you said wrong. You believe that
18 either Logan or Matt or Blake had said that she was alone?

19 A I don't exactly remember the source of where the
20 information came from, but I know that I was aware of it.

21 Q But the source was from one of those three people is
22 what you're saying?

23 A Yes, sir, I believe so.

24 Q Now, you may or may not know this and I'm going to
25 ask you for the proposes of logic. Now, it is my

1 understanding that you were going to drive Blake over to
2 Stacy's house so that Blake could have a conversation with
3 Stacy about the ongoing argument or fight that they were
4 having?

5 A Yes, sir.

6 Q And that you were also under the impression that
7 Stacy was home alone?

8 A Yes, sir.

9 Q Now, if all of those factors are correct and you tell
10 me whether you do or don't, do you have any idea what set
11 Blake off and he threw this plan in the trash and jumped
12 in the car and took off by himself?

13 MR. CLEMENTS: Objection, calls for speculation.

14 THE COURT: Hold on. The way he asked the
15 question he can answer it if he knows the answer to it, if
16 he knows the answer to the question. The way he answered
17 it was appropriate. I'll allow you to answer the question
18 if you know the answer.

19 A I don't know. I don't know the answer.

20 Q So you don't know what set him off?

21 A No, sir.

22 Q And it's my understanding is that he peel out of that
23 car and ran in the ditch because he was really really bent
24 on getting to Stacy's house very quickly?

25 A No, sir, I don't believe he ran into any ditch on the

1 way to Stacy's residence.

2 Q I think you testified that Logan and Matt jumped into
3 a car and went after them?

4 A They got in Logan's car, yes, sir.

5 Q So they got into Logan's car?

6 A It was either a car or SUV. I can't exactly
7 remember. They got in her vehicle and then took off and
8 followed the way.

9 Q Okay. Well, and that's what I was going to ask you
10 is that you previously testified that you didn't know --
11 you wasn't sure what the vehicle was. Now, you're saying
12 that it was actually Logan's car and it was an SUV or was
13 that just a mistake?

14 A I'm not exactly sure what model frame of the vehicle,
15 that's why I'm referring to it as a vehicle because I
16 can't exactly remember.

17 Q And it was your testimony and I want to correct this
18 because I'm almost finish. It's your testimony that you
19 knew Matt was in the car with Logan when they went after
20 Blake?

21 A Yes, sir.

22 Q And I think you testified on direct examination that
23 is is that you cannot say whether or not there was another
24 male that was in that car. You said that you didn't see
25 anyone missing, but you cannot say that there was another

1 male that was not in Logan's car when they went after
2 Blake?

3 A Everybody that was there that night -- no. I mean, I
4 can't say that for certain, but for the best of my
5 knowledge, there was only two people in that vehicle and
6 that was Logan and Matt. Everybody else that was there in
7 that surrounding area that night there was nobody missing,
8 no, sir.

9 Q And it is your testimony and you tell me I just want
10 to get it on the record that you were not the second male.
11 Are you telling this jury that you were not the second
12 male that got into Logan's car and went with Matt and
13 Logan to go after Blake when Blake rushed off to Stacy's
14 house?

15 A No, sir.

16 MR. BROOKER: You can indulge me for just a
17 second, Your Honor, let me make sure I don't have any
18 follow-up questions before...

19 THE COURT: Yes, sir.

20 MR. BROOKER: Your Honor, may we approach?

21 THE COURT: Yes, sir.

22 MR. BROOKER: And I want to ask a question maybe
23 to streamline the process.

24 THE COURT: Come around here.
25

1 (WHEREUPON, a bench conference was held in the
2 presence of the jury, but out of the hearing of the
3 jury.)

4 THE COURT: Ladies and gentlemen, what I'm going
5 to do right now it's pushing six o'clock. I'm going to
6 let you all go for the balance of the evening. Do not, do
7 not discuss the case. Do not do any independent
8 investigation on your own. You're to decide this case
9 based solely upon the evidence and testimony that's
10 presented in here and no where else. Please be back in
11 the jury room tomorrow morning at nine o'clock, at nine
12 o'clock and we will resume the trial of this case promptly
13 at that time as possible. Thank you all. You all are
14 free to go. Everybody else remain seated while this jury
15 exits the courtroom.

16 (WHEREUPON, the jury excused for the day.)

17 THE COURT: Now, Mr. Brooker, what were you
18 saying up here at side bar? I want to make sure this is
19 on the record please.

20 MR. BROOKER: Your Honor, is is that it's just
21 was at least my attempt to try to at least prevent the
22 possibility of him having to come back, you know, at a
23 later time after Matt testifies because obviously he gave
24 a very short statement. His statement is based upon
25 information that he had received from Matt. Matt is

1 obviously -- the normal order of things Matt would testify
2 and then, of course, he would then be called to testify
3 potentially as a rebuttal, but what I was trying to tell
4 Mr. Clements he didn't have a problem I wouldn't mind at
5 least consenting to him testifying to hearsay statement
6 that he gave ---

7 THE COURT: That Matt gave to him? That Matt
8 gave to him?

9 MR. BROOKER: Yes.

10 THE COURT: And what's your objection, Mr.
11 Clements?

12 MR. CLEMENTS: I think he's completely
13 mischaracterizing what those words mean and what's being
14 said because Matt's already testified at the stand your
15 ground hearing that he thought that when Blake was shot
16 that he hadn't even risen fully up out of the car, so
17 that's on the record. Then on this statement which was
18 written by law enforcement officer for him because he was
19 so upset it ---

20 THE COURT: There hadn't been any testimony to
21 that.

22 MR. CLEMENTS: He did testify to that. He
23 testified that he had Sergeant Cribb write it for him
24 because he couldn't write it. It was only just a couple
25 sentences.

1 THE COURT: It was just a few sentences, but let
2 me ask you this question. What's the difference from him
3 testifying as to what Matt allegedly said to him that he
4 signed that statement any different from what he testified
5 previously as to what Matt told him pursuant to those
6 hearsay exceptions that I allowed you to bring out what
7 you brought out, what's the difference there?

8 MR. CLEMENTS: It's the way that Mr. Brooker
9 asked him said that he said he hadn't gotten out of the
10 car and I think exiting is completely different thing. He
11 had not pulled himself all the way out of the car. And
12 you can quiver about what the words mean all day long, but
13 it's what it says and that's exit not what he said.

14 THE COURT: Well, I'm not getting into the --
15 I'm not saying that what he is saying is being offered for
16 the truth of the matter asserted. I'm asking you is why
17 can he not testify consistent with his statement based
18 upon what Matt allegedly told him which fell within the
19 exceptions of the hearsay rule that I allowed you to get
20 some testimony out after Matt called him. I mean, we're
21 talking about the same ball of wax so to speak, are we
22 not? I mean, how is it different that's what my question
23 is to you?

24 MR. CLEMENTS: It's coming through a third party
25 has written it and it's not offered as an excited

1 utterance. It's not offered as to what he said that
2 somebody else said not what somebody else said.

3 THE COURT: Well, let me ask this, provided he
4 lays the proper foundation to establish it as one of those
5 hearsay exceptions, why does it not come in then?

6 MR. CLEMENTS: If he can lay a foundation then
7 it comes under a proper hearsay exception, then sure it
8 comes in, but I don't think he's doing it. He's talking
9 about something that somebody said that somebody else
10 said where is what I ask about was when he's all upset
11 that he's hysterical, what did he say, that's different.

12 THE COURT: Mr. Allen, you can step down young
13 man. Do not discuss your testimony at all the overnight.
14 I need you back in here nine o'clock in the morning. I'll
15 get you out of here as quickly as I can, but do not
16 discuss your testimony, okay.

17 THE WITNESS: Yes, sir.

18 THE COURT: We clear on that?

19 THE WITNESS: Yes, sir.

20 THE COURT: All right. Now, having said all
21 that, I'll see if Mr. Brooker can lay the foundation to
22 possibly get that in in the morning and I'll further
23 think it about as well. But if he can lay the foundation,
24 maybe it comes in, maybe it doesn't.

25 MR. CLEMENTS: I'll think about it overnight, I

1 might not even object to him just putting the statement
2 in.

3 THE COURT: Well, you all talk about it, have a
4 good night. Nine o'clock in the morning.

5 (WHEREUPON, the proceedings were concluded for
6 the day to be reconvened on May 19, 2015.)

7 THE COURT: Anything from the State before I
8 bring the jury out?

9 MR. CLEMENTS: No, Your Honor.

10 THE COURT: Defense counsel?

11 MR. BROOKER: No, sir, Your Honor.

12 THE COURT: Mr. Allen, if you come around here,
13 sir, and take the stand.

14 Let me ask you all, Mr. Clements, Mr. Brooker,
15 did you all have a chance to further discuss what we ended
16 with here yesterday afternoon concerning this statement?

17 MR. CLEMENTS: No, sir. We actually didn't talk
18 about it at all. My only thing is this is a second or
19 third string of hearsay removed, but other than that, I
20 don't have a lot of heartburn about it, Judge. However,
21 you rule whatever you think's appropriate.

22 THE COURT: Well, let's talk about that a minute
23 now. You say second or third string hearsay tell me how?
24 I'm just trying to think through this thing. The only
25 difference that I see it is the fact that it's reduced to

1 writing in that statement. And I don't know and I have to
2 go back and look at my notes as far as the timeline when
3 all of this took place. But if it's not within one of the
4 exceptions, you're exactly right in that it would be
5 hearsay?

6 MR. CLEMENTS: The reason I think that, Judge,
7 is this the one where he initially said that -- where he
8 testified that Matt got out and he was all upset.

9 THE COURT: Right.

10 MR. CLEMENTS: He said Blake's dead, he got
11 shot. He's dead. I think that's hearsay exception. What
12 Mr. Brooker is asking about is something that Mr. Allen
13 says that Mr. Lane said, that Mr. Allen said to Sergeant
14 Cribb, who Sergeant Cribb wrote this on this sheet of
15 paper. Let me see -- because it says right down at the
16 bottom here it says I, Sergeant Cribb, wrote this
17 statement for Ethan Allen. So that makes it conditional
18 string of hearsay.

19 MR. BROOKER: No, I doesn't, Your Honor.

20 THE COURT: Well, unless you want to put some
21 argument, I disagree with you on that but respecting your
22 position.

23 Go ahead, Mr. Brooker.

24 MR. BROOKER: Well, one of the things I would
25 say, Your Honor, is is what's giving me so much heartburn

1 is is that, you know, we would try to introduce it on the
2 grounds that we're not introducing it for the truth -- for
3 the purpose in which it's admitted. We actually don't
4 believe the statement on this form.

5 THE COURT: Well, I think you need to comply
6 with Rule 613 in your examination of this witness
7 concerning a prior statement.

8 MR. BROOKER: Okay.

9 THE COURT: All right. Rule 613 specifically
10 sets out the method and manner in which you need to do
11 this. And if you don't do it that way, then you going to
12 have some problems.

13 MR. BROOKER: I understand, Your Honor.

14 THE COURT: All right. Bring me the jury
15 please, sir.

16 Mr. Allen, I remind you that you're still under
17 oath, okay.

18 THE WITNESS: Yes, sir.

19 THE COURT: Hold on a minute, hold on a minute.
20 Hold the jury just a minute. I'm sorry. Let me ask this
21 question of you, Mr. Allen, before I bring this jury out.
22 When we broke yesterday, I told you not to discuss your
23 testimony at all during overnight break. Did you comply
24 with this court's order?

25 THE WITNESS: Yes, sir, I did.

1 THE COURT: Thank you very much.

2 Now, you may bring me the jury. Thank you.

3 (WHEREUPON, the jury came into open court.)

4 THE COURT: All right. Good morning, ladies and
5 gentlemen, I hope you all had a nice, restful evening last
6 night and are ready to continue with the trial of this
7 case. When we stopped yesterday, Mr. Allen was on the
8 stand. Mr. Brooker was engaged in cross-examination if I
9 recall correctly. Therefore, I am going to recognize you
10 again, Mr. Brooker, any further cross-examination of this
11 witness.

12 MR. BROOKER: Just very briefly, Your Honor.

13 THE COURT: All right.

14 CROSS-EXAMINATION CONTINUED

15 BY MR. BROOKER:

16 Q Mr. Allen, just very briefly. The first time you
17 received a call and I think you testified yesterday, if my
18 memory serves me correctly, that at least sometime after
19 the shooting that you had receive a call from Matthew
20 Lane; is that correct?

21 A Yes, sir.

22 Q And at that particular period of time that when you
23 received that call from Matthew Lane and I think you told
24 me that you left -- you and Fletcher Estes left to try and
25 find Matthew in Fletcher's white SUV because Fletcher

1 seen excuse me -- because Matthew Lane seem to be at
2 least, you know, disturbed?

3 A No, sir. Matt was at Fletcher's house. Whenever
4 Matthew came back, Me and Fletcher got in his truck and
5 then we went to go find Blake.

6 Q Now, also you testified that you drove Blake to the
7 Game Changer so that he could look for Chad in order to
8 confront him. Is what -- the words you used; is that
9 correct?

10 A Yes, sir.

11 Q So also true that you not only just went to the Game
12 Changer, but actually that is that you and Matthew and
13 Blake actually drove around to various places looking for
14 Chad in order for Blake to confront him just wasn't the
15 Game Changer, that wasn't the first place that you went;
16 is that correct?

17 A No, sir, once we left the Game Changer, we didn't
18 proceed to look for Blake anymore. We went to Bill
19 Strickland's in Nichols, South Carolina.

20 Q I'm talking about prior to arriving to the Game
21 Changer. Y'all rode around before you arrived to the Game
22 Changer trying to find Chad?

23 A No, sir.

24 Q Now, I think you testified that -- and, of course, I
25 don't know this, but I want to be absolutely certain about

1 this for the timeline purposes is that you testified that
2 you got to Matt's house or at least you and Matt and Blake
3 got together around seven o'clock you said you think?

4 A Yes, sir, it was still daylight at the time.

5 Q Still daylight at the time. Were you with Blake and
6 Stacy excuse me -- were you with Blake and Matt when they
7 went over to Stacy's house at any point in time?

8 A No, sir, as I stated yesterday, I never been to
9 Stacy's house prior to arriving on the scene with Fletcher
10 Estes as I stated yesterday.

11 Q And I think this is probably going to be my last
12 question. Is that when you -- when y'all returned from
13 Nichols at the bar in Nichols and I think you testified
14 yesterday that y'all went back to Fletcher's house. You
15 went inside and that I think you correct me if I'm wrong,
16 your testimony was that Blake stayed outside sitting in
17 the car talking on the phone whatever. Do you remember
18 what I'm talking about?

19 A Yes, sir.

20 Q Okay. At any point in time did you and Matthew
21 discuss Blake's relationship with Stacy at that particular
22 period of time?

23 A At that time, no, sir, the discussion of that had
24 already been done.

25 Q So you did not discuss with Blake excuse me --

1 discuss with Matt Blake's relationship with Stacy?

2 A At that particular time, no. There was no discussion
3 of Blake and Stacy's relationship.

4 MR. BROOKER: Indulge me for just a second just
5 make sure.

6 THE COURT: Yes, sir.

7 (WHEREUPON, a pause in the proceedings.)

8 MR. BROOKER: No further questions, Your Honor.

9 THE COURT: Any redirect?

10 MR. CLEMENTS: Briefly.

11 REDIRECT EXAMINATION

12 BY MR. CLEMENTS:

13 Q Ethan, I want to be sure I understand. Mr. Brooker
14 just asked you about if y'all discussed that relationship
15 with Blake and Stacy with Matt then and you said no. But
16 earlier, hadn't you?

17 A Yes, sir.

18 Q Okay. I want to be clear about that. And
19 Mr. Brooker got up here and I want to be sure the jury's
20 not confused about this. He talked about you and Fletcher
21 getting in his white SUV. Does he have a white SUV?

22 A No, sir.

23 Q What does he have?

24 A Fletcher has a -- I believe it's a white Dodge Ram
25 pickup truck.

1 Q Pickup truck not a SUV?

2 A Yes, sir.

3 Q Okay. Didn't want that confusion.

4 MR. CLEMENTS: That's all, Your Honor, and Mr.
5 Allen can be excused from his subpoena. I would request
6 that.

7 THE COURT: Well, first of all, Mr. Brooker, any
8 further recross?

9 MR. BROOKER: No further recross, Your Honor.

10 THE COURT: All right. Any objections, Mr.
11 Brooker, to him being excused?

12 MR. BROOKER: No objection, Your Honor.

13 THE COURT: Thank you. Sir, you may step down.
14 You're free to go. You have no further responsibility
15 here. Have a nice day.

16 (WHEREUPON, the witness leaves the witness
17 stand.)

18 MR. CLEMENTS: Your Honor, we like to call Eddie
19 Sawyer to the stand.

20 THE CLERK: Raise your right hand. Do you
21 solemnly swear or affirm the evidence you're about to give
22 in the trial of this case shall be the truth, the whole
23 truth and nothing but the truth so help you God?

24 THE WITNESS: I do.

25 THE CLERK: Thank you. You may take the witness

1 box.

2 WHEREUPON,

3 Eddie Sawyer,

4 after first having been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. CLEMENTS:

7 Q Will you please state your name for the record and
8 tell this jury what you do for a living?

9 A My name is Eddie Sawyer. I'm a lieutenant with the
10 sheriff's office. I'm over the evidence.

11 Q And now long have you been with the sheriff's office?

12 A Since 1987.

13 Q And you say you're over evidence what does that
14 exactly mean?

15 A When officers collect physical evidence, they bring
16 it to me, I log it in. I carry some of it to SLED. I pick
17 it up from SLED and bring it back just to preserve the
18 physical evidence that they give as far as a case.

19 Q Is it sometime do you give it to SLED agents to take
20 to SLED?

21 A Yes, sir.

22 Q Okay. All right. Did you have occasion to handle
23 any evidence in this case regarding Chad Strickland in the
24 death of Blake Dozier?

25 A Yes, sir.

1 Q And you have some items there you might let me -- how
2 many items are in this box?

3 A I couldn't tell you because when I receive it, I'd
4 have to take it out.

5 Q Was this opened in your presence by Mr. Brooker and
6 I?

7 A Yes, sir.

8 (WHEREUPON, State's Exhibits Nos. 11, 12 and 13
9 were marked for identification only.)

10 BY MR. CLEMENTS:

11 Q Okay. I'm going to show you what's been marked
12 State's Exhibit 13. Is this what you brought back from
13 SLED?

14 A Yes, sir.

15 Q All right. I'm going to show you State's Exhibits 11
16 and 12. Is this what was contained in the box we opened
17 it in your presence.

18 A Yes, sir.

19 Q And it came back from SLED number 11 and number 12
20 came back from SLED inside the box?

21 A Yes, sir.

22 Q Okay.

23 MR. CLEMENTS: Beg the Court's indulgence.

24 (WHEREUPON, a pause in the proceedings.)

25 MR. CLEMENTS: Lieutenant Sawyer, I appreciate

1 that. Mr. Brooker, has any questions will you please
2 answer those.

3 THE COURT: Cross-examination.

4 MR. BROOKER: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. BROOKER:

7 Q Thank you, Lieutenant Sawyer. Mr. Clements made
8 reference to I think exhibits -- what's been marked as
9 State's Exhibit 11, 12 and 13; is that correct?

10 A Yes, sir.

11 Q And, of course, this was received in your -- at some
12 point in time receive possession of these exhibits?

13 A Yes, sir.

14 Q Do you know who you received possession of these
15 exhibits from?

16 A Ms. Doris Yarborough.

17 Q I'm sorry.

18 A Ms. Doris Yarborough.

19 Q Mr. Yarborough?

20 A Ms. Doris P. Yarborough. She works at SLED.

21 Q And, of course, you received possession of these
22 after they were coming back from SLED?

23 A Yes, sir.

24 Q Okay. Did you ever have possession of them prior to
25 them being sent to SLED?

1 A No.

2 Q You only receive them when they came back?

3 A I received it when it came back.

4 Q Okay. And then, of course, they been in your
5 possession ever since?

6 A Yes, sir.

7 Q Okay. Now, just a silly question, I already know
8 what the answer is, but I need to ask it. Is that
9 Mr. Sawyer you're not a fact witness to anything that
10 happened on November 4, 2012, at least immediately prior
11 to the shooting or either at the time of the shooting?

12 A No, sir.

13 Q Okay. So it's not to testify, you're not here to
14 testify to this jury that you have any direct factual
15 information as to what happened on that particular day?
16 My understanding is that your only testimony was is that
17 you were the custodian that held these specific exhibits
18 once they came back from SLED?

19 A Yes, sir.

20 MR. BROOKER: No further questions.

21 THE COURT: Mr. Clements.

22 MR. CLEMENTS: We ask that Lieutenant Sawyer be
23 released from his subpoena.

24 THE COURT: Any objection?

25 MR. BROOKER: No objection, Your Honor.

1 THE COURT: Sir, you may step down. You're
2 excused. You have no further responsibility here.

3 (WHEREUPON, the witness leaves the witness
4 stand.)

5 MR. CLEMENTS: Your Honor, we call Mr. James Lee
6 to the stand.

7 THE CLERK: Do you swear or affirm the testimony
8 you're about to give in the trial of this case shall be
9 the truth, the whole truth and nothing but the truth so
10 help you God?

11 THE WITNESS: I do.

12 THE CLERK: Thank you. You may take a seat in
13 the witness box.

14 (WHEREUPON, State's Exhibits Nos. 14, 15, 16 and
15 17 were marked for identification only.)

16 THE COURT: Mr. Clements, Mr. Brooker, can y'all
17 approach over here for just a second please.

18 (WHEREUPON, a bench conference was held in the
19 presence of the jury, but out of the hearing of the
20 jury.)

21 THE COURT: Ladies and gentlemen, real quickly
22 before we go any further. The last witness that was
23 called was Mr. Eddie Sawyer. He was not named as a
24 potential witness or at least I did not call out his name
25 as a potential witness prior to the beginning of this

1 trial. If you will recall, I listed out -- I called out
2 several witnesses. And after each group of witnesses, I
3 asked you various questions because Mr. Sawyer was not
4 named or called out to you all, I am going to ask you that
5 couple questions now. Is anybody on this jury ever been
6 related by blood, connected by marriage, had a close
7 personal, business or social relationship with Mr. Eddie
8 Sawyer, if so raise your right hand? Let the record
9 reflect that no one has raised their hand in response to
10 such question. Any further requested questioning of this
11 jury by defense counsel concerning his testimony?

12 MR. BROOKER: None, Your Honor.

13 THE COURT: Mr. Clements.

14 MR. CLEMENTS: No, Your Honor.

15 THE COURT: Thank you. Now, you may continue,
16 sir.

17 MR. CLEMENTS: Thank you, Your Honor.

18 WHEREUPON,

19 James Lee,
20 after first having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. CLEMENTS:

23 Q Could you please tell this jury who you are and what
24 you use to do?

25 A My name is James Lee. I'm a retired detective with

1 the sheriff's department, been in law enforcement 18
2 years.

3 Q And when did you retire from the sheriff's
4 department?

5 A February 25th 2013.

6 Q Okay. And you still stay pretty involved, don't you?

7 A Yes, sir.

8 Q Still got a lot of cases you have to testify on?

9 A Yes, sir.

10 Q Okay. So you were involved in the investigation of
11 the death of Blake Dozier?

12 A Correct.

13 Q Were you the lead investigator on that case?

14 A No, sir.

15 Q What was your particular part in the investigation
16 that you participated in?

17 A I assisted the lead detective on this case Charlie
18 Watson. And I was asked to do something, I go do it.
19 This particular case here I was asked to meet with them
20 down at near Woodlawn Baptist Church to try to locate the
21 pistol.

22 Q Okay. And can you tell me where that Baptist church
23 was located?

24 A It's -- the church itself located at the end of
25 Scotch Community Road.

1 Q Okay. And you received a call to meet other officers
2 out there?

3 A Yes, sir.

4 Q How many other officers were out there if you recall
5 or just tell us who you recall out there?

6 A I recall Detective Bell, Watson, Craig Walker, which
7 was a reserve officer, myself and I think at that time
8 Detective Rouse was riding with me I'm not sure.

9 Q Neil Rouse?

10 A Yeah.

11 Q All right. Did you see Mr. Chad Strickland out there
12 too?

13 A He was in the car.

14 Q He was in the car?

15 A Yes, sir.

16 Q What were you there specifically for?

17 A To locate the pistol.

18 Q Okay. Did you locate the pistol?

19 A Yes, sir.

20 Q And where did you locate the pistol?

21 A It was off in the edge of the woods down a little
22 ravine. It's not very deep and it's -- I think probably
23 at some time water run through there because it looks like
24 a little bridge there.

25 Q Okay. Now, did you document that location when you

1 found -- did you find the pistol there?

2 A Yes, sir.

3 Q You find anything else with the pistol?

4 A I found the holster was with the pistol.

5 Q Did you document that location in anyway?

6 A Yes, sir.

7 Q How did you do that?

8 A I photographed it.

9 Q Okay. I'm going to show you some photographs and
10 they had been marked for State's Exhibits 17, 16 going
11 backwards 14 and 15 and they been marked for I.D. tell me
12 if you look at those four exhibits and tell me yes or no
13 if you recognize them?

14 A Yes, sir.

15 Q Thank you. Detective Lee, State's Exhibit 14 can you
16 tell us what that is?

17 A That is a semi-automatic pistol with the clip removed
18 inside the box.

19 Q And who put that in the box?

20 A I did.

21 Q All right. Is this the pistol y'all found?

22 A Yes, sir.

23 Q Okay.

24 MR. CLEMENTS: All right. Your Honor, we move
25 State's Exhibit 14 into evidence at this time.

1 THE COURT: Any objection?

2 MR. BROOKER: No objection, Your Honor.

3 (WHEREUPON, State's Exhibit No. 14 was admitted
4 into evidence.)

5 BY MR. CLEMENTS:

6 Q I'm going to show you State's Exhibit 15. Can you
7 tell us what that picture depicts?

8 A It's showing the pistol on the ground and a little
9 further over from the right it appeared to be the holster.

10 Q Okay.

11 MR. CLEMENTS: Your Honor, we would move State's
12 Exhibit 15 into evidence at this time.

13 THE COURT: Any objection?

14 MR. BROOKER: No objection, Your Honor.

15 (WHEREUPON, State's Exhibit No. 15 was admitted
16 into evidence.)

17 BY MR. CLEMENTS:

18 Q State's Exhibit 16?

19 A That's a closer shot of the pistol on the ground.

20 Q That's where it was located?

21 A Yes, sir.

22 MR. CLEMENTS: Okay. Your Honor, we move
23 State's Exhibit 16 into evidence at this time.

24 MR. BROOKER: No objection, Your Honor.

25 THE COURT: Without objection so admitted.

1 (WHEREUPON, State's Exhibit No. 16 was admitted
2 into evidence.)

3 BY MR. CLEMENTS:

4 Q I' m going to show you State's Exhibit 17. Can you
5 tell me what that depicts?

6 A That's showing the area where the pistol was located
7 and just actually around the area was looking like that
8 time of the year.

9 Q Okay.

10 MR. CLEMENTS: Your Honor, we move State's
11 Exhibit 17 into evidence at this time.

12 MR. BROOKER: Without objection, Your Honor.

13 THE COURT: Without objection as to 14, 15, 16,
14 17. They're so admitted into evidence.

15 (WHEREUPON, State's Exhibit 17 were admitted
16 into evidence.)

17 MR. CLEMENTS: Your Honor, I request to publish
18 it.

19 THE COURT: Yes, sir.

20 (WHEREUPON, a pause in the proceedings.)

21 BY MR. CLEMENTS:

22 Q This location here on State's Exhibit 17 near that
23 church that was approximately how far from where the crime
24 scene itself took place if you know?

25 A I estimate where the bird flies or by the road.

1 Q Let's try by road. I don't know how to fly like a
2 bird.

3 A Quarter to three eighths of a mile.

4 Q Okay. All right. And this was what day after the
5 shooting took place one or two days or how many days?

6 A Later on the same day.

7 Q Later on the same day. So this how all that foliage
8 looked around there?

9 A Yes, sir.

10 Q Now, I like to show you if I may State's Exhibit 13.
11 Is this the same type of box or not that's depicted in
12 State's Exhibit 14?

13 A Same type of box.

14 Q And whose listed here on State's Exhibit 13 as have
15 collected this?

16 A Myself.

17 Q Okay. Now, what is the purpose for boxing up a
18 weapon like that, why do you all do that and what do you
19 do with it after that?

20 A Well, first before I picked the pistol up, I gloved
21 up. If there's any form of fingerprints or DNA that be on
22 there, it wouldn't be mine. It would be whoever had it
23 last or prior.

24 Q All right. And y'all box it up to do what with it?

25 A Send to SLED.

1 Q Send to SLED. Okay. All right. To your knowledge,
2 how did you know to look in that particular spot for that
3 gun?

4 A Mr. Strickland had volunteered to take the two
5 detectives out there in that area to show them.

6 Q Okay. And that's who you got a call from to come
7 help?

8 A Correct.

9 MR. CLEMENTS: Beg the Court's indulgence a
10 moment.

11 (WHEREUPON, a pause in the proceedings.)

12 MR. CLEMENTS: Thank you, Mr. Lee. That's all
13 the questions I have. I'm sure Mr. Brooker has some if
14 you please answer his.

15 THE COURT: Cross-examination.

16 MR. BROOKER: Just very briefly, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. BROOKER:

19 Q Mr. Lee, I think you said you were a detective at
20 that particular period of time?

21 A Correct.

22 Q And, of course, you were brought out there to assist
23 in locating this gun?

24 A Correct.

25 Q And at least for the record I think you already

1 stated this, but it's -- I think it's your testimony that
2 the reason why you were able to find this gun so quickly
3 was because Mr. Strickland cooperated and advised the
4 detectives exactly where the gun was located at?

5 A Correct.

6 Q And, of course, is isn't it also true is that in
7 addition to telling them where the gun was located at that
8 he agreed to ride along with the detectives to show them
9 exactly where it was to make sure that they find the gun;
10 is that correct?

11 A Yeah.

12 Q Okay. And I think you also testified that one of the
13 reasons for boxing up the gun was is to make sure that
14 there's no missing fingerprints, you know, anything like
15 that or to I guess destroy any evidence might be on a gun?

16 A Correct.

17 Q But that wasn't necessary in this particular case
18 because he freely admitted that was his gun and that's the
19 gun he had used; is that correct?

20 A Repeat that again.

21 Q Said that wasn't necessary with respect -- at least
22 that wasn't something that was really important in this
23 particular case because Mr. Strickland had freely admitted
24 that was his gun; is that correct?

25 A I guess that be correct, but he didn't admit it to

1 me. He must have been admitted to the other officers.

2 Q Okay. And just a couple more questions and I'll
3 sitting down with respect to change of custody. I
4 think -- did you take the firearm in possession?

5 A Yes, sir.

6 Q Did you take it in possession from the scene from the
7 woods?

8 A Correct.

9 Q Okay. And what did you do with it once you took it
10 in possession?

11 A Once I went back up to the highway with it where the
12 cars were, I turned it over to Detective Watson.

13 Q And, of course, the only thing that was collected at
14 least at that particular area was is it the gun, the
15 magazine, and a holster; is that correct?

16 A Correct.

17 Q Okay. All three of those items were turned over to
18 Detective Watson?

19 A Correct.

20 Q And I'm assuming that after you turned it over to
21 Detective Watson that you have no further contact at least
22 with these items?

23 A Correct.

24 Q Didn't handle them again?

25 A No.

1 Q And again just going to ask you this question
2 probably already know answer to this, but, Detective Lee,
3 you were not a witness -- you were not a direct witness
4 with respect to an eyewitness with respect to what took
5 place at Ms. Stacy Logan's home immediately prior to the
6 shooting or either at the time of the shooting in this
7 case?

8 A No.

9 Q Okay. So you're not here to testify to this jury of
10 any direct evidence in which you witness either
11 immediately after excuse me -- immediately prior to the
12 shooting or either at the time of the shooting, you're not
13 here to testify to anything that you know from personal
14 knowledge?

15 A No.

16 MR. BROOKER: If you could indulge me for just a
17 second, Your Honor.

18 THE COURT: Yes, sir.

19 (WHEREUPON, a pause in the proceedings.)

20 MR. BROOKER: No further questions, Your Honor.

21 THE COURT: Any redirect?

22 MR. CLEMENTS: Your Honor, we would ask that Mr.
23 Lee be released from his subpoena so he could get back to
24 fishing.

25 THE COURT: Any objection?

1 MR. BROOKER: No objection to that.

2 MR. CLEMENTS: Thank you, Mr. Lee.

3 THE COURT: Mr. Lee, you may stop down. Thank
4 you have a nice day.

5 (WHEREUPON, the witness leaves the witness
6 stand.)

7 MR. CLEMENTS: Your Honor, we like to call
8 Darren Miles to the stand.

9 THE CLERK: Do you swear to tell the truth, the
10 whole truth, and nothing but the truth so help you God?

11 THE WITNESS: I do.

12 THE CLERK: Please step to the witness stand.

13 WHEREUPON,

14 Darren Miles,
15 after first having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. CLEMENTS:

18 Q Could you please state your name for the jury and
19 tell them what you do for a living?

20 A I'm Darren Miles. I'm currently employed by the
21 Marion County sheriff's office as a lieutenant over the
22 uniform patrol division.

23 Q All right. And as a lieutenant over the uniform
24 patrol division, you usually get involved in
25 investigations?

1 A I assist. I wouldn't go into saying I get involved
2 in it.

3 Q That's not your main job?

4 A No, sir.

5 Q Okay. But on occasion do you get called to handle
6 some paperwork or assist in that kind of way?

7 A Yes, I do.

8 Q Can you tell this jury what you did to assist
9 Detective Watson and the other detectives in the case
10 involving Chad Strickland and Blake Dozier?

11 A Yes, when we received a call of the incident, the
12 command staff was called out. All the investigators were
13 called out. I responded to the sheriff's office. I
14 received information about the crime scene as far as
15 descriptive indicators of the residence, the property and
16 I prepared that data for the search warrant and
17 subsequently meet with Chief Magistrate Dan Barker and had
18 him sign the search warrant. And then it was delivered to
19 the investigator, so SLED crime scene unit could process
20 the scene.

21 Q And y'all do that for what purpose?

22 A It's standard with any crime scene when SLED is
23 called in to investigate it, there has to be a search
24 warrant to allow us legal access to process the crime
25 scene.

1 Q And so that was a necessary piece so that the
2 investigation could continue?

3 A Yes, sir.

4 Q Do you know about what time of the evening it was and
5 whether you had to wake up the judge to do that?

6 A According to my copy of the search warrant, it was
7 printed at 1:11 a.m. And therefore I don't directly
8 recall, but I would feel comfortable in saying I had to go
9 to the judge's house and wake him up to get him to sign
10 the search warrant.

11 Q That's not rare, is it?

12 A No, sir.

13 Q Okay. Just comes with the territory?

14 A Part of the job.

15 Q And part his job as well?

16 A Yes, sir.

17 Q All right. Now, you didn't take any participation in
18 executing the search at all, did you?

19 A No, sir.

20 Q Did you even go to the scene?

21 A No, sir, I was never on the actual crime scene.

22 Q Another officer took the search warrant there?

23 A That's correct.

24 Q Okay. You don't know what time SLED got there, do
25 you?

1 A No, I don't.

2 Q And after there's a search warrant what happens after
3 the search warrant is executed as far as paperwork?

4 A The search warrant is executed. A copy is delivered
5 to the property or property owner. A return is completed
6 explaining what items were taken from the scene. And then
7 the return is signed by a judge again, but that is not --
8 that's done by the officers executing the search warrant.

9 Q And you don't have any participation filling out the
10 return and having the returned signed, do you?

11 A No, sir.

12 Q All right. And to your knowledge that was done in
13 this case. It was executed and a completed returned was
14 filed?

15 A To my knowledge, yes.

16 MR. CLEMENTS: Beg the Court's indulgence.
17 Lieutenant Miles, thank you very much. If you would
18 please answer any questions Mr. Brooker has.

19 THE COURT: Cross-examination.

20 MR. BROOKER: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. BROOKER:

23 Q This is going to be very brief, Detective Miles or
24 Lieutenant Miles, I'm sorry. Is that my understanding is
25 that your only involvement in this case was is that you

1 prepared and had a search warrant signed by the local
2 magistrate's judge so that detectives and SLED crime scene
3 investigation could go out to the scene of the shooting
4 and collect evidence; is that correct?

5 A That's correct.

6 Q And I'm assuming you just turned that search warrant
7 over to someone you have no further involvement?

8 A That's correct.

9 Q Okay. I'll ask you this question as I ask everyone
10 else to be sure is you have no direct personal knowledge
11 as a witness of what took place immediately prior to the
12 shooting or either at the time of the shooting?

13 A That's correct.

14 Q And you are not here testifying to this jury that you
15 have such knowledge?

16 A No, sir.

17 MR. BROOKER: You can indulge me for just a
18 second, Your Honor.

19 THE COURT: Yes, sir.

20 MR. BROOKER: No further questions, Your Honor.
21 Thank you.

22 THE COURT: Anything further?

23 MR. CLEMENTS: No, Your Honor. We ask that he
24 be released from his subpoena?

25 THE COURT: Any objection?

1 MR. BROOKER: No objection, Your Honor.

2 THE COURT: Sir, you may step down. You're free
3 to go.

4 (WHEREUPON, the witness leaves the witness
5 stand.)

6 MR. CLEMENTS: Your Honor, may Mr. Brooker and I
7 approach?

8 (WHEREUPON, a bench conference was held in the
9 presence of the jury, but out of the hearing of the
10 jury.)

11 THE COURT: Ladies and gentlemen of the jury
12 ask, I'm going to give you a quick break for just a
13 minute. I'm going to ask you to step to the jury room.
14 Do not discuss the case. I'll get you back out here as
15 quickly as possible. Also do me a favor while you all are
16 back there, if there's not a pen or pencil and a piece of
17 paper back there -- Lewis, if you'll provide that to them.
18 I need you all to select a foreperson for this jury, okay.
19 It cannot be these two gentlemen who are seated out there.
20 It has to be among you 12 that are seated behind the rail
21 so to speak. But if you'll select a foreperson while
22 you're back there, reduce it to writing and date it and
23 give it to Mr. Lewis so he can hand it to me when you all
24 come back here and that foreperson will sit where this
25 young lady been sitting. Do not discuss the case..

1 (WHEREUPON, the jury retire to the jury room.)

2 THE COURT: Let's stand down for just a minute.

3 (WHEREUPON, a break was taken.)

4 THE COURT: Anything from the State before I
5 bring the jury back in?

6 MR. CLEMENTS: No, sir, Your Honor.

7 THE COURT: Mr. Brooker.

8 MR. BROOKER: Nothing, Your Honor.

9 THE COURT: Bring us the jury please, sir.

10 (WHEREUPON, the jury came into open court.)

11 THE COURT: Juror number eight Miracle Bethea is
12 my forelady, that will be your seat throughout the
13 remainder of this trial, Ms. Bethea. You are the only one
14 other than these two gentlemen here who have an assigned
15 seat, that will be your seat throughout the remainder of
16 the trial, okay.

17 Madam court reporter, here you go.

18 Call your next witness please.

19 (WHEREUPON, Court's Exhibit No. 2 was marked for
20 the record.)

21 MR. CLEMENTS: Your Honor, we would call
22 Detective Martin Bell.

23 THE CLERK: Do you swear solemnly swear or
24 affirm the evidence you're about to give in the trial of
25 this case shall be the truth, the whole truth, and nothing

1 but the truth so help you God?

2 THE WITNESS: I do.

3 THE CLERK: Thank you.

4 WHEREUPON,

5 Martin Bell,

6 after first having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. CLEMENTS:

9 Q Good morning.

10 A Good morning, sir.

11 Q Would you introduce yourself to the jury and tell
12 them what you do for a living?

13 A I'm Detective Martin Bell with the Marion County
14 sheriff's office. I investigate crimes of any type.
15 We're not just dedicated to one particular one.

16 Q Whatever comes along?

17 A Yes, sir, that's ours.

18 Q Now, how long have you worked for the Marion County
19 sheriff's office as a detective?

20 A I been a detective for about seven years now.

21 Q Prior to that, did you have other law enforcement
22 experience?

23 A Yes, sir, I been with the sheriff's office for about
24 nine years. And before that, I was in Nichols as their
25 investigator for about two years. And then before that, I

1 was in Mullins police department for about ten years. And
2 was a shift supervisor for about the last four or five
3 years there.

4 Q So you got over 20 years of law enforcement
5 experience?

6 A Yes, sir.

7 Q Did you have occasion to be called to Scotch
8 Community on November 4th of 2012?

9 A Yes, sir, I was.

10 Q And how did you happen to be called out there?

11 A On that particular night, I received a call that
12 there had been a shooting out there in the neighborhood.
13 They had dispatched all the investigators and requested
14 for us to come to the scene, which is standard protocol
15 for the sheriff's office. We all work together because
16 the type incident, it's considered a very important issue
17 to handle at the time.

18 Q Y'all have a whole large staff anyway in the first
19 place, do you?

20 A No, sir, there's only five investigators with the
21 department.

22 Q Okay. All right. And when you went out to the scene
23 that evening who was in charge?

24 A Detective Harry Watson.

25 Q All right. And he was the lead investigator at this

1 time because of why?

2 A He was on call that week. Whoever's on call would
3 assume be head of whatever crime we were on at that time.

4 Q And y'all assisted them in every way?

5 A Yes, sir, any way we could, that's what we were there
6 for.

7 Q Now, Charlie Watson he's no longer with the Marion
8 County sheriff's office. He's with another law
9 enforcement agency; isn't he?

10 A Yes, sir, unfortunately he has left us.

11 Q And when he left who assumed kind of the head of this
12 particular investigation?

13 A At that time I'd worked so closely with him on it, it
14 was handed to me to keep follow up because I knew more
15 about it than anybody else because me and him had worked
16 hand in hand the whole time.

17 Q Okay. Now, when you got there that evening, he was
18 in charge and what do y'all do? Y'all get there and
19 what's the first thing y'all do?

20 A I kind of look at the scene and start trying to get
21 details from the shift that's there because they were
22 there before us, fill us in on what's going on. And then
23 start interviewing whoever or whatever we may need to
24 interview, if there's anybody there at the scene to
25 interview. Sometimes it means some of us have to leave

1 and go to other locations to interview people involved in
2 the crime.

3 Q Did y'all scatter out and go to different locations
4 on this occasion?

5 A Yes, sir, some of us did, so I believe some of them
6 had to go to the hospital, some had to go to some
7 residence. I think me and Detective Watson stayed there
8 at the scene and interviewed what we needed to.

9 Q Okay. And who came and did the actual forensic or
10 crime scene work?

11 A On any type situation like that, we call SLED because
12 they have better equipment than we do. As a small
13 department, we don't have the equipment that they have
14 their hands on to do crime scenes as well.

15 Q Okay. So that's who came and did the crime scene?

16 A Yes, sir, SLED was dispatched and we just roped it
17 off and left it roped off until they got there to process.

18 Q And when you left it roped off, y'all didn't leave,
19 y'all maintained for security, right?

20 A Yes, sir, we stayed there.

21 Q Okay. Now, who became a suspect as the investigation
22 went on?

23 A From the very start -- well, early on in the
24 investigation, Mr. Chad Strickland, the defendant, was the
25 prime suspect.

1 Q Okay. And when was Mr. Chad Strickland arrested or
2 apprehended or when did y'all have first contact with him?

3 A Early that morning we went to his residence where we
4 located him at the residence and placed him under arrest.

5 Q Okay. And when you get a subject like that what is
6 one of the first things that you do?

7 A Read them their Miranda warnings.

8 Q And you read them or you recite them?

9 A No, sir, we read them verbatim from a card or from a
10 sheet of paper. Depending on where we at out in the
11 field, it's off of a card that we carry.

12 Q Do you carry that card today?

13 A Yes, sir.

14 Q All right. Is that the same card you had back then
15 or it wear out?

16 A Well, they do wear out, but it should be the same
17 card.

18 Q And y'all encountered Mr. Strickland at his home,
19 that's with his mom and dad?

20 A Yes, sir, we did.

21 Q And you're actually the one who Mirandized him?

22 A Yes, sir, I did.

23 Q Where exactly did you Mirandize him?

24 A In the patrol car once we seated him in the patrol
25 car.

1 Q Is there a reason why you do it in a patrol car
2 instead of in the house?

3 A Well, at the time that was the safest location for us
4 before we did anything else. When we got there, we ask
5 him -- his father answered the door and we ask him to come
6 out. I know the family from years back, explain to them
7 that we were there looking for their son. When he come
8 out, I let him -- I ask him I say do you want me to tell
9 them or you want me to tell them why we're here.

10 Q When you say them, you mean parents?

11 A His family, yeah. And he said he would tell them.
12 So he told his daddy he shot the guy.

13 Q Okay. And was Mr. Strickland was he cooperative with
14 you?

15 A Yes, sir, he was very cooperative.

16 Q Okay. And you took him to the car, the patrol car?

17 A Yes, sir.

18 Q So that patrol car that wouldn't have been your
19 particular vehicle?

20 A No, sir, I have it under marked vehicle.

21 Q Okay. You know which patrol officer it was if you
22 can recall that detail?

23 A Right off hand, I can't remember. I know whoever it
24 was I rode with them because I rode in the front seat
25 passenger seat, I remember that.

1 Q About how many people went out there to
2 Mr. Strickland's house?

3 A About five, six of us.

4 Q Okay. All right. And who do you recall was there
5 with you?

6 A I recall Detective Watson, myself I believe Daniel
7 Cribb and officer -- he's left the department now.

8 Q That be Officer Powell?

9 A Yes, James Powell. And I believe Greg Walker might
10 have been there.

11 Q Okay. Now, when you got there and got
12 Mr. Strickland, you put him in the patrol car, please tell
13 this jury exactly what you told him or read to this jury
14 exactly what you read to him?

15 A It says Suspects' Rights Miranda Warning. You have
16 the right to remain silent. Anything you say can and will
17 be used against you in a court of law. You have the right
18 to talk to an attorney, have him or her present with you
19 while you're being questioned. If you cannot afford to
20 hire an attorney, one will be appointed to represent you
21 before any questioning if you want. You can decide at any
22 time to exercise these rights and not make any -- answer
23 any questions or make any -- or make statements. Do you
24 understand each of these rights as I have explain them to
25 you? Having these rights in mind do you wish to talk to

1 us now.

2 Q Okay. When you read those rights to him and then ask
3 him those questions, in your mind observation of him, did
4 he understand what you were talking about, what you were
5 asking him?

6 A Yes, sir. He understood it very well.

7 Q Were y'all threatening to him in any way, coerce him,
8 scare him or anything of that nature?

9 A No, sir, I know the family and that would be out of
10 the way.

11 Q And so you treated him how?

12 A Treated him like I treat anybody with respect.

13 Q And he understood what you read to him?

14 A Yes, sir, he did.

15 Q Did you question him any at that time or did he talk
16 any at that time?

17 A I explain to him that we would like to recover the
18 gun before we left there due to the fact if he had it
19 there to save us a trip from getting a search warrant and
20 have to come back. And he explain to me it wasn't there,
21 but he would take us and show us where it was at.

22 Q Did he subsequently do that?

23 A Yes, sir, he did.

24 Q All right. Did y'all do that before you went and
25 took him to the law enforcement center or after?

1 A We felt an urgency to get the gun then due to the
2 fact that it was out in the open. We didn't want
3 somebody to recover it or some child or some other person
4 picking it up and getting hurt with it.

5 Q Okay. While he was sitting in the patrol car, he
6 agreed to show you where the gun was. Did he say anything
7 or did y'all talk about any other facts or aspects of this
8 event?

9 A Not at this point, no, sir. I think it was pretty
10 much that and we told him we would talk more when we got
11 to the office if he wanted to talk.

12 Q Okay. So where did he take you?

13 A We went back to Scotch Community Road to a little
14 branch area. There's a little area that goes under the
15 road or something. I mean, maybe for water. At that time
16 it was dry and very green. And he pointed to the area
17 where he thought he threw it and we got to looking and I
18 think Detective Lee actually spotted. And we recovered
19 the gun laying right where he said it was at.

20 Q All right. I want to show you some photographs here
21 in evidence State's Exhibit Number 17. You familiar with
22 that?

23 A Yes, sir.

24 Q What is that?

25 A That would be the side of the road where he had us

1 stop and looked for the gun. He pointed it out as the
2 area where he threw it.

3 Q And is that where the gun was?

4 A Yes, sir, it was.

5 Q Did y'all have to go into the foliage a little bit?

6 A Yes, sir.

7 Q Is this the way the foliage was looking that day?

8 A That was the very morning.

9 Q Okay. The same later in the morning of when the
10 shooting occurred that night?

11 A Yes, sir, that was later that very day.

12 Q All right. And this was about how far if you know
13 from Stacy Fowler's home?

14 A Three tenths of a mile if that. It's not far. I
15 mean, it was right up the road and down the dirt road
16 second house on the right -- actually first house.

17 Q Is that right on the money or your best guess?

18 A Right on the money probably, that would be my best
19 guess in measurement. You know, I didn't measure it so to
20 do that, we would have to go back out there.

21 Q Okay. Now, about how far was this from Chad's home
22 with his dad, if you know?

23 A Five miles, maybe more, maybe less. I mean, I'm not
24 exact on that. I believe it's close to five miles.

25 Q Okay. State's Exhibit 15 do you recognize that?

1 A Yes, sir, that's another picture of where the gun was
2 found and actually shows the gun laying there on top of
3 some leafs in the area, which makes it even noticeable
4 that it was recently put there.

5 Q What else is in that picture?

6 A There's a holster. If you look up at the top a black
7 spot here, this was the holster it was in. It was a
8 clothe type holster.

9 Q Okay. State's Exhibit 16?

10 A This is a larger picture of where the gun was found
11 and the condition it was in when it was found not covered
12 up by none of the leaves, which meaning it was recently
13 put there.

14 Q And what did y'all do with this gun after y'all
15 collected it after James Lee got it?

16 A It was recovered and put in the box and sealed up and
17 sent off as evidence in the crime.

18 Q State's Exhibit 14?

19 A This is the box and actually how it was put in and
20 sealed up. And once it's sealed, it's sealed with tape so
21 nobody else goes in it.

22 Q Okay. Now, after y'all gathered up the pistol and
23 the holster, where did y'all go and what did y'all do with
24 Mr. Strickland?

25 A We left there. We took him straight to the sheriff's

1 office and we took him in my office there at the sheriff's
2 office where he was again Mirandized and we put it in
3 writing on a form, that may be some of that in evidence.

4 Q All right. Let me show you State's Exhibit Number 1
5 you recognize that?

6 A Yes, sir. This is a copy of the Miranda form for the
7 sheriff's office. It actually has the sheriff's office
8 name at the top and the sheriff who is in office at this
9 time.

10 Q Who completed that form?

11 A Detective Watson actually filled the form out as far
12 as some of the writing. It's then handed to
13 Mr. Strickland who signs it, initials it at the
14 appropriate time and places.

15 Q And who read the lines to him?

16 A I did.

17 Q Okay.

18 MR. CLEMENTS: Okay. All right. Your Honor, I
19 think that this is previously moved into evidence but not
20 in front of the jury. So I would make sure it's in
21 evidence at this time, so I would move exhibit one in.

22 THE COURT: Any objection?

23 MR. BROOKER: There's no objection to it, Your
24 Honor.

25 THE COURT: Without objection State's Exhibit

1 Number 1 admitted into evidence.

2 (WHEREUPON, State's Exhibit No. 1 was admitted
3 into evidence.)

4 BY MR. CLEMENTS:

5 Q And as you went through this form, did you read that
6 line by line?

7 A Yes, sir, if you'll look at the form it actually has
8 out beside it each line a small space and that space is
9 for the defendant to put their signature or their
10 initials, which means they understood what we were going
11 over. It's not done -- it's done line by line and then at
12 one point it asks just like the other one do you
13 understand what we went over with you.

14 Q So y'all don't rush through it, you take it line by
15 line?

16 A Line by line and signature by signature.

17 Q And did he initial each line?

18 A Yes, sir, he did.

19 Q All right. Are there some questions at the bottom of
20 that form?

21 A There's another statement a waiver of rights at the
22 bottom. It says I have to read this statement of my
23 rights and I understand what my rights are. I am willing
24 to make a statement and answer questions. I do not want
25 an attorney at this time. I understand and know what I am

1 doing. No promises or threats have been made to me and no
2 pressure of any kind has been used against me by anyone in
3 exchange for my statement. And down below it it says
4 witness, which has Detective Watson signature and
5 witnessed again, which has my name Detective Bell. And
6 then it says signed and Mr. Chad Strickland signed it.
7 And the time was actually wrote down by him was 9:41. It
8 was the time we completed it. It also has a start time of
9 9:37, which gives you an increment of time of what went on
10 and how long it took us to read the rights.

11 Q About four minutes to go over this form with him?

12 A Yes, sir, it doesn't take long.

13 Q And he understood?

14 A I felt like he did.

15 Q And he continued to cooperate with you?

16 A Yes, sir.

17 Q Okay. And how about the way y'all were treating him?

18 A Treated him very good. If he wanted something to
19 drink, we got him something to drink. Wanted something to
20 eat, we got something to eat, wasn't no need to be ugly to
21 him.

22 Q Now, after filing out this form, what did y'all do?

23 A We actually recorded the interview that we had with
24 him. I believe even that part of it was recorded on it if
25 I'm not mistaken.

1 Q Okay. Going over the form actually?

2 A Yes, sir.

3 Q And you reduced that interview to what?

4 A CD.

5 Q For what purpose?

6 A It's easier to transport that into court, than it is
7 to have the tape itself reprinted for everybody.

8 Cassettes are kind of old and that's what we had at the
9 office to do a recording on.

10 Q I'm going to show you State's Exhibit 2, which I
11 believe is previously in evidence?

12 A Yes, sir.

13 Q Any familiar handwriting on there?

14 A Yes, sir, at the very top in blue ink, it's his
15 statement. It's my writing, ain't many people write like
16 me.

17 Q All right. And y'all interviewed him and kept this
18 and documented that interview?

19 A Yes, sir, we did.

20 MR. CLEMENT: Okay. Your Honor, I think
21 previously this has been admitted into evidence, but I
22 would move again just for the record in front of the jury.

23 THE COURT: Any objection?

24 MR. BROOKER: Your Honor, I think no objection
25 except, of course, we just would ask the Court to take

1 notice of a previous objection we made.

2 THE COURT: Absolutely. Prior objection so
3 noted for the record but is and shall be and will be
4 admitted into evidence as State's Exhibit Number 2
5 objection so noted.

6 MR. BROOKER: Thank you.

7 (WHEREUPON, State's Exhibit No. 2 was admitted
8 into evidence.)

9 BY MR. CLEMENTS:

10 Q And what was the date of this interview?

11 A According to the paperwork, it was 11-4-2012.

12 Q And that was that same morning?

13 A Yes, sir, it was the morning of the shooting.

14 Q After the shooting?

15 A Yes, sir.

16 Q Now, did you -- do you recall talking to him?

17 A Yes, sir, I remember the day.

18 Q You reviewed that?

19 A I remember it.

20 Q What did he tell you about how many people were out
21 there?

22 A He told me that there was hisself and Stacy at the
23 house with their child. At one point Mr. Blake Dozier
24 pulled up in the yard and behind them pulled up a car and
25 a female and a male got out of that car.

1 Q That's what he said?

2 A Yes, sir. He gave their names and I'm trying to
3 remember what they were right now. Logan Ratley was the
4 female driving the car and Matt was the passenger in that
5 car. And they pulled up in the driveway.

6 Q Did he ever tell you about anybody else or any other
7 person known or unknown to him being present at that scene
8 at that time?

9 A No, sir, he didn't.

10 Q Okay. What did he tell you about doing it after it
11 was done? What did he tell you?

12 A You could see the remorse on his face. He said he
13 wish he could take it back, wish it hadn't happened and
14 was in tears and said that he would go to his grave for
15 Stacy Fowler.

16 Q But it ended up being Blake that went to his grave
17 for Stacy; isn't that the truth?

18 A Yes, sir.

19 Q What did he tell you about what he agreed with, what
20 he disagreed with?

21 A He said that he agreed with everything that was told
22 to us except for the pointing and presenting charge that
23 supposedly pointed and presented a firearm at Stacy. He
24 said he didn't agree with that.

25 Q Okay. But everything else he agreed with?

1 A That's what he said on the interview.

2 MR. CLEMENTS: Your Honor, we would ask
3 permission at this time to publish this interview.

4 THE COURT: So granted again subject to defense
5 counsel's prior objection.

6 (WHEREUPON, interview of the Defendant Chad
7 Strickland played for the jury.)

8 DIRECT EXAMINATION CONTINUED

9 BY MR. CLEMENTS:

10 Q So Blake (sic) told you his seven years overrides two
11 months. What was he talking about there?

12 A His seven years with Stacy over trump the two months
13 that Blake had been with her.

14 Q So all this was he wanted to get back with Stacy,
15 that's what all this was about?

16 A It sounds that way, yes, sir.

17 Q And he told you he would man up and take what he had
18 done?

19 A Yes, sir, he did.

20 Q And he shouldn't have done he did?

21 A Yes, sir.

22 Q All right. All right. Now, did you go back a few
23 days later and talk with Chad again and Mirandize him a
24 second time?

25 A Yes, sir.

1 Q But did you talk with him or not?

2 A That was established that he had started the process
3 of getting a lawyer and at that point we backed out,
4 wasn't no need to try to talk to him. Didn't want to
5 interfere with his lawyer's job and left it up to his
6 lawyer from that point on.

7 Q All right. I want to be sure what I heard about
8 Ethan. He said Ethan was riding around with Blake and
9 Matt, but Ethan had absolutely nothing to do with this.
10 Is that what he said?

11 A Yes, sir.

12 Q Okay. And he never mentioned a third person in
13 Logan's car at all, did he?

14 A Not in that interview, no, sir, he never did.

15 Q All right. Now, let's move on. Y'all interviewed
16 other people as well, right?

17 A Yes, sir.

18 Q Right there in close around during that time?

19 A Yes, sir.

20 Q During the investigation?

21 A Yes, sir.

22 Q Did you have occasion to interview someone else
23 months down the road?

24 A Yes, sir, it was brought to our attention later that
25 there was a Hernandez, a neighbor, had seen what had

1 happened, had never come forward but had seen what had
2 happened.

3 Q Did y'all interview her?

4 A We went out or she met us and we interviewed her and
5 actually video recorded it at the drug unit.

6 Q Okay. And that was several months?

7 A Yes, sir, it was several months. I can't remember
8 the exact time span. I'm pretty sure the video has a
9 time and date stamped on it.

10 Q But it was later on?

11 A Yes, sir, it was much later.

12 Q Did you ever have occasion to get a search warrant
13 for anything other than -- did you get the search warrant?

14 A Yes, sir, we got a search warrant to go to the
15 Hernandez house and take some pictures, showing the
16 conditions back toward the other house site, being able to
17 see from a distance.

18 Q And did you also take measurements?

19 A We measured the measurements and it actually was
20 wrote down by the photographer that came from Florence
21 County that does crime scene over there. They came over
22 and helped us with that. Again, we're kind of a small
23 department, don't have the equipment some of these better
24 places have, but we work with what we got. And sheriff in
25 Florence is good enough to loan us some of his people when

1 we need it.

2 Q And that was in January, right?

3 A I believe it was.

4 Q Okay. All right.

5 MR. CLEMENTS: Beg the Court's indulgence.

6 (WHEREUPON, a pause in the proceedings.)

7 BY MR. CLEMENTS:

8 Q Investigator Bell, you remained on the scene there
9 the entire time with Detective Watson on the night this
10 occurred; is that correct?

11 A That I did.

12 Q Until what time of the day?

13 A We left there it was -- I can't remember what time we
14 left there. I know when we left there, we ended up over
15 at the suspect's house to arrest him. I can't say exactly
16 what time we left without looking at a log sheet that
17 would show when we left. I didn't look at my watch.

18 Q Okay. But it was -- was it fair to say it was
19 several hours?

20 A Oh, yes, it was almost daylight if not daylight when
21 we left. We had to wait on SLED to get there and for them
22 to do their thing. And it takes them a while to fully
23 process a scene. It's not something that takes minutes.
24 It takes hours to process a scene and do it correctly.

25 Q Now, while you were there during that time period,

1 did you take the opportunity to look around the
2 neighborhood do visuals a 360 yourself or did you pay any
3 attention to any of that?

4 A I always look in the area and that's just because you
5 never know what's gone come up later or what may be
6 important that's being missed at an initial look.

7 Q Anything, what if anything, stood out to you as any
8 natural observation points or anything like that?

9 A I can remember the area. There's a lot between the
10 Hernandez house and Stacy Fowler's house and in that a lot
11 of it was grewed up to the point that you couldn't see
12 very well through the debris. And at this point it was
13 still green and we felt like it was probably later. At
14 that time we hadn't talked to the Hernandez, so I didn't
15 think nothing about it. But after some other stuff come
16 up, it became an issue, but I do remember looking at the
17 conditions.

18 Q And did you look around see all the other homes that
19 were around that area?

20 A Yes, sir, and there's houses across the street
21 there's houses everywhere. At the time of night, you
22 know, the witnesses that come forward we talk to them at
23 that point but nothing since.

24 Q All right. I'm going to ask with the Court's
25 permission to have you step down here.

1 THE WITNESS: That okay, Your Honor?

2 THE COURT: Yes, sir.

3 BY MR. CLEMENTS:

4 Q I got State's Exhibit Number 3 and I want you to look
5 at that and tell me if you know what this area is? What
6 area is that right there?

7 A That's Scotch Community.

8 Q What's this road right here?

9 A That's Scotch Community Road.

10 Q All right. Which direction on this road goes to
11 where y'all found the gun?

12 A It would be on down here. There's a stop sign little
13 ways down and then on the left-hand side going this way.

14 Q All right.

15 A So it would ---

16 Q I guess, if the picture was bigger, it would be right
17 around here somewhere?

18 A Yeah. It's not very far, it's not a long trip three
19 tenths of a mile.

20 Q All right. What is this road right here?

21 A That's Ard Drive.

22 Q Whose house is that?

23 A That would be Stacy Fowler's house.

24 Q Okay. And open lots, open fields here?

25 A This is a vacant lot here and then the next lot would

1 be the Hernandez residence.

2 Q Anyone here come forward here and seen anything?

3 A No, sir, I believe this is actually Stacy's family
4 who stay's here if I'm not mistaken, but nobody come over
5 there and talk to us.

6 Q What's all in there?

7 A This is a driveway. There's a fence. I don't know
8 if it's a fence or just a grove trees and debris here.

9 Q Okay. All right. If I can ask you to please just
10 remain standing right there. Now, I'm going to show you
11 this. This is State's Exhibit Number 4, Detective Bell,
12 and what's that road right there?

13 A Ard Drive.

14 Q Is that Ard?

15 A Yes, sir, Ard Drive run this way goes around the
16 curve.

17 Q So this turned around from the other picture?

18 A Yes, sir. This will be Ms. Fowler's residence.

19 Q That be Ms. Fowler's residence right there?

20 A Yes, sir.

21 Q And you got looks like two lots here and whose house
22 is that?

23 A That's the Hernandez house.

24 Q Okay. And did you walk across this area yourself?

25 A I have.

1 Q With what?

2 A With an actual roll inch measurer and the roll from
3 here at this way. And when I would get from here and when
4 I got to the edge of the yard car, which would be where
5 the field started, we gave a measurement then preceded.
6 And as I got to the wood probably was right around in this
7 location because it came straight across. We gave another
8 measurement as we were leaving. And then there be one set
9 up where the car would have actually been parked and
10 demonstrated. And I stood in the doorway and took another
11 picture and gave measurements for each location.

12 Q All right. Were you doing the walking with the
13 measuring wheel or were you doing the taking of the
14 pictures?

15 A I was doing the walking and then I relayed the
16 measurements back to the investigator up here, which was
17 Chris Owens of the Florence PD.

18 Q Chris Owens was right here taking pictures?

19 A Yes, sir, he was on the porch. He was actually
20 standing on the porch because he had a time to start with
21 getting set up with his tripod. The tripod being so big,
22 it was a small porch. It was kind of hard for him to set
23 it up, so he was on the porch itself.

24 Q Ms. Hernandez there?

25 A No, sir, she wasn't. The children were. We left a

1 copy of the search warrant with her at that time.

2 Q Now, over here was Stacy Fowler home at that time?

3 A Yes, sir, she was there.

4 Q She helped you at all in regards to placement of the
5 cars or anything?

6 A She did. She would tell us exactly where she thought
7 they were that night and I believe we had an extra. Matt
8 came up give his opinion.

9 Q Matt Lane?

10 A Yes, sir.

11 Q Okay. And you made a straight line from the car ---

12 A Can't say straight because we're talking a growed up
13 field. When I say growed up, sometimes it's hard for me
14 to get around and straight as the eye would carry me.

15 Q And that was in January, right?

16 A Yes, sir, it was.

17 Q Was there foliage or no foliage on the bushes?

18 A There was foliage and it's hard to see through.

19 Q All right. And that was in the middle of January?

20 A Yes, sir.

21 Q Okay. I'm going to show you State's Exhibit 5 and
22 you may or may not recognize these. I want to know first
23 do you recognize that or did you see anything like that?

24 A Yes, sir, I did.

25 Q All right. So you got there before they covered up

1 the body?

2 A I believe when I got there he was actually covered
3 but the positioning all is the same.

4 Q This is State's Exhibit Number 5?

5 A Yes, sir.

6 Q And is that a reasonable facsimile of what you found
7 when you got there?

8 A Yes, sir.

9 Q Except that the body was covered?

10 A Yes, sir.

11 Q All right. State's Exhibit 6 do you recognize that
12 at all?

13 A Yes, sir, that's the body laying next to the car
14 right there in the car jam and it's covered up.

15 Q Okay. And how about lighting, is that fairly depict
16 the lighting and light situation out there or not?

17 A It depicts it very well. I mean, you can see here
18 just a little bit and you're standing there in the yard at
19 this point, but it's because of the headlights from the
20 cars coming in.

21 Q And that's the police cars, right?

22 A Yes, sir, that's the patrol car sitting at the end of
23 the driveway.

24 Q Okay. All right. And that's right there in the
25 yard?

1 A Yes, sir.

2 Q Show you State's Exhibit 7 you recognize that?

3 A Yes, sir, that's another picture from a different
4 angle standing back toward the road of him laying on the
5 ground next to the car.

6 Q And did you pull law enforcement vehicles inside that
7 perimeter or were they outside the perimeter?

8 A I believe all of them were outside. I can't remember
9 fully, but I believe they were outside.

10 Q And where was that light coming from?

11 A Off of the patrol cars.

12 Q Okay. Out in the road?

13 A Yes, sir.

14 Q State's Exhibit 8 does that depict anything you
15 recall?

16 A Yeah, that's another view from at the road itself and
17 the light shining up and you can see the people standing
18 there. And you can still see him laying -- just can
19 barely see him from there.

20 Q And did you or did you not have to use flashlights?

21 A We used flashlights the whole night for everything we
22 did.

23 Q State's Exhibit 9?

24 A That's a picture from the back of the car, picture of
25 the license tag.

1 Q Okay. All right. Where are the headlights on that
2 car pointed at beside the trailer of Stacy Fowler or at
3 it?

4 A Looks beside it because it gives you a good vision of
5 the tag of the car.

6 Q And where were the lights of this car be?

7 A Go past the house.

8 Q All right. And State's Exhibit Number 10 is that
9 basically the same thing?

10 A Yes, sir, basically the same picture, just a little
11 bit closer in view.

12 Q Okay. All right.

13 MR. CLEMENTS: Your Honor, I'm done with
14 questioning, but I would like to publish these to the
15 jury. So I don't want to do that while Mr. Brooker is
16 questioning, so if I may do that at this time.

17 THE COURT: Any objection?

18 MR. BROOKER: No, Your Honor, I believe they are
19 in evidence.

20 THE COURT: They're already in evidence. Yes,
21 sir.

22 (WHEREUPON, a pause in the proceedings.)

23 BY MR. CLEMENTS:

24 Q Last thing, Detective Bell, outside of your
25 flashlights and the lights from the patrol cars what, if

1 any, other sources of light do you remember being out
2 there if there were any sources of light?

3 A There's a pole in the yard that had a light, but it
4 was not working that night. It was out.

5 Q Was there any light as you recall on the porch
6 itself?

7 A Yes, porch light was on.

8 Q Did it give much light at all into the yard?

9 A No, sir, it didn't.

10 Q Any other light sources?

11 A There would be some other pole lights in other yards,
12 but they would have been at a distance. And they would
13 have helped at all in that yard scene.

14 MR. CLEMENTS: Okay. All right. Please answer
15 any question Mr. Brooker may have.

16 MR. BROOKER: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. BROOKER:

19 Q Detective Bell, I think you said that you were one of
20 roughly about five detectives that was called that night
21 to the scene?

22 A Yes, sir.

23 Q About what time did you arrive at the scene?

24 A I could you not tell you an exact time, Mr. Brooker,
25 that would all be on a log sheet.

1 Q Okay.

2 A I couldn't give you a time without looking at the log
3 sheet and that's just being honest.

4 Q Sure. I understand that. And that kind of goes into
5 my next question is is that was there a crime scene log
6 established?

7 A There was one done by the shift. I don't know
8 outside of that about another.

9 Q Were you in the courtroom I think when Detective
10 Cribb testified?

11 A That I was.

12 Q Okay. Was that the same -- were you referring to the
13 same crime scene log sheet that Detective Cribb referred
14 to in his statements and I think he said that there was
15 simply EMS that had signed that one? Is that the same
16 crime scene log sheet that you're talking about?

17 A Yes, sir.

18 Q Okay. You didn't sign that log sheet, did you not?

19 A No, sir.

20 Q Okay. And, of course, at least your memory refreshed
21 -- you didn't sign that crime scene log sheet I think you
22 said. Do you know whether or not any of the other
23 detectives that went in and out of that scene signed that
24 log sheet?

25 A If they went in it, I wouldn't know. And if they

1 signed it, no, sir, I wouldn't know.

2 Q Okay.

3 A I don't have it in my hand.

4 Q Can I have you take a look at this and tell me
5 whether or not that is the crime scene log sheet that was
6 established by Detective Cribb?

7 A This is what Detective Cribb had. I don't see where
8 they sign it. Actually, what I see here is where it looks
9 like Officer Cribb wrote down the people that entered the
10 scene. It's not a sign-in sheet. It says the name, race,
11 sex, agency employ and phone number. It does not have a
12 single space on it for them to sign saying that I actually
13 sign this going in. It's a list that he would have wrote
14 out and it just keep a record of what he saw go in.

15 Q Okay. So no one at least from this list that you
16 just referred to sign in or either sign out?

17 A No, sir, that's just a list of who went in and wrote
18 by the officer at the scene.

19 Q Okay. All right. Now, and then, of course, is that
20 none of the detectives or either none of the officers from
21 the Marion County sheriff department are referred to on
22 this list, is it not?

23 A If we got there and we're not needed in the crime
24 scene, we wouldn't be in it. We would leave it open for
25 the crime scene team to come in and process the scene, so

1 we don't contaminate the scene no more than we have to.

2 Q Did you ---

3 A EMS ---

4 Q I'm sorry go ahead. I didn't mean to interrupt.

5 A EMS would have needed to be there to make sure if
6 there was a way to save this person's life to save it.
7 The officers on scene had to be there to clear the scene.
8 And once you get beyond that, it gets to the point where
9 too many people will disturb evidence, shell casings get
10 kicked, prints get smudged on cars. Footprints will get
11 walked over, trampled on. All this is contamination that
12 makes it hard for the collecting agency to collect
13 evidence on if we contaminate it. So, you know, once we
14 safe and secured the scene, it's best that we stay out and
15 let the ones that are going to process it process it
16 correctly.

17 Q Detective Bell, I thought you testified that you were
18 at the scene and also Detective Watson was at the scene
19 because you were lead detectives?

20 A We can be at the scene and not be in the crime scene.
21 We could stand on the perimeter just like anybody else and
22 look in and see. I didn't have to stand in the middle of
23 the scene to see a body laying in the scene. I don't have
24 to be in it to see what's there.

25 Q So let me correct this for the jury, so is it your

1 testimony that yourself and the lead detective never went
2 into the crime scene?

3 A Not at that time we didn't.

4 Q Now ---

5 A I didn't. I can't answer for somebody else. I can
6 answer for me. I did not enter at that time. We had some
7 interviews to do and other stuff while we were waiting.

8 Q Now, if you were also in here when, I think,
9 Detective Powell, Reserve Officer Detective Powell
10 testified as well too?

11 A We don't have a Reserve Officer Powell.

12 Q I apologize. Let me make sure I get it right. I
13 think that was Atkinson; is that correct?

14 A Yes, sir.

15 Q Okay. You were when he testified; is that correct?

16 A Yes, sir, I was.

17 Q And, of course, is it that he was in the crime scene
18 and, of course, his name is not contained on this log; is
19 it not?

20 A I couldn't tell you. I didn't make that list, that
21 was made by Officer Cribb and whatever he put on there is
22 what he list. We don't keep a crime scene list because we
23 have other duties to handle at that time of the crime
24 scene.

25 Q If you can't tell me what's on the list, I think you

1 looked at it previously. Do you need to look at it again
2 and refresh your memory with respect ---

3 A I didn't write this list, sir. How can I testify to
4 what was put on it if I didn't write it. I don't know who
5 was at the crime scene. I heard what you said to me as
6 being said in court. I can't testify to who was at that
7 scene before I got there.

8 Q Let me make it simple for you. Is his name on the
9 list?

10 A I answered that. No, it's not.

11 Q It's not on the list. There was another officer who
12 got up and testified today that he was in the crime scene
13 and is that officer's name on this list?

14 A Who was that?

15 Q I believe that officer who testified I'll go back and
16 take a look. I don't want to get it wrong. I think it
17 was Detective Cribb that was ---

18 A Detective ---

19 THE COURT: Hold on a minute. I can't have both
20 of you talking over each other at the same time. Officer,
21 if you let him finish his question and likewise, Mr.
22 Brooker, if you let him finish his answer before you
23 continue.

24 MR. BROOKER: Certainly.

25 THE COURT: Thank you.

1 BY MR. BROOKER:

2 Q There was Daniel Cribb that testified you remember
3 him, right?

4 A Yes, sir, I remember Cribb.

5 Q He was on the crime scene. We've already established
6 that Richard Atkinson was there; is that correct?

7 A Yes, sir.

8 Q And, of course, I believe there was either -- is
9 there a James Powell?

10 A James Powell was a responding first responder officer
11 on scene.

12 Q So that was the other officer. Is his name on this
13 list?

14 A No, sir, and again I didn't make this list?

15 Q I understand that. Just wanted to know whether or
16 not it's on there.

17 A I mean ---

18 Q Could you tell this jury everybody who entered and
19 exit that crime scene?

20 MR. CLEMENTS: Your Honor, I think he's asked
21 and answered that several times over. I would object ---

22 THE COURT: Over your objection. If he knows,
23 answer the question please.

24 Move on, Mr. Brooker, please.

25 A I could not tell you everybody that was there from

1 the start because I was not there. I got called after the
2 responding officers. I was at home in my bed just like
3 most of y'all were that night. When they called me, I
4 woke up. I got dressed. I responded to the scene. When
5 I got there, I can account for what Martin Bell did. I
6 can't account for everybody in the world, but I can
7 account for me.

8 Q Now, as a detective and, you correct me if I'm wrong,
9 is that part of that responsibility is to try at least
10 collect some evidence? I know that there's evidence that
11 you previously testified to that you don't have -- that
12 Marion County sheriff department doesn't have the
13 equipment and usually SLED is called in to collect certain
14 types of evidence; is that correct?

15 A In this situation, the crime scene was processed by
16 SLED. No need in me entering that crime scene to
17 contaminate it. So, no, sir, what I did was interview
18 people at my vehicle that were there ready to talk to us.
19 It was no sense in me contaminating a crime scene.

20 Q And that's not where we going. I'm not saying you
21 going into the crime scene. I'm asking you is is that I
22 know that you previously testified that SLED did a
23 processing of the crime scene; is that correct?

24 A Yes, sir, they did.

25 Q Okay. And then, of course, as an investigator some

1 of the things that investigators will do at least like
2 yourself would be is to try and determine whether or not
3 you can identify any potential witness, you know, that may
4 have seen anything that took place; is that correct?

5 A Yes, sir, it is.

6 Q Okay. Now, I have here at least what's identified
7 as I think -- this is State's Exhibit Number 4. And let
8 me make sure I get my bearings. What's identified as
9 State's Exhibit Number 4 the area that I'm pointing to on
10 this particular exhibit is this the area, you know, where
11 the shooting took place as Stacy ---

12 A That's the house where it took place.

13 Q That is the house where it took place. And, of
14 course, is my understanding is that there is another house
15 that's right next to it. I think you testified that was
16 Stacy Fowler's mother's house?

17 A I believe it is.

18 Q There's also homes across Ard Drive on the other side
19 of Ard Drive; is that correct?

20 A Yes, sir, there are other houses.

21 Q And then, of course, there are these houses over
22 here; is that correct?

23 A That is correct.

24 Q Okay. Did you go to any of those homes and knock on
25 those doors and to inquire as to whether or not any of

1 those particular homeowners or either anybody occupying
2 those homes may have seen or either heard anything?

3 A No, sir, we didn't or didn't I. I can't say what
4 other people did.

5 Q Okay. You didn't. And I think you answered my next
6 question is that do you know whether or not anyone else,
7 anyone else that was working at least that shooting that
8 night another detective took that responsibility?

9 A I couldn't answer that question. You might want to
10 ask Detective Watson.

11 Q Sure. Now, do you know whether or not a Ms. Vickie
12 Hernandez and Hosea Eric Hernandez came to the scene that
13 night to try and give statements?

14 A They never approach me.

15 Q Okay. So the only thing that you can testify is they
16 never approached you, but you can't testify with respect
17 to whether or not they showed up that night at the scene?

18 A I never seen them at the scene.

19 Q Now, how long were you at the scene?

20 A Several hours.

21 Q And just so I can get a full account of everything
22 that you did at the scene, I think for those several hours
23 you basically talked to people who wanted to talk with
24 you?

25 A Yes, sir, that as well as answer questions that SLED

1 may have had for us upon their arrival.

2 Q Okay. Do you -- and don't tell me what anyone said,
3 but do you have a list of individuals, did you make a list
4 of individuals of who you talk to?

5 A No, sir, Detective Watson and myself interviewed them
6 together, so what list would be available is through him.
7 It wasn't no sense in both of us taking notes on the same
8 stuff. So he kept notes on that because he was leaving.

9 Q Okay. So he would have kept the notes of who y'all
10 talk with that night?

11 A Yes, sir.

12 Q Do you know how many people you talk with that night?

13 A Not right off hand I don't without going back through
14 the file.

15 Q Now, assuming after a couple hours, you left and
16 where did you go? I think you said you were on the scene
17 of the shooting for a couple hours?

18 A Several hours. I didn't say a couple, several, that
19 could be three, four hours or more.

20 Q Well, you tell me?

21 A I don't know that's what I'm saying, that's the
22 reason I said several. I can't give you an exact amount
23 of time. We were there until SLED finished processing of
24 the scene.

25 Q Did you record -- did you record how long you got

1 there? What time you got there and what time you left?

2 A If we could pull the log sheet, the log sheet would
3 show what time each officer got there, each officer left,
4 as upon their leaving. I don't have it with me right now,
5 but it is in the case file.

6 Q Okay. And just for my understanding, what log sheet
7 are you referring to?

8 A Through our dispatch.

9 Q Through your dispatch.

10 A Dispatch log sheet. And unless I'm mistaken, there's
11 a copy of it in the case file.

12 Q And it tells exactly -- and that log sheet just for
13 my understanding is that log sheet -- the purpose of that
14 dispatch log is to track -- let me rephrase that. Is it
15 the procedure that when an officer enters or leaves that
16 he checks in with dispatch or let dispatch knows that he's
17 either arrive or either leaving is that the procedure?

18 A The log sheet that dispatch keeps is dispatch times,
19 dispatch arrival times and clear scene times. It gives
20 you all of those. If dispatch kept a log, you know
21 sometimes it get hectic they'll miss one or two. But for
22 the most part, it keeps up with each officer and where
23 they're at and how they're responding or leave. We'll
24 give a clear on it.

25 Q Is this what you referring to what is referred to as

1 the CAD sheet?

2 A This is a CAD sheet here and here are all of the
3 officers responding sheets.

4 Q Is that it?

5 A This is it.

6 Q Okay. Can you look on there and at least tell me
7 what times you cleared the scene?

8 A I got there -- I can tell you what time I got there
9 hold on. I just seen it at 1:09 a.m. I don't see my
10 clear, but I'm assuming me and Detective Lee and all of us
11 cleared about the same time would have been about
12 5:23 a.m. Like I said, if there was a large number, she
13 may have miss one or two. These are the log sheets from
14 that night from dispatch.

15 Q Okay. So now that help -- my understanding that help
16 clear your memory with respect to what time you left?

17 A That's what the log sheet says.

18 Q Where did you go after that?

19 A I can't remember totally, but I remember the next
20 thing we done was go out to Mr. Strickland's house. In
21 between there, there may have been something else that I
22 don't recall.

23 Q Is it customary for an investigator to keep notes of
24 everything that he's doing along the course of the
25 investigation for the purposes...

1 A I don't write down when I'm driving down the road. I
2 don't write down when I stop and get a drink. Those minor
3 details, no. It wouldn't be any concern. I don't write
4 down private phone calls that come in. There's some
5 things you don't record. Why would I record ---

6 THE COURT: Hold on a minute. He's asking the
7 questions and you answer the question please, sir. That's
8 the way it works.

9 You may continue, Mr. Brooker.

10 MR. BROOKER: Thank you, Your Honor.

11 BY MR. BROOKER:

12 Q We'll move on. So you didn't write down everything
13 that you did?

14 A No, sir.

15 Q All right. Now, you said at some point in time you
16 arrived at Mr. Strickland's; is that correct?

17 A Yes, sir.

18 Q And at that particular period of time when you
19 arrived at Mr. Strickland's, you tell me do you know what
20 time it was when you got to his house?

21 A Not right offhand I don't.

22 Q Okay. And I think you testified is is that when you
23 got to his house that his father, you know, I think came
24 to the door?

25 A He answered the door.

1 Q Okay. And you testified you know Mr. Strickland or
2 you know the Strickland's; is that correct?

3 A Yes, sir, I do.

4 Q How long have you known them?

5 A Since, he was a little boy. I haven't seen him in
6 years.

7 Q And, I guess, my next question would be is how do you
8 know him, do you know him through his father?

9 A His grandmother ---

10 Q His grandmother.

11 A --- who is deceased.

12 Q Okay. Now, when you got there and I'm assuming that
13 you identified yourself and identified at least generally
14 the reason that you were there?

15 A We was there looking for his son, yes, sir.

16 Q Okay. Now, when you requested that Chad -- when you
17 requested Chad, did Chad leave the house?

18 A No, sir, he come out on his own.

19 Q So he cooperated completely?

20 A Yes, sir.

21 Q And I think you also testified that at some point in
22 time that Chad identified to his father that y'all were
23 there because he had shot someone?

24 A Yes, sir, he did. He told his father. I asked him
25 did he want me to tell him or he wanted to tell him. He

1 instructed he would tell his father.

2 Q And you Mirandized him at the house; is that correct?

3 A Sitting in the patrol car, yes, sir.

4 Q At that particular period of time had you secured a
5 warrant for his arrest?

6 A I did not. I didn't type the warrants.

7 Q After you Mirandize him you ask him questions and he
8 answered all of your questions, did he not?

9 A Yes, sir, he did.

10 Q He told you where the gun was?

11 A Yes, sir, he did.

12 Q And rode with you to make sure that you were able to
13 locate him; is that correct?

14 A Yes, he did.

15 Q And, of course, is is that once the gun in the
16 holster was located and I think you testified that y'all
17 went back to the Marion County sheriff's department for
18 purposes of talking with him?

19 A We were at my office at the sheriff's office.

20 Q Okay. Your office at the sheriff's office. And I
21 think you testified to the fact is is that at that
22 particular period of time you Mirandize him on a written
23 form with a written Miranda form?

24 A Yes, sir, we also recorded it.

25 Q Okay. And that he voluntarily agreed to sign that

1 even though he knew that he had a right to an attorney?

2 A Yes, sir, he did.

3 Q And he voluntarily cooperated with you even though
4 that form instructs him he has a right to an attorney?

5 A Yes, he did.

6 Q Now, that is the same video -- I think that's the
7 same audio in which you played on direct examination, that
8 was played on direct examination for benefit of the court;
9 is that correct?

10 A Yes.

11 Q That was the recorded statement that was taken from
12 him that particular day?

13 A Yes, sir, it was.

14 Q Okay. Now, if my memory serves me correctly is is
15 that on direct examination that the Solicitor asked you
16 some questions in reference to what was contained or at
17 least his responses on that video and I think there was
18 a -- at least a time on that video that he stated -- that
19 he stated that -- and you correct me if I'm wrong. This
20 is a question so I want you to correct me if your
21 recollection is different from what I heard, but there was
22 a time in that particular statement in which Chad said
23 that when Blake Dozier was standing at his car, that Stacy
24 Fowler was standing in front of him and he was standing
25 behind Stacy and that Blake reached around or went around

1 Stacy after?

2 A It could be on there, I can't recollect without
3 listening to it again. If you want to, we can pull it
4 back up.

5 Q Okay. Do you recall him -- and I think you were
6 asked this question by the prosecutor's office?

7 THE COURT: Hold on a minute, Mr. Bell, could
8 you speak up a little bit please.

9 THE WITNESS: Sorry, Your Honor. Could I get a
10 glass of water, my throat's getting dry. I been up here
11 awhile.

12 THE COURT: Could you please get him some water.
13 Your head's turning away from me talking and I'm
14 having a hard time hearing you. I want to make sure
15 everybody else is.

16 Go ahead, Mr. Brooker, I'm sorry.

17 MR. BROOKER: That's fine.

18 BY MR. BROOKER:

19 Q Now, I think that you testified on direct examination
20 that he said something to the effect that he wished he
21 should not have done that and indulge me for just a
22 second. Let me move to that I believe I wrote it down.
23 That he wished he should not have done that?

24 A Yes, sir, it was.

25 Q And then he also testified to the fact that he felt

1 sorry for the shooting?

2 A Yes, sir.

3 Q And did he also -- didn't he also tell you that he
4 should have just simply let them jump on him?

5 A Yes, sir, he did.

6 Q Now, was there a written statement ever taken from
7 Chad Strickland?

8 A Right offhand I can't remember, but if there was, it
9 would be in the case file.

10 Q Do you have access to the case file?

11 A Actually, it's over there on the bench. We brought
12 it with us to court. It normally is in the captain's
13 office locked in the file cabinet. And then Detective
14 Watson has his copy of the case file and then the
15 solicitor's office has a copy.

16 Q In your preparation for your testimony today, did you
17 go through your case file?

18 A I went through it, but not completely. There's so
19 much in that case file, it's like that thick. For me to
20 remember every item, it's kind of hard without me looking
21 back at it. I'll gladly look at it, sir.

22 MR. BROOKER: If, Your Honor, would indulge us.

23 THE COURT: Give him his file please, Mr.
24 Clements.

25 THE WITNESS: It's in that black notebook there

1 sitting under the bench please.

2 THE COURT: As he's doing that, can the lawyers
3 approach please.

4 (WHEREUPON, a bench conference was held in the
5 presence of the jury, but out of the hearing of the
6 jury.)

7 BY MR. BROOKER:

8 Q Have you had a chance to flip through the file?

9 A Yes, sir, I have.

10 Q Did you see anything that reference a written
11 statement that was taken from Chad Strickland?

12 A No, sir, there's no written statement.

13 Q And I'll ask just one question about that and I'll
14 move on. Is your testimony that you don't have one in
15 your file or that one was never given?

16 A I don't have one in this file.

17 Q But you can't say that one was never given?

18 A I know we took a recorded statement.

19 Q Now, you also testified today on direct examination
20 that on that particular night even though you did not
21 enter the crime scene, I think you testified that you kind
22 of looked around and see what the environment was?

23 A Yes, sir, I did.

24 Q Okay. And I think you also talked about -- and you
25 correct me if I'm wrong. I think it was that particular

1 night, the night of the shooting you talked about looking
2 at the lot that is to the right of the trailer if you're
3 facing Stacy Fowler's trailer and you said that that lot
4 was kind of grown up?

5 A Yes, sir, I did.

6 Q Okay. Did you take photographs of that lot?

7 A No, sir, I was not a photographer at the scene.

8 Q Do you know whether or not anybody else from the
9 Marion County sheriff department that was involved in that
10 investigation took photographs of that lot?

11 A Not that night not that I know of.

12 Q Now, did you think that there was anything important
13 in reference -- this particular night, did you think that
14 there was anything important in reference to that lot?
15 What I mean by importance is is that lot would somehow
16 factor into this investigation in some important way?

17 A Not at that time I did not.

18 Q So you didn't think it was really important?

19 A No, sir, not at that time I didn't.

20 Q And I'm assuming that had you thought it was
21 important then, of course, you or either someone on the
22 investigation team would have made sure that it would have
23 been photographed?

24 A If we would have had a reason, yes, sir, we would
25 have.

1 Q Now, we previously looked back what's been marked as
2 Defendant's Exhibit 4 excuse me -- State's Exhibit 4 I
3 apologize. Do you know when this photograph was taken?

4 A No, sir, I do not.

5 Q Did you take this photograph?

6 A No, sir, I did not.

7 Q Is this photograph -- is this photograph an accurate
8 representation of what you saw of that lot to the left of
9 Stacy Fowler's trailer that particular night?

10 A No, sir, it's not.

11 Q So you're saying that at least in this particular
12 photograph it represents a change in the landscape?

13 A The actual grass is cut on that one.

14 THE COURT: And again that's exhibit what?

15 MR. BROOKER: That's State's Exhibit 4, Your
16 Honor.

17 THE COURT: Thank you.

18 BY MR. BROOKER:

19 Q And just very briefly, I'll ask the same question in
20 reference to State's Exhibit 3. Is that in State's
21 Exhibit 3 would you agree with me that this is an aerial
22 photograph of the area including the lot that's to the
23 left of Stacy Fowler's mobile home?

24 A That is correct.

25 Q Okay. Now, if you look at the area left of that

1 mobile home if you were facing it is this an accurate
2 depiction or facsimile of what the landscape was on the
3 night or early morning of November 4, 2012?

4 A Again, no, sir, it's not.

5 Q So the landscape has been altered?

6 A Yes, sir.

7 Q And would you agree with me just off of general
8 knowledge is is that landscapes change naturally, you
9 know, from natural vegetation growing up, from being
10 mowed, from weather conditions strip leaves or grass is
11 that accurate -- did I express that accurately?

12 A It can change, yes.

13 Q Okay. So anything that you show this jury or either
14 these two photographs that you're showing the jury, you
15 can't tell this jury that you can accurately tell them
16 every blade of grass, every tree that was in place, every
17 leave that was in place and every obstruction that existed
18 or didn't existed on the night in which the shooting took
19 place?

20 A No, sir.

21 Q Because you didn't -- not just you. I apologize
22 because no one from the sheriff department made a
23 recording of that empty lot; is that correct?

24 A No, sir, because I couldn't do the same thing out
25 front of this courthouse right now.

1 Q Now, you also testified that statements were taken --
2 I think that you were -- just briefly testified that you
3 were present for the statement of Mr. Strickland?

4 A I was.

5 Q When Investigator Charlie Watson when he interviewed
6 Logan Ratley, were you present for that interview?

7 A Yes, sir, I was.

8 Q When Investigator Charlie Watson interviewed Matt
9 Lane, were you present for that interview?

10 A Yes, sir, I was.

11 Q Were you also present when Investigator Charlie
12 Watson interviewed I think Stacy Fowler?

13 A Yes, sir, I was.

14 Q I'm not asking you what anyone said, but just going
15 to ask you at least some factual information in reference
16 to those interviews. How many times did you interview
17 Stacy Fowler?

18 A I don't think I actually sat in, but one or two. I
19 think two.

20 Q Two?

21 A Yes, sir.

22 Q Okay. What about Matt Lane?

23 A Only one.

24 Q And what about Logan Ratley?

25 A Only appears to be one.

1 Q I apologize.

2 A One.

3 Q Now, not trying to get in an argument with you just
4 going to ask is that did you record what was said --
5 questions and responses that was given within those
6 statements?

7 A No, sir, I didn't.

8 Q Was there any recordings or the questions in
9 responses that was given within those statements?

10 A No, sir, there wasn't.

11 Q Okay. And very briefly and I'm going to move on is
12 there a reason why you didn't record it?

13 A Because they're in writing versus the other wasn't
14 when we did Mr. Strickland's. It wasn't in writing, so we
15 did his in audio recording. Those were in writing, so we
16 didn't feel a need to record them. They wrote them their
17 self as their statement. And they can testify to their
18 statement.

19 Q Yes, sir. And not necessarily when I mean record,
20 not necessarily audio or video, but I'm talking about
21 written notes. Did you take any written notes?

22 A Detective Watson would have been taking notes on
23 those. No need in both of us taking notes.

24 Q Okay.

25 MR. BROOKER: If you could indulge me for just a

1 second, Your Honor, I may be about finish. I just want to
2 be absolutely certain.

3 THE COURT: Yes, sir.

4 (WHEREUPON, a pause in the proceedings.)

5 BY MR. BROOKER:

6 Q And just to make sure, Detective Bell, we cover all
7 basis, did you have any other involvement in this
8 investigation that we did not discuss either on direct
9 examination or cross-examination?

10 A None that I can think of at this time.

11 MR. BROOKER: Indulge me for just a second.

12 THE COURT: Yes, sir.

13 (WHEREUPON, a pause in the proceedings.)

14 MR. BROOKER: No further questions.

15 THE COURT: Any redirect?

16 MR. CLEMENTS: A little bit, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. CLEMENTS:

19 Q Investigator Bell?

20 A Yes, sir.

21 Q I know this is a stupid question, but Mr. Brooker
22 asked you about State's Exhibit 3 and State's Exhibit 4.
23 Are these aerial photos?

24 A Yes, sir, they are.

25 Q Tell me how please you can determine how high

1 something is from an aerial photo?

2 A You're looking down at it, so anything would be hard
3 to tell. I can't even tell you if it's a one story,
4 two-story house without getting a frontal view of the
5 property. I can tell you there's houses there or some
6 kind of building there.

7 Q Can't tell if they're one story or two story or what
8 from this aerial photo, can you?

9 A Only by knowing the houses would you know that.

10 Q All right. State's Exhibit 3 and 4 Mr. Brooker ask
11 you about if they're accurate. And can you tell me please
12 what is inaccurate about these photos from that night
13 other than this grass being cut and it being dark? Is
14 there anything else any other thing that's not accurate
15 other than that?

16 A Nothing that I can think of.

17 Q Nothing that you can think of?

18 A No, sir.

19 Q Now, I think he asked you a lot about being at the
20 crime scene or in the crime scene. You said you were at
21 the crime scene not in it?

22 A Yes, sir.

23 Q And let me ask you this as far as talking to the
24 neighbors or neighbors knowing y'all were there, were
25 there plenty of blue lights and EMS lights and any of that

1 for the neighbors to see and hear?

2 A Yes, sir, when I arrived on scene, blue lights were
3 still on on the patrol cars. All of our vehicles were
4 parked there blocking the road. You couldn't help but see
5 black Tahoes, the white trucks, patrol cars marked units.
6 We had three marked units for sure there if not more, very
7 visible and very lit up.

8 Q Would it be fair or would it not be fair to say that
9 whole neighborhood could have easily been aware of y'all's
10 presence and availability?

11 A Yes, sir, you couldn't miss this.

12 Q Now, he was asking you about talking to Chad on that
13 audio and the statement he gave. What did y'all tell Chad
14 about this is was opportunity to tell his side of the
15 story and get his side out?

16 A Yes, sir, that's exactly what we told him and he's
17 the only one can tell his side.

18 Q Please tell me what, if anything, he related to y'all
19 about being scared for his life or great bodily injury or
20 that he was under attack from local assailants?

21 A I can't recall anything in that statement.

22 Q He didn't tell y'all anything about that?

23 A No, sir, he had remorse for what he had done and wish
24 he could take it back, but I don't remember anything to do
25 with being scared or anything of that sort.

1 MR. CLEMENTS: Thank you. Beg the Court's
2 indulgence. Thank you, sir.

3 THE COURT: Any further on recross?

4 MR. BROOKER: Very briefly, Your Honor. I
5 promise, Your Honor.

6 RECROSS-EXAMINATION

7 BY MR. BROOKER:

8 Q Just very briefly State's Exhibits 3 and 4. I think
9 there was an issue with respect to what did you see with
10 aerial shots, how good your vision with aerial shots. And
11 these aerial shots even though they're aerial shots can
12 you identify trees?

13 A Some.

14 Q Okay. They're trees in this aerial shot, right?

15 A Some, yes, sir.

16 Q Can you identify shrubs?

17 A Not sure on that one. Don't see no shrubs from
18 there.

19 Q What are these things here?

20 A Maybe trees.

21 Q Maybe trees, maybe shrubs?

22 A They look like trees to me.

23 Q They're obstructions. You can identify obstructions,
24 can't you?

25 A Some.

1 Q Okay.

2 MR. CLEMENTS: Your Honor, any further I would
3 object because I would say that this is not a new matter
4 that came out on redirect. I was very limited in my
5 redirect.

6 THE COURT: Go ahead, Mr. Brooker. I'm going to
7 allow it.

8 BY MR. BROOKER:

9 Q So when you were asked about aerial photographs and
10 how much you can see, they're not completely blind the
11 aerial photographs, can't you? You can make out stuff
12 from aerial photograph, right?

13 A Some things.

14 Q You were also asked on redirect -- and you testified
15 on redirect that there was a bunch of blue lights out
16 there and the neighbors could see the blue lights. Are
17 what you saying is is that whenever there's an
18 investigation, you're saying that it's the job of the
19 neighbors to approach y'all and it's not your job to go
20 out and seek witnesses?

21 A We were there and we did seek witnesses. Those that
22 were brought to our attention we did seek them and found
23 them and interview them. Some come up later and at that
24 point we seeked them out and interviewed them. But if
25 they didn't approach us and we knew nothing about them

1 that night, why would we seek what we don't know about.

2 Q But you didn't go to any of these houses?

3 A I did not.

4 Q So you didn't seek them out?

5 A I said I did not.

6 MR. BROOKER: No further questions, Your Honor.

7 THE COURT: Thank you. You may step down.

8 (WHEREUPON, the witness leaves the witness
9 stand.)

10 MR. CLEMENTS: May we approach, Your Honor.

11 (WHEREUPON, a bench conference was held in the
12 presence of the jury, but out of the hearing of the
13 jury.)

14 THE COURT: All right. Ladies and gentlemen of
15 the jury, what we're going to do we're going to take a
16 lunch at this time. I been advised that the next witness
17 may be a little lengthy and rather than start and stop and
18 then come back and resume that witness, I'm going to let
19 you go a little bit earlier today to lunch. It's about a
20 quarter to 12. I'm going to ask that you be back here at
21 1:15, be back at 1:15 and we'll resume the trial as
22 promptly at that time as possible. During the break,
23 don't discuss the case, don't with anyone. Don't do any
24 independent investigation on your own. Again, you are to
25 decide it based solely, solely upon the testimony and

1 evidence that's presented in this courtroom and nowhere
2 else. You all have a nice lunch and I'll see you back at
3 1:15 p.m., okay. Everybody else remain seated while they
4 exit the courtroom.

5 (WHEREUPON, the jury excuse for lunch.)

6 THE COURT: Anything from the State before we
7 break for lunch?

8 MR. CLEMENTS: No, Your Honor. Thank you.

9 MR. BROOKER: Nothing from the defense.

10 THE COURT: All right. Mr. Clements advised me
11 over at side bar that some technical issues needed to be
12 addressed I think before our next witness; is that right?

13 MR. CLEMENTS: Yes, sir.

14 THE COURT: Please don't wait until 1:15 to
15 start getting those things in line, okay. I've asked the
16 jury to be back here, let's start as promptly at 1:15 as
17 possible. 1:15.

18 MR. CLEMENTS: Thank you, Your Honor.

19 (WHEREUPON, a lunch break was taken.)

20 THE COURT: The State ready?

21 MR. CLEMENTS: Yes, sir.

22 THE COURT: Defense counsel.

23 MR. BROOKER: Yes, sir, Your Honor.

24 THE COURT: Bring us the jury please, sir.

25

1 (WHEREUPON, the jury came into open court.)

2 THE COURT: All jurors are present. Ladies and
3 gentlemen, madam forelady hope you all had a nice lunch
4 and are ready to proceed this afternoon. At this time I'm
5 going to recognize the State call your next witness
6 please.

7 MR. CLEMENTS: Thank you, Your Honor. If it
8 please the Court we would call Agent Scott Hardee from the
9 State Law Enforcement Division.

10 THE CLERK: Do you solemnly swear that the
11 testimony you're about to give in this case shall be the
12 truth, the whole truth, and nothing but the truth so help
13 you God?

14 THE WITNESS: Yes, ma'am.

15 THE CLERK: Thank you. You may have seat in the
16 box.

17 WHEREUPON,

18 Scott Hardee,
19 after first having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. CLEMENTS:

22 Q Good afternoon.

23 A Good afternoon.

24 Q Would you introduce yourself to this jury?

25 A My name is Leland Scott Hardee and I'm a senior

1 agent with the South Carolina Law Enforcement Division.

2 Q And that's commonly referred to as what?

3 A SLED.

4 Q What do you currently do for SLED, Agent Hardee?

5 A I'm currently assign to the counter terrorism unit
6 specializing in arson investigation and bomb
7 reconstruction and I been doing that since 2013.

8 Q How long have you worked for SLED?

9 A Since May of 2008.

10 Q Now, from 2008 to 2013, did you have a different job?

11 A Yes, sir. I was hired at SLED to be a field agent in
12 the Pee Dee region. Six months after that, they needed me
13 in crime scene and so I transferred to the crime scene
14 unit and I been there up until then until I transferred to
15 arson.

16 Q Okay. And a crime scene agent that's commonly called
17 what?

18 A Sorry.

19 Q Crime scene officers that's commonly called -- what
20 is that area of law called?

21 A Crime scene investigation forensics.

22 Q Now, as a crime scene officer with SLED, did you work
23 by yourself?

24 A No, we had at the time I want to say about nine or
25 ten other agents that specialized in crime scene

1 investigation. We responded to calls throughout the
2 state at the request of local jurisdictions. If they
3 needed extra manpower or if they needed equipment and
4 knowledge that their agent may not have had at the time,
5 their agency. And we assisted whenever we could.

6 Q Now, as SLED's purpose to be a primary law
7 enforcement agency or assisted law enforcement agency?

8 A It's actually in our mission to be an assisting law
9 enforcement agency, dedicated providing manpower and
10 expertise to agencies that request us.

11 Q So was forensics a specialized field?

12 A Yes, sir, it is.

13 Q Okay. Did you get additional law enforcement
14 training for forensics?

15 A Yes, sir, it actually started when I was working for
16 the Florence police department, that's where I got my
17 first hands-on experience with crime scene investigation
18 and that's actually why SLED move me over to crime scene
19 six months into my starting my career there. The -- you
20 attend classes, on-the-job training. They have classes
21 all over the country. Actually, they even have it
22 overseas. I attended classes predominantly in South
23 Carolina at the Criminal Justice Academy. We would also
24 have specialist in the field come to SLED to train us
25 further in a specialized field like tire tread, footwear,

1 blood spatter and those kind of specialize fields within
2 crime scene.

3 Q All right. Now, when you work, you didn't work solo.
4 Did you work as a team with another agent?

5 A Yes, sir. It was part of our policy -- I say policy.
6 It's probably more of our standard operating procedure
7 that crime scene always worked in pairs at very minimum.
8 I mean some crime scenes would require multiple agents to
9 assist because just of the scope of that crime.

10 Q All right. Kind of two heads better than one?

11 A Yes, sir.

12 Q Did you have an occasion to be called to Marion
13 County on November 4th of 2012?

14 A Yes, sir, I was requested by Marion County sheriff's
15 office to assist them with a death investigation.

16 Q Now, when you got that call, do you remember about
17 what time of the day it was or evening?

18 A Memory serves it was dark, nighttime. The exact time
19 that I wrote down was 1:30 a.m. on November 4th 2012 and
20 the call came from -- at the request of Detective Charlie
21 Watson.

22 Q Okay. And when you receive that call, what did you
23 do?

24 A After I received the call -- we actually get our
25 calls routed through operations, which is the 24-hour

1 service with SLED that takes calls throughout the whole
2 state.

3 Q Where is that located at?

4 A In Columbia. And they called me because I was the
5 on-call investigator for SLED that week. And they told me
6 that they had request someone to come in through Marion
7 County. They told me who to call, my point of contact.
8 And then I contacted Detective Watson and he provided me
9 with a quick synopsis of what they had and what they
10 needed from me.

11 Q Okay. And did you contact another agent or the
12 operations in Columbia contact another agent to assist
13 you?

14 A I can't remember that. I know that my partner at the
15 time was a Melinda Warley. And I can't remember if I told
16 operations to go ahead and call her, so I could go ahead
17 and talk to Charlie Watson because I would do that
18 sometimes or sometimes I would call directly and say what
19 we have. And since she lives in Lexington County, I
20 probably had O.D. go ahead and call her and get her ready.
21 So I could go ahead and talk to Watson, so she could meet
22 me here in Marion.

23 Q And what time did you get here in Marion?

24 A I arrive on scene at approximately 2:46 that same
25 morning on November 4th.

1 Q And the other agent did she -- Agent Warley she
2 arrive about the same time or a little after you?

3 A She would have arrived in her own vehicle separate.

4 Q Okay. All right. When you get to the crime scene,
5 you recall what the address was and what type of dwelling
6 it was?

7 A The address was [REDACTED] Ard Drive, which is Mullins,
8 South Carolina within Mullins County excuse me -- Marion
9 County and it was a single wide trailer.

10 Q Okay. What did you find and who did you find when
11 you got there?

12 A When I arrived on scene, I saw, of course, police
13 vehicles with lights on. I saw a fire truck, if I
14 remember correctly, was on scene also and fire personnel.
15 Then I saw a section of the front yard with a vehicle that
16 had crime scene tape around that vehicle.

17 Q All right. How many perimeters did they have there?
18 It was one around the car.

19 A And I can't remember if there's another one that I
20 drove through, but I know there were police vehicles
21 presence on the -- actually on that road.

22 Q Okay. So they had it secured?

23 A Yes, sir.

24 Q On the outer part and the inner part?

25 A Yes, sir.

1 Q Okay. And you got there you come in like a regular
2 Crown Vic or do you have a special vehicle with lots of
3 stuff in it or crime unit or what?

4 A It was a Dodge Ram 2500 I believe. It was -- it has
5 a bed with a cover, a camper shell on the back and that's
6 where we keep all of our equipment, cameras all sorts of
7 stuff.

8 Q So that was a Dodge Ram pickup truck?

9 A Yes, sir.

10 Q Okay. Now, you got there law enforcement had it
11 secured. And you get there -- had you already been
12 debriefed by phone or did you get debriefing when you
13 arrive on the scene?

14 A When I arrived on scene, I always get a second
15 debriefing just to find out if anything had changed since
16 the initial call, what they still needed from me, if I
17 needed to go to another location, also sometimes we'll
18 have to go to the hospital. Sometimes they find out later
19 after they talk to me, there could be a secondary scene.
20 In this case, I just had to stay at that scene.

21 Q Okay. And who did you talk to when you got there?

22 A I spoke -- let's see I have Detective Charlie Watson
23 and the search warrant was received from Lieutenant Darren
24 Miles and that's the only names I have on people that were
25 there. I'm sure I talked to other officers and stuff on

1 the way.

2 Q There were other officers present?

3 A Yes, sir.

4 Q Do you know Charlie Watson and do you recognize him?

5 A Yes, sir. I've worked several cases with him over
6 the years.

7 Q And where is he?

8 A He is right there, the real big guy.

9 Q Okay. All right. Now, he debriefed you further?

10 A Yes.

11 Q And then you started to do what you came to do?

12 A Yes, sir.

13 Q Can you please explain to the jury and I'm sure they
14 seen a lot of CSI on TV and all that and I know that's
15 fiction. Some of it maybe accurate, some of it may not.
16 So I'm going to ask you if you would if you would explain
17 exactly what you do when you arrive on the crime scene,
18 how it's documented and what steps you take if you would?

19 A Okay. First of all, what I do is not as quite as
20 glamorous. I don't make no way near as much money, but
21 basically when you get on scene we start documenting
22 either with note taking, photographs. We try to
23 photograph the scene before anything is touched. In fact,
24 that is procedure. We don't touch anything until it's
25 photograph, so that we have an accurate depiction of what

1 that scene was like when we arrived on scene.

2 Q And what angles or are what scope do you take
3 photographs of 180 degrees, 360 degrees what?

4 A We try to do 360 degrees. We have three different
5 levels of photography. You have your big photos that just
6 kind of shows the entire side of the trailer, entire
7 parking lot. Then you move closer and kind of show like
8 the car inside that perimeter that's of interest or a --
9 where a body is position. And then we move closer and
10 start taking photographs of like if there's a bullet hole,
11 a knife wound, if the person has something in their hands,
12 that kind of stuff. We try to take general photos all
13 around to show what the scene look like because y'all
14 won't be able to see it, so you have to see it with
15 pictures or video.

16 Q Did you do that on this occasion?

17 A Yes, sir, I did.

18 Q Okay. All right. Please continue.

19 A After we photograph the scene, we'll start looking
20 and documenting the evidence stuff that kinds of stick out
21 to us or something that we already been told about by the
22 requesting agency that, hey, this is where we found a
23 cartridge case or this is where we found a knife or
24 whatever. And then we'll start documenting where it is.
25 We'll take measurements sometimes, most times. Then we

1 from there we go back and photograph again this time with
2 markers, evidence markers so that in a photo you'll be
3 able to see where that item of evidence was in position to
4 the house or where it was in position to the body or to
5 the car. Then after that we'll collect that evidence.
6 We'll put it inside depending on the type of evidence it
7 is, we'll secure it inside some sort of containers where
8 there's a plastic bag, a paper bag, a lined paint can, a
9 paper box, a cardboard box. And then we'll secure it
10 inside our vehicle and maintain custody of that.

11 Q After you finished the general photographs and then
12 do you take the rest of the photographs after that or do
13 you go do a more detailed look through?

14 A We'll look around again and that's another reason why
15 we have at least two agents with us because then you have
16 people looking behind you, people looking together to see
17 if there's anything that may have been missed that may
18 have been covered up by grass or by leaves or by dirt.
19 Then -- so we'll look around that area pretty good. And
20 then if we see something else, we'll photograph that and
21 go through the whole steps again kind of far away, kind of
22 get in the middle of where it was and then get a close up
23 of what the evidence was. Once we finished all that,
24 we'll do a crime scene diagram, which is -- it's just a
25 sketch showing what the scene look like usually from an

1 aerial view of where the house was, a vehicle was, a
2 person was that kind of stuff.

3 Q Now, you have some crime scenes that are complex,
4 some that are kind of simple, some with a lot of things to
5 recover and document and some with a few things to recover
6 and document; is that correct?

7 A Yes, sir.

8 Q So it's a broad spectrum of what you may find when
9 you come to a crime scene?

10 A Yes, sir.

11 Q How would you characterize this particular crime
12 scene?

13 A This was actually a pretty straightforward crime
14 scene. I mean, I had scenes where I've collected a 107
15 cartridge cases and 107 projectiles and different guns and
16 stuff like that. This was a victim, an open car, a
17 cartridge case and a recovered a projectile and that was
18 pretty much it.

19 Q So as far as pieces of evidence that you took from
20 the scene there were how many two?

21 A Yes, sir, hold on let me double check to make sure.
22 On that day based on the search warrant return, the only
23 thing taken from that location was one, two -- eight items
24 all together.

25 Q And how many of those were from the victim?