

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Hampton County

Perry M. Buckner, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SIDNEY ANTOINE HOLMES,

APPELLANT

APPELLATE CASE NO 2017-000702

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBIT #12 (YELLOW FOLDER); STATE'S EXHIBIT #13 (PHOTOS);
STATE'S EXHIBIT #15 (PHOTOS)**

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
 COUNTY OF HAMPTON) CASE NUMBERS: 2015-GS-25-265,
 266, 267 & 268

STATE OF SOUTH CAROLINA,)
)
 PLAINTIFF,)
)
 v.) TRANSCRIPT OF RECORD
)
 SIDNEY ANTOINE HOLMES,)
)
 DEFENDANT.)
)

MARCH 13TH - 15TH, 2017
 COMMENCING AT
 HAMPTON COUNTY COURTHOUSE
 HAMPTON, SOUTH CAROLINA
 BEFORE THE HONORABLE PERRY M. BUCKNER, III, JUDGE.

APPEARANCES:

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 Official Court Reporter

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Jury

157	Lee Terry	B	M
138	Joseph Saxon	B	M
115	Cherry Moore	B	F
174	Kim Youmans	B	M
11	Norman Bostick	B	M
5	Sandra Barnwell	B	F
107	Tiffany Lott	B	F
159	Karolyn Turner	W	F
89	Eartha Johnson	B	F
9	Hannah Bostick	W	F
20	Casie Brunson	W	F
66	David Greene	B	M
117	Vrajesh Patel	A	M
147	Gwenlyn Smith	B	F
88	David Johnson	W	M

1 THE COURT: Call your case, Solicitor.

2 ASST. SOL. MURDAUGH: Your Honor, the State is ready in
3 2015-GS-25-265, State v. Sidney Antoine Holmes, charged with
4 murder. He is charged on same day with possession of a
5 weapon during the commission of a violent crime. Another
6 indictment on the same date, he is charged with firing a
7 firearm into a dwelling. Another indictment he is charged
8 with illegal possession of a pistol.

9 THE COURT: For the record, the murder indictment is
10 2015-GS-25-265, possession of a weapon during the commission
11 of a violent crime is 2015 at 268. The discharging of a
12 firearm into a dwelling or occupied vehicle is 2015 at 267,
13 and the unlawful carrying of a pistol is 2015 at 266.

14 Ladies and gentlemen of the jury, please give me your
15 attention. I will remind you that you are under oath. I
16 will now ask you questions to determine your impartiality to
17 serve as a juror in the trial of the case.

18 The State has called the State of South Carolina v.
19 Sidney Antoine Holmes. Mr. Holmes is charged by these four
20 pieces of paper which I hold in my hands that we call
21 indictments. The indictments charge the defendant with the
22 offenses of murder, possession of a weapon during the
23 commission of a violent crime, discharging a firearm into a
24 dwelling or occupied vehicle, and the unlawful carrying of a
25 pistol. To these indictments, the defendant has pled not

1 guilty. That places the burden on the State of South
2 Carolina to prove each and every element of the offenses by
3 evidence satisfying you of that guilt beyond a reasonable
4 doubt if you are selected as a juror in the trial of this
5 case.

6 I tell you that, ladies and gentlemen, because I may
7 even read you some of the allegations in the indictment.
8 The indictment is not evidence in this case. It merely
9 contains the allegations made against the defendant. The
10 burden is on the State of South Carolina to prove the
11 elements of each of the offenses beyond a reasonable doubt.
12 Now, ladies and gentlemen, I want you now to meet the
13 lawyers that are going to be trying this case. First, for
14 the State of South Carolina and then for the defense, and I
15 will ask the defense attorney to also introduce his client,
16 beginning with counsel for the State.

17 ASST. SOL. MURDAUGH: I am Randolph Murdaugh. I am
18 formerly the Solicitor of the Fourteenth Circuit. Now I am
19 an Assistant Solicitor. Alec Murdaugh and I will be trying
20 this case. This is Corey Williams with the Solicitor's
21 Office as well.

22 THE COURT: Counsel for the defendant.

23 ASST. SOL. MURDAUGH: Good afternoon. My name is Bob
24 Hughes and I am with the Fourteenth Circuit Public
25 Defender's Office. I do cases in Allendale, Hampton and

1 Jasper. This is Mr. Sidney Holmes from Walterboro, South
2 Carolina.

3 THE COURT: This is Sidney Antoine Holmes from
4 Walterboro, South Carolina, who is standing beside his
5 attorney, Mr. Bob Hughes, with the Hampton County Public
6 Defender's Office. You may be seated.

7 All right, ladies and gentlemen, my first question, is
8 any member of my panel related by blood, connected by
9 marriage, or a close personal friend of the defendant,
10 Sidney Antoine Holmes of Walterboro, South Carolina? If so,
11 please stand at this time.

12 (NO RESPONSE.)

13 THE COURT: Let the record reflect, no one is standing.
14 Now, you've met the attorneys for both sides, Randolph
15 Murdaugh, his son, Alexander Murdaugh, and Corey, are you
16 going to be involved in this case as well?

17 MR. WILLIAMS: Just through the jury selection, Your
18 Honor.

19 THE COURT: Also Corey Williams will be here. All of
20 these lawyers represent the State of South Carolina. Is any
21 member of my jury panel related by blood, connected by
22 marriage, or a close personal friend of any of the attorneys
23 for the State of South Carolina? If so, please stand at
24 this time.

25 I'm Barbara Vaughn; my jury number is 162.

1 THE COURT: Thank you, juror 162. I appreciate that.
2 Counsel, this is juror, Barbara Vaughn.

3 JUROR: My family is close personal friends with the
4 Murdaugh family.

5 THE COURT: Your family is close personal friends with
6 the Murdaugh family. The fact that your family -- I assume
7 you are referring to your immediate family?

8 JUROR: Myself, my husband and my in-laws and my
9 brother-in-law.

10 THE COURT: All right. The fact that your immediate
11 family is friends with the Murdaugh family, would that in
12 any way affect your ability to give the State of South
13 Carolina or the defendant in this case, Sidney Holmes, a
14 fair and impartial trial?

15 JUROR: No, sir.

16 THE COURT: Thank you, you may be seated. Anyone else?
17 (NO RESPONSE.) Let the record reflect, no one else is
18 standing. Has any member of my jury panel ever been
19 represented in the past or currently represented by any of
20 the State's attorneys in this case whom you have just met?
21 If so, please stand at this time.

22 JUROR: Annette Youmans, juror number 173, I think.

23 THE COURT: Counsel, this is Annette Youmans, juror
24 173. Ms. Youmans, you stood. Did one of the attorneys for
25 the State represent you in the past or are they currently

1 representing you?

2 JUROR: In the past.

3 THE COURT: Has that representation concluded?

4 JUROR: Yes, sir.

5 THE COURT: And who was that?

6 JUROR: Alec.

7 THE COURT: Alec Murdaugh. The fact that Alec Murdaugh
8 represented you in the past and he's an attorney for the
9 State in this case, would that in any way affect your
10 ability to give the State or the defendant in this case a
11 fair and an impartial trial?

12 JUROR: No, sir.

13 THE COURT: Thank you, ma'am. You may be seated. All
14 right, you've also met counsel for the defendant in this
15 case, Mr. Bob Hughes, with the Hampton County Public
16 Defender's Office.
17 He actually does work in Hampton, Jasper and Allendale. Mr.
18 Hughes lives in Jasper County. Any member of my jury panel
19 related by blood, connected by marriage or a close personal
20 friend of counsel for the defendant, Mr. Bob Hughes? If so,
21 please stand at this time.

22 (NO RESPONSE.)

23 THE COURT: Let the record reflect, no one is standing.
24 Any member of my jury panel ever been represented in the
25 past or currently represented by Mr. Bob Hughes, counsel for

1 the defendant in this case? If so, please stand at this
2 time.

3 (NO RESPONSE.)

4 THE COURT: Let the record reflect, no one is standing.
5 All right. Ladies and gentlemen, I told you that the
6 indictments were just allegations. If you are selected as a
7 juror, you must base your decision only on the evidence
8 presented in this case. The indictments are not evidence.
9 But I will tell you what is alleged in the indictments in
10 order to ask you questions about your impartiality to serve
11 as a juror.

12 In the indictment for murder, it is alleged that this
13 happened in Hampton County, South Carolina, on or about
14 August 1st, 2015. It is alleged that the defendant, Sidney
15 Holmes, did with malice aforethought kill one, Stephen
16 Douglas Cochran, and that's C-O-C-H-R-A-N. Mr. Cochran did
17 die as a proximate result of Mr. Holmes's actions. It is
18 alleged that this was a shooting, ladies and gentlemen, in
19 the indictment.

20 In the indictment for possession of a weapon during the
21 commission of a violent crime, it is alleged that this
22 occurred in Hampton County, South Carolina, on August 1st,
23 2015. It is alleged that the defendant, Sidney Holmes, did
24 possess a firearm, or visibly displayed what appeared to be
25 a firearm, or visibly displayed a knife during the

1 commission of a violent crime.

2 On the indictment for unlawful carrying of a pistol, it
3 is alleged that it occurred in Hampton County on or about
4 August 1st, 2015, and that Sidney Antoine Holmes did carry
5 about his person a handgun, whether concealed or not, while
6 not being authorized to do so.

7 Finally, in the indictment for discharging a firearm
8 at or into a dwelling or occupied vehicle, it is alleged
9 that it occurred in Hampton County, South Carolina, on or
10 about August 1st, 2015. It is further alleged that the
11 defendant, Sidney Antoine Holmes, did discharge or cause to
12 be discharged a firearm at or into a dwelling house, other
13 building structure, or enclosure regularly occupied by
14 persons. It is alleged that this discharge occurred at
15 Hampton Garden Apartments in Hampton County on or about
16 August 1st, 2015.

17 I tell you about those allegations, and that's all they
18 are in the indictments, in order to ask you this. Is any
19 member of my jury panel heard about, read about, or know
20 anything whatsoever about the facts which are alleged in
21 this case? If so, please stand at this time.

22 (NO RESPONSE.)

23 THE COURT: Let the record reflect, no one is standing.
24 I am advised, ladies and gentlemen, that the potential
25 witnesses -- I'm going to read out a list. These are not

1 necessarily people that will actually testify, but
2 potentially could testify. I'm going to read out a name and
3 I'm going to tell you where they're employed or I'm going to
4 tell you where they live so you will be able to identify a
5 location or an occupation with the name. Because there are
6 several names, please bear with me because at the end of my
7 list of potential witnesses, I'm going to ask you whether
8 you are related by blood, connected by marriage or a close
9 personal friend of any of the potential witnesses in the
10 trial of this case. If the witnesses are present in the
11 courtroom when I call your name, please stand when your name
12 is called and fact my potential jury panel so they can see a
13 face with a name as the name is called.

14 Major Jake Sullivan, Hampton Police Department. He is
15 standing right in front of you, ladies and gentlemen .
16 Sandra Bryant, Estill, South Carolina. Tanish Bryson Smith,
17 911 Dispatch, Hampton, South Carolina. Mike Lawson, Hampton
18 Police Department. Rhett Long, Hampton Police Department.
19 Tressie Gates, Hampton County Emergency Services. Brenda
20 Ellis, Hampton County Emergency Services. Dr. Fred Mikell,
21 Hampton Regional Hospital Emergency Room. Nick Ginn,
22 Hampton Police Department. Dr. Erin Presnell, Medical
23 University of South Carolina Pathology Department. Ernie
24 Washington, Hampton County Coroner. Clarissa Bleimeister,
25 Asset Protection Wal-mart. Brian Varnadoe, Colleton County

1 Sheriff's Department. Counsel approach.

2 (Whereupon, a bench conference is held off the record
3 and out of the hearing of the jury.)

4 THE COURT: Ladies and gentlemen, this name is
5 difficult, so I'm going to spell it for you. My court
6 reporter is going to look at me and wonder how to pronounce
7 it. His first name, Becky, is K-H-A-D-I-J-A-H. The last
8 name is Battiste, B-A-T-T-I-S-T-E, Jasper Sheriff's
9 Department, works in the Jasper County Jail. Michael
10 Eichenmiller, South Carolina Law Enforcement Division. He is
11 in the forensic section, the firearms section.

12 ASST. SOL. MURDAUGH: Judge, that should be Michelle.
13 She is a lady.

14 THE COURT: All right. Michelle Eichenmiller, SLED.
15 Kentravia Brown, Hampton, South Carolina. Catherine L-E-I-
16 S-Y, Leisy. She is with the South Carolina Law Enforcement
17 division in the forensic DNA lab. Dylan Hightower,
18 Fourteenth Circuit Solicitor's Office. B.J. Holmes,
19 Hampton, South Carolina. Tremaine Gordon, Hampton, South
20 Carolina. Victor Folk, Hampton, South Carolina. Shanriqua
21 Chisolm, Hampton, South Carolina. Courtney Russell,
22 Hampton, South Carolina. Shanita Johnson, Hampton, South
23 Carolina. Benjamin Holmes, Hampton, South Carolina. Penny
24 Holmes, Hampton, South Carolina. Any additional witnesses
25 from the State?

1 ASST. SOL. MURDAUGH: Did you call Michael Smith, Your
2 Honor, please?

3 THE COURT: No, sir, I did not.

4 ASST. SOL. MURDAUGH: It should have been on there,
5 sir, I apologize.

6 THE COURT: Location or employment?

7 ASST. SOL. MURDAUGH: Employed by the school resource
8 officer for Hampton North District; Allendale County P.D.
9 now.

10 THE COURT: Ladies and gentlemen, Mr. Michael Smith,
11 formerly with Hampton as a school resource office, but now
12 employed by the Allendale County Police Department. Any
13 additional witnesses from the State of South Carolina?

14 ASST. SOL. MURDAUGH: None that I'm aware of.

15 THE COURT: Any additional witnesses from the
16 defendant?

17 MR. HUGHES: No, Your Honor.

18 THE COURT: All right, ladies and gentlemen, is any
19 member of my jury panel related by blood, connected by
20 marriage, or a close personal friend of any of the potential
21 witnesses in the trial of this case whose names I have just
22 called? If so, please stand at this time.

23 (ONE JUROR STANDS.)

24 JUROR: Juror 155.

25 THE COURT: Counsel, this is Ms. Mary L. Stutts, juror

1 155. Ms. Stutts, a yes or no, are you related by blood to
2 any of the potential witnesses?

3 JUROR: No, sir.

4 THE COURT: Are you connected by marriage to any of the
5 potential witnesses?

6 JUROR: No, sir.

7 THE COURT: Are you a close personal friend to any of
8 the potential witnesses?

9 JUROR: Yes, sir.

10 THE COURT: And what witness?

11 JUROR: The Sled Agent with the DNA lab, Catherine.

12 THE COURT: All right. That name that I gave you was
13 Catherine Leisy?

14 JUROR: Yes, sir. She is a close personal friend of my
15 daughter's. My daughter works at the SLED lab also.

16 THE COURT: I understand. The fact that Ms. Leisy is a
17 potential witness and is a close personal friend of your
18 daughter and they work together, would that in any way
19 affect you from giving the State of South Carolina or the
20 defendant in this case a fair and an impartial trial?

21 JUROR: No, sir.

22 THE COURT: Thank you, ma'am. You may be seated. Let
23 the record reflect, no one else is standing. Ladies and
24 gentlemen, I asked you a little while ago, I asked you about
25 witnesses. I told you in the indictment for murder, it is

1 alleged that Stephen Douglas Cochran was killed, or died, in
2 Hampton County, allegedly, on or about August 1st, 2015. I
3 ask now, is any member of my jury panel related by blood,
4 connected by marriage, or a close personal friend of the
5 person who is alleged to be the victim of the murder in this
6 case, Stephen Douglas Cochran, C-O-C-H-R-A-N? If so, please
7 stand at this time.

8 (NO RESPONSE.)

9 THE COURT: Let the record reflect, no one is standing.
10 Any member of my jury panel formed any opinion whatsoever
11 about the facts which are alleged in this case? If so,
12 please stand at this time.

13 (NO RESPONSE.)

14 THE COURT: Let the record reflect, no one is standing.
15 Any member of my jury panel formerly a member of the Hampton
16 County Grand Jury, which found the indictments in this case?
17 If so, please stand at this time.

18 (NO RESPONSE.)

19 THE COURT: Let the record reflect, no one is standing.
20 Any member of my potential jury panel ever been the victim
21 of a violent crime? If so, please stand at this time.

22 (NO RESPONSE.)

23 THE COURT: Let the record reflect, no one is standing.
24 Any member of my jury panel know of any bias or prejudice
25 they may have about the facts which are alleged in this

1 case, any of the potential witnesses that are involved in
2 this case, or any of the parties or attorneys involved in
3 this case? If so, please stand at this time.

4 (NO RESPONSE.)

5 THE COURT: Let the record reflect, no one is standing.
6 Any member of my jury panel who is a member of or a
7 contributor to any group which has as its primary concern
8 the promotion of law enforcement or victim's rights. These
9 groups would include, but certainly not be limited to, SADD,
10 MADD, CADRE or CAVE. If so, please stand at this time.

11 (NO RESPONSE.)

12 THE COURT: Let the record reflect, no one is standing.
13 Any member of my jury panel know of any reason whatsoever
14 why they can't give, why he or she can't serve as a juror in
15 this case, with particular emphasis being placed on your
16 ability to be fair and impartial to both the State of South
17 Carolina and the defendant in this case, Sidney Holmes? If
18 so, please stand at this time.

19 (NO RESPONSE.)

20 THE COURT: Let the record reflect, no one else is
21 standing. Any additional voir dire from the State?

22 ASST. SOL. MURDAUGH: None from the State, Your Honor,
23 please.

24 THE COURT: Any additional voir dire from the
25 defendant?

1 MR. HUGHES: No, Your Honor.

2 THE COURT: All right, ladies and gentlemen, I
3 understand, Madame Clerk, I've been over this with the
4 attorneys. The strikes are 10 and 5 on the jury. They are
5 2 and 1 on alternates.

6 (BRIEF PAUSE IN THE COURTROOM WHILE CLERK PRINTS OUT
7 JURY LIST.)

8 THE COURT: Counsel, my understanding is that the
9 clerk has drawn a list. You both agree that the strikes are
10 10 and 5. We will try, depending on strikes, to draw three
11 alternate jurors. We certainly can draw two based on what I
12 have now, but we will attempt to draw three.

13 Madame Clerk, will you give us the jury, please. Have
14 them come to the front of the courtroom and bring their
15 belongings with them.

16 MADAME CLERK: When I call your name, please come
17 forward and we will tell you where to stand. Bring your
18 belongings when you come up. Number 162, Barbara Vaughn.
19 What says the State?

20 ASST. SOL. MURDAUGH: Please present the juror.

21 MADAME CLERK: What says the defense?

22 MR. HUGHES: Please excuse the juror from the trial of
23 this case.

24 MADAME CLERK: Number 157, Lee Terry. What says the
25 State?

1 THE COURT: What says the State?

2 ASST. SOL. MURDAUGH: We're considering it, sir. I'm

3 sorry, sir.

4 THE COURT: I realize that.

5 ASST. SOL. MURDAUGH: Present the juror.

6 MADAME CLERK: What says the defense?

7 MR. HUGHES: Please seat the juror.

8 MADAME CLERK: Mr. Terry, you can have a seat. Number

9 19, Robert W. Brown, Jr. What says the State?

10 ASST. SOL. MURDAUGH: Present the juror.

11 MADAME CLERK: What says the defense?

12 MR. HUGHES: Please excuse the juror from the trial of

13 this case.

14 MADAME CLERK: Number 158, William Thompson. What says

15 the State?

16 ASST. SOL. MURDAUGH: Excuse the juror.

17 MADAME CLERK: Number 138, Joseph Saxon. What says the

18 State?

19 ASST. SOL. MURDAUGH: Present the juror.

20 MADAME CLERK: What says the defense?

21 MR. HUGHES: Please seat the juror.

22 MADAME CLERK: Number 115, Cherry Moore. What says the

23 State?

24 ASST. SOL. MURDAUGH: Present the juror.

25 MADAME CLERK: What says the defense?

1 MR. HUGHES: Please seat the juror.

2 MADAME CLERK: Number 173, Annette Youmans. What says
3 the State?

4 ASST. SOL. MURDAUGH: Present the juror.

5 MADAME CLERK: What says the defense?

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

8 MADAME CLERK: Number 174, Kim Youmans. What says the
9 State?

10 ASST. SOL. MURDAUGH: Present the juror.

11 MADAME CLERK: What says the defense?

12 MR. HUGHES: Please seat the juror.

13 MADAME CLERK: Number 11, Norman Bostick. What says
14 the State?

15 ASST. SOL. MURDAUGH: Present the juror.

16 MADAME CLERK: What says the defense?

17 MR. HUGHES: Please seat the juror.

18 MADAME CLERK: Number 36, Deborah Cope. What says the
19 State?

20 ASST. SOL. MURDAUGH: Present the juror.

21 MADAME CLERK: What says the defense?

22 MR. HUGHES: Please excuse the juror from the trial of
23 this case.

24 MADAME CLERK: Number five, Sandra Barnwell. What says
25 the State?

1 ASST. SOL. MURDAUGH: Present the juror.

2 MADAME CLERK: What says the defense?

3 MR. HUGHES: Please seat the juror.

4 MADAME CLERK: Number 84, Evelyn Jarrell. What says
5 the State?

6 ASST. SOL. MURDAUGH: Present the juror.

7 MADAME CLERK: What says the defense?

8 MR. HUGHES: Please excuse the juror from the trial of
9 this case.

10 MADAME CLERK: Number 107, Tiffany Lott. What says the
11 State?

12 ASST. SOL. MURDAUGH: Please present this juror.

13 THE COURT: What says the defense?

14 MR. HUGHES: Please seat the juror.

15 THE COURT: Number 110, Jonathon McMillan. What says
16 the State?

17 ASST. SOL. MURDAUGH: Present the juror.

18 MADAME CLERK: What says the defense?

19 MR. HUGHES: Please excuse the juror from the trial of
20 this case.

21 MADAME CLERK: Number 116, Sytonah Orr. What says the
22 State?

23 ASST. SOL. MURDAUGH: Please present this juror.

24 MADAME CLERK: What says the defense?

25 MR. HUGHES: Please excuse the juror from the trial of

1 this case.

2 MADAME CLERK: Number 49, Dazon Duffy. What says the
3 State? ASST. SOL. MURDAUGH: Excuse the juror.

4 MADAME CLERK: Number 65, Michael Gordon. What says
5 the State?

6 ASST. SOL. MURDAUGH: Excuse the juror from the trial.

7 MADAME CLERK: Number 159, Karolyn Turner. What says
8 the State?

9 ASST. SOL. MURDAUGH: Present the juror.

10 MADAME CLERK: What says the defense?

11 MR. HUGHES: Please seat the juror.

12 MADAME CLERK: Number 89, Eartha Johnson. What says
13 the State?

14 ASST. SOL. MURDAUGH: Present the juror.

15 MADAME CLERK: What says the defense?

16 MR. HUGHES: Please seat the juror.

17 MADAME CLERK: Number 9, Hannah Bostick. What says the
18 State?

19 ASST. SOL. MURDAUGH: Present the juror.

20 MADAME CLERK: What says the defense?

21 MR. HUGHES: Please seat the juror.

22 MADAME CLERK: Number 20, Casie Brunson. What says the
23 State?

24 ASST. SOL. MURDAUGH: Present the juror.

25 MADAME CLERK: What says the defense?

1 MR. HUGHES: Please seat the juror.

2 MADAME CLERK: Number 70, Jesse Hadwin. What says the
3 State?

4 ASST. SOL. MURDAUGH: Present the juror.

5 MADAME CLERK: What says the defense?

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

8 MADAME CLERK: Number 66, David Green. What says the
9 State?

10 ASST. SOL. MURDAUGH: Present the juror.

11 MADAME CLERK: What says the defense?

12 MR. HUGHES: Please seat the juror.

13 THE COURT: Alternate number one, two and one on the
14 alternate.

15 MADAME CLERK: Number 155, Mary Stutts. What says the
16 State?

17 ASST. SOL. MURDAUGH: Present the juror.

18 MADAME CLERK: What says the defense?

19 MR. HUGHES: Please excuse the juror from the trial of
20 this case.

21 MADAME CLERK: Number 117, Vrajesh Patel. What says
22 the State?

23 ASST. SOL. MURDAUGH: Present the juror.

24 MADAME CLERK: What says the defense?

25 MR. HUGHES: Please seat the juror.

1 MADAME CLERK: Number 147, Gwenlyn Smith. What says
2 the State?

3 ASST. SOL. MURDAUGH: Present the juror.

4 MADAME CLERK: What says the defense?

5 MR. HUGHES: Please seat the juror.

6 MADAME CLERK: Number 88, David Johnson. What says the
7 State?

8 ASST. SOL. MURDAUGH: Present the juror.

9 MADAME CLERK: What says the defense?

10 MR. HUGHES: Please seat the juror.

11 THE COURT: All right, counsel, are there any matters
12 of law pertaining to the selection of the jury that need to
13 be decided before the jury is sworn, from the State of South
14 Carolina?

15 ASST. SOL. MURDAUGH: There are none from the State.

16 THE COURT: From the defendant?

17 MR. HUGHES: No, Your Honor.

18 THE COURT: You understand that decision is irrevocable
19 regardless of when we commence trial, Mr. Hughes?

20 MR. HUGHES: Yes, sir.

21 THE COURT: Mr. Murdaugh?

22 ASST. SOL. MURDAUGH: I understand, yes, sir.

23 THE COURT: All right. Counsel, approach.

24 (Whereupon, a bench conference is held off the record
25 and out of the hearing of the jury.)

1 THE COURT: All right, counsel, it's my understanding
2 that both sides are ready to proceed with the trial of this
3 case; is that correct, from the State?

4 ASST. SOL. MURDAUGH: That is correct, sir.

5 THE COURT: Is that correct, from the defense?

6 MR. HUGHES: Yes, Your Honor.

7 THE COURT: Very well. Madame Clerk, would you please
8 swear the jury?

9 MADAME CLERK: Would you stand and raise your right
10 hand, please?

11 (Whereupon, the jury is duly sworn.)

12 THE COURT: Mr. Bostick, would you raise your hand for
13 me, please?

14 (Mr. Bostick, juror number 11, raises his hand.)

15 THE COURT: I'm going to ask you, if you would, if you
16 would serve as the foreperson of my jury. Would you trade
17 seats with the lady on the end for me, please.

18 Now, Mr. Bostick, that will be your seat. The rest of
19 you can sit anywhere you want. I want my alternate jurors
20 to know that you're going to be with the jury throughout the
21 case. If for some reason a member of the jury becomes ill
22 or for some reason cannot continue to serve, you would take
23 their place on the jury. So you will be with them
24 throughout the trial of the case.

25 For those of you not selected as a juror in the trial

1 of this case -- Mylinda, do they have the number?

2 MADAME CLERK: When they go downstairs, the jury office
3 has it at the security desk.

4 THE COURT: All right. I'm going to ask you, when you
5 leave today, at the security desk downstairs, the security
6 officer will have a telephone number on a card. Call the
7 number after 6:00 tonight. I will have a taped message on
8 that number telling you when, if at all, I might need you to
9 return. On behalf of Hampton County and this Court, I want
10 to thank you for your patience this afternoon during jury
11 selection and jury qualification. I don't know whether I
12 will see you again; I may not need you. However, I need you
13 to call that number after 6:00. There is one message for
14 all jurors who are not on the jury. You may now leave the
15 courtroom at this time.

16 (Remaining jury panel exit 5:00 p.m. The following is
17 placed on the record.)

18 ASST. SOL. MURDAUGH: Your Honor, please, we have a
19 matter that we discussed in chambers, but has not been
20 discussed in the courtroom regarding sequestration of
21 witnesses, and I just didn't want to get started.

22 THE COURT: You are absolutely right. Mr. Hughes, is
23 there a motion for sequestration?

24 MR. HUGHES: Yes, Your Honor, at this time I would move
25 to sequester all witness, except for the primaries.

1 THE COURT: In that case, then, you understand, Mr.
2 Hughes, you have provided me with witnesses for the
3 defendant. Your witnesses would be sequestered if you ask
4 me to sequester the State's witnesses. Get with the clerk
5 and have a place because we're not going on a hunt for
6 witnesses during the trial. The solicitor has a designated
7 place for his witnesses and you will, too. Your request for
8 sequestration is granted and applies equally to both sides.
9 Please now excuse your witnesses, other than the defendant
10 and other than your managing case officer from the
11 courtroom. I realize I also have victims, Solicitor, and
12 under the Victim's Bill of Rights, members of the victim's
13 family, particularly if they are not witnesses in the trial
14 of this case can remain in the courtroom.

15 ASST. SOL. MURDAUGH: Your Honor, we have one that we
16 have listed as a witness, if Your Honor, please.

17 THE COURT: All right. I can't tell from the last
18 names, so you will have to tell me.

19 ASST. SOL. MURDAUGH: Pam Mitchell.

20 THE COURT: It's not on there.

21 ASST. SOL. MURDAUGH: Okay.

22 THE COURT: All right. Any objection to that, Mr.
23 Hughes?

24 MR. HUGHES: No, Your Honor.

25 THE COURT: All right. Both of you go back and make

1 sure your witnesses now leave the courtroom before we
2 commence in accordance with my ruling. Sequestration is
3 mutual.

4 (Off the record, briefly.)

5 THE COURT: All right. Solicitor, has the State now
6 removed all of its witnesses, except for your managing case
7 officer?

8 ASST. SOL. MURDAUGH: I have had the expert help of
9 Solicitor Alec Murdaugh.

10 THE COURT: I'm sure you have, but I have to ask you
11 because you're the officer of this Court for the State.

12 ASST. SOL. MURDAUGH: I assume that it's been done,
13 Yes, sir.

14 THE COURT: Mr. Hughes, has the defendant removed all
15 of his witnesses pursuant to my Order?

16 MR. HUGHES: Yes, Your Honor.

17 THE COURT: Very well. That takes care of
18 sequestration.

19 (Whereupon, the jury is seated in the jury area and the
20 following is placed on the record.)

21 THE COURT: All right, Mr. Foreman, ladies and
22 gentlemen of the jury, as I told you earlier, the case we
23 are about to try is the case of the State of South Carolina
24 v. Sidney Antoine Holmes. Mr. Holmes is charged by these
25 indictments as I told you and he's charged with four

1 different offenses and I read them out to you.

2 He's charged in one indictment with murder. He's
3 charged with unlawful carrying of a pistol. He's charged
4 with discharging a firearm at or into a dwelling or occupied
5 vehicle and he's charged with possession of a weapon during
6 the commission of a violent crime.

7 Now, don't worry about what the elements are of those
8 offenses, because I will charge you the law, including the
9 elements of the crime, in my charge to you on the law at the
10 conclusion of the case. I haven't heard any evidence in
11 this case and you told me you don't know anything about this
12 case when I asked you under oath. You haven't heard any
13 evidence in this case.

14 These indictments, as I told you, are just the formal
15 written instruments by which the case is filed that brings
16 it into this Court. So they're not in any sense evidence of
17 any of the allegations contained. The defendant has pled
18 not guilty to the indictments. The State of South Carolina
19 has the burden of proving each of the essential elements
20 which I will go over with you in my charge in the
21 indictments beyond a reasonable doubt. It will be your
22 duty, ladies and gentlemen, to decide whether the State has
23 met that burden. It is your solemn responsibility to
24 determine the guilt or the innocence of the defendant and
25 your verdict must be based solely and only on the evidence

1 as it is presented to you in this trial and on the law as I
2 instruct it to you to be during the trial of this case.

3 In just a minute, the Assistant Solicitor will make
4 what is called an opening statement in which he will explain
5 to you the issues in this case or at least what he contends
6 to be the issues in this case, and the attorney for the
7 defendant will make an opening statement.

8 I want to tell you that the attorneys have worked hard
9 to prepare the case and I want you to listen to them. But
10 what the attorneys tell you in opening statement, what the
11 attorneys argue to you in closing argument, what the
12 attorneys suggest to you by questions that they ask, is not
13 evidence. You must base your decision solely and only on
14 the evidence in this case.

15 Now, what is evidence? Evidence is sworn testimony
16 that will be presented to you from this witness stand by
17 witnesses who will take this witness stand and take an oath.
18 Evidence may also take the form of an exhibit, such as a
19 photograph, and you will see that I will have the court
20 reporter mark the exhibits. You will hear me say, "The
21 exhibit, such as a photograph, is in evidence." That means
22 they can show it to you, because you can't see an exhibit
23 until I have an opportunity to rule on it, just as I would
24 any question asked by either one of the attorneys during the
25 trial of the case.

1 Evidence may also take the form of a stipulation. The
2 parties may agree that a fact is true and therefore, not
3 necessary to be proved. So evidence is sworn testimony from
4 the witness stand, any exhibit, or any stipulation that
5 might occur during the trial of the case.

6 Under the Constitution of the State of South Carolina,
7 you and you alone, the members of the jury, are the sole
8 judges of the facts of this case, but you must make your
9 decision based solely on the evidence of this case. And the
10 same law that makes you the judges of the jury of the facts
11 based on evidence makes me the judge of the law. I cannot
12 invade your province, ladies and gentlemen, and tell you
13 what the facts are. I can't even make a comment to you
14 about what the facts are. I can't make a comment to you
15 about what the evidence shows. And you should not invade my
16 province, ladies and gentlemen, and differ with me about
17 what the law is. Everything that I say during the course of
18 this trial is being taken down by my court reporter, Becky
19 Hill. If I make a mistake as to the law, the parties can
20 appeal the case to the Appellate Court and if the Appellate
21 Court agrees that I've made a mistake, they will send the
22 case back for a new trial. So don't worry about whether or
23 not I have told you the law correctly. That is somebody
24 else's worry. Your job is to take the law as I give it to
25 you and apply it to the facts as you find them to be based

1 on evidence introduced during the trial of this case. After
2 doing that, you will render your verdict a solemn verdict
3 under that oath which each of you just took from the Clerk
4 of Court of Hampton County.

5 Now, you may hear the attorney's say, "Your Honor, we
6 have a matter of law we want to discuss with you." Or I
7 myself might ask you to step to your jury room. Now, a lot
8 of times my jurors think we are trying to hide something;
9 we're not. The reason for this is exactly what I just told
10 you. You're the sole judges of the facts based on evidence
11 introduced during the trial of this case and I'm the sole
12 judge of the law. Sometimes when I'm talking to the
13 attorneys, by necessity, I have to make a comment to them
14 about the facts in order to rule whether a particular piece
15 of law applies to this case.

16 Now, I haven't heard any evidence in this case. I
17 haven't ruled on it. I have no idea what the evidence is
18 going to show, just as you haven't heard the evidence in
19 this case. But sometimes, because I'm not supposed to make
20 any comment to you, we take up matters outside your
21 presence. Not to hide from you, but so that you won't be
22 influenced by anything that I might say or do in ruling on
23 whether or not a particular piece of law applies. That is
24 the reason I may ask you sometimes to step to the jury room
25 or we talk up front so you won't be influenced by anything

1 that I say, because you're the sole judges of the facts. I
2 can't invade your province and you should not differ with me
3 about what the law is. If any of you have any preconceived
4 opinions about what you think the law is or that you feel
5 the law ought to be and it does not agree with what I tell
6 you the law is, under that oath which you just took, you
7 must put aside any of your preconceived opinions or beliefs.
8 You must decide this case on the law as I instruct it to you
9 to be during the trial and in my charge to you on the law at
10 the conclusion of the trial.

11 Now, one last thing and we're going to get started.
12 One of the things you're going to have to do in this trial
13 is you're going to have to determine what are the true facts
14 from the evidence. I've explained to you what evidence is.
15 It will be my responsibility to rule as a matter of law
16 whether or not certain testimony is admissible at all or
17 not. Whether or not you believe that testimony as a jury is
18 solely a matter for you, the jury, to determine.

19 Now, ladies and gentlemen, that means you will have to
20 pass upon the credibility or simply the believability of the
21 witnesses who will testify in the trial of this case. And
22 in passing upon credibility or believability, you as a jury
23 have the right to take into consideration if shown to your
24 satisfaction the interest of any witness, the bias of any
25 witness, the prejudice, if any, of any witness, the

1 opportunity for the witness to have observed the matters
2 about which he or she might testify. You might even take
3 into consideration what we call the demeanor of the witness,
4 the appearance of the witness, while the witness is on the
5 witness stand. Anything that is in evidence, ladies and
6 gentlemen of the jury, you as a jury have the right to
7 consider in passing upon the believability or the
8 credibility of the witnesses. You will notice, ladies and
9 gentlemen, where the witness stand is located. It's located
10 on the side of the courtroom in closest proximity to you so
11 that you can observe the witness; you can listen to the
12 witnesses.

13 Don't let your thoughts wander, but give strict
14 attention to the witnesses so that at the end of the case by
15 listening you will have put yourself in a position to
16 determine what the true facts are in the case from evidence
17 introduced during the trial of the case and apply the facts
18 as you find them to be from the evidence to the law as I
19 charge it to you to be in my charge on the law at the
20 conclusion of the case and thus render a just verdict in the
21 case at the conclusion of the case.

22 Now, you must not consider anything that you may have
23 heard or read about this case outside of this courtroom,
24 whether before or during this trial. Until I submit this
25 case to you, you don't discuss it with each other, your

1 fellow jurors, or with anyone else. When I submit it to
2 you, you discuss it only in your jury room with your fellow
3 jurors.

4 It's very important that each of you keep an open mind
5 and not decide the case until the entire matter has been
6 submitted to you. Why? Because the very last thing in this
7 trial might be something that makes a difference to you. So
8 please don't try to engage in what we call premature
9 deliberations.

10 I know everybody has a cell phone. I've got one right
11 here, too. Please don't try to do any juror research on
12 your computer or on a social networking website or on your
13 cell phone about anything. Even if you thought it might
14 help you decide the case, that's improper. Both sides have
15 the absolute right to know exactly what information you're
16 basing your decision on. So don't try to do any research on
17 your own. Don't try to look up a lawyer or a witness or any
18 kind of information on your computer about anything that
19 might be raised during the trial of the case.

20 Now, Mr. Foreman, you will preside in the jury room
21 just like the chairperson of a committee will preside in a
22 committee meeting. It is your job to see that each and
23 every member of the jury has a full and fair opportunity to
24 voice their opinions in the jury room once deliberations
25 begin, but I will instruct you do not engage in any

1 discussions about the case until I instruct you to
2 deliberate.

3 My alternate jurors, you're very important. I don't
4 know whether I will need one of you, all of you, or two or
5 you. You will be with the jury at all times. If a member
6 of the jury becomes ill, or if for some legal reason cannot
7 continue to serve, you will take their place on the jury.
8 So you will be with the jury until the conclusion of the
9 trial of this case.

10 Now, as you noticed, I'm used to projecting my voice.
11 A lot of people talk softly or mumbles and nobody
12 understands what they say. My court reporter is looking at
13 me right now with that look on her face. If you can't hear,
14 raise your hand. I'll be watching you. I want you to be
15 able to hear.

16 If an exhibit is introduced into evidence, you will
17 hear me say, "It is in evidence and you may now publish to
18 the jury." If an exhibit is in evidence and you can't see
19 it, raise your hand. I want my jury to be able to hear and
20 see at all times throughout the trial of the case.

21 Now, Mr. Foreman, we do not allow jurors to ask
22 questions in the courtroom. If at any time a member of the
23 jury has a question, here is the procedure we have to
24 follow. If you are not already in your jury room, you will
25 retire to your jury room. You will write the question on a

1 piece of paper and give it to my bailiff and he will bring
2 it out. I will then have to rule as a matter of law whether
3 or not the question can or cannot be answered, just as I
4 would by any question asked by any one of the attorneys
5 during the trial of the case.

6 I'm going to ask you not to take written notes. Why?
7 Because I've found that if a member of the jury takes
8 written notes and makes a mistake in the written notes, the
9 notes can be harmful rather than helpful in your jury room
10 once deliberations begin. The time-tested system is to
11 listen and listen carefully. Now, if you're worried about
12 remembering, Becky is making an audio recording, not video,
13 but an audio recording. She can play back the entire
14 testimony or a portion of the testimony of any witness. I'm
15 going to ask each of you to listen.

16 Ladies and gentlemen, thank you very much and I tell
17 you all that so that you have some idea of how we are going
18 to proceed. We are going to try to move forward now.
19 Please give the attorneys your careful attention. Any
20 exceptions or additions to the Court for instructions to the
21 jury, from the State?

22 ASST. SOL. MURDAUGH: None from the State.

23 THE COURT: From the defendant?

24 MR. HUGHES: None from the defense, Your Honor.

25 THE COURT: Solicitor, you may now commence the trial.

1 ASST. SOL. MURDAUGH: May it please the Court?

2 OPENING STATEMENT

3 BY ASST. SOL. RANDOLPH MURDAUGH:

4 Mr. Foreman, ladies and gentlemen of the jury, a trial
5 is divided into a number of sections. The first is opening
6 statement. I like to think an opening statement is sort of
7 like a roadmap as to what you're going to see as we go
8 through this trial. You will hear testimony from Jake
9 Sullivan, seated right over there, the Chief of Police in
10 Hampton, that he was on the telephone talking with Steve
11 Cochran, the man that died.

12 When shots rang out or the call came back in, he was
13 gurgling, losing his ability to talk, and in essence, died
14 when he was talking with him on the telephone. He asked him
15 to send a car around to check on what was going on.

16 You will then hear testimony of a lady by the name of
17 Zandra Bryant who lived in the Hampton Garden Apartments.
18 That's where this took place. She lived in the Hampton
19 Garden Apartments and she will testify to you under oath
20 that earlier that night there were a number of people that
21 weren't residents of Hampton Garden Apartments that Steve
22 Cochran had asked them to leave and that they had left.
23 Then, two came back -- I think she says two, you will have
24 to check her testimony. That two came back. One of them
25 pulled a gun out and shot Cochran a number of times and

1 killed him.

2 You will hear testimony from the officers that they
3 went out there and did a forensic search of the area and
4 that they found five cartridge cases. That is the thing
5 with projectiles on out of it. And they found four
6 projectiles. One of them went into the building where the
7 office was and in the back was a bedroom where Steve Cochran
8 lived at times.

9 You will hear from a man in Columbia with SLED who will
10 come down and testify to you. You will also hear the
11 testimony of the pathologist who checked the dead body of
12 Steve Cochran to see what caused his death. In the process
13 of doing that, she found a projectile in his body and she
14 will tell you what caused his death; it was the shooting.

15 The man from SLED will come down and say, "Yes, I
16 examined these projectiles and I examined these casings, and
17 I examined the projectiles that came out of his body and
18 that they all came from the same gun." I can't tell you
19 what gun it was because Sidney Holmes took it with him when
20 he left the place that night and we have no idea where it
21 is.

22 You will hear a number of other pieces of testimony,
23 some of which will help you in making your determination.
24 His Honor told you in essence a little bit about what the
25 law is. I'm going to tell you a little bit in lay terms

1 what you need to be looking at so you will know which
2 direction to go.

3 Murder is the unlawful killing of another person in
4 sudden heat or passion with malice aforethought. In other
5 words, malice is defined as having an ill will or being in
6 bad humor. It doesn't make any difference how long you have
7 that malice in your body, but you have to have had it in
8 your mind at the time you did the shooting.

9 There is a statute in South Carolina that says that if
10 you shoot into a dwelling house that that is a crime. We
11 have him charged with that. You will hear the testimony
12 from Rhett Long, I think, one of the officers that says that
13 they saw a hole go through the office in which the back was
14 a bedroom and went through a wall and was laying on the
15 floor. They picked up that projectile. You will hear all
16 that testimony. Now, that is shooting into a dwelling.

17 The law also provides that it's against the law to
18 carry a pistol, except under certain conditions. And we
19 will tell you that these were not the conditions that you
20 can be exempted. The law also says when you commit a
21 violent offense, any violent offense, that if you use a
22 pistol to do the offense, then you are subject to an
23 additional charge of the use of a weapon and a violent
24 offense. Those are the things: four charges. Murder, use
25 of a weapon in a violent offense, illegal possession of a

1 pistol, and shooting into a dwelling house.

2 There will be other testimony other than what I have
3 told you about. We don't want to waste your time, but you
4 will hear it come from that witness stand. You must make a
5 decision based upon the testimony that comes from the
6 witness stand and any evidence that is put in the record.

7 His Honor told you a minute ago that you have to
8 determine what the truth is and in doing that, we don't ask
9 you to come in here and leave your common sense outside on
10 the street. We ask you to bring your common sense and the
11 things you have learned all of your life in attempting to
12 raise children, to grow up, to live. In other words, we
13 want you to bring your life experiences in here. It's not
14 like Old England, you know, you see people how they put
15 their hand on the Bible and hold up their right hand? You
16 know why they do that? In Old England, if they ever found
17 somebody telling a lie in Court, they would put a P in the
18 palm of their hand for perjurer. So when you came to Court,
19 they made you hold up your right hand to see whether or not
20 you were a liar. But that's what y'all have to determine is
21 who is telling the truth and who isn't if there is a
22 difference in testimony. I frankly don't know that among
23 the witnesses I will use that there will be any difference
24 in testimony. But you must make that decision.

25 I also tell you that you have the right to use not only

1 the way they act when they hold up their hand and swear to
2 tell you the truth, you have the right to consider what one
3 has to gain or lose by telling you something that is true or
4 not true.

5 You have a right to just use your good common sense.
6 How many of y'all have ever looked at your child or your
7 brother or your sister when you knew they had done something
8 wrong and asked them a question and they told you something
9 that wasn't exactly right, you knew. It's just life
10 experiences. You can tell when they are being straight with
11 you. That is what we are asking you to do is to use your
12 good common sense and your life experiences in deciding this
13 case.

14 Then, you must reach a verdict. Verdict is derived
15 from the Latin word "veredicto," which means to speak the
16 truth and that is what we are asking you, that your verdict
17 speak the truth. Thank you.

18 THE COURT: Mr. Hughes?

19 MR. HUGHES: May it please the Court?

20 OPENING STATEMENT

21 BY MR. HUGHES:

22 That's one of the few times that we are actually in
23 agreement. Do not leave your common sense at the door.
24 Have it with you as you sit here.

25 I have done a number of trials against this gentleman.

1 He is one of the best lawyers I know. But he is fast.
2 You're going to have a lot of witnesses up there. Justice
3 is never fast. Justice is slow and steady. I'm going to
4 ask y'all to listen very, very, very carefully to everything
5 that is said. Watch all the witnesses and I'm going to give
6 you a dirty little secret about court right now; just don't
7 tell anybody. Sometimes it can get boring. I know you find
8 that hard to believe. This is a murder trial, how can it be
9 boring?

10 The time change was yesterday. Everybody here got up
11 an hour earlier. Everybody here would love to have their
12 mommies tell us it's time for our nap. You're going to get
13 drowsy. Tomorrow, this is going to go on after lunch. If
14 you have a big lunch like some of us, you're going to get
15 even more drowsy. I talk and project. Solicitor Murdaugh
16 talks and projects. Not all witnesses who will be on that
17 stand will talk and project. So if you can't understand
18 them, raise your hand. Ask the judge to have them repeat
19 it. It's up to you to get all of the facts. You're the
20 finder of facts. That's what a jury does. Based upon those
21 facts, you determine the truth. So all I'm asking is that
22 you pay attention, listen closely, and tonight when you go
23 home, think to yourself, what am I going to need to hear so
24 that I will know what happened, happened beyond a
25 reasonable doubt.

1 When we get back and I talk to you again when this case
2 is over, keep in mind what you would have needed to hear and
3 I'll show that you didn't hear it. Again, stay awake,
4 listen closely and I'll talk to you when this is over.
5 Thank you.

6 ASST. SOL. MURDAUGH: We call Jake Sullivan.

7 THE COURT: Come around and be sworn by the clerk.

8 (Whereupon, Mr. Jake Sullivan is duly sworn.)

9 THE COURT: Have a seat and adjust that chair. That
10 microphone is going to amplify your voice. State your full
11 name and spell your last name for the court reporter.

12 MR. SULLIVAN: Jacob Sullivan, S-U-L-L-I-V-A-N.

13 THE COURT: Your witness, counsel.

14 DIRECT EXAMINATION

15 BY ASST. SOL. MURDAUGH:

16 Q Mr. Sullivan, by whom are you employed?

17 A Hampton Police Department.

18 Q In what capacity are you employed by them?

19 A I'm the Assistant Chief of Police and I hold the rank
20 of Major.

21 Q Okay. Did you hold that rank in August the 1st of
22 2015?

23 A No, sir, at that time I was the Captain.

24 Q Okay. And who was the Major?

25 A Major James "Jim" Boltin.

1 Q Blue Boltin?

2 A Blue Boltin, yes, sir.

3 Q And I believe he has died, has he not?

4 A Yes, sir, that's correct.

5 Q And you were promoted at that time?

6 A That's correct.

7 Q Okay, sir. I ask you whether or not on the first day
8 of August, 2015, you were on duty somewhere?

9 A No, sir. I was actually off that evening.

10 Q Oh, you were off?

11 A Yes, sir.

12 Q Okay. Did you have your cell phone?

13 A I did, yes, sir.

14 Q Did you receive a telephone call from anybody?

15 A I did at approximately 11:03.

16 Q And who was that you received a call from?

17 A Steve Cochran.

18 Q Okay, sir, is that the fellow who got killed out there?

19 A Yes, sir.

20 Q Okay. What did the call consist of?

21 A It was a Saturday evening. My family and I had just
22 returned home from an outing. Like I said, around 11:03 my
23 phone rang. I recognized the number as Steve's. I answered
24 the phone and Steve was on the other end of the line and he
25 stated that he had been trying to call the police department

1 and had tried several times and couldn't get anyone. I
2 laughed at him and told him, you know, the police department
3 is not open 24 hours a day. We have office hours and that
4 he would have to call 9-1-1. He said, "Well, the office
5 wasn't open, so I just decided to call you since I had your
6 number." We continued to talk and I told him that in the
7 future he could call our dispatch non-emergency number and
8 he told me to text him that number after the phone call was
9 over. I told him I would. He went on to say that the
10 reason for the call was that he had approached a group of
11 black males in the Hampton Garden Apartments a few minutes
12 before. They were out there drinking and had loud music and
13 potentially were smoking some illegal narcotics. He stated
14 that he had run them off. He advised them that if they
15 lived in the apartments to go back to their apartment. If
16 they did not live there, to go to the apartment of the
17 individual they were visiting. He said they left the scene
18 and he just asked for us to have an officer come back
19 through a little later just to make sure they didn't return.
20 At that time, we kind of ended that part of the conversation
21 and started talking about other instances that we were
22 familiar with. During the course of his talking, he
23 abruptly stopped and started screaming. He started
24 screaming, "Help me! Help me! Help me, Jake!" and during
25 that time, I started hearing additional screaming in the

1 background. Several women screaming and just a lot of loud
2 commotion. I started asking Steve, "What's going on, Steve?
3 What's going on?" He wouldn't answer me and I was still
4 hearing a lot of commotion, screaming. I could hear women
5 screaming more so than anyone else, in addition to Steve
6 screaming, "Help me!" At that time, I didn't know exactly
7 what was going on. I went and grabbed my handheld radio
8 from the bedroom. I came across the radio and contacted our
9 officers that were working that evening and told them to
10 head to the projects that I had an open line and I didn't
11 know what was going on. At that point, the call dropped.

12 Q You're talking about the telephone call?

13 A The telephone call dropped. Just a minute later, it
14 rang again. It was Steve again. He screamed, "Help me,
15 Jake! They shot me." I could also hear a woman in the
16 background say, "They shot him." At that time, I grabbed my
17 radio again and contacted the officers to let them know it
18 was a shooting incident they were going to so they could
19 protect themselves as well. I asked dispatch if she was
20 getting reports of the incident and she said they were
21 getting numerous phone calls at that point. I continued to
22 try to talk to Steve and he said one more time, "Help me,
23 Jake. They shot me." And at that point, I couldn't -- he
24 didn't speak anymore. I started hearing gasping for air.
25 You could hear a gurgling sound in his voice like almost

1 like he was choking on something, on blood, I'm not sure
2 exactly what, but it was a very eerie sound to listen to
3 him. He was gasping for air. You could tell he was
4 struggling at that point to breathe. At that point, I
5 continued to try to get him to respond to me. He would not
6 respond. A female individual finally picked up the phone
7 and came across. I identified myself to her and let her
8 know I was a police officer. She identified herself to me
9 as Zandra Bryant. At that point, I told her that officers
10 were on the way and that I would be personally on my way and
11 that I wanted to speak to her when I got there.

12 Q Yes, sir.

13 A And that was the end of that conversation.

14 Q Okay. Did you know Steve Cochran?

15 A I did, yes, sir.

16 Q Do you know whether or not he lived all the time or
17 some of the time in the rooms in the back of the office
18 building there?

19 A Yes, sir. He had just been hired as the new
20 maintenance man a couple of months before. The previous
21 property manager, Pete Light, introduced me to him when he
22 came to town. I had encountered Steve several times
23 throughout town and restaurants and things like that. He
24 was beginning to become one of the community members, you
25 know. He was becoming a citizen of the town. And he did

1 stay at the apartments from time to time. On that evening,
2 he was staying and through the course of our investigation,
3 we found out he was going to be going to the beach the next
4 day, so he was staying there that evening.

5 Q Okay. Did you testify as to the name of the person
6 that got on the phone and talked to you?

7 A Yes, sir, Ms. Zandra Bryant.

8 Q Zandra Bryant? Okay.

9 ASST. SOL. MURDAUGH: If Your Honor, please, I would
10 like to stop with his testimony now and with permission to
11 put him back up with an unrelated part of the case.

12 THE COURT: Any objection, Mr. Hughes?

13 MR. HUGHES: No, Your Honor.

14 THE COURT: Very well. Pass the witness. Cross-examination.

15 CROSS-EXAMINATION

16 BY MR. HUGHES:

17 Q Okay. You were on the phone with him, correct?

18 A Yes, sir.

19 Q And y'all were talking and he had asked you to have
20 officers ride through later?

21 A Yes, sir.

22 Q And then he started screaming?

23 A Yes.

24 Q And you heard women screaming?

25 A Yes.

1 Q And they were screaming, "They shot him"?

2 A That's correct.

3 Q And then later he said, "They shot me"?

4 A Yes, sir.

5 Q Did you ever hear the shots?

6 A I did not, No, sir.

7 Q Okay. But you were sure of what he said?

8 A Yes, sir. I won't forget it.

9 Q I can understand that. And you are sure of what you
10 heard the women say?

11 A Yes, sir.

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

13 THE COURT: Redirect?

14 ASST. SOL. MURDAUGH: No redirect, sir. But with the
15 chance to recall ---

16 THE COURT: Without objection. You may call your next
17 witness.

18 ASST. SOL. R. MURDAUGH: Call Zandra Bryant. (to Mr.
19 Alec Murdaugh) Are you ready?

20 ASST. SOL. A. MURDAUGH: Oh, we're already that far
21 along? Will you get Ms. Bryant, please?

22 Your Honor, the next witness is going to be Zandra
23 Bryant.

24 THE COURT: She's already been called.

25 (Witness enters the courtroom and is duly sworn.)

1 THE COURT: Have a seat. Make yourself comfortable.
2 Adjust that microphone. It's going to amplify your voice.
3 I want you to speak up so my jurors at the end can hear you.
4 State your full name and spell your last name for the court
5 reporter.

6 MS. BRYANT: My name is Zandra Bryant, B-R-Y-A-N-T.

7 DIRECT EXAMINATION

8 BY ASST. SOL. MURDAUGH:

9 Q Good afternoon, Ms. Bryant.

10 A Good afternoon.

11 Q Tell me a little bit about yourself. Where are you
12 from, ma'am?

13 A Hampton.

14 Q How long have you lived in Hampton? Were you born and
15 raised in Hampton?

16 A Yes, sir.

17 Q Got a family?

18 A Four kids.

19 Q How old are your kids, Ms. Bryant?

20 A Twelve, eleven, four and two.

21 Q Busy, busy lady. And where do you live Ms. Bryant?

22 A 809 Palm Street Apartment 43I, Hampton.

23 Q And that's what is commonly known as Hampton Gardens?

24 A Hampton Gardens.

25 Q Okay. And how long have you lived in Hampton Gardens?

1 A Fifteen years.

2 Q A long time. You lived in the same apartment over
3 there?

4 A No, sir.

5 Q You moved around within Hampton Gardens?

6 A Yes, sir.

7 Q And your current residence is which one?

8 A 43I.

9 Q All right. On August 1st, 2015, where were you?

10 A At my sister's apartment at first in the bottom of our
11 apartments.

12 Q So you were at the Hampton Gardens apartment complex?

13 A Yes, sir.

14 Q And on the evening of August 1st, 2015, did you observe
15 a group of people?

16 A I observed a group of individuals standing outside
17 talking, drinking.

18 Q Okay. And tell me what happened. Tell me what you
19 saw.

20 A I noticed Mr. Steve driving down and he stopped at the
21 end of this road and was talking to them. Then, after
22 exchanging words with them, with individuals, he got in his
23 truck and went back towards the office.

24 Q At that point, you were down a little bit at your
25 sister's place?

1 A Yes.

2 Q And that's a building or two down from your place; is
3 that correct?

4 A A couple of buildings down.

5 Q All right. And therefore, were you closer to the end
6 where that group had gathered?

7 A Yes, sir.

8 Q Okay. And were you able to -- what was your impression
9 of what Mr. Steve was telling them to do?

10 A To leave.

11 Q All right. And after Mr. Steve tells them to leave,
12 what did Mr. Steve do? Well, first off, let's get this.
13 Mr. Steve is who?

14 A He was our maintenance man.

15 Q All right. He's the guy that you see regularly and you
16 know who he is?

17 A Yes, sir.

18 Q And he's out there all the time taking care of the
19 building?

20 A Yes, sir.

21 MR. HUGHES: Your Honor, I don't mind leading usually,
22 but this is getting too much.

23 THE COURT: Very well. Direct examination. Objection
24 sustained.

25 Q All right. And after that, after Mr. Steve told them

1 to leave, what did you observe?

2 A I observed Mr. Steve get into his vehicle and drive
3 away and then the group of boys were standing out a couple
4 of minutes later and then they got into the vehicle and
5 left.

6 Q Before they left, were there any words between the
7 group and Mr. Steve?

8 A No, sir.

9 Q All right. And as Mr. Steve left, as the group was
10 leaving or before they left, did the group have any words
11 for Mr. Steve?

12 A They was talking and saying words, but they didn't say
13 anything directly to him.

14 Q What was your impression as to whether they were happy
15 or unhappy to have to be leaving?

16 A Mad.

17 Q All right. Now, did the group leave?

18 A Yes, sir.

19 Q And after they left, what did you do?

20 A After the group left, I proceeded to go to my
21 apartment. Then, was standing outside talking to a group of
22 individuals there.

23 Q All right. And so what were you doing down there at
24 that point in time?

25 A We were standing outside talking with our kids.

1 Q All right. And where was Mr. Steve?

2 A He was standing at the edge of the office.

3 Q Okay. And that's right across the road from where you
4 were standing; is that correct?

5 A Yes, sir.

6 Q And after that, what did you observe?

7 A I observed an individual walk from behind the building,
8 stop directly in front of Mr. Steve, and just started
9 shooting.

10 Q And Ms. Bryant, how much time elapsed from the group
11 leaving and this person coming from behind the building?

12 A Something like 20 minutes.

13 Q All right. Now, are you familiar with a person named
14 Banger?

15 A Yes, sir.

16 Q All right. And was Banger in that group of people who
17 were ran out of Hampton Garden Apartments that day?

18 A Yes, sir.

19 Q And did you recognize the individual that came from
20 behind the building and started shooting Mr. Steve?

21 A Yes, sir.

22 Q And who was that?

23 A It was Banger.

24 Q All right. And do you see Banger in this courtroom
25 today?

- 1 A Yes, sir.
- 2 Q And where is he seated?
- 3 A Right there in the blue shirt.
- 4 Q Right beside where I'm standing?
- 5 A Yes, sir.
- 6 Q All right. And after that, what did you do, Ms.
- 7 Bryant?
- 8 A Like the first shots, we pushed the kids away. Then,
- 9 we heard Mr. Steve yell for help. We ran back across the
- 10 street to Mr. Steve, but while we was running, he ran
- 11 directly in front of me and that's when I saw who he was.
- 12 Then, we ran to Mr. Steve. As I got to Mr. Steve when he
- 13 was yelling for help, I picked up his cell phone and talked
- 14 to the person that identified himself as Mr. Jake Sullivan.
- 15 Q And what did you tell Mr. Sullivan?
- 16 A He asked me who I was. I told him who I was. Then, he
- 17 told me he was Jake Sullivan, stay there, and he had an
- 18 officer on the way and he needed to talk to me.
- 19 Q Okay. And is Hampton Gardens lighted at nighttime?
- 20 A Yes, sir.
- 21 Q There are lights around for safety?
- 22 A Yes, sir.
- 23 Q Did they appear to be working that night?
- 24 A Yes, sir.
- 25 Q All right. Did you have plenty of light to be able to

1 identify the person you know as Banger?

2 A Yes, sir.

3 Q All right. And to make sure for this jury, Ms. Bryant,
4 is there any question in your mind but that the gentleman
5 that I'm standing beside is the person that you saw shoot
6 Steve Cochran?

7 A No, sir.

8 ASST. SOL. MURDAUGH: Please answer any questions Mr.
9 Hughes has.

10 THE COURT: Cross-Examination.

11 CROSS-EXAMINATION

12 BY MR. HUGHES:

13 Q Doing your civic duty showing up here today, aren't
14 you? A Yes, sir.

15 Q The night this happened, did you talk to law
16 enforcement?

17 A Yes, sir.

18 Q Do you remember what you told them?

19 A No, sir.

20 Q Would you deny that you told them you didn't know
21 anything?

22 A No, sir.

23 Q Okay. The night this happened, you talked to law
24 enforcement and you told them you didn't know anything about
25 what happened; is that correct?

- 1 A I maybe did. I was shaken and scared, so maybe did.
- 2 Q Did you give a description later of the person?
- 3 A Yes, sir.
- 4 Q Okay. Well, actually, the same day on August 1st. Did
- 5 you tell Captain Sullivan that the person you saw was
- 6 wearing all black with a red shirt and a white ball cap
- 7 pulled down?
- 8 A Yes, sir.
- 9 Q Okay. Then you saw him run out the main entrance?
- 10 A Yes, sir. He ran right past me.
- 11 Q Okay. What was he doing while he was running?
- 12 A He was, appeared to me, putting on another t-shirt.
- 13 Q And you recognized him?
- 14 A Yes, sir.
- 15 Q But you gave a description, you told them what he did,
- 16 what he was wearing, but you never told them his name, why?
- 17 A I was scared.
- 18 Q You tell one officer you didn't see anything. Then,
- 19 when Captain Sullivan, Major Sullivan comes in, you give a
- 20 description and the only thing you leave out is who it was?
- 21 A I only talked to Sullivan.
- 22 Q You didn't talk to Officer Ginn?
- 23 A I don't believe so. I'm not sure.
- 24 Q You still live at those apartments?
- 25 A Yes, sir.

1 Q The day after this happened, did people come talk to
2 you? Just your neighbors and everything to find out what
3 happened?

4 A I left.

5 Q Where did you go?

6 A I went to a friend's house.

7 Q Okay. When you came back, did people start to talk to
8 you? I mean, not threatening, just a friendly ---

9 A Just neighborly talk.

10 Q Yeah, gossip.

11 A Gossiping, just neighborhood talk.

12 Q I mean, that happens, right?

13 A Yeah.

14 Q You stand around, you gossip. Everybody's talking
15 about what happened to the caretaker, correct?

16 A Yes, sir.

17 Q And since you're the one who went over to the phone,
18 they would talk to you a lot, right?

19 A No, sir.

20 Q The neighbors didn't talk to you about what happened?

21 A No, sir.

22 Q Okay. When the caretaker got shot, did you hear
23 anybody yelling anything?

24 A I heard Mr. Steve yell.

25 Q What did he yell?

- 1 A "Help me. I've been shot. Please, help me."
- 2 Q Okay. Did you yell anything?
- 3 A I didn't yell anything. I ran to him and picked up his
- 4 cell phone and talked to Mr. Jake, which was on the phone
- 5 already.
- 6 Q Okay. Where were your kids?
- 7 A My kids was with me outside at the time. Two of my
- 8 kids was outside with me at the time.
- 9 Q And how old were they?
- 10 A He was 10 at the time and 2 at the time.
- 11 Q So the 10 and the 2 were up at 11:00?
- 12 A Yes, sir.
- 13 Q And what were they doing?
- 14 A We was just coming back from my sister's house.
- 15 Q Okay. And after the shooting started, what did you do
- 16 with the children?
- 17 A It was a group of us. We pushed the kids away.
- 18 Q Where did you push them?
- 19 A Into my apartment.
- 20 Q Okay. Then what did you do?
- 21 A We ran to Mr. Steve.
- 22 Q Who is "we"?
- 23 A It was me, Shanita Thompson, Courtney Russell and
- 24 Trivia -- I don't know the last name.
- 25 Q Were they yelling anything?

- 1 A Courtney was on the phone.
- 2 Q Who was she on the phone with?
- 3 A I think she called 9-1-1.
- 4 Q Okay. And you talked to police officers that night and
- 5 you told them you didn't see anything, correct?
- 6 A No, I never told them I didn't see anything.
- 7 Q Did you talk with either Sgt. Ginn or Sgt. Lawson that
- 8 night?
- 9 A I'm not sure. I know I talked to Sullivan.
- 10 Q Okay. But you don't remember talking to either one of
- 11 those and telling them you didn't know anything?
- 12 A No, sir.
- 13 Q Okay. I hate to do this, because it's asking a woman
- 14 her age, basically, but is your birthday 11-6-1984?
- 15 A Yes, sir.
- 16 Q And apartment 43?
- 17 A Yes, sir.
- 18 Q And you talked to the Major, correct?
- 19 A Yes, sir.
- 20 Q Gave a description, white ball cap, red shirt, black
- 21 pants, correct?
- 22 A Yes, sir.
- 23 Q But didn't give a name?
- 24 A No, sir.
- 25 MR. HUGHES: No further questions, Your Honor.

1 THE COURT: Redirect?

2 REDIRECT EXAMINATION

3 BY ASST. SOL. MURDAUGH:

4 Q Ms. Bryan, did you observe this crowd out there on
5 occasions before this date?

6 A Yes, sir.

7 Q This crowd of guys that was down there?

8 A Yes, sir.

9 Q Is that the crowd that you're a little bit intimidated
10 by?

11 A Yes.

12 Q What I really want to know is the night of the murder,
13 were you scared in identifying Banger when you first talked
14 to police?

15 A I was scared after I saw Mr. Steve got shot, yes, sir.

16 Q Okay. And as we sit here today, just to make sure, is
17 there any question whatsoever but what Banger is the person
18 who shot Steve Cochran?

19 A He is the person.

20 Q And is there any question whatsoever but that Banger is
21 the gentleman seated in this courtroom in this blue shirt?

22 A Yes, sir.

23 Q Okay. Thank you. Actually, is there any doubt in your
24 mind -- I think we got caught up. Is there any doubt in
25 your mind that this is the person who shot Steve Cochran?

1 A No, sir.

2 Q Thank you.

3 THE COURT: Recross, limited to redirect?

4 MR. HUGHES: No questions, Your Honor.

5 THE COURT: As to this witness?

6 ASST. SOL. MURDAUGH: No, sir.

7 THE COURT: May she be excused?

8 ASST. SOL. MURDAUGH: Yes, sir.

9 THE COURT: Subject to recall or not?

10 ASST. SOL. MURDAUGH: I don't think so, no, sir.

11 THE COURT: Any objection?

12 MR. HUGHES: No, Your Honor.

13 THE COURT: All right. Ms. Bryant, you may step down
14 and you're excused from the trial of this case. Counsel
15 approach.

16 (Whereupon, a bench conference is held off the record
17 and out of the hearing of the jury.)

18 THE COURT: Mr. Foreman, ladies and gentlemen of the
19 jury, I'm going to stop at this point because I want to get
20 you home. In the morning, I want you to report to your jury
21 room. You haven't been to your jury room yet. I. W. is
22 going to take you to your jury room so you will know where
23 to come in the morning. Do not come to the courtroom. Come
24 to the jury room. We're going to start in the morning at
25 9:30, so I want you here before 9:30 in the jury room. We

1 will have something for you to drink in there.

2 Over the overnight recess and throughout this trial,
3 please do not discuss this case with anybody, amongst
4 yourselves or anybody else. If somebody tries to talk to
5 you about the case, tell them the judge said you can't talk
6 about it. If they persist in wanting to talk to you, you
7 get their name and bring it to me and I'll handle that
8 problem for you, ladies and gentlemen. That person won't
9 bother you anymore; I can assure you.

10 Please don't try to do any research on your computer or
11 on your smart phone. I don't know whether there will be
12 anything on radio, in the newspaper, or on television.
13 Please do not read such, watch such, or listen to such. You
14 must decide this case solely and only upon evidence which is
15 introduced during the trial of this case when both sides are
16 present with the right of cross examination. So don't
17 please to watch anything or read anything or listen to a
18 radio account or try to do any research. I want to thank
19 you for your patience and for your service on the jury.
20 Please report to your jury room prior to 9:30 in the
21 morning. I want to start as close to 9:30 as I possibly can
22 because I want to get you home in a timely fashion. Does
23 everybody understand what to do? Are there any questions
24 from anybody?
25 (NO RESPONSE.)

1 Now, if you will go with I. W., he is going to show you
2 the jury room so you will know where to report. Come there
3 in the morning prior to 9:30. You may retire at this time.
4 Everyone else remain seated while the jury is leaving.

5 (5:35 p.m., Whereupon the jury exits the courtroom and
6 the following is held on the record.)

7 THE COURT: All right. Let the record reflect that the
8 jury is not present. Anything on the record outside of the
9 presence of the jury, from the State of South Carolina?

10 ASST. SOL. MURDAUGH: No, sir.

11 THE COURT: From the defendant?

12 MR. HUGHES: No, Your Honor.

13 THE COURT: Counsel, I will expect y'all to be here
14 ready to roll in the morning before 9:30.

15 (Whereupon, the trial in this case is in recess for the
16 evening. Thereafter, the trial resumes the next morning at
17 9:40 a.m. The following is placed on the record.)

18 THE COURT: All right. The defendant is present. Is
19 the State ready to proceed?

20 ASST. SOL. MURDAUGH: The State's ready, if, Your
21 Honor, please.

22 THE COURT: Is the defendant ready to proceed?

23 MR. HUGHES: Yes, Your Honor.

24 THE COURT: Very well. Bring us the jury, please.

25 (9:44 a.m., whereupon, the jury enters the courtroom

1 and the following is held on the record.)

2 THE COURT: Good morning, ladies and gentlemen of the
3 jury, thank you for being here on time. We had a little
4 delay this morning. Sometimes that happens. I appreciate
5 your service and I appreciate you being on time so I can get
6 you home on time.

7 Mr. Foreman, yesterday I went over your duties, so I
8 want to make sure you are aware of this, because it's one of
9 the duties of my law clerk, Skyler Hutto. At the conclusion
10 of this case, I will prepare a verdict form. I will explain
11 that to you in my charge. You will be signing the verdict
12 form for the jury. Whatever you sign on that verdict form,
13 I will also get you to sign on the indictments, he's holding
14 them in his hands. So do not leave after the case is over
15 until you've signed the indictments consistent with whatever
16 you put on the verdict form; you understand?

17 MR. FOREMAN: Yes, sir.

18 THE COURT: You're also the jury spokesperson here in
19 the courtroom should the need arise during the trial of the
20 case, the foreperson speaks for the entire jury. As I told
21 you yesterday, it is your job, just like the chairperson of
22 a committee to preside once deliberations begin in the jury
23 room to see that each and every member of my jury has a full
24 and a fair opportunity to voice their opinions in the jury
25 room once deliberations begin. So you will be the person to

1 see that that's done, once I instruct you to start
2 deliberations.

3 Now, we have everyone present now. We will now
4 continue with the testimony in the trial of this case.
5 Solicitor, you may call your next witness.

6 ASST. SOL. ALEC MURDAUGH: Tinish Bryson Smith.

7 THE COURT: Come forward to be sworn.

8 (Whereupon, the witness, Mr. Tinish Smith, is duly
9 sworn.)

10 THE COURT: Counsel approach.

11 (Whereupon, a bench conference is held off the record
12 and out of the hearing of the jury.)

13 THE COURT: All right. If you will adjust that
14 microphone to your height, it's going to amplify your voice.
15 Please state your full name and spell your last name for the
16 court reporter.

17 Tinish Latrelle Bryson Smith. Last name is B-r-y-s-o-
18 n-Smith, S-m-i-t-h.

19 DIRECT EXAMINATION

20 BY ASST. SOL. ALEC MURDAUGH:

21 Q Where are you from, Ms. Smith?

22 A Hampton County.

23 Q Born and raised in Hampton County?

24 A Yes.

25 Q You live here now?

- 1 A Yes.
- 2 Q You have a family?
- 3 A I do.
- 4 Q Tell us a little bit about your family.
- 5 A I'm married. I've been married for six years. I have
- 6 two kids.
- 7 Q How old are they?
- 8 A Elven and thirteen.
- 9 Q Good. By whom are you employed, Ms. Bryson-Smith?
- 10 A Hampton County Communications.
- 11 Q And what role are you employed?
- 12 A Dispatcher.
- 13 Q For how long have you been so employed?
- 14 A Ten years.
- 15 Q All right. And in your employment, in your role with
- 16 them, what are your duties?
- 17 A To receive and dispatch incoming 9-1-1 emergency calls,
- 18 as well as administrative calls.
- 19 Q Were you on duty August 1st, 2015, as the dispatcher?
- 20 A Correct.
- 21 Q Did you receive 9-1-1 calls concerning the incident at
- 22 Hampton Gardens Apartments?
- 23 A I did.
- 24 Q And when those calls come in, those are digital calls?
- 25 A They are.

1 Q All right. And do you store them in the process of
2 your job?

3 A Yes, sir, we do.

4 Q And there's a mechanism by which they're organized and
5 stored?

6 A Correct.

7 Q And you are the person that oversees that someone else
8 does that?

9 A Correct.

10 Q All right. And at our request, did you take all of the
11 calls that came in on August 1st, 2015, and have them
12 downloaded to a disc?

13 A All the calls were downloaded on a disc, correct.

14 Q All right. And I hand you State's Exhibit One and ask,
15 do you recognize that?

16 A Yes. This is a recording from the night of August 1st,
17 2015.

18 Q All right. And are these your initials on the top of
19 the disc?

20 A They are.

21 Q All right. Now, how many calls came in concerning the
22 incident at Hampton Gardens Apartment?

23 A There were approximately eight calls that evening.

24 Q All right. And I just reference to you that there are
25 nine calls listed on the sheet, does that sound correct?

1 A Yes.

2 ASST. SOL. MURDAUGH: All right. At this time, Your
3 Honor, we would like to play those.

4 THE COURT: You want to offer State's Exhibit One into
5 evidence, counsel?

6 ASST. SOL. MURDAUGH: Yes, sir.

7 THE COURT: Is there any objection?

8 MR. HUGHES: No objection, Your Honor.

9 THE COURT: Ladies and gentlemen of the jury, State's
10 Exhibit Number One will be admitted into evidence in the
11 trial of this case without objection. You may now publish
12 to the jury.

13 (Whereupon, State's Exhibit Number One, 9-1-1 disc, is
14 received into evidence.)

15 (State Exhibit One, 9-1-1 disc is played for the jury.)

16 Q Thank you, Ms. Bryson-Smith. Please answer any
17 Questions that Mr. Hughes may have.

18 MR. HUGHES: I have no questions.

19 THE COURT: As to this witness, Solicitor, may she be
20 excused?

21 ASST. SOL. MURDAUGH: Yes, sir, please.

22 THE COURT: Any objection, Mr. Hughes?

23 MR. HUGHES: No, Your Honor.

24 THE COURT: Ma'am, you may step down and you are
25 excused from the trial of this case. Call your next

1 witness.

2 ASST. SOL. MURDAUGH: The State calls Rhett Long.

3 (Whereupon, Mr. Rhett Long enters the courtroom and is
4 duly sworn by the Clerk.

5 THE COURT: Have a seat. Adjust that chair so that you
6 can speak into the microphone. It's going to amplify your
7 voice. State your full name and speak up so my jurors can
8 hear you and spell your last name for the court reporter.

9 MR. LONG: My name is Richard Long; everybody just
10 calls me Rhett. Last name is Long, L-O-N-G.

11 THE COURT: Your witness, counsel.

12 DIRECT EXAMINATION

13 BY ASST. SOL. ALEC MURDAUGH:

14 Q Mr. Long, tell us a little about yourself. Where are
15 you from, sir?

16 A I'm from Estill, South Carolina.

17 Q All right. And how long have you lived in Estill, sir?

18 A All of my life.

19 Q Born and raised in Hampton County?

20 A Yes, sir.

21 Q And by whom are you currently employed?

22 A Hampton Police Department and the Savannah River Site.

23 Q All right. How long have you been in law enforcement?

24 A Since 2008.

25 Q All right. Did you go through all the training and

1 certification through the South Carolina Criminal Justice
2 Academy?

3 A Yes, sir.

4 Q And on August 1st, 2015, by whom were you employed?

5 A Hampton Police Department.

6 Q And did you receive a call concerning the Hampton
7 Garden Apartments on that day?

8 A Yes, I did.

9 Q Tell us what you did in response to receiving that
10 call, please.

11 A I received a call from Major Sullivan about an incident
12 that took place at the Hampton Projects. It was unknown
13 exactly what it was while I was responding to it, got
14 further information that a shooting had taken place. Once I
15 arrived on scene, I found the victim laying in front of the
16 office with several people standing around him. I was able
17 to clear back everybody that was there and secure the scene
18 until Sgt. Lawson arrived and Lt. Smith from Varnville
19 arrived. Once it was cleared, I stayed with EMS just to
20 make sure for their safety, because it was unknown at that
21 time just who the shooter was.

22 Q All right. And so it's my understanding that you were
23 the first responder on the scene?

24 A Yes, sir.

25 Q All right. And at that point in time upon arriving,

1 did you go straight to Mr. Cochran, the victim?

2 A Yes, I did.

3 Q And did you make sure that Mr. Cochran was not moved in
4 any manner?

5 A Yes, I did.

6 Q And at any point in time before EMS arrived, was Mr.
7 Cochran moved in any manner?

8 A No, he was not.

9 Q I'm going to hand you a ---

10 THE COURT: Would you like to approach the witness?

11 ASST. SOL. MURDAUGH: Yes, sir. Your Honor, may he come
12 down in front of the jury?

13 THE COURT: Get the portable microphone. Mr. Hughes,
14 you may come outside the jury box so that you can view also
15 on behalf of the defendant. (To Witness: You're going to
16 have your back to my court reporter, so I need you to use
17 that microphone and speak up so she will be able to
18 ascertain your words.)

19 Q All right. Officer Long, I ask you if you can identify
20 this Google Earth image. Is that in fact the Hampton Garden
21 Apartments?

22 A Yes, that's Hampton Garden Apartments right here and
23 that's Holly Ridge right here.

24 Q All right. And if you will, show us on this image so
25 that everyone understands where Mr. Cochran was laying when

1 you arrived on that scene.

2 A The office would be located right here under this tree
3 covering. And there's a, like a little small fence right
4 there. He was in between that fence and the office building
5 and the apartment that adjoins it right there on the
6 sidewalk.

7 Q And while you were with Mr. Cochran, Officer Lawson was
8 on the scene as well?

9 A Yes, he was.

10 Q And he's going to be up next, but he was taking care of
11 preserving the scene?

12 A Yes, he was.

13 Q Please answer any questions Mr. Hughes may have.

14 THE COURT: Cross-examination.

15 CROSS-EXAMINATION

16 BY MR. HUGHES:

17 Q Officer Long?

18 A Yes, sir.

19 Q You interviewed some people that night, correct?

20 A Yes, sir.

21 Q Did you interview a Kentravia Brown?

22 A Yes, I did.

23 Q And isn't it true that she told you ---

24 ASST. SOL. MURDAUGH: Your Honor, please, that is
25 absolutely, totally improper.

1 THE COURT: On what grounds, counsel?

2 ASST. SOL. MURDAUGH: Hearsay, sir.

3 THE COURT: Sustained.

4 Q Okay. Did she give you any information about ---

5 ASST. SOL. MURDAUGH: Your Honor, please, again, sir.

6 THE COURT: Counsel approach.

7 (Whereupon, a bench conference is held off the record
8 and out of the hearing of the jury.)

9 THE COURT: Let's move along.

10 Q On the night that this happened, did you talk to
11 Kentravia Brown?

12 A Yes, I did.

13 Q Did she give you any information?

14 A She did.

15 Q That night she gave you information?

16 A Yes.

17 Q And did you write an incident report supplemental?

18 A Yes, I wrote several supplementals in this case.

19 Q And why do you do that?

20 A That way, when it comes time for trial, if it goes to
21 trial, I can reflect back and remember all of the details.
22 It's been two years.

23 Q Have you looked at this recently?

24 A I glanced over all of my notes, but not entirely.

25 MR. HUGHES: May I approach, Your Honor?

1 THE COURT: You may.

2 Q I'm going to show you this and ask you to identify it.

3 THE COURT: Step back so the jury can see the witness.

4 A Yes, I do.

5 Q What is that?

6 A It's a supplemental report from the incident when it
7 took place.

8 Q And why do you make those?

9 A That would be to reflect back on as the case continues
10 to move on.

11 Q So basically, what you write down there is the truth of
12 what happened?

13 A It is what the witnesses give us at the time it
14 happened.

15 Q And again, I repeat my question; did you talk to Ms.
16 Brown?

17 A Yes, I did.

18 Q And based upon that report, did she give you any
19 information?

20 A At the time that this was done, no she did not come
21 forth.

22 MR. HUGHES: Your Honor, may I approach again?

23 THE COURT: You may.

24 Q Did you talk to anybody else?

25 A Yes, I spoke to several people that night.

1 MR. HUGHES: No further questions, Your Honor.

2 THE COURT: Redirect?

3 ASST. SOL. MURDAUGH: No, sir.

4 THE COURT: As to this witness, may he be excused?

5 ASST. SOL. MURDAUGH: Your Honor, we may recall Officer
6 Long at a later point in the trial, please, sir.

7 THE COURT: Have you explained to this witness my Order
8 concerning sequestration?

9 ASST. SOL. MURDAUGH: No, sir, I have not. I will do
10 so, though.

11 THE COURT: (to witness) I'm going to ask you to remain
12 with us. Mr. Murdaugh is going to explain to you that you
13 can't discuss your testimony with any other witnesses. Call
14 your next witness.

15 ASST. SOL. MURDAUGH: Mike Lawson.

16 (Whereupon, Officer Mike Lawson enters the courtroom
17 and is duly sworn.)

18 THE COURT: Have a seat for me. Make yourself
19 comfortable. Begin by stating your full name and speak up
20 so everybody in the jury box can hear you. Spell your last
21 name for the court reporter, please.

22 MR. LAWSON: Michael Ray Lawson, L-A-W-S-O-N.

23 THE COURT: Your witness, counsel.

24 ASST. SOL. MURDAUGH: May it please the Court?

25 DIRECT EXAMINATION

1 BY ASST. SOL. ALEC MURDAUGH:
2 Q Tell us about yourself, Mr. Lawson. Where are you
3 from?
4 A Hampton.
5 Q How long have you been living in Hampton?
6 A About 30 years.
7 Q Born and raised here?
8 A Born in Beaufort and then moved here.
9 Q Grew up in Hampton?
10 A Yes, sir.
11 Q Do you have a family?
12 A Yes, sir.
13 Q Married?
14 A Divorced.
15 Q Children?
16 A Two.
17 Q How old are they?
18 A Five and seven.
19 Q Good. By whom are you employed?
20 A Hampton Police Department.
21 Q And how long have you been so employed?
22 A About three years.
23 Q In what role are you employed?
24 A I'm an investigator now, but was with road patrol
25 during this incident.

1 Q All right. And have you received your qualifications
2 and certifications from the South Carolina Criminal Justice
3 Academy?

4 A Yes, sir.

5 Q All right. And were you so certified on August 1st,
6 2015?

7 A Yes, sir.

8 Q Tell us how you came to learn about the shooting at the
9 Hampton Garden Apartments.

10 A Major Sullivan called across the radio and said there
11 was an incident going on and wanted us to go over there. A
12 few minutes later, he came back across the radio and said he
13 understood there was a shooting that took place. Once I
14 arrived at Hampton Garden Apartments, Sgt. Long was already
15 on scene. I got out of my car and he was tending to Mr.
16 Cochran. I got the crime scene tape out and taped around
17 the crime scene and started the crime scene log.

18 Q And what is the purpose of taping the crime scene?

19 A To make sure nobody goes in or out that is not supposed
20 to.

21 Q All right. And you were the second responder on scene?

22 A Yes, sir.

23 Q And Officer Ginn was with Mr. Cochran in front of the
24 office when you arrived?

25 A Sgt. Long was.

1 Q Sgt. Long, I'm sorry. Sgt. Long was there when you
2 arrived?

3 A Yes, sir.

4 Q And is that standard police protocol to preserve the
5 crime scene?

6 A Yes, sir.

7 Q And while you were there, was anyone other than
8 emergency first responders in law enforcement allowed into
9 the scene?

10 A No, sir.

11 Q And were you present when the other officers arrived to
12 gather evidence?

13 A Yes, sir.

14 Q Were you at the scene when EMS arrived?

15 A Yes, sir.

16 Q Other than Officer Long, did anyone deal with Mr.
17 Cochran until EMS got there?

18 A No, sir.

19 Q And where was Mr. Cochran?

20 A He was on the ground outside of the office building; I
21 believe it was D13.

22 Q Did you go to Mr. Cochran?

23 A I did not.

24 Q Thank you. Please answer any questions Mr. Hughes has.

25 THE COURT: Cross-examination.

Cross-examination of Mike Lawson by Mr. Hughes
Redirect examination of Mike Lawson by Asst. Sol. Murdaugh

1 CROSS-EXAMINATION

2 BY MR. HUGHES:

3 Q Did you interview anybody that night?

4 A That night, I walked around with Sgt. Ginn going door
5 to door to each apartment.

6 MR. HUGHES: May I approach the witness, Your Honor?

7 THE COURT: You may.

8 Q I'm going to show you this and ask if you would
9 identify that, please.

10 A That's a supplemental that Sgt. Ginn did.

11 Q Okay. Would you look over it and see if you see any
12 inaccuracies.

13 A (Witness complies.) It looks fairly accurate.

14 MR. HUGHES: May I approach, Your Honor?

15 THE COURT: You may.

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

17 THE COURT: Redirect?

18 REDIRECT EXAMINATION

19 BY ASST. SOL. ALEC MURDAUGH:

20 Q Officer Lawson, when you are investigating crimes or
21 situations at the Hampton Garden Apartments, is it your
22 experience that it's difficult to get people to come
23 forward?

24 A Yes, sir.

25 Q And was it difficult in this instance to find people

Cross-examination of Mike Lawson by Mr. Hughes
Redirect examination of Mike Lawson by Asst. Sol. Murdaugh

1 who were willing to testify?

2 A Yes, sir.

3 Q Thank you.

4 THE COURT: Recross, limited to redirect?

5 MR. HUGHES: No questions.

6 THE COURT: As to this witness?

7 ASST. SOL. MURDAUGH: He can be excused.

8 THE COURT: Any objection, Mr. Hughes?

9 MR. HUGHES: None, Your Honor.

10 THE COURT: Mr. Lawson, you are excused from the trial
11 of this case. Call your next witness.

12 ASST. SOL. MURDAUGH: Tressie Gates.

13 (Whereupon, Ms. Gates enters the courtroom and is duly
14 sworn by the Clerk of Court.)

15 THE COURT: Have a seat. Pull that microphone over.
16 It's going to amplify your voice so that everyone can hear
17 you, particularly my jury. I want you to begin by stating
18 your full name and spelling your last name for the court
19 reporter.

20 MS. GATES: Amanda Tressie Gates, G-A-T-E-S.

21 THE COURT: Direct examination.

22 DIRECT EXAMINATION

23 BY ASST. SOL. ALEC MURDAUGH:

24 Q Ms. Gates, how are you employed?

25 A I'm a former paramedic for Hampton County.

1 Q Are you employed in Hampton County now?

2 A No.

3 Q All right. Where are you now, ma'am?

4 A Personal Care Ambulance.

5 Q In what capacity are you employed now?

6 A Full time paramedic.

7 Q Okay. So when did you leave Hampton County?

8 A October of 2015.

9 Q So on August 1st, 2015, by whom were you employed?

10 A Hampton County EMS.

11 Q In what capacity?

12 A Full time paramedic.

13 Q And how long did you serve here in Hampton County?

14 A Almost six years.

15 Q So tell us a little bit, on August 1st, 2015, what was
16 your qualifications or certifications?

17 A Full time paramedic.

18 Q All right. And just explain to us a little bit about
19 what you have to do to obtain that certification. What
20 training and education do you have to have?

21 A There are multiple levels to different certifications.

22 There is an EMT Basic that's a six month program.

23 Intermediate is a two month program. Advanced EMT is a two
24 month program and rescue training in Savannah has a

25 paramedic program for 10 months.

1 Q And you underwent and completed all of those
2 certifications?

3 A Yes.

4 Q And on August 1st, 2015, were you dispatched to provide
5 care at Hampton Garden Apartments?

6 A Yes.

7 Q Tell us how you came to learn about that call?

8 A Dispatch sent me.

9 Q All right. So you got a radio call?

10 A We were toned out and told over the radio to respond to
11 the Hampton Garden Apartments.

12 Q And where were you when you received the call?

13 A At headquarters.

14 Q At your office EMS headquarters?

15 A Yes.

16 Q And did you in fact go to Hampton Garden Apartments?

17 A Yes.

18 Q And were you accompanied by a co-worker?

19 A Yes.

20 Q And who was that co-worker?

21 A My supervisor, Brenda Ellis.

22 Q And it's typical for EMS responders to travel in pairs?

23 A Yes.

24 Q To assist one another, is that correct?

25 A Yes.

1 Q And when you have a call, is one person the primary
2 respondent and the other serves as sort of a backup?

3 A Pretty much.

4 Q On this particular call, who served as the primary
5 technician?

6 A I was primary.

7 Q Okay. And as a result of the treatment that you
8 provide when you go to an EMS call, do you prepare a report?

9 A Yes.

10 Q And did you, in fact, prepare a report in this case?

11 A Yes.

12 Q All right.

13 ASST. SOL. MURDAUGH: May I approach the witness?

14 THE COURT: You may.

15 Q I ask you if this is a copy of the report that you
16 prepared in this case?

17 A Yes.

18 Q All right. Now, tell us what you found when you
19 arrived at Hampton Garden Apartments on August 1st, 2015.

20 A Medic One was dispatched to Hampton Garden Apartments
21 for a gunshot wound. Patient was found lying at an
22 apartment door at the ground level next to a small trash can
23 in the right recumbent position with his left arm across his
24 chest. Patient appears to be having agonal respirations at
25 three to four breaths per minute. Patient's lips and

1 extremities are turning blue. No pulse was palpated at the
2 carotid artery. CPR was initiated. The patient was bagged
3 with an adult VBO at 12 breaths per minute. Patient placed
4 on a cardiac monitor, ventricular rhythm was showing. The
5 pulse was approximately 50. Unable to obtain a blood
6 pressure.

7 First responders assisted in bagging the patient doing
8 compressions, placed the patient on a long spine board,
9 secured him with straps, he was placed into the medic unit.
10 CPR was continuously performed. The patient was
11 unresponsive, not breathing. Airway was secured with a size
12 five king LT tube. Patient was bagged with 100 percent
13 oxygen, 12 to 16 breaths per minute. Patient oxygen
14 saturation was initially 49 percent and after establishing
15 an airway with oxygen, his stats went up to 85 percent.

16 Two 18-gauge IV's were established with normal saline
17 at a wide open rate. One in the left AC and one in the
18 right forearm. Patient has multiple gunshot wounds from
19 right arm, upper right chest, lower right pelvic area, one
20 in his back. Unknown if it was entrance or exit wounds.
21 Patient has discoloration around most of the gunshot wounds.
22 Patient report was given to the hospital via radio with no
23 questions or orders. Patient was placed in bed seven in
24 Hampton Regional ED for further evaluation. Patient was
25 unable to sign the transport form due to an emergency.

1 Nurse signed for patient care. Dr. Michael was on duty.
2 And at the ER, Dr. Michael stopped resuscitation efforts
3 after his team attempted to resuscitate the patient. Time
4 of death was called at 11:38.

5 Q All right. And you made reference in there to patient
6 several times. Who, in fact, was the patient that you were
7 treating on this particular call?

8 A We didn't find out until later.

9 Q And what did you find out?

10 A His name was Steven Cochran.

11 Q Okay. Just to clarify, what is a recumbent position
12 manner in which he was lying?

13 A The patient was laying on his right side. One arm was
14 up and the left arm was across his upper area. So he was
15 just kind of laying on his side.

16 Q Okay. And at that point in time, you testified he was
17 turning blue. In your experience as an EMT, what would
18 cause a person to be turning blue?

19 A Somebody that is not breathing adequately.

20 Q Okay. And did you personally observe the gunshot
21 wounds?

22 A I saw gunshot wounds, but I don't know what was
23 entrance and was exit.

24 Q All right. And do you recognize what's in these two
25 pictures, ma'am?

1 A Yes.

2 Q And is that in fact who you treated on August 1st,
3 2015?

4 A Yes.

5 Q Let me show Mr. Hughes.

6 THE COURT: Any objection?

7 MR. HUGHES: I object, Your Honor.

8 THE COURT: Counsel approach.

9 (Whereupon, a bench conference is held off the record
10 and out of the hearing of the jury.)

11 THE COURT: Objection withdrawn. Counsel, I understand
12 you haven't marked them. Please mark the exhibits and offer
13 them into evidence.

14 Q Ms. Gates, do these two photographs accurately depict
15 what you observed on your arrival at Hampton Garden
16 Apartments on August 1st, 2015?

17 A His arm is not across his chest and he's not blue.

18 Q Is that the person whom you treated on August 1st,
19 2015?

20 A Yes.

21 Q All right. And do those photographs accurately show
22 him after the incident on August 1st, 2015?

23 A Yes.

24 ASST. SOL. MURDAUGH: At this time, Your Honor, we
25 would move State Exhibits Three and Four into evidence.

1 THE COURT: It's my understanding there is no longer
2 any objection; is that correct?

3 MR. HUGHES: That's correct.

4 THE COURT: Ladies and gentlemen of the jury, State's
5 Exhibits Three and Four will be admitted into evidence in
6 the trial of this case without objection. You may publish
7 to the jury.

8 (Whereupon, State Exhibit Number Three, photo, is
9 received into evidence.)

10 (Whereupon, State Exhibit Number Four, photo, is
11 received into evidence.)

12 Q Please answer any questions that Mr. Hughes may have.

13 THE COURT: Cross-examination?

14 MR. HUGHES: No questions, Your Honor.

15 THE COURT: As to this witness, Solicitor?

16 ASST. SOL. MURDAUGH: She can be excused, Your Honor.

17 THE COURT: Any objection?

18 MR. HUGHES: No objection, Your Honor.

19 THE COURT: Ms. Gates, you may step down and you are
20 excused from the trial in this case. You may leave the
21 courtroom. Call your next witness.

22 ASST. SOL. MURDAUGH: Brenda Ellis.

23 MR. HUGHES: May we approach, Your Honor?

24 THE COURT: Counsel approach.

25 (Whereupon, a bench conference is held off the record

1 and out of the hearing of the jury.)

2 ASST. SOL. MURDAUGH: If Your Honor, please, we would
3 represent to the Court that this witness's testimony ---

4 THE COURT: You're referring to Ms. Ellis?

5 ASST. SOL. MURDAUGH: Ms. Ellis -- would be
6 substantially the same as the last witness, Ms. Gates, and
7 that we would have no question but to offer her for cross-
8 examination if the defense wishes to cross examine her.

9 THE COURT: And you're willing to so stipulate, Mr.
10 Hughes?

11 MR. HUGHES: Yes, Your Honor.

12 THE COURT: Do you wish to cross examine this witness?

13 MR. HUGHES: No, Your Honor, I have no need to waste
14 the jury's time.

15 ASST. SOL. MURDAUGH: She may be excused.

16 THE COURT: Ms. Ellis, you are excused from the trial
17 of this case. You may leave the courtroom. Thank you very
18 much.

19 ASST. SOL. MURDAUGH: We call Dr. Fred Michael, if Your
20 Honor, please.

21 (Whereupon, Dr. Fred Michael enters the courtroom and
22 is duly sworn by the Clerk.)

23 THE COURT: Have a seat, please, Dr. Michael. Make
24 yourself comfortable. Adjust that microphone which is
25 going to amplify your voice. I want you to begin by stating

1 your full name and spelling your last name for the court
2 reporter.

3 DR. MICHAEL: Dr. Fred Michael, M-I-C-H-A-E-L.

4 THE COURT: Your witness, counsel.

5 DIRECT EXAMINATION

6 BY ASST. SOL. RANDOLPH MURDAUGH:

7 Q Dr. Michael, you are you doing, sir?

8 A Good. Thank you.

9 Q Doctor, are you a medical doctor licensed by the State
10 of South Carolina to practice medicine?

11 A Yes.

12 Q Where did you receive your undergraduate schooling,
13 sir?

14 A Walbash College.

15 Q I have heard of Walbash College all of my life. Where
16 is that, sir?

17 A It's in Crawfordsville, Indiana.

18 Q Okay. And did you graduate from that school?

19 A Yes.

20 Q Did you then go to a medical school?

21 A Yes.

22 Q And where did you go to medical school?

23 A Indiana University School of Medicine.

24 Q Okay. Did you successfully graduate from med school?

25 A Yes, I did.

1 Q Okay, sir. Following your graduation from medical
2 school, did you receive any residency or internships or
3 anything of that nature?

4 A Yes. I completed an internship in surgery and a
5 residency in family medicine.

6 Q In family medicine?

7 A Yes, sir.

8 Q Okay, sir. And when did you do that?

9 A I finished in 1999. I've been licensed since 1993.

10 Q Okay, sir. And you have practiced medicine
11 continuously since that time?

12 A Yes.

13 Q Where are you employed now, sir?

14 A The Hampton Regional Medical Center.

15 Q And were you so employed on August 1st, 2015?

16 A Yes.

17 Q Okay, sir. And what do you do at Hampton Regional
18 Medical Center?

19 A I'm an emergency room physician.

20 Q Okay. Do you work weekends or all week?

21 A Full time.

22 Q Full time. Okay, sir.

23 ASST. SOL. MURDAUGH: I offer him as an expert in
24 medical doctoring, sir.

25 THE COURT: Any objection as to qualifications?

1 MR. HUGHES: I don't think I've ever heard of expert in
2 medical doctoring, but I don't have any problem with Dr.
3 Michael answering the solicitor's questions.

4 ASST. SOL. MURDAUGH: I couldn't think of anything else
5 to say, Judge.

6 THE COURT: Ladies and gentlemen of the jury, you are
7 about to hear the testimony of a witness who claims to have
8 special knowledge, skill, experience, training, education in
9 the field of medicine. Normally, ladies and gentlemen, the
10 law does not permit a witness to get on the witness stand
11 and give an opinion or a conclusion. An exception to that
12 rule is for those witnesses whom we call expert witnesses,
13 if qualified by the Court, are permitted to give an opinion
14 as to matters in which they claim to be so skilled. In
15 determining the weight to be given to any such opinion, you
16 should consider the qualifications and the credibility or
17 believability of the expert and the reasons given for his or
18 her opinion. You are not bound by any expert opinion. You
19 give it the weight, if any, to which you deem it should be
20 entitled. The witness is qualified in the field of medicine
21 without objection. You may proceed.

22 Q Dr. Michael, did you have an occasion to see a fellow
23 on the night of August 1st, 2015, by the name of Steven
24 Cochran?

25 A Yes.

1 Q And would you tell the jury the condition that he was
2 in when you saw him?

3 A The patient was brought in by the ambulance, the
4 paramedics who had CPR in progress. They had alerted me on
5 the radio on the way in that the patient had agonal
6 respirations at the scene, meaning that that's something
7 that happens shortly before death in many cases. He did not
8 have a pulse. They were administering CPR, as well as ACLS
9 medications, advance cardiac life support. And when the
10 patient arrived, he did not have any signs of life. We
11 continued attempts to resuscitate him, but unfortunately
12 those failed.

13 Q Okay. Was he breathing?

14 A No.

15 Q Was his heart beating?

16 A No.

17 Q When that happens, what does it mean?

18 A Death.

19 Q Did you announce him dead?

20 A I did.

21 Q Thank you. I have no further questions.

22 THE COURT: Cross-examination?

23 MR. HUGHES: No questions, Your Honor.

24 THE COURT: As to this witness?

25 ASST. SOL. MURDAUGH: The doctor may be excused, Your

1 Honor.

2 THE COURT: Any objection?

3 MR. HUGHES: None whatsoever.

4 THE COURT: Dr. Michael, you may step down from the
5 witness stand and you are excused from the trial of this
6 case.

7 ASST. SOL. MURDAUGH: We call Michael Smith.

8 (Whereupon, Mr. Michael Smith enters the courtroom and
9 is duly sworn by the Clerk.)

10 THE COURT: Make yourself comfortable. Adjust that
11 microphone. It's going to amplify your voice. State your
12 full name and spell your last name, please.

13 MR. SMITH: Michael Smith, S-M-I-T-H.

14 THE COURT: Your witness, counsel, direct examination.

15 DIRECT EXAMINATION

16 BY ASST. SOL. RANDOLPH MURDAUGH:

17 Q Your name is Michael Smith?

18 A Yes, sir.

19 Q By whom are you employed now, Michael?

20 A With Allendale Police Department.

21 Q On August 1st, 2015, by whom were you employed?

22 A The Town of Varnville, Varnville Police Department.

23 Q Okay. How long have you been in police business?

24 A Twenty-two years.

25 Q Okay, sir. Most of it in Hampton County?

1 A Yes, sir.

2 Q - Okay. I ask you if on August 1st, 2015, you were
3 working for Varnville as a policeman?

4 A Yes, sir.

5 Q Did you respond to a call that they had at Hampton
6 Garden Apartments?

7 A Yes, I did.

8 Q And when you got there, did you take some pictures?

9 A Yes, I did.

10 Q And what pictures did you take, sir?

11 A I took some pictures of a gentleman that had been shot
12 at the office in the projects.

13 Q Okay, sir. I show you two photographs that are marked
14 State's Exhibits Number Three and Four and ask you if you
15 took those pictures?

16 A Yes, I did.

17 Q And is that a fair representation of what you saw when
18 you got there?

19 A Yes, sir, it is.

20 Q Had the scene been blocked off, taped off, so people
21 could not get in and around it?

22 A Yes, sir. Officer Lawson was taping off the scene.

23 Q Thank you. I have no further questions. Answer any
24 questions Mr. Hughes may have.

25 THE COURT: Cross-examination?

1 MR. HUGHES: No questions.

2 THE COURT: As to this witness?

3 ASST. SOL. MURDAUGH: He may be excused.

4 THE COURT: Any objection?

5 MR. HUGHES: None, Your Honor.

6 THE COURT: Mr. Smith, you may step down from the
7 witness stand and you are excused from the trial of this
8 case. You may leave the courtroom. Call your next witness.

9 ASST. SOL. MURDAUGH: Ms. Erin Presnell.

10 (Whereupon, Dr. Erin Presnell enters the courtroom and
11 is duly sworn by the clerk.)

12 THE COURT: Please have a seat. Make yourself
13 comfortable. Adjust that microphone. Would you state your
14 full name and spell your last name.

15 DR. PRESNELL: My name is Susan Erin Presnell, P-R-E-S-
16 N-E-L-L.

17 MR. HUGHES: Your Honor, I am perfectly willing to
18 stipulate to Dr. Presnell's qualifications as an expert and
19 I do not mind the solicitor having her announced.

20 ASST. SOL. MURDAUGH: Your Honor, I want to ask her ---

21 THE COURT: Very well. You're entitled to do so. You
22 may proceed.

23 BY ASST. SOL. RANDOLPH MURDAUGH:

24 Q Doctor, how are you doing?

25 A I'm fine, thank you.

1 Q I haven't seen you in a good while.

2 A Yes, sir.

3 Q Doctor, where do you work now?

4 A I'm a forensic pathologist at the Medical University of
5 South Carolina

6 Q If you would, tell the ladies and gentleman of the jury
7 what a forensic pathologist is.

8 A Let me start off by saying that I think everyone is
9 getting a little more familiar with what forensic pathology
10 is, but just to back up a little bit, Forensic Pathology is
11 a sub-specialty of pathology. So general pathology, which
12 is what I'm trained in first, is where a pathologist looks
13 at tissue. Let's say if you go to your family doctor and
14 they do a biopsy or get surgery and some tissue is removed.
15 That tissue goes to the pathologist, they look at it, they
16 look under the microscope and they diagnose a disease or no
17 disease; so I'm trained in that and that's general
18 pathology.

19 Forensic pathology is a sub-specialty where you're not
20 just looking at a piece of tissue, but you're looking at a
21 whole individual and you're examining that person, not only
22 for disease, because a lot of our cases may end up having
23 died from disease, but you're also diagnosing trauma. And
24 of course, the process that we do is called the autopsy. So
25 we will look externally and then inside the body and take

1 samples if we need to, do other studies that we need to, and
2 then ultimately put it all together to decide the cause of
3 death.

4 Q Thank you, Doctor. Tell the ladies and gentlemen of
5 the jury how you go about getting the B.A. of a Forensic
6 Pathologist.

7 A Well, I went to Clemson and graduated with a degree in
8 microbiology. Then, I went to MUSC for medical school and I
9 stayed there ever since; so I did medical school there.
10 After medical school, I decided on the specialty of
11 pathology, as compared to family medicine or surgery or
12 pediatrics; I chose pathology.

13 Then, I did my five-year training program in that and
14 then an additional year in forensic pathology. I finished
15 up in that training in 1999. I've taken the Boards, so I'm
16 Board Certified in pathology and forensic pathology and I've
17 been on faculty ever since 1999 at MUSC, and I'm licensed to
18 practice medicine in South Carolina.

19 Q Okay. Do you also teach pathology?

20 A I do. We have a medical school at MUSC, which is where
21 I went, but I also teach with the medical students.

22 Q Have you written articles about pathology?

23 A I have, yes.

24 Q And by doing that, does that show an expertise normally
25 above the normal?

1 A Well, you can -- the Board certification is a
2 certification of expertise and then because I'm an academic,
3 I'm also required to publish.

4 Q Okay.

5 ASST. SOL. MURDAUGH: Your Honor, please, I offer her
6 as an expert in forensic pathology. I realize that Mr.
7 Hughes has stipulated that, but I think that the Court needs
8 to make a finding.

9 THE COURT: Any objection?

10 MR. HUGHES: None whatsoever.

11 THE COURT: Ladies and gentlemen of the jury, recalling
12 my earlier statement, you are about to hear the testimony of
13 a witness who claims to have special knowledge, skill,
14 experience, training, education in the field of medicine.
15 Normally, ladies and gentlemen, the law does not permit a
16 witness to get on the witness stand and give an opinion or a
17 conclusion. An exception to that rule is for those
18 witnesses whom we call expert witnesses, if qualified by the
19 Court, are permitted to give an opinion as to matters in
20 which they claim to be so skilled. In determining the
21 weight to be given to any such opinion, you should consider
22 the qualifications and the credibility or believability of
23 the expert and the reasons given for his or her opinion.
24 You are not bound by any expert opinion. You give it the
25 weight, if any, to which you deem it should be entitled.

1 The witness is qualified in the field of medicine without
2 objection.

3 THE COURT: You may proceed.

4 Q Dr. Presnell, I ask you whether or not subsequent to
5 August 1st, 2015, did you have an occasion to autopsy the
6 dead body of Steven Cochran?

7 A Yes. The Hampton County Coroner, Mr. Ernie Washington
8 referred Mr. Cochran to us and we did the autopsy at MUSC on
9 August 3rd, 2015.

10 Q Okay. Will you tell the ladies and gentlemen of the
11 jury what you found when you did the autopsy -- what is an
12 autopsy?

13 A Well, I kind of referred to it earlier when we examine
14 a body, we do the external examination, document any disease
15 or trauma, and then we open and look at all the insides of
16 the body, again documenting any disease or trauma.

17 Q Okay. Can you tell us what you saw when you began the
18 autopsy on Mr. Cochran.

19 A Well, Mr. Cochran had up to four gunshot wounds.

20 Q I'm sorry, I couldn't hear you.

21 A He had up to four gunshot wounds to his body.

22 Q Okay.

23 A And so I can go through those right now. So, a total
24 up to four. So he has one gunshot wound to the right arm.

25 One to the right chest. One to the right lower abdomen, and

1 one to the right hip. So they're all coming onto his right
2 side of his body. The one to the right arm goes into the
3 top of the right arm and comes out the inside of the right
4 upper arm, and it's just going through soft tissue. The one
5 to the right chest goes into the chest, through the ribs,
6 through the middle and lower lobe of the right lung, through
7 the ribs in the back and then out the back. The gunshot
8 wound is also going from his right to his left and then
9 down.

10 The gunshot wound to the lower abdomen, the right lower
11 abdomen, just goes in and out through some soft tissue, so
12 in and out. Then he has an additional gunshot wound to the
13 right hip area. That bullet goes in to his right buttock
14 and the bullet stays in his body. We recovered that bullet.
15 I made reference to four gunshot wounds. There is a
16 possibility that this complex here on the right abdomen,
17 right hip, is actually one gunshot wound, an in and out and
18 then back in.

19 ASST. SOL. MURDAUGH: With the Court's permission, may
20 I approach the witness and get her to show?

21 THE COURT: You may. Mr. Hughes, if you want to come
22 around, you can.

23 ASST. SOL. MURDAUGH: May I take my coat off?

24 THE COURT: You may.

25 Q Doctor, if you would, please show the ladies and

1 gentlemen on the jury, and take this pencil. I used to do
2 it in pen, but my wife raised cane with me. Take that
3 pencil, please and indicate for the jury where the shots you
4 are talking about came from and went to.

5 A You would like for me to draw on you?

6 Q Yes, ma'am.

7 A Okay. So we have an entrance to his right upper arm,
8 and I'll use an X for the exit, so in and out. We have an
9 entrance to the right upper chest -- turn around, please.
10 This goes down through the chest and through the right lung
11 and exits from the back. And then we have the in and out
12 right here that is just through the soft tissue, in and out.
13 Then, another in right here on the right hip. This won't
14 show on your pants, but the bullet was recovered from the
15 right buttock.

16 Q Alright, now, the wound up here, can you take this
17 pencil and show them the direction that it goes?

18 A Yes, it's going about 15 back and 45 degrees down, so -
19 --

20 Q So that would be the angle of the bullet?

21 A Right. This is the angle of the bullet going through
22 his body. Certainly his body can be in any kind of
23 position. I don't know at the time of autopsy what position
24 he was in, but this is the direction through his body.

25 Q Okay. The other ones?

1 A This one is going down to the exit right here. This is
2 going down into the left and this is going down toward the
3 back of his buttocks. What I suspect is that he might have
4 his leg bent somewhat, so that kind of changes the angle a
5 little bit when you straighten him up.

6 Q All right. Thank you. You can get back up on the
7 stand.

8 A Okay.

9 Q Doctor, do you have an opinion to a reasonable degree
10 of medical certainty as to what caused his death?

11 A Yes, it was the gunshot wound to his chest.

12 Q I'm sorry?

13 A The gunshot wound to his chest that disrupted his lung
14 and ended up having over a liter of blood in his right chest
15 cavity.

16 Q Okay. I show you -- you say that you recovered an
17 object from his body?

18 A Yes, we recovered a bullet.

19 Q I show you this item and ask you if you can identify
20 it.

21 A This is a container from autopsy with the autopsy label
22 with Mr. Cochran's name and the autopsy number and this
23 appears to be the bullet that we recovered.

24 ASST. SOL. MURDAUGH: Your Honor, please, I would offer
25 this as an exhibit.

1 THE COURT: Has it been marked?

2 ASST. SOL. MURDAUGH: No, sir.

3 THE COURT: Have the court reporter mark it.

4 THE COURT: Any objections?

5 MR. HUGHES: None.

6 THE COURT: It will be five, Becky?

7 COURT REPORTER: Yes, sir.

8 THE COURT: Ladies and gentlemen of the jury, State's
9 Exhibit Number Five will be admitted into evidence in the
10 trial of this case without objection.

11 (WHEREUPON, STATE'S EXHIBIT NUMBER 5, BULLET, IS
12 RECEIVED INTO EVIDENCE.)

13 Q Doctor, I show you a series of photographs and ask you
14 if you can identify these.

15 A I did not take these, because there is no autopsy label
16 on these, I recognize -- I don't recognize this first one,
17 but I recognize the second one, the third one -- I don't
18 recognize number 38, but the others are photographs of his
19 gunshot wounds.

20 ASST. SOL. MURDAUGH: Your Honor, please, I would offer
21 these are exhibits.

22 THE COURT: Let's mark them and have her identify them
23 for the record. Any objection? I know that you've reviewed
24 them, Mr. Hughes.

25 MR. HUGHES: Thirty-eight is out? The one you had

1 marked as 38?

2 THE COURT: Don't use that number, because it hasn't
3 been marked yet.

4 MR. HUGHES: Sorry, Your Honor

5 THE COURT: He will show you the one that she referred
6 to.

7 MR. HUGHES: (Looks at item 38.) Not a problem, Your
8 Honor.

9 THE COURT: All right. State's Exhibits Six through
10 Nine.

11 Q Doctor, showing you State's Exhibit Number Six, I ask
12 you what that is a photograph of?

13 A State Exhibit Six is gunshot wounds to his right
14 abdomen/hip area.

15 ASST. SOL. MURDAUGH: Okay, Your Honor, may I publish
16 it?

17 THE COURT: No objection?

18 MR. HUGHES: No objection.

19 THE COURT: Ladies and gentlemen, State Exhibits Six,
20 Seven, Eight and Nine are going to be admitted into evidence
21 in the trial of this case without objection.

22 (WHEREUPON, STATE'S EXHIBIT NUMBER 6, PHOTO, IS
23 RECEIVED INTO EVIDENCE.)

24 (WHEREUPON, STATE'S EXHIBIT NUMBER 7, PHOTO, IS
25 RECEIVED INTO EVIDENCE.)

1 (WHEREUPON, STATE'S EXHIBIT NUMBER 8, PHOTO, IS
2 RECEIVED INTO EVIDENCE.)

3 (WHEREUPON, STATE'S EXHIBIT NUMBER 9, PHOTO, IS
4 RECEIVED INTO EVIDENCE.)

5 THE COURT: You may publish number six to the jury.
6 Have her identify seven.

7 Q State Exhibit Seven, Doctor.

8 A Number Seven is the exit gunshot wound to the right
9 upper arm.

10 Q Okay. Eight?

11 A State Exhibit Eight appears to be the entrance gunshot
12 wound to his chest, his right chest.

13 Q That would be this one?

14 A Correct.

15 Q Okay. And Nine?

16 A State's Exhibit Nine is the entrance wound to his right
17 upper arm.

18 Q Okay. Thank you, ma'am. Doctor, in addition to the
19 bullet, did you also get some clothing from him?

20 A Yes, he came to us with some clothing that -- he wasn't
21 really dressed. It appeared that it was cut off from his
22 clothing, but it was still with him.

23 Q Okay. Was one piece of the clothing a shirt?

24 A Yes. A grey sleeveless shirt.

25 Q Did that shirt have an indication of a bullet hole?

1 A It had holes that was like in the general area of the
2 gunshot wounds.

3 Q Was that shirt cut off of Mr. Cochran?

4 A Yes, it was.

5 Q Okay. I show you an item and ask you if you can
6 identify this.

7 A That appears to be the shirt; it used to be grey, but
8 with having dried and aged, it now looks like kind of a tan-
9 brown color. So this is a sleeveless shirt and here is the
10 front of the shirt and here is a hole that would correspond
11 with the one to the chest, the right chest. On the back is
12 a hole in the middle that would correspond to the exit from
13 the chest.

14 ASST. SOL. MURDAUGH: And Your Honor, please, I would
15 offer this as an exhibit.

16 MR. HUGHES: That would be number 10?

17 THE COURT: State's 10.

18 MR. HUGHES: No objection.

19 THE COURT: Please have the court reporter mark it.
20 You may publish to the jury. State's Exhibit Number 10 is
21 admitted into evidence in the trial of this case without
22 objection.

23 (WHEREUPON, STATE'S EXHIBIT NUMBER 10, SHIRT OF
24 DECEASED VICTIM, IS RECEIVED INTO EVIDENCE.)

25 ASST. SOL. MURDAUGH: With the Court's permission ---

1 Q Excuse me, you found another hole, I think?

2 A Right. So here, looking at the right side of the shirt
3 on the edge of the sleeves is another one that went with one
4 of the gunshot wounds on his right arm.

5 Q Okay.

6 ASST. SOL. MURDAUGH: With the Court's permission, may
7 I put this in a bag and have it marked?

8 THE COURT: Any objection, Mr. Hughes?

9 MR. HUGHES: None whatsoever.

10 THE COURT: State's Exhibit 10 is in evidence. Madame
11 Clerk, if you would please, since it's in evidence, make
12 sure that when the exhibits go to the jury that gloves are
13 also given to the jury in case the jury wishes to examine
14 the exhibit.

15 CLERK: Yes, sir.

16 ASST. SOL. MURDAUGH: Your Honor, please, that's all
17 the questions I have.

18 THE COURT: Cross-examination?

19 MR. HUGHES: A few quick questions for the doctor.

20 CROSS-EXAMINATION

21 BY MR. HUGHES:

22 Q Hello, again, Doctor.

23 A Hi.

24 Q Number 10, the shirt, is there any indication on that
25 shirt how far away the gun was when it was fired?

1 A So one of the things that we do when we're looking at
2 injuries or at gunshot wounds is try to look to see if there
3 is any evidence that there was a contact gunshot wound, a
4 close range gunshot wound, or a distant gunshot wound. One
5 of the things that we're looking for is if there is any soot
6 on it or some gun particles. I did not see any at the time.

7 Q All the shots entered from the front and headed
8 backwards, correct?

9 A Correct.

10 Q So there is a good possibility that the decedent was
11 looking at whoever was shooting at him?

12 A He was facing -- he could have been facing in that
13 direction, yes.

14 MR. HUGHES: No further questions, Your Honor.

15 THE COURT: Redirect?

16 ASST. SOL. MURDAUGH: No questions, if Your Honor,
17 please. May she be excused?

18 THE COURT: Any objection?

19 MR. HUGHES: No objection.

20 THE COURT: Dr. Presnell, you may step down. You're
21 excused from the trial of this case and you may leave the
22 courtroom at this time.

23 Mr. Foreman, ladies and gentlemen of the jury, we're
24 going to take our mid-morning break at this time. Stretch
25 your legs, use the restroom if you need to. Please do not

1 discuss the case. You have not heard all the evidence in
2 the case. I will be right back with you as soon as I can.
3 you may retire to your jury room at this time.

4 (11:00 A.M., WHEREUPON, THE JURY EXITS THE COURTROOM
5 AND THE FOLLOWING IS HELD ON THE RECORD.)

6 THE COURT: All right. Solicitor, we will take our
7 mid-morning break at this point. I need to see my lawyers,
8 briefly, in chambers.

9 (11:30 a.m., whereupon, the following is placed on the
10 record.)

11 THE COURT: Is the State ready to proceed?

12 ASST. SOL. MURDAUGH: Yes, sir.

13 THE COURT: Is the defendant ready to proceed?

14 MR. HUGHES: Yes, Your Honor.

15 THE COURT: Bring us the jury, please.

16 (11:30 a.m., whereupon, the jury enters the courtroom
17 and the following is placed on the record.)

18 THE COURT: All right. Mr. Foreman, ladies and
19 gentlemen of the jury, we will now continue with the
20 testimony in the trial of this case. Solicitor, you may
21 call your next witness.

22 ASST. SOL. MURDAUGH: We would call Coroner Ernie
23 Washington.

24 (Whereupon, Mr. Washington enters the courtroom and
25 is duly sworn by the clerk.)

1 THE COURT: Have a seat. Make yourself comfortable.
2 Adjust that microphone to you. Please begin by stating your
3 full name and spelling your last name for my court reporter.

4 MR. WASHINGTON: Ernie J. Washington. Washington, W-A-
5 S-H-I-N-G-T-O-N.

6 THE COURT: Very good. Your witness, counsel.

7 DIRECT EXAMINATION

8 BY ASST. SOL. ALEC MURDAUGH:

9 Q Mr. Washington, what is your current position in
10 Hampton County?

11 A I'm Hampton County Coroner.

12 Q How long have you served as coroner?

13 A From 2011 to now.

14 Q And that's an elected position?

15 A Yes, it is.

16 Q And Mr. Washington, are you from Hampton County?

17 A Originally, I'm from Barnwell County, originally.

18 Q How long have you been living in Hampton County?

19 A Since 1972.

20 Q All right. And you're married to a Hampton County
21 girl?

22 A Yes.

23 Q And your family lives here in Hampton County?

24 A That's correct.

25 Q And on August 1st, 2015, were you serving in the

1 capacity of coroner?

2 A Yes, I was.

3 Q And what involvement did you have -- were you notified
4 about the shooting death of Steven Cochran?

5 A Yes, I was.

6 Q How were you notified?

7 A The hospital called me around 11:40.

8 Q All right. And as a result of the death of Steven
9 Cochran, what steps did you take?

10 A I arrived at the hospital at 12:15 a.m. I went into
11 the examination room where he was and I examined him and
12 then I went back and talked with the doctors.

13 Q All right. And in your role as coroner, are you the
14 person responsible for transporting bodies?

15 A Yes, I am.

16 Q And did you do that in this case?

17 A Yes, I did.

18 Q When did you do that?

19 A On August 3rd.

20 Q And tell us what steps that you take in transporting
21 the deceased.

22 A When I finish examining the remains, I have to take
23 them to Charleston. I put them in a disaster pouch. That's
24 to keep all of the evidence enclosed so nobody can mess with
25 it.

1 Q And where were you taking the deceased?

2 A The MUSC morgue.

3 Q And from the time you sealed the remains in the bag,
4 did it remain closed until you delivered the body to MUSC?

5 A Yes, it did.

6 Q And did anyone have access to that?

7 A No, sir.

8 Q Was Steven Cochran's body in the same state when you
9 delivered it to MUSC as it was when you sealed it?

10 A Yes, it was.

11 Q As a result of the pathologist's work, were you
12 delivered any items from the pathologist?

13 A Yes, I was.

14 Q What items were you delivered?

15 A A shirt, a bullet.

16 Q And when you received the bullet -- received those
17 items, were they in a evidence bag?

18 A Yes.

19 Q Were they sealed?

20 A Yes.

21 Q And to whom did you turn those items over to?

22 A I brought them back from MUSC and returned them to
23 Captain Blue Boltin with the Hampton Police Department.

24 Q And were those items tampered with from anyone in the
25 time you received them until the time you delivered them to

1 the Hampton Police Department?

2 A No, sir. No one had them but me.

3 Q Thank you, sir. Please answer any questions that Mr.
4 Hughes has.

5 MR. HUGHES: May we approach, Your Honor?

6 THE COURT: Counsel approach.

7 (Whereupon, a bench conference is held off the record
8 and out of the hearing of the jury.)

9 DIRECT EXAMINATION CONTINUES

10 BY ASST. SOL. ALEC MURDAUGH:

11 Q Coroner Washington, do you recognize what is marked as
12 State's Exhibit Five?

13 A Yes.

14 Q And is that the bullet that you received from MUSC?

15 A The one I saw in this container is the same bullet.

16 Q And I hand you what is marked as State's Exhibit 10.
17 Is that the shirt that you received?

18 A Apparently it's the same shirt.

19 Q Thank you, Mr. Washington.

20 ASST. SOL. MURDAUGH: No further questions, Your Honor.

21 THE COURT: Cross-examination?

22 MR. HUGHES: No questions, Your Honor.

23 THE COURT: As to this witness, Mr. Murdaugh?

24 ASST. SOL. MURDAUGH: He may be excused, sir.

25 THE COURT: Any objection?

1 MR. HUGHES: No objection.

2 THE COURT: Mr. Washington, you may step down and you
3 are excused from the trial of this case. You may leave the
4 courtroom. Call your next witness.

5 ASST. SOL. RANDOLPH MURDAUGH: We call Jake Sullivan.

6 (Whereupon, Officer Jake Sullivan takes the witness
7 stand.)

8 THE COURT: I remind you that you're still under oath.

9 OFFICER SULLIVAN: Yes, sir.

10 THE COURT: State your name and spell your last name
11 for the court reporter.

12 OFFICER SULLIVAN: Jacob Sullivan. Sullivan, S-U-L-L-
13 I-V-A-N.

14 THE COURT: Ladies and gentlemen of the jury, this
15 witness was previously sworn as a witness in the trial of
16 this case. He understands he is under oath. your witness,
17 Solicitor, direct examination.

18 DIRECT EXAMINATION

19 BY ASST. SOL. RANDOLPH MURDAUGH:

20 Q Mr. Sullivan, on August 1st, 2015, did you and a fellow
21 by the name of Blue Bolton help in the investigation out
22 there?

23 A Yes, sir. When I arrived on scene, Major Bolton had
24 just gotten to the scene. Sgt. Lawson and Sgt. Ginn had
25 secured the scene. At that point, Major Bolton and I

1 proceeded to investigate the shooting of Mr. Cochran.

2 Q Okay. And did somebody help you?

3 A Yes, sir. During the course of the investigation, Sgt.
4 Nick Ginn also assisted in the processing of the crime
5 scene. We had Sgt. Lawson and Sgt. Long interviewing
6 everyone in the apartments that evening, and also Sgt. Ginn
7 assisted with that at a later point.

8 Q Okay. Blue Bolton, that's the name of the fellow that
9 ---

10 A Yes, sir. Major James "Jim" Bolton, everybody here
11 knows him as "Blue".

12 Q He was the Assistant Chief of Hampton at that time?

13 A At that time, he was the Assistant Chief. He was the
14 Major in the position that I hold now. I was Captain. I
15 was just under him in rank. He and I handled all of our
16 major investigations.

17 Q Is Blue dead now?

18 A Yes, sir, he unfortunately passed away.

19 Q Died of a heart attack?

20 A Yes, sir.

21 Q Okay. I ask you on that night, did y'all do an
22 investigation of the area around the place where the dead
23 body was found?

24 A That's correct.

25 Q What was your purpose in doing that?

- 1 A To collect evidence.
- 2 Q All right. Did you collect any?
- 3 A Yes, sir.
- 4 Q And what did you collect?
- 5 A We recovered shell casings, four different shell
- 6 casings at the scene. We also collected projectiles and we
- 7 also photographed the scene as well.
- 8 Q Okay. You got four shell casings?
- 9 A That's correct.
- 10 Q May I see them?
- 11 A Actually, there are five shell casings.
- 12 Q Okay. Now, Mr. Sullivan, the shell casings that you
- 13 have handed me are in a plastic bag?
- 14 A That's correct.
- 15 Q Okay, sir. What is this plastic bag?
- 16 A That's an evidence protective bag. It has an adhesive
- 17 on it so that once it's sealed it can't be tampered with.
- 18 Q I gotcha. And who put the shell casings in there?
- 19 A Major Bolton.
- 20 Q And was it in your presence?
- 21 A That's correct.
- 22 Q Okay. You saw him put them in there and seal it?
- 23 A Yes, sir.
- 24 Q Okay. And were they later taken to SLED?
- 25 A They were later sent to SLED for DNA processing.

1 ASST. SOL. MURDAUGH: Your Honor, please, I would offer
2 these five shell casings for exhibits.

3 THE COURT: Has it been marked?

4 ASST. SOL. MURDAUGH: No, sir.

5 THE COURT: As to State's Eleven?

6 MR. HUGHES: Is it going to be Eleven A, B, C, D, E?

7 THE COURT: It's just State's Eleven, just one.

8 MR. HUGHES: If I may see it. (Examines exhibit.) No
9 objection.

10 THE COURT: Ladies and gentlemen of the jury, State's
11 Exhibit Number Eleven will be admitted in the trial of this
12 case without objection. State's Eleven is now in evidence.
13 You may publish to the jury.

14 (Whereupon, State's Exhibit Number 11, shell casings,
15 are received into evidence.)

16 Q Mr. Sullivan, I show you a yellow folder, one page
17 which has been marked as Exhibit Number Two. Do you
18 recognize all of the contents of that yellow folder?

19 A Yes, sir, I do.

20 Q And was that prepared by Nick Ginn?

21 A That's correct. At my order, it was prepared by him,
22 yes, sir.

23 ASST. SOL. MURDAUGH: Your Honor, please, I would offer
24 this as an exhibit, which would be inclusive of Exhibit
25 Number Two.

1 THE COURT: Any objection?

2 MR. HUGHES: Your Honor, I would have no objection
3 provided that Officer Ginn verifies that, in which he
4 assumes that he will.

5 THE COURT: It's your intention to call him?

6 ASST. SOL. MURDAUGH: Yes, sir, I intend to call him
7 next.

8 MR. HUGHES: Well, then, I have no objection to this
9 folder.

10 THE COURT: Do you have any objection to it being
11 admitted at this time with the solicitor advising you that
12 he intends to call the witness?

13 MR. HUGHES: None whatsoever, Your Honor.

14 THE COURT: All right. Ladies and gentlemen, State's
15 Exhibit Two that was previously marked for identification
16 only, but rather than offering into evidence when it was
17 utilized before; am I not right on that?

18 COURT REPORTER: That's correct.

19 THE COURT: All right. This will be State's Twelve,
20 without objection.

21 (State's Exhibit Number Twelve, yellow folder of
22 information, is received into evidence.

23 THE COURT: Have the witness identify it because of the
24 fact that a previous part of it was marked for I.D. only.

25 ASST. SOL. MURDAUGH: Yes, sir.

1 Q Mr. Sullivan, can you tell the ladies and gentlemen of
2 the jury what this folder contains?

3 A Yes, sir. The first page is a drawing of the front of
4 the office building where Mr. Cochran was shot. The second
5 picture is a Google map of the Hampton Garden Apartments and
6 the Holly Ridge Apartments.

7 ASST. SOL. MURDAUGH: If Your Honor, please, may I take
8 him down to the jury and it will save him testifying more
9 than one time?

10 THE COURT: You may. Let Mr. Hughes get around.

11 Q Explain to us what this is.

12 A The first picture here is a drawing that was done by
13 Sgt. Ginn of the front of the office building where Mr.
14 Cochran was found.

15 Q Next page.

16 A This is a Google map that shows Holly Ridge Apartments
17 here and Hampton Garden Apartments here.

18 Q Okay. Where was the body found?

19 A The office is under this tree area here.

20 Q Okay. The next one.

21 A The next one is also a drawing done by Sgt. Ginn of the
22 inside of the office building itself, the layout.

23 Q Okay. And the next page?

24 A These drawings are just we tried to do it step by step
25 to show you different items which were found and put into

1 evidence. This one here is ---

2 Q What is this?

3 A This is Hampton Garden Apartment B-13, which is the
4 office building.

5 Q Okay.

6 A The second one here is a drawing of basically all of
7 the apartments and the layout and the roadway coming in, the
8 cul de sac at the end. It shows where the office is. It
9 shows where the body was found, where the shell casings were
10 found.

11 Q You say it shows where the shell casings were found?

12 A Right.

13 Q Is it identified by markings on this thing?

14 A Yes, right. This diagram over here shows you what each
15 one is. The red dot here are the shell casings, the five
16 shell casings that were found. The blue dots are the
17 projectiles that were found and their locations.

18 Q Thank you. Next page.

19 A This one just shows where the body is found. We took
20 out all the other items.

21 Q Next page.

22 A This one shows just where the projectiles were found.

23 Q Next page.

24 A This one shows just where the shell casings were found
25 and this one shows where the victim's truck was found.

1 Q And that is this black mark right here?

2 A Yes, sir.

3 Q This thing I've got my finger on is the office?

4 A That's correct.

5 Q And the body was found next to it?

6 A Yes, sir.

7 Q Okay. Next page.

8 A This is just another map of Hampton Gardens. It's the
9 same thing here, just giving you a couple of different
10 angles of the Hampton Garden Apartments.

11 Q Okay.

12 ASST. SOL. MURDAUGH: With the Court's permission, I'm
13 going to go to the other end.

14 THE COURT: Very well.

15 ASST. SOL. MURDAUGH: Can all y'all see down there?

16 JURY: Yes.

17 Q Okay. Start us off at the beginning, and let's go
18 through it again.

19 A This is a drawing of the front of the office building,
20 prepared by Sgt. Ginn.

21 Q (Turns page.)

22 A This is a Google map of Hampton Garden Apartments here;
23 Holly Ridge Apartments here.

24 Q Okay. Where was the body found?

25 A The body was found near the office area under this tree

1 right here.

2 Q Okay.

3 A This is a depiction of the inside of the offices. That
4 blue mark is where a projectile was found.

5 Q (Turns page.)

6 A This is, again, Apartment B-13, which is the office
7 area. This one here has everything in the diagram. This is
8 your entrance into the apartments, the cul-de-sac down here.
9 Each one of the apartment buildings. This is the office.
10 The red body indicates the body of the victim. The black
11 here is the truck of the victim. These red dots here are
12 shell casings that we recovered and these blue dots are
13 where we found projectiles.

14 Q Okay.

15 A This one here, we took everything out except for the
16 victim's body. This one has only the projectiles. This one
17 has only the shell casings. This one has only the victim's
18 vehicle.

19 Q (Turns page.)

20 A This is another Google map of Hampton Garden
21 Apartments, just to give you a couple of different angles.
22 Same thing here and here.

23 ASST. SOL. MURDAUGH: Were all of y'all able to see it?

24 JURY: Yes, sir.

25 Q Mr. Sullivan, we have introduced as State's Exhibit

1 Eleven, five shell casings. Are they indicated on State's
2 Exhibit Number Twelve as the red dots?

3 A Yes, sir. They are the red dots.

4 Q Okay. Did you also find projectiles?

5 A Yes, sir, we did.

6 Q Okay. Let's go back to the casings. Do you have
7 pictures of where the casings were found?

8 A I do, yes, sir.

9 Q May I see them?

10 A Yes, sir.

11 ASST. SOL. MURDAUGH: Your Honor, please, I would offer
12 these as exhibits.

13 THE COURT: Show them to counsel.

14 (Shows to Mr. Hughes.)

15 MR. HUGHES: No objection, Your Honor.

16 THE COURT: This will be Thirteen A, B, C, D, E, F and
17 G. No objection, correct?

18 MR. HUGHES: No objections, Your Honor.

19 THE COURT: Ladies and gentlemen of the jury, State's
20 Exhibits Thirteen A, B, C, D, E, F and G will be admitted
21 into evidence in the trial of this case without objection.

22 (State's Exhibit Thirteen A-G, photos of seven shell
23 casings, are received into evidence.)

24 ASST. SOL. MURDAUGH: May I bring him down to show the
25 jury?

1 THE COURT: Yes, you may. Bob, you may come around.

2 Please identify the exhibit number for the record. It's in
3 evidence without objection.

4 Q I show you State's Exhibit Number Thirteen G and ask
5 you to identify that, please, sir.

6 A We have it marked as photo number one for our
7 identification purposes. That was a daytime overview of the
8 shell casings one through five.

9 Q Now, I noticed some, looked like orange markings on the
10 pavement and on the grass?

11 A Right. The orange markings indicate where we found
12 shell casings one, two, three and four. The pink piece here
13 identifies shell casing number five. We didn't locate shell
14 casing number five on that night. It was found the next day
15 when we -- well, when the sunlight came up. So we marked it
16 with that.

17 Q You talking about this little flag right there?

18 A Yes, sir.

19 Q Okay. Tell the far end of the jury what Thirteen G is.

20 A Shell casing one, two, three, four and we found shell
21 casing five, after we had marked those, when the sun came
22 up.

23 Q Okay. State's Exhibit Number Thirteen A.

24 A Thirteen A is what we have identified as photo number
25 two. This is a nighttime view of the four shell casings

1 that we found and marked; the same four that we have marked
2 in the daytime photos.

3 Q And G was taken the next day?

4 A Well, hours later. We worked the scene all night.

5 Q Okay. So Thirteen A was taken that night?

6 A Correct.

7 Q Okay. So this is the same as Thirteen G?

8 A Right.

9 Q Okay, sir. Thirteen B?

10 A This we have identified as photo number three, which is
11 the location of shell casing number one. It's kind of hard
12 to see, but it's inside the flashlight and is actually
13 shining a light directly on the shell casings.

14 Q Okay. Thirteen C?

15 A That is what we have as photo four, which is the
16 location of shell casing number two.

17 Q Okay. Thirteen D?

18 A Photo number five for us. That's the location of cell
19 casing number three.

20 Q Okay. Thirteen E?

21 A That is what we have as number six, shell casing number
22 four.

23 Q And Thirteen F?

24 A That is what we have as photo seven. That is the
25 location of shell casing number seven we found when the sun

1 came up.

2 Q That's that little pink thing right there?

3 A Yes, this one here.

4 Q Okay. The other end one more time. In Thirteen B?

5 A This is photo number three for us. That's the location
6 of shell casing number one. It's hard to see, but the light
7 is shining right on the shell casing.

8 Q Thirteen C?

9 A This is what we have as photo number four. It's the
10 location of shell casing number two.

11 Q Thirteen A?

12 A We have it as photo number two, which is an overview of
13 all four of the shell casings we located that night.

14 Q Thirteen D?

15 A D is photo number five, which is the location of shell
16 casing number three. Again, the light is shining right on
17 it and it's hard to see the shell casing.

18 Q Thirteen E?

19 A This is what we have as photo number six and that is
20 the location of shell casing number four.

21 Q And Thirteen F?

22 A Thirteen F is our photo number seven, which is the
23 location of shell casing number five.

24 Q And is that the thing that is right under my thumb
25 nail?

1 A That's correct.

2 Q Okay. You may sit back on the stand.

3 MR. HUGHES: Your Honor, just for the record, when he
4 said, "That's the thing right under my thumb nail," what
5 photo was he referencing?

6 ASST. SOL. MURDAUGH: F.

7 MR. HUGHES: Thirteen F?

8 ASST. SOL. MURDAUGH: Yes.

9 MR. HUGHES: Okay.

10 THE COURT: Are you satisfied, Mr. Hughes?

11 MR. HUGHES: Yes, sir.

12 Q Mr. Sullivan, did you also do a search for projectiles?

13 A Yes, we did.

14 Q And did you find any?

15 A Yes, sir. We located four projectiles.

16 Q Where did you find those?

17 A As we documented on that diagram, it has the locations.

18 One was located inside the residence, or the office, and the
19 others were found outside the front of the building and one
20 at the entrance coming into Hampton Garden Apartments, which
21 we believe was a ricochet.

22 Q Okay, sir. Do you have those projectiles with you?

23 A Yes, we do.

24 Q May I see them?

25 A Yes, sir.

1 Q And you've handed me four evidence packages. Are these
2 the projectiles that y'all found that night?

3 A That is correct.

4 ASST. SOL. MURDAUGH: Your Honor, please, I would offer
5 them as exhibits.

6 MR. HUGHES: I have no objection, Your Honor.

7 THE COURT: One exhibit?

8 ASST. SOL. MURDAUGH: Yes, sir. We can number them A,
9 B, C and D.

10 THE COURT: Identify the sub-parts. Counsel, this will
11 be Fourteen A, B, C and D, Mr. Hughes, and I understand
12 there is no objection?

13 MR. HUGHES: That is correct, Your Honor.

14 (State Exhibits 14 A, B, C, D, projectiles, are
15 received into evidence.)

16 Q Mr. Sullivan, without going through the same thing that
17 we did with the casings, is it indicated on State Exhibit
18 Number Twelve in blue where those projectiles were found?

19 A That is correct, yes, sir.

20 Q Now, there is one projectile, State's Exhibit Fourteen
21 C, and I ask you what that is?

22 A That is the projectile found inside the office itself.
23 It went through a window, a wall, in the back side of the
24 wall, and was found in the office area in the middle of the
25 floor.

1 Q Okay, sir. Was anybody living in that office building?

2 A Mr. Cochran stays there from time to time when he was
3 there. Q Was there a bed in there?

4 A Yes, sir.

5 Q Was his clothing in there?

6 A He had a bag in there where he was going to be staying.
7 that night, yes, sir.

8 Q Okay. Were those gathered by you and Blue Boltin and
9 Nick Ginn?

10 A That is correct, yes, sir.

11 Q And were they packaged in those bags in your presence?

12 A That is correct, yes, sir.

13 Q Okay. And were they sent to SLED?

14 A They were.

15 Q Okay. The projectiles that you found, did you take
16 pictures of the areas where they were found?

17 A Yes, sir, we did.

18 Q And do you have them there?

19 A Yes, sir, I do.

20 ASST. SOL. MURDAUGH: Your Honor, please, I would offer
21 these as an exhibit.

22 THE COURT: Show them to counsel.

23 (Shows item to Mr. Hughes.)

24 MR. HUGHES: May we approach?

25 THE COURT: Counsel approach.

1 (Whereupon, a bench conference is held off the record
2 and out of the hearing of the jury.)

3 THE COURT: All right, Solicitor, I understand that the
4 photographs have been marked by the court reporter as 15A
5 through I, and Mr. Hughes, I understand you have an
6 objection to one of them.

7 MR. HUGHES: Yes, sir. I object to photograph 15A. I
8 feel that it is unduly prejudicial.

9 THE COURT: Let me see 15 A. (The Court looks at 15A.)
10 The Court has held a sidebar with counsel. The Court
11 has reviewed the photograph and the Court overrules the
12 objection. State's Exhibits 15 A, B, C, D, E, F, G, H and I
13 will be admitted into evidence. The other photographs, I
14 understand you have no objection to, is that correct, Mr.
15 Hughes?

16 MR. HUGHES: I don't believe he has identified the ---

17 THE COURT: I'm going to have him do that, but you've
18 reviewed all of them?

19 MR. HUGHES: I have no objection to anything except
20 15A.

21 THE COURT: The only objection you're making is to
22 Fifteen A?

23 MR. HUGHES: Correct, sir.

24 THE COURT: And I will put my ruling, which I discussed
25 with you in the sidebar, on the record at the appropriate

1 time as to 15A. You're objection is overruled. Fifteen B
2 through I are admitted without objection.

3 (State Exhibits 15 A through I are received into
4 evidence.)

5 You may now ask the witness to identify the
6 photographs, Solicitor.

7 Q Mr. Sullivan, I show you State's Exhibit number 15A and
8 ask you if you can identify that.

9 A Yes, sir. We have this document as photo number 17.
10 This is a fragment of a projectile found on the rug in front
11 of the apartments in the entrance of the doorway.

12 Q Okay. Do you know which of these fragments that is?

13

14 A Number four, State's Exhibit Number 14B.

15 Q State's Exhibit 14B, is that the projectile that you
16 found in this photograph of 15A?

17 A Yes, sir, it does appear to be the same one.

18 Q I ask you what 15B is?

19 A Fifteen B is photo number 25. That is the doorstopper
20 that was on the wall where a bullet exited through a wall
21 inside the apartment.

22 Q You have lost me now. That's a doorstopper?

23 A Yes, sir. That's a wall doorstopper, so a plate, like
24 this ---

25 Q Okay. It's up off the floor?

1 A Right. It's probably waist to chest high so that when
2 the door opens, the door knob itself would hit that instead
3 of hitting the wall.

4 Q Okay. Fifteen C?

5 A That is where the projectile came in and hit off the
6 wall.

7 Q Okay. Fifteen D?

8 A That is photograph number 23, which is a bullet hole on
9 the inside of the wall after it came through the window. On
10 the back side of this wall is where that doorstopper was.

11 Q And is that in the dwelling?

12 A Yes, sir, this is inside the office.

13 Q All right. Fifteen E?

14 A That is photo number 22. That is the exit of the
15 bullet hole through the window. As you're looking -- if
16 you're inside the building looking out of the window, this
17 is from the inside of the office there.

18 Q Okay, sir. Fifteen F?

19 A This is the outside. You're on the outside looking
20 into that window. That's the screen and it goes into the
21 window, out of the window, into the wall, and then comes out
22 of the wall and into that door stop, blowing it off of the
23 wall and then the projectile is on the ground.

24 Q Fifteen G?

25 A This is the actual projectile found on the floor inside

1 of the office.

2 Q Fifteen H?

3 A That's photo number 31, which is a projectile we found
4 in the parking lot at the entrance of the apartments.

5 Q Okay. And Fifteen I?

6 A That's photo number 29, which is a projectile we found
7 right outside of the apartments.

8 Q Okay. Thank you, sir. Answer any questions that Mr.
9 Hughes may have.

10 A Yes, sir.

11 THE COURT: Cross-examination?

12 MR. HUGHES: Thank you. May I approach, Your Honor?

13 THE COURT: You may.

14 CROSS-EXAMINATION

15 BY MR. HUGHES:

16 Q I'm showing you what's marked as State's Number 12, I
17 believe that is a drawing of where everything was located?

18 A That's correct.

19 Q There is not a scale in that, so what is the distance
20 from the casings to the body?

21 A I could not tell you.

22 Q Okay. Do you have a rough idea?

23 A It would only be an estimate.

24 Q Okay. What would your guesstimate be?

25 A Fifteen to twenty feet, maybe?

1 Q What -- the casings were found in the cul-de-sac area?

2 A No, sir. A few of them were on the roadway area.

3 MR. HUGHES: May I approach, Your Honor?

4 THE COURT: You may.

5 Q When I say in the cul-de-sac area, I'm talking about in
6 this circle area.

7 A Correct.

8 Q And they were in the cul-de-sac area?

9 A Right.

10 Q And what is the lighting like there?

11 A They have lighting throughout the apartments.

12 Q But in the cul-de-sac area, could you read a newspaper
13 at night?

14 A If you were in the right place, you probably could.

15 Q Do you know where the lighting is there?

16 A I do not.

17 Q But it's fairly well lit?

18 A It's fairly well lit.

19 Q And do you have any evidence that the bullet hole in
20 the window and through the wall and the cartridge and the
21 projectile you found in the house were shot that night?

22 A Could you repeat the question?

23 Q Is there any evidence that says that the bullet hole
24 through the window and through the wall was made that night?

25 A I would say so. There is no indication that that

1 bullet hole or anything else had been done beforehand; no
2 reports of it.

3 Q Okay. But you don't know that it was done that night?
4 You just know there were no reports?

5 A With the other shell casings and other slugs found, I
6 would say that it was done that night.

7 Q Okay. But that's your opinion, correct?

8 A That's correct.

9 Q Now the projectile that you say was a ricochet, how far
10 was that from where the body was found?

11 A It was about midways up from the entrance. It was
12 probably middle between where you enter the projects to the
13 office, probably midways.

14 Q And about how far was that?

15 A Totally an estimate, I would say probably 100 feet
16 maybe.

17 MR. HUGHES: No further questions, Your Honor.

18 ASST. SOL. MURDAUGH: You may come down. We call Nick
19 Ginn.

20 THE COURT: Just one moment. Any objection to this
21 witness?

22 MR. HUGHES: No, sir.

23 THE COURT: Call your next witness.

24 ASST. SOL. MURDAUGH: Nick Ginn.

25 (Whereupon, Mr. Nick Ginn enters the courtroom and the

1 following is held on the record.)

2 THE COURT: Have a seat for me, Mr. Ginn. She is going
3 to pull that microphone towards you. It's going to amplify
4 your voice. Begin by stating your full name and spelling
5 your last name for the court reporter.

6 MR. GINN: Nicholas Adrian Ginn, G-I-N-N.

7 THE COURT: Thank you. Your witness, counsel.

8 DIRECT EXAMINATION

9 BY ASST. SOL. RANDOLPH MURDAUGH:

10 Q Nick, by whom are you employed?

11 A The Hampton Police Department.

12 Q And where are you from?

13 A Hampton.

14 Q Been here all your life?

15 A I moved to Walterboro for a few years and then I moved
16 back.

17 Q Okay. How long have you been with the law enforcement
18 in Hampton County?

19 A Just over three years, I believe.

20 Q All of it in Hampton?

21 A The last three years, yes, sir. I started in 2001 in
22 Walterboro.

23 Q With the City or the Sheriff?

24 A With the City, and I also went to the Sheriff's Office
25 later on.

1 Q Okay. And I ask you whether or not you were employed
2 with the Town of Hampton on the 1st of August 2015?

3 A August 1st of 2015, I was employed by the Town of
4 Hampton.

5 Q And were you involved in investigations of the death of
6 Steven Cochran?

7 A Yes, sir.

8 Q And were you helping Blue and Jake in the gathering of
9 certain evidence?

10 A That's correct.

11 Q Okay. I also ask you, showing you State's Exhibit
12 Number 12 I think it is, whether or not you prepared that
13 folder?

14 A Yes, sir, I did.

15 Q Okay. Now, I will show you some photographs and ask
16 you if you can identify these photographs.

17 A This first photograph is of Mr. Cochran ---

18 Q First of all, do this for me. You go through them and
19 see if you can identify them and if you can't, let's take
20 the ones out that you can't identify.

21 A Okay. I can identify all of them.

22 THE COURT: Any objection?

23 MR. HUGHES: Not anymore, Your Honor.

24 THE COURT: Okay. Have the court reporter mark them.

25 (Court reporter marks exhibits.)

1 THE COURT: I understand there is no objection to what
2 has now been marked as State's Exhibits Number 16A through
3 16G; is that correct?

4 MR. HUGHES: Yes, Your Honor.

5 (State's Exhibits Sixteen A - G, photos, are received
6 into evidence.)

7 Q Okay. I show you photograph Sixteen A; can you
8 identify that?

9 A That's Mr. Cochran's cell phone and glasses on the back
10 side of the air conditioning unit to the front of the office
11 apartment.

12 Q Okay. Do you know how it got there?

13 A I do not.

14 Q Okay, sir. I show you Sixteen B.

15 A That is what I refer to as the mailbox on the front of
16 the office apartment.

17 Q Did you find anything unusual about the mailbox?

18 A Yes, sir. There is what appears to be a bullet hole on
19 the bottom right-hand side.

20 Q Okay. I show you another item and ask if you can
21 identify this one.

22 A Yes, sir. That's the same mailbox that's in the
23 picture.

24 Q And bottom right-hand side, this hole, is that what
25 you're talking about?

1 A That's correct.

2 ASST. SOL. MURDAUGH: Your Honor, please, I offer this
3 into evidence.

4 THE COURT: Show it to counsel.

5 MR. HUGHES: I have no objection, Your Honor.

6 THE COURT: State's Exhibit 17 will be admitted into
7 evidence without objection.

8 (State Exhibit Number Seventeen, mailbox, is received
9 into evidence.)

10 THE COURT: State's 17 in evidence, as well as State's
11 16A through G.

12 Q I show you State's Exhibit 16C and ask you what that
13 is, sir?

14 A That is the bed and duffel bag that is in the office
15 apartment area.

16 Q Looking at State's Exhibit Number 12, the second page
17 on it.

18 A This room would be room number one.

19 Q And what did it have in it?

20 A It had the victim's clothing.

21 Q And what else?

22 A A bed, table, looks like an alarm clock, lamp.

23 Q And it would be room number one?

24 A That's correct.

25 Q And is that clothing on that bed in the same condition

1 as it was that night? Was it there that night?

2 A Yes, sir.

3 Q Okay. State's Exhibit 16D?

4 A That is a trash can that was next to the air
5 conditioner at the front of the apartment where the cell
6 phone and glasses were.

7 Q Okay. I'm sorry, I asked you a question and didn't
8 hear what you said.

9 A It's a trash can that was next to the air conditioner
10 where Mr. Cochran's cell phone and reading glasses were.

11 Q Sixteen E?

12 A That's the front of the office apartment building from
13 an angle from the right side.

14 Q Sixteen G?

15 A That's where the victim was. Also, the trash can, the
16 glasses, the cell phone, and blood stains.

17 Q Mailbox?

18 A I can't see it on this photo.

19 Q Okay. Sixteen F?

20 A Sixteen F is very similar to that first photo with the
21 mailbox attached to the front of the wall.

22 Q Okay. I noticed that in Sixteen F and in Sixteen G
23 there is --- what is this?

24 A A pair of flip-flops.

25 Q They are flip-flops?

1 A Yes, sir.

2 Q Do you know who they belong to?

3 A Mr. Cochran.

4 Q Okay. Answer any questions that Mr. Hughes may have.

5 CROSS-EXAMINATION

6 BY MR. HUGHES:

7 Q I want to show you what has been marked previously as
8 State's Number 12. Do you recognize this?

9 A Yes.

10 Q You prepared that, correct?

11 A That's correct.

12 Q The one that you have your finger on right now, that is
13 the drawing of the area that you prepared?

14 A That's correct.

15 Q Okay. I don't see a scale on there. Do you see where
16 it has previously been identified as marking the shell
17 casings?

18 A That's correct.

19 Q How far are they from the red thing that marks the
20 body?

21 A As far as measurements, I could not tell you. That's
22 why I have "not to scale" on the bottom.

23 Q Okay. But when you prepared that, could you give us a
24 rough estimate on how far you think they are?

25 A No, I can't.

1 Q Would you say they are from me to you now or further?

2 A Well, each one of them was a different distance, so we
3 would have to measure each one to come up with an accurate
4 measurement.

5 Q Okay. A couple of them are by the curb?

6 A Yes, sir.

7 Q Okay. Was the curb as close to me to -- if I was the
8 body, would the curb be where you are or would it be closer
9 or further?

10 A Depends on which curb. You've got the right side, the
11 left side and the front that has a curb.

12 MR. HUGHES: May I approach, Your Honor?

13 THE COURT: You may.

14 Q I am going to ask him about the curb where it meets the
15 cul-de-sac turn. Right here is one of the shell casings.
16 That marking where the cul-de-sac starts to curve and meets
17 the road; do you see that one?

18 A Yes, sir.

19 Q Could you tell me is it as close from me to you or is
20 it further?

21 A It would be maybe a little bit further.

22 Q Say when.

23 A Estimate somewhere around in there.

24 Q Okay. Thank you. I'm going to ask if you can identify
25 what that is.

1 A That is a list of individuals we spoke to, myself and
2 Sgt. Lawson, out at the Hampton Garden Apartments the night
3 of the murder.

4 Q Is there anything on that list that you see now as
5 being put down wrong or inaccurate as to what happened that
6 night?

7 A During the time that this took place, this is an
8 accurate rendition of what happened.

9 Q Thank you.

10 MR. HUGHES: No further questions, Your Honor.

11 ASST. SOL. MURDAUGH: I have no questions.

12 THE COURT: As to the witness?

13 ASST. SOL. MURDAUGH: If Your Honor, please, I would
14 like him to remain.

15 THE COURT: Have you advised him concerning my Order?

16 ASST. SOL. MURDAUGH: No, sir, I have not.

17 THE COURT: Then I would instruct you to do so.

18 ASST. SOL. MURDAUGH: I will do that.

19 THE COURT: Any objection, Mr. Hughes?

20 MR. HUGHES: I would have no objection.

21 THE COURT: Mr. Ginn, if you will step down, he needs
22 to speak with you outside the courtroom. Please remain with
23 us.

24 ASST. SOL. MURDAUGH: Your Honor, please, the State
25 will call Ms. Eichenmiller.

1 (Ms. Eichenmiller enters the courtroom and is duly
2 sworn.)

3 THE COURT: Have a seat. Adjust that microphone. It's
4 going to amplify your voice. State your full name and spell
5 your last name for the court reporter.

6 MS. EICHENMILLER: Michelle Eichenmiller, E-I-C-H-E-N-
7 M-I-L-L-E-R.

8 THE COURT: Your witness, counsel.

9 DIRECT EXAMINATION

10 BY ASST. SOL. RANDOLPH MURDAUGH:

11 Q Ms. Eichenmiller, by whom are you employed?

12 A I work for the South Carolina Law Enforcement Division
13 in the forensic lab in the firearms department.

14 Q Is that better known as SLED?

15 A Yes.

16 Q Okay. And you work in the forensic department?

17 A Yes.

18 Q And what is that?

19 A I work in the forensic lab in the firearms department.

20 Q Okay. What training have you had to work in the
21 firearms department?

22 A In order to be hired at SLED, I need a Bachelor's
23 degree. So I have a Bachelors of Biology. I also have a
24 Master's of Science in Forensic Science. In order to learn
25 how to be a firearm's examiner, though, there is no college

1 you can go to. you have to complete an apprenticeship-like
2 program. So once I got to SLED, I started the SLED in-house
3 training program of the firearms examiners. After three or
4 four years, I completed my training. I took a comprehensive
5 final and then they deemed me qualified to work cases on my
6 own.

7 Q Okay. The training that you took in the lab itself,
8 was that under the supervision of somebody?

9 A Yes. It was under the supervision of all the examiners
10 that were there. I went in different examiners offices,
11 learned how they did casework, learned what they were
12 examining and looking for. I did a lot of reading on my
13 own. Mostly, it was under their supervision that I did a
14 lot of comparisons.

15 Q Okay. Did you do certain work and then have it
16 compared to work that your supervisor had done?

17 A Yes.

18 Q To compare whether or not what you did was correct?

19 A Yes.

20 Q And was it correct?

21 A Yes.

22 Q Okay. In the process of learning firearms, did you
23 learn about not only guns but about ammunition?

24 A Yes. As part of my training, we did the history of
25 firearms, the history of ammunition. We learned about

1 current ammunition, new things that come out. We keep doing
2 continuing education on that, too.

3 Q Okay.

4 ASST. SOL. MURDAUGH: If Your Honor, please, I would
5 offer her as an expert on firearms and ammunition and
6 related matters.

7 THE COURT: Any objection, counsel? I will be happy to
8 let you cross-examine her.

9 MR. HUGHES: I would like to cross examiner her.

10 THE COURT: Proceed.

11 CROSS-EXAMINATION AS TO EXPERT:

12 BY MR. HUGHES

13 Q Have you ever testified as a firearms expert before?

14 A I have.

15 Q How many times?

16 A Approximately 45.

17 MR. HUGHES: Then no objection, Your Honor.

18 THE COURT: Ladies and gentlemen, recalling my earlier
19 instruction to you concerning expert witnesses, the witness
20 is qualified without objection in firearms and ammunition.
21 Proceed, counsel. Direct examination.

22 DIRECT EXAMINATION CONTINUED

23 BY ASST. SOL. RANDOLPH MURDAUGH:

24 Q I ask you whether or not you had occasion to examine
25 State's Exhibit Number Five?

1 A Whenever I receive evidence in a case, I will mark it,
2 the outer container and then the actual item itself with a
3 lab number, the item number and my initials. This is what I
4 examined for this case.

5 Q Okay. I ask you whether or not you had an occasion to
6 examine State Exhibit 14 A?

7 A Yes, I did.

8 Q Fourteen B?

9 A Yes, I did.

10 Q Fourteen C?

11 A Yes.

12 Q Fourteen D?

13 A Yes.

14 Q When you received those items, were they -- what do you
15 call those? Tamper proof bags?

16 A Yes, they are.

17 Q Why?

18 A Because if they were tampered with, you would be able
19 to tell.

20 Q Okay. Had they been tampered with when you got them?

21 A No.

22 Q Okay. I ask you whether or not you also examined the
23 contents of State's Exhibit Number 11?

24 A Yes. These are the cartridge cases that I examined as
25 well.

1 Q You examined those casings?

2 A Yes. There are five items in here and I've examined
3 them.

4 Q Okay. And what was our purpose in examining all of
5 this stuff I just asked you about?

6 A Whenever I went in to receive in the lab from the
7 firearms department, we examine any fired ammunition
8 components, bullets, or cartridge cases. If there is a
9 firearm involved, we will also examine that. We also
10 attempt to determine if the bullets in cartridge cases were
11 fired by a firearm. In the absence of a firearm, we can do
12 other examinations to give a list of firearms that could
13 have fired the bullets, sort of an investigative tool to
14 help the investigators, and then we can also tell how many
15 firearms were involved. So if there were more than one
16 firearm involved, I would be able to tell them.

17 Q Okay. Did your investigation determine if more than
18 one firearm was involved with these items?

19 A In this case, after examination and microscopic
20 comparison, the five cartridge cases were fired by one
21 firearm. I couldn't tell if the five bullets and bullet
22 fragments were fired by the same firearm, but they had
23 consistent characteristics that could have been the same
24 firearm. It was just not enough there to tell.

25 Q You couldn't eliminate them, but you just can't say it

1 wasn't by the same firearm?

2 A Correct.

3 Q Okay. What kind of shells were those casings? Does
4 that give you some kind of indication of what kind of
5 ammunition it was?

6 A I don't understand your question.

7 Q What caliber?

8 A They were 40 S&W caliber.

9 Q What's the difference between the caliber and the
10 brand?

11 A Forty S&W is a caliber that many manufacturers make.
12 We can tell the manufacturer based off of the headstamp,
13 which is writing on top of the cartridge case.

14 Q Okay. What brand were those cartridge casings?

15 A In this case -- if I may look at my notes?

16 Q Sure.

17 A My Item One -- so part of the cartridge cases that are
18 in this ---

19 THE COURT: You have to refer to the exhibit number for
20 the record. I realize you have an item number.

21 A State's Exhibit 11, one of the items in Exhibit 11 has
22 a Winchester headstamp. One of them has a Tool Ammo
23 headstamp.

24 Q A what?

25 A A Tool Ammo. It's another manufacturer of ammunition.

1 And then the last three have Perfecta headstamps.

2 Q Perfecta, okay. Perfecta, is that a popular brand?

3 A I see it in casework frequently.

4 Q Okay. I have no further questions.

5 THE COURT: Cross-examination.

6 CROSS-EXAMINATION

7 BY MR. HUGHES:

8 Q And what were the other two brands?

9 A There was one Winchester, one Tool Ammo, and three
10 Perfectas.

11 Q Winchester, is that a rare brand? No one ever uses
12 Winchester?

13 A No, that is pretty common as well..

14 Q And the third one?

15 A Tool Ammo?

16 Q Yes.

17 A It's becoming more popular.

18 Q Now, why are there cartridge casings not in the gun? I
19 mean, is there a type of gun that would expel the cartridge
20 casings?

21 A Yes. A semi-automatic pistol expels the cartridge
22 cases after they are fired.

23 Q Do all pistols expel their cartridge cases?

24 A Most times, unless there is an issue.

25 Q Can you tell me the difference between a revolver and a

1 semi-automatic?

2 A A semi-automatic will use the force of the recoil of a
3 firearm and the firing will cycle the gun, and then the
4 cartridge case will get ejected and another one will load.

5 A revolver is like a cowboy firearm if you've ever seen an
6 old western that they have a cylinder with several
7 cartridges in there, and with each pull of the trigger, the
8 cylinder will rotate to have another one under the hammer
9 for the next firing.

10 Q And after it fires, it ejects the cartridge?

11 A A revolver doesn't have that.

12 Q So there is a gun that doesn't eject the cartridge or
13 doesn't throw the cartridge out?

14 A Correct. Revolvers do not, pistols do.

15 Q I thought a revolver was a pistol?

16 A They're both firearms, just different categories of
17 firearms.

18 Q Okay. That shows my ignorance.

19 MR. HUGHES: No further questions, Your Honor.

20 THE COURT: Redirect?

21 REDIRECT EXAMINATION

22 BY ASST. SOL. RANDOLPH MURDAUGH:

23 Q Ma'am, what kind of shells did you say the three -- the
24 three of them were what?

25 A There's one Winchester brand cartridge case, there's

1 one Tool Ammo, and there's three Perfecta.

2 Q Perfecta?

3 A Perfecta.

4 Q Who sells Perfecta?

5 A I'm not real familiar with who sells Perfecta. I
6 believe that Wal-mart is one place that you can buy them.

7 Q Okay. Thank you, ma'am.

8 ASST. SOL. MURDAUGH: I have no further questions. I
9 have no objections to her being excused.

10 THE COURT: Recross, limited to redirect.

11 RECROSS-EXAMINATION

12 BY MR. HUGHES:

13 Q Do other places sell Perfecta that you know of?

14 A I'm not familiar with other places.

15 Q Do other places sell Winchester?

16 A Yes.

17 Q Do other places sell Tool Ammo?

18 A Yes.

19 Q So it's not just limited to Wal-mart?

20 A Correct.

21 MR. HUGHES: No further questions, Your Honor.

22 THE COURT: As to this witness, Solicitor?

23 ASST. SOL. MURDAUGH: Can be excused, sir.

24 THE COURT: Any objection?

25 MR. HUGHES: None whatsoever.

1 THE COURT: Ms. Eichenmiller, you can step down and you
2 are excused from the trial of this case. Take your file.
3 Counsel approach.

4 (Whereupon, a bench conference is held off the record
5 and out of the hearing of the jury.)

6 THE COURT: Ladies and gentlemen of the jury, I'm going
7 to stop at this point for your lunch break. Please don't
8 discuss the case over the lunch break. I want to try and
9 get as much done today. I'm going to get you home early
10 today, but I want to try and get as much done. Please be
11 back in your jury room at 2:00 today. Over the lunch break,
12 if somebody tries to talk to you about it, just tell them
13 you're on the jury and the judge said you can't talk about
14 the case. If they persist, get their name and give it to me.
15 Hope everybody has a pleasant lunch. You may leave the
16 courtroom at this time.

17 (12:45, WHEREUPON THE JURY EXITS THE COURTROOM AND THE
18 FOLLOWING IS HELD ON THE RECORD.)

19 THE COURT: All right. Counsel, we will stop at this
20 point for lunch, unless there is something for the record.

21 I do need to put one thing on the record. I issued a
22 ruling overruling Mr. Hughes's objection and it was 15A.
23 Let me see the photograph so I can remember. Mr. Hughes
24 objected to photograph 15A. It purports to be a photograph
25 of a projectile in this case which I admitted over

1 objection.

2 Mr. Hughes objected on the basis that he felt this was
3 unduly prejudicial because there was blood in the photograph
4 in proximity to the location. I informed Mr. Hughes that
5 even though there was blood when the photograph was taken,
6 because it was taken as to the location of the projectile as
7 testified to earlier by the witnesses.

8 There has also been testimony in this trial concerning
9 the location of the body. In fact, Mr. Hughes later asked
10 that question twice of witnesses the relationship of
11 location of either projectiles or of casings to the body,
12 and because the photograph illustrates that the jury could
13 infer the location because of the blood to the projectile, I
14 felt that it's any prejudicial effect that there was
15 probative value to the photograph and that I did not think
16 the prejudice outweighed its probative effect and therefore
17 his objection was overruled. I'm giving you that photograph
18 so there is a record of my ruling.

19 Now, is there anything on the record from the State
20 before we adjourn for lunch?

21 ASST. SOL. MURDAUGH: No, Your Honor.

22 THE COURT: Anything on the record from the defendant
23 before we adjourn for lunch?

24 MR. HUGHES: Nothing, Your Honor.

25 THE COURT: All right. We will start back at 2:00.

1 (Whereupon, a recess is taken in the trial of this
2 case. Thereafter, at 2:00 p.m., the following is held on
3 the record.)

4 THE COURT: Is the State ready to proceed?

5 ASST. SOL. MURDAUGH: Yes, Your Honor.

6 THE COURT: Is the defendant ready to proceed?

7 MR. HUGHES: Yes, Your Honor, but I have one request.

8 THE COURT: Yes, sir.

9 THE COURT: Could the Solicitor avoid standing at the
10 witness stand and talking to them and leaning on the witness
11 box during questioning?

12 THE COURT: I will certainly see to it that your view
13 of the witness is not blocked. Solicitor, please remember
14 not to approach a witness without asking permission from the
15 Court. That applies as much to your son, although the apple
16 does not fall far from the tree..

17 MR. HUGHES: Thank you, Your Honor.

18 THE COURT: Bring us the jury, please.

19 (WHEREUPON, THE JURY ENTERS THE COURTROOM AND THE
20 FOLLOWING IS HELD ON THE RECORD.)

21 THE COURT: Mr. Foreman and ladies and gentlemen of the
22 jury, we will now continue with the testimony in the trial
23 of this case. Solicitor, you may call your next witness.

24 ASST. SOL. MURDAUGH: The State calls Kadijah Batist.

25 (Whereupon, the witness, Ms. Batist, enters the

1 courtroom and is duly sworn.)

2 THE COURT: Have a seat for me. You can adjust that
3 microphone to your height. Please speak up so my jury can
4 hear you. State your full name and spell your last name.
5 And if you don't mind, because I wrote this down and I don't
6 know if that's correct, would you spell your first and last
7 name please.

8 MS. BATIST: Kadijah, K-A-D-I-J-A-H, Batist, B-A-T-I-S-
9 T.

10 THE COURT: Very well. Your witness, Counsel.

11 DIRECT EXAMINATION

12 BY ASST. SOL. ALEC MURDAUGH:

13 Q Ms. Batist, where are you currently employed?

14 A By the Jasper County Detention Center.

15 Q Okay. And what is our title?

16 A My title is housing unit manager.

17 Q All right. And as the housing unit manager, what are
18 your duties in regards to the assigning of I.D. numbers to
19 inmates?

20 A When they come in, I issue them a pin number and an
21 account number to use the phone.

22 Q And you are the person who issues that pin number?

23 A Yes.

24 Q All right. And other than the inmate to which a number
25 is assigned, and the administration and the jail, does

1 anyone else have access to that number?

2 A No.

3 Q I want to hand you this document and ask you if you can
4 tell us what number was assigned to Sidney Holmes?

5 A 1188159108.

6 Q And that's an I.D. and a pin number?

7 A Yes.

8 Q And to use the telephone at the facility, does an
9 inmate have to enter that number?

10 A Yes.

11 Q Is there any way to use the phone without doing that?

12 A No.

13 Q And again, just to be clear, other than the
14 administration and the inmate to which a number is assigned,
15 does anyone have access to that number?

16 A No.

17 Q Thank you.

18 ASST. SOL. MURDAUGH: No further questions.

19 THE COURT: Cross-examination.

20 CROSS-EXAMINATION

21 BY MR. HUGHES:

22 Q Is there anything stopping someone from giving someone
23 else their number?

24 A No.

25 Q Okay. Thank you.

1 MR. HUGHES: No further questions, Your Honor.

2 THE COURT: Redirect?

3 ASST. SOL. MURDAUGH: No, sir.

4 THE COURT: As to this witness, Solicitor?

5 ASST. SOL. MURDAUGH: She may be excused.

6 THE COURT: Any objection, Mr. Hughes?

7 MR. HUGHES: No, Your Honor.

8 THE COURT: Ms. Batist, you may step down. You are
9 excused from the trial of this case. Call your next
10 witness.

11 ASST. SOL. MURDAUGH: The State calls Dylan Hightower.

12 (Whereupon, Mr. Hightower enters the courtroom and is
13 duly sworn.)

14 THE COURT: Please have a seat. Adjust that
15 microphone. State your full name and spell your last name.

16 MR. HIGHTOWER: My name is Dylan Hightower, H-I-G-H-T-
17 O-W-E-R.

18 DIRECT EXAMINATION

19 BY ASST. SOL. RANDOLPH MURDAUGH:

20 Q By whom are you employed, Mr. Hightower?

21 A I'm currently employed by the Fourteenth Circuit
22 Solicitor's Office as an investigator. I also oversee the
23 criminal intelligence unit.

24 Q How long have you been employed in that role?

25 A I've been there approximately six years. And to

1 include my duties, I supervise the criminal intelligence
2 unit. I also assist local agencies; local agencies, state
3 agencies, federal agencies with criminal investigations.

4 Q I got a little bit ahead of myself. What sort of
5 background, training and education do you have in the law
6 enforcement field?

7 A I graduated in 2011 from SLED, a six-week criminal
8 intelligence analysis, basically on the job course, a four
9 week training to give me an idea as to what I was getting
10 into basically. I'm involved in criminal intelligence
11 analysis; I do everything from social media, monitoring jail
12 phone calls, cell phone forensics analysis, things of that
13 nature. I also serve as the regional coordinator of the
14 South Carolina Gang Investigators Association. This is my
15 second year doing that as well. I graduated from the
16 Criminal Justice Academy in 2013 to get my class warrant
17 certification as a law enforcement officer in the State of
18 South Carolina.

19 Q Mr. Hightower, do you monitor all the calls for all the
20 inmates?

21 A Most of the time. For serious offenses, I always try
22 and make sure that I listen to, or monitor, each defendant's
23 phone calls as they come in, just to make sure that if they
24 do say anything, I will forward it to the prosecutor and/or
25 the investigator who is working the case.

1 Q And did you monitor phone calls for Sidney Holmes?

2 A Yes, sir, I did.

3 Q All right. And in monitoring those phone calls, what
4 did you learn?

5 A Well, I got through about six or seven calls on Mr.
6 Holmes' account using my log-in information and I came
7 across a phone call on August 10th of 2015 at 13:25 hours,
8 which is 1:25 in the afternoon. There was some interesting
9 information in there that I felt was relevant and important
10 to the case officer involving this case.

11 Q And as a result of hearing that call, what steps did
12 you take?

13 A I basically pulled the recording off of the system and
14 I e-mailed everyone involved in the case as far as who the
15 case officer was, any investigators in my office who was
16 assisting with the case, as well as the Captain of the local
17 police department, Mr. Jake Sullivan.

18 Q And what about phone call that you are referencing,
19 what did you find that concerned you as being relevant?

20 A So there is a terminology called "the whistle" and it
21 was the defendant speaking to someone on the other end; I'm
22 not sure who it was, but it said something along the lines
23 of "Did you sell that whistle? Did you get rid of that
24 whistle?" And in my training and experience of being in
25 this position for six years, I knew the term whistle as a

1 street slang term for firearm or a gun.

2 Q All right. And as part of your duties, did you
3 download the recording that you listened to?

4 A Yes, I did.

5 ASST. SOL. MURDAUGH: May I approach the witness?

6 THE COURT: You may.

7 Q Did you place that phone call on a disc?

8 A Yes, sir, I did.

9 Q Please identify what I have placed in front of you.

10 A This is a copy of the audio file that I pulled from the
11 Jasper County Phone System with my initials and today's
12 date, along with the inmate's pin. His account number is
13 118815. And his pin number is 1188159108.

14 Q Okay. And you're making reference to the pin number
15 that you're using as the number that is assigned to him by
16 the Jasper Detention Center?

17 A Yes, sir, that's correct.

18 Q All right.

19 ASST. SOL. MURDAUGH: At this time, Your Honor, we move
20 this into evidence and would like to play it for the jury.

21 THE COURT: Has it been marked?

22 ASST. SOL. MURDAUGH: No, sir. It will be State's
23 Exhibit Number 18.

24 THE COURT: As to State's Exhibit Number 18?

25 MR. HUGHES: No objection.

1 THE COURT: Ladies and gentlemen of the jury, State's
2 Exhibit 18 will be admitted in the trial of this case
3 without objection. You may publish to the jury.

4 (State Exhibit Number 18, CD of phone call audio by the
5 defendant at the Jasper County Detention Center, is received
6 into evidence.)

7 (Audio begins play.)

8 ASST. SOL. MURDAUGH: Your Honor, I would ask that we
9 play that beginning again just because it jumped out there
10 so blurry.

11 THE COURT: Any objection?

12 MR. HUGHES: No, Your Honor.

13 (State Exhibit Number 18 plays again.)

14 Q And just to be clear, the number used to activate that
15 phone call is number 118815108?

16 A 1188159108, yes, sir.

17 Q All right. 1188159108?

18 A Yes, sir.

19 Q And again, the records correlate that that number is
20 assigned to who?

21 A Mr. Sidney Holmes.

22 Q Please answer any questions that Mr. Hughes has.

23 THE COURT: Cross-examination.

24 CROSS-EXAMINATION

25 BY MR. HUGHES:

1 Q Who's on the tape?

2 A I believe it to be Sidney Holmes.

3 Q Why do you believe it to be Sidney Holmes?

4 A Because I pulled it from his inmate pin information on
5 the Jasper County Detention Center System.

6 Q Do you know if it's possible for another inmate to use
7 someone's pin?

8 A It's possible, yes.

9 Q So the only thing you are basing that statement on is
10 what?

11 A It came from the inmate pin assigned to Sidney Holmes.
12 I listened to multiple phone calls prior to that one as well
13 and the voice actually sounds very much the same.

14 Q Are you can expert in voice recognition?

15 A I am not, no, sir.

16 Q Did you bother to send this to SLED for voice analysis?

17 A No, I did not.

18 Q So the only thing saying that this is Sidney Holmes on
19 there is your opinion?

20 A It came from the inmate phone system pin assigned to
21 Sidney Holmes and it was similar to the voice that I heard
22 over a series of calls. I probably heard over 50 or 60
23 calls involving Mr. Holmes, so, yes, everything was
24 similar, so I figured it was the same person.

25 Q Okay. So it's your opinion?

1 A Yes, sir.

2 Q Okay. Now, the other question is this, you translated
3 "whistle" to mean gun?

4 A Yes, sir. It's a common street term that a lot of
5 criminals use.

6 Q So you don't know if it meant guns, drugs, or any other
7 illegal thing, it's your opinion that it meant gun?

8 A Based on my training and experience, it is very
9 important for the case officer to know this information
10 because of my previous experience and knowing what a whistle
11 meant, it means a firearm or a gun, so I figured I would
12 send it on the case officer to make sure he was aware of it.

13 Q So you again used your opinion that all of this is
14 Sidney Holmes talking about a gun?

15 A Yes, sir. Again, I've seen it used many times in other
16 criminal investigations as well. There are other references
17 to it. Actually, if you would like me to really get down to
18 the base reference, if anyone has ever seen The Wire on HBO,
19 that term is actually used a lot referring to firearms.

20 Q Okay. So we're now getting our information from a
21 television show, is that what you're telling us?

22 A That's one of the resources, yes, sir. But as far as
23 my training and experience in this line of work, I've heard
24 that term used a number of times as a street term for a
25 firearm.

1 Q So again, it is basically your opinion with no physical
2 evidence, no scientific test whatsoever that that was Sidney
3 Holmes talking about a gun?

4 A What I believe to be a gun, yes.

5 Q Okay. And there's no chance it could be anything else?

6 A I mean, it's always possible he could be referring to
7 something else.

8 Q And it's also possible that it could have been someone
9 else talking on the phone?

10 A Well, the murder weapon was also missing in this case,
11 so I figured we would try to do everything we could to
12 identify where it could be, as well as forwarding this
13 information on to the case officers to see if we could
14 possibly identify where that gun may be, and this was the
15 way to possibly get to that point.

16 Q I'm not sure that I asked that question, but that's no
17 problem. You have nothing, other than your opinion, that
18 this was Sidney Holmes talking about a gun?

19 A Based off my training and experience, I believe whistle
20 to be the term for -- a street term for a firearm.

21 Q Okay. I'm still not sure you answered my question. Do
22 you have anything, other than your opinion, that this was
23 Sidney Holmes talking?

24 A Can you rephrase the question, sir?

25 Q Do you have any other evidence, other than your

1 opinion, that this was Sidney Holmes talking on that
2 telephone call?

3 A I mean, I believe it to be Sidney Holmes, yes.
4 According to how the system works. Again, what I previously
5 stated regarding the other phone call I listened to sounded
6 very similar to the voice I heard on this phone call.

7 Q So I take that as a "no"; would that be correct?

8 A I believe it to be.

9 Q Sir, I wasn't asking you about your beliefs. I asked
10 about do you have any evidence?

11 A The only way I would know for 100 percent certainty is
12 if I were standing next to that person while he was making
13 that phone call.

14 Q You didn't send it to SLED for voice analysis?

15 A No, sir, I did not. I was assigned to his pin number
16 and the Jasper County Phone system and therefore, I figured
17 it out through that.

18 Q And it's possible for someone else to use his pin
19 number?

20 A It's possible, yes.

21 Q Okay. So other than playing something that may have
22 come from Sidney Holmes recorded at the Jasper County
23 Detention Center, you've shown us nothing?

24 A (NO RESPONSE.)

25 MR. HUGHES: I have no further questions, Your Honor.

1 THE COURT: Redirect?

2 ASST. SOL. MURDAUGH:

3 REDIRECT EXAMINATION

4 BY ASST. SOL. MURDAUGH:

5 Q Mr. Hightower, when inmates are placed in the custody
6 at the detention center, are they told that their phone
7 calls will monitored when they make those phone calls?

8 A Yes, sir. When the phone call is initiated, when they
9 actually get done entering their account information and the
10 phone number they are dialing, there is actually a voice
11 recording coming on the line saying this call is being
12 monitored and recorded.

13 Q And so, knowing that those phone calls can be
14 monitored, what is your experience in inmates giving out
15 their pin numbers to other inmates?

16 A It happens; we do see that. The administration within
17 the Jasper County Detention Center, or any detention center
18 within the Fourteenth Circuit, closely monitors that and
19 does everything they can to prevent that.

20 Q And did you hear the same voice on every call that you
21 monitored?

22 A Yes, I did.

23 Q No further questions.

24 THE COURT: Recross, limited to redirect.

25 RECROSS-EXAMINATION

1 BY MR. HUGHES:

2 Q As a matter of fact, at the desk right there beside the
3 phone there is a sign that says, "This phone call is subject
4 to being monitored," correct?

5 A Yes, sir, that is also correct.

6 Q And their pin number is what is being recorded? If
7 they have to put their pin number in, they know it must be
8 in the system?

9 A Every time they initiate a call, there is that
10 recording, yes.

11 Q So a person would be stupid to enter their own pin
12 number and say, "Have you gotten rid of the gun?"

13 A Perhaps.

14 MR. HUGHES: No further questions, Your Honor.

15 THE COURT: As to this witness?

16 ASST. SOL. MURDAUGH: No further questions.

17 THE COURT: May he be excused?

18 MR. HUGHES: No objection.

19 THE COURT: You may step down and you are excused from
20 the courtroom at this time. Call your next witness.

21 ASST. SOL. MURDAUGH: Brian Varnadoe.

22 (Whereupon, Mr. Brian Varnadoe enters the courtroom and
23 is duly sworn.)

24 THE COURT: State your full name and spell your last
25 name for the court reporter.

1 MR. VARNADOE: David Brian Varnadoe, V-A-R-N-A-D-O-E.

2 THE COURT: Your witness, counsel.

3 DIRECT EXAMINATION

4 BY ASST. SOL. RANDOLPH MURDAUGH:

5 Q Mr. Varnadoe, where do you work?

6 A I work for the Colleton County Sheriff's Office.

7 Q How long have you been with them?

8 A Approximately three years.

9 Q Prior to that, where did you work?

10 A Prior to that, I worked for the Department of
11 Corrections.

12 Q Whereabouts?

13 A Ridgeland, South Carolina.

14 Q How long did you work for them?

15 A Approximately 18 years.

16 Q Okay. During your period of working with the
17 Department of Corrections and with the Sheriff's Department,
18 have you had an occasion to study gangs?

19 A Yes, sir.

20 Q Okay. Tell me where it was and what you did.

21 A Well, I had different classes that I took at the
22 Department of Corrections on gang validation, identification
23 with SCDC before coming to Colleton County. With Colleton
24 County, I received training from the South Carolina Criminal
25 Justice Academy.

1 Q Okay. In what regards did you receive training from
2 the Criminal Justice Academy?

3 A Gang identification, gang overview, criminal street
4 gangs were some of the classes they offered.

5 Q And was that -- were you assigned any particular unit
6 in Colleton County?

7 A I am now, yes, sir.

8 Q And what unit are you assigned to?

9 A For the past two years, I've been the Gang Investigator
10 for Colleton County.

11 Q Okay. And why is that, sir?

12 A We have a problem in our county with gang involvement,
13 gang activity.

14 Q Okay, sir. During the course of you learning about
15 gangs, did you learn the vernacular that they use?

16 A Yes, sir.

17 Q You know what a "whistle" is?

18 A I know what is referred to as a whistle.

19 Q What?

20 A It's a handgun.

21 Q Thank you. I have no questions. Answer any questions
22 that Mr. Hughes may have.

23 THE COURT: Cross-examination.

24 CROSS-EXAMINATION

25 BY MR. HUGHES:

1 Q Could it be anything else not gang related? Could it
2 be anything else?

3 A Not in the terminology and culture and gang involvement
4 that I'm familiar with.

5 Q But I mean, I'm not talking about in gangs. I'm just
6 talking about could it be anything else to someone not in a
7 gang?

8 A It could be.

9 MR. HUGHES: No further questions, Your Honor.

10 THE COURT: Redirect?

11 ASST. SOL. MURDAUGH: No redirect, sir. May Mr.
12 Varnadoe be excused?

13 THE COURT: Any objection?

14 MR. HUGHES: No objection.

15 THE COURT: Mr. Varnadoe, you may step down and you are
16 excused from the trial of the case. You may leave the
17 courtroom.

18 ASST. SOL. MURDAUGH: We call Clarissa Bliemeister.

19 (Whereupon, Ms. Clarissa Bliemeister enters the
20 courtroom and is duly sworn by the clerk.)

21 THE COURT: Have a seat on the witness stand. Make
22 yourself comfortable. Adjust that microphone over and move
23 it to your height. It's going to amplify your voice so that
24 everybody can hear you. Please begin by stating your full
25 name and spelling your last name for the court reporter.

1 MS. BLEIMEISTER: Clarissa Michelle Bliemeister, B-L-I-
2 E-M-E-I-S-T-E-R.

3 THE COURT: Your witness, counsel.

4 DIRECT EXAMINATION

5 BY ASST. SOL. MURDAUGH:

6 Q Ms. Bliemeister, by whom are you employed?

7 A Wal-mart.

8 Q And in what capacity are you employed with them?

9 A I'm an Asset Protection Manager.

10 Q What does that mean?

11 A I am in charge of theft, safety, and compliance in our
12 store.

13 Q Okay. Does cameras in the store come under your
14 heading?

15 A Yes, they do.

16 Q Okay. I ask whether or not you've had an occasion at
17 some time subsequent to August 1st, 2015, to check a tape
18 out?

19 A I actually gave Mr. Ginn the video on August 17th.

20 Q Okay. And do you have it with you?

21 A Yes, sir, I do.

22 Q May I see it?

23 A (Witness gives Mr. Murdaugh the video.)

24 ASST. SOL. MURDAUGH: Your Honor, please, sir, I would
25 offer this as an exhibit.

1 THE COURT: Mr. Hughes?

2 MR. HUGHES: No objection.

3 THE COURT: State's Exhibit 19 will be admitted into
4 evidence in the trial of this case without objection.

5 (State's Exhibit Number 19, Wal-Mart video, is received
6 into evidence.)

7 THE COURT: You may proceed, Solicitor.

8 ASST. SOL. MURDAUGH: Your Honor, please, may I bring
9 Ms. Bliemeister down where she can do some things with the
10 computer as she goes along?

11 THE COURT: Yes, you may.

12 ASST. SOL. MURDAUGH: And if I may get the microphone,
13 if Your Honor, please.

14 Q Describe what we are looking at, Ms. Bliemeister.

15 THE COURT: Let the record reflect that State Exhibit
16 19 is on the screen at this time in evidence without
17 objection. Proceed.

18 (State's Exhibit 19, video, begins play.)

19 A On the register on the left side of the screen you will
20 see the defendant and his counterparts with a black jacket
21 and a white tank top on standing near the belt of the
22 register. She is finishing up with the first customer now
23 and they are next in line. The box of ammo is on the belt
24 there.

25 Q What's that he has in his hand?

1 A The one with the white tank top?

2 Q Yes, sir.

3 A I do believe it's cash.

4 Q Okay.

5 A And she is now beginning with his transaction. She

6 just put the ammunition in a shopping bag.

7 Q Who gets the plastic bag?

8 A The gentleman in the white tank top has it in his left

9 hand. And this is the grocery-side entrance and these are

10 the individuals walking out of the grocery door.

11 Q Does the fellow right behind the girl is the fellow at

12 the counter, was it him?

13 A That's correct.

14 Q Okay. Can you zoom in a little closer to his face,

15 Sidney Holmes?

16 MR. HUGHES: Objection, Your Honor. There is nothing

17 that says that she would know who Sidney Holmes was.

18 THE COURT: Sustained.

19 Q Do you know who the defendant is in this case?

20 A No, sir.

21 Q Okay. Thank you. You may return to the witness stand.

22 A (Witness complies.)

23 Q This transpired on the -- what date did that

24 transaction take place?

25 A July 4th of 2015.

1 Q July the 4th of 2015, and you checked it on the 17th of
2 August?

3 A Yes, sir.

4 Q Okay. Did you also make a determination of what it was
5 they purchased?

6 A We did. We pulled the transaction which stated it was
7 ammunition.

8 Q I show you an item and ask you if you can identify
9 that.

10 A The item was sold on register five on July 4th at
11 approximately 22:02. The item was ammunition for \$15.94.

12 Q Do you have any idea what kind of ammunition it was?

13 A No, sir.

14 Q Okay.

15 ASST. SOL. MURDAUGH: If Your Honor, please, I would
16 like to offer this into evidence.

17 THE COURT: As to State's 20?

18 MR. HUGHES: No objection.

19 THE COURT: Ladies and gentlemen, State's Exhibit
20 Number 20 will be admitted into evidence in the trial of
21 this case without objection. You may publish.

22 (State's Exhibit Number 20, Wal-mart receipt, is
23 received into evidence.)

24 Q I have no further questions. Answer any questions
25 that Mr. Hughes may have, please, ma'am.

1 THE COURT: Cross-examination.

2 CROSS-EXAMINATION

3 BY MR. HUGHES:

4 Q You have no idea who was on that video?

5 A I cannot determine. All I can do is pull up the video
6 and release it to law enforcement.

7 Q And you don't know what type of ammo they bought?

8 A No, sir.

9 MR. HUGHES: No further questions.

10 ASST. SOL. MURDAUGH: You may come down. May she be
11 excused?

12 MR. HUGHES: No objection.

13 THE COURT: You may step down and you are excused from
14 the trial of this case. You may leave the courtroom. Call
15 your next witness.

16 ASST. SOL. MURDAUGH: We call Nick Ginn.

17 (Whereupon, Mr. Nick Ginn enters the courtroom.)

18 THE COURT: Mr. Ginn, I remind you that you were
19 previously sworn in the trial of this case and you are still
20 under oath.

21 MR. GINN: Yes, sir.

22 THE COURT: State your full name and spell your last
23 name for the record.

24 MR. GINN: Nicholas Adrian Ginn, G-I-N-N.

25 THE COURT: The witness has been previously sworn. He

1 has stated his name again for the record. Direct
2 examination. Your witness, counsel.

3 DIRECT EXAMINATION

4 BY ASST. SOL. RANDOLPH MURDAUGH:

5 Q Mr. Ginn, I ask you whether or not you had an
6 opportunity to view a tape that was done from Wal-mart by
7 Ms. Bliemeister?

8 A Yes, sir, I did review it.

9 Q Okay. The people in it, can you tell us who they are?

10 A I can tell you that one of them is Mr. Sidney Holmes,
11 the defendant.

12 Q Can you tell me which one that was?

13 A Can you be more specific as far as ---

14 Q Can you identify him in any way?

15 A Yes, sir. He is very similar to how he looks today
16 with his haircut and through a photo lineup that was
17 obtained from SLED.

18 Q I'm going to show you that video, State's Exhibit
19 Number 19.

20 (Video begins to play.)

21 A The gentleman in the front with the camouflage pants
22 and black hoodie is Mr. Sidney Holmes. I do not know the
23 female's name. The one in the back is Chris Bonner.

24 Q Okay.

25 A He was identified by Mr. Varnadoe from Colleton County.

1 Q Let me ask you this, how did you come to go to Wal-
2 mart?

3 A I don't recall if it came from his initial interview,
4 but I'm familiar with the brand of ammunition casings that
5 were found at the crime scene.

6 Q What's that?

7 A That's Perfecta.

8 Q Perfecta?

9 A Yes, sir. I know that Wal-mart -- I can't say they are
10 the only company that specifically carries that brand of
11 ammunition. That's just the only one that I've ever seen
12 carry it. I have a Federal firearms license and can also
13 order ammunition and firearms and I can't even get it
14 through my distributors. So I assume it's for Wal-mart.
15 You can identify the colors of the box by the video that is
16 specific to Perfecta ammunition.

17 Q Okay. So that was Perfecta ammunition that they
18 bought?

19 A Yes, sir. If I'm not mistaken, they bought two
20 different boxes. I don't recall what the other one was.

21 Q Thank you. Answer any questions that Mr. Hughes may
22 have.

23 THE COURT: Lights, please. Cross-examination, Mr.
24 Hughes.

25 CROSS-EXAMINATION

1 BY MR. HUGHES:

2 Q How many Wal-marts did you check?

3 A Just the one, Walterboro.

4 Q Okay. Did you check the one in Varnville?

5 A No, sir.

6 Q Hardeeville?

7 A No, sir.

8 Q Beaufort?

9 A No, sir.

10 Q Hilton Head?

11 A No, sir.

12 Q Let's see, Aiken?

13 A No, sir.

14 Q Orangeburg?

15 A No, sir.

16 Q Okay. Well, can you tell what caliber of ammo is being
17 bought?

18 A You can by the receipt.

19 Q How?

20 A Through Wal-mart's Asset Protection, because I asked
21 them specifically for Perfecta ---

22 MR. HUGHES: Your Honor, that would be hearsay, I
23 believe. They had the chance to produce that witness ---

24 THE COURT: Hold on. Counsel approach.

25 (Whereupon, a bench conference is held off the record

1 and out of the hearing of the jury.)

2 Q In that case ---

3 MR. HUGHES: May I approach, Your Honor?

4 THE COURT: You may.

5 MR. HUGHES: May I see Number 20, please?

6 Q Okay. I show you what has been previously labeled as
7 State's Exhibit 20. Can you tell me what on that indicates
8 what type of ammo it is?

9 A No, sir, I cannot. One way to be able to determine
10 that is by the SKU number. I was previously a manager at
11 Wal-mart as well, and that's the way that you look up
12 whatever item was sold at Wal-mart.

13 Q But you can't look at that number and say that's what
14 it was?

15 A No, sir.

16 Q You have to get Wal-mart to do it?

17 A Yes, sir.

18 Q Where were you a manager at Wal-mart?

19 A In Beaufort.

20 Q How many Wal-marts are within a 100 miles of here?

21 A Quite a few. I couldn't even come up with a number.

22 Q And Wal-mart is the only one you know of that sells
23 that type of ammo?

24 A As far as my knowledge, yes, sir.

25 Q How about Winchester?

1 A They're sold in many different places.

2 Q And let's see, Tool Ammo?

3 A It's sold in different places, but all three of those
4 are sold at Wal-mart.

5 Q And judging from that receipt, how many boxes were
6 bought?

7 A If I recall, it was just one Perfecta.

8 Q Okay. And when you looked at the video, who bought the
9 ammo?

10 A That's kind of hard to tell because Mr. Holmes picks up
11 the box of ammo, but he also -- I can't tell if it's a
12 receipt or money or both, exchanges the paper.

13 Q And when they're leaving, the girl looks like she is
14 with the guy in the white; is that your opinion?

15 A Yes, sir.

16 Q And that was a young female cashier?

17 A That left with them?

18 Q No, no, that sold -- that rang up the purchase?

19 A I believe so, yes, sir.

20 Q Have you looked at the video of the purchase?

21 A A little bit.

22 Q Doesn't that look like Mr. Holmes is more interested in
23 talking to the cashier? As a matter of fact, he stays there
24 after the purchase is made talking to her?

25 A That I'm not sure. There is no audio, so I wouldn't be

Redirect examination of Nick Ginn by Asst. Sol. Murdaugh
Recross-examination of Nick Ginn by Mr. Hughes

1 able to tell you.

2 Q Okay. But you've seen the video?

3 A Yes, sir.

4 Q All right.

5 MR. HUGHES: No further questions, Your Honor.

6 REDIRECT EXAMINATION

7 BY ASST. SOL. MURDAUGH:

8 Q Out of curiosity, how come you went to Walterboro?

9 A Mr. Holmes was from Walterboro and he also made a
10 statement to me that he and his homeboy went there to buy
11 40-caliber ammunition to shoot on July 4th.

12 Q Thank you, sir.

13 THE COURT: Recross, limited to redirect.

14 RECROSS EXAMINATION

15 BY MR. HUGHES:

16 Q And the purchase was when? What day?

17 A July 4th, I believe.

18 Q And he went to Wal-mart with a friend of his?

19 A Yes, sir.

20 Q And they bought ammo?

21 A Yes, sir.

22 Q On Fourth of July?

23 A That's correct.

24 Q Just like he told you?

25 A Yes, sir.

1 MR. HUGHES: No further questions, Your Honor.

2 ASST. SOL. MURDAUGH: No further questions.

3 THE COURT: As to this witness?

4 ASST. SOL. MURDAUGH: I mentioned to you a minute ago,
5 if we could take a short -- very short break.

6 THE COURT: All right. Ladies and gentlemen of the
7 jury, I'm going to ask you if you would to step to your jury
8 room. I will be back with you in a moment. Please do not
9 discuss the case.

10 (2:55 P.M., whereupon, the jury exits the courtroom and
11 the following is held on the record.)

12 THE COURT: Let the record reflect, the jury is outside
13 the courtroom. I just want to say one thing to my audience.
14 I don't know if I've ever had a young person in my courtroom
15 who was better behaved than your child, John Marvin, and I
16 want to make sure that she knows that I've taken notice of
17 how she's acted throughout this trial. I wish more young
18 people came to court and behaved like your daughter has
19 behaved. I couldn't be prouder of her.

20 All right, Solicitor, as to this witness, do you want
21 him to stay?

22 ASST. SOL. MURDAUGH: Yes, sir.

23 THE COURT: If you will remain with us.

24 (Off the record, briefly.)

25 THE COURT: Is the State ready to proceed?

1 ASST. SOL. MURDAUGH: Yes, sir.

2 THE COURT: Is the defendant ready to proceed?

3 MR. HUGHES: Yes, Your Honor.

4 THE COURT: Mr. Hughes, would you like to come to the
5 bench since they want to talk to me?

6 (Whereupon, a bench conference is held off the record.)

7 THE COURT: Bring us the jury, please.

8 (3:23 p.m., whereupon, the jury enters the courtroom
9 and the following is held on the record.)

10 THE COURT: Call your next witness, counsel.

11 ASST. SOL. MURDAUGH: Your Honor, please, we would call
12 Shanriqua Chisolm.

13 (Ms. Shanriqua Chisolm enters the courtroom and is duly
14 sworn by the Clerk.)

15 THE COURT: Please have a seat. Adjust that seat.
16 Bring that microphone closer to you. It's going to amplify
17 your voice. Please speak up for me. State your full name
18 and spell your last name for the court reporter.

19 MS. CHISOLM: Shanriqua Chisolm, C-H-I-S-O-L-M.

20 THE COURT: Your witness.

21 DIRECT EXAMINATION

22 BY ASST. SOL. ALEC MURDAUGH:

23 Q Ms. Chisolm, where do you live?

24 A I stay in Hampton.

25 Q Okay. And in August of 2015, where you living in

1 Hampton County?

2 A Yes.

3 Q And in what community in Hampton County were you
4 staying?

5 A In Varnville.

6 Q In what's known as the Sand Ridge Community?

7 A Yes.

8 Q All right. And you know the defendant, Sidney Holmes?

9 A Yes.

10 Q And back in August of 2015, were you and Sidney Holmes
11 involved in a relationship?

12 A Yes.

13 Q All right. Do you and Mr. Holmes have children
14 together?

15 A Yes.

16 Q Okay. On August of 2015, on that night of August 1st,
17 2015, did you have any communications with Mr. Holmes?

18 A Yes.

19 Q All right. And did he call you?

20 A Yes.

21 Q All right. And did he give you a call around midnight
22 of that night?

23 A Yes, it was around that time.

24 Q Okay. Tell me -- he called you. Tell me what y'all
25 discussed.

- 1 A He asked me to take him home because his mother was in
2 the hospital.
- 3 Q Okay. And did you go get Mr. Holmes?
- 4 A Yes.
- 5 Q Where did he tell you to pick him up?
- 6 A He was at Benjamin's house.
- 7 Q Whose house?
- 8 A Benjamin's house.
- 9 Q Okay. And where is that house located?
- 10 A It's located in Hampton behind the library.
- 11 Q Okay. Behind the library right here in Hampton?
- 12 A Yes.
- 13 Q And when you picked him up, where were you taking him?
- 14 A To Walterboro.
- 15 Q I'm sorry?
- 16 A To Walterboro.
- 17 Q To the hospital to visit his mom?
- 18 A Yes.
- 19 Q All right. Now, on the way there, did you learn that
20 she wasn't in the hospital?
- 21 A Yes.
- 22 Q Okay. And where did you end up taking Mr. Holmes?
- 23 A We went to his mom's house.
- 24 Q Had you and Mr. Holmes had any discussions earlier in
25 the day that day?

1 A Yes.

2 Q And what did you tell him?

3 A That if he needed to go home and handle his business
4 then we should go now or I'm not going to take him.

5 Q Okay. And so when he called you and asked him to take
6 him to his mother's home because she was sick?

7 A Yes.

8 Q Okay. And when you got near the hospital, what did you
9 learn?

10 A We just went straight to his mom's house.

11 Q So on the way, you learned that she wasn't in the
12 hospital?

13 A Right.

14 Q Now, Sidney Holmes, what nicknames do you know Sidney
15 Holmes by?

16 A Antonio, Sidney, Banger.

17 Q All right. Now, being in a relationship with him in
18 August of 2015, you and he ---

19 ASST. SOL. MURDAUGH: May I approach the witness, Your
20 Honor?

21 THE COURT: You may.

22 Q In August of 2015, were you familiar with Sidney
23 "Banger" Holmes' Facebook page?

24 A Yes.

25 Q All right. And you communicated with him regularly on

1 that page?

2 A I guess.

3 Q All right. I'm going to show you a picture of this.
4 Do you recognize this as Sidney Holmes' profile page from
5 Facebook?

6 A Yes.

7 Q All right. And you communicated with Sidney Holmes.
8 Do you have personal knowledge that he acknowledged he
9 created his Facebook page?

10 A Do I have personal knowledge that he had made it?

11 Q That he acknowledged that he had made it?

12 A Well, it is his page, so.

13 Q Okay.

14 MR. HUGHES: I think we need to talk, Your Honor. May
15 we approach?

16 THE COURT: Counsel approach.

17 (Whereupon, a bench conference is held off the record
18 and out of the hearing of the jury.)

19 THE COURT: Is there an objection, Mr. Hughes?

20 MR. HUGHES: No, Your Honor.

21 THE COURT: Have the court reporter mark it.

22 ASST. SOL. MURDAUGH: Your Honor, at this time, we
23 would move State's Exhibit Number 21 into evidence and ask
24 that it be published to the jury.

25 THE COURT: Ladies and gentlemen of the jury, State's

1 Exhibit Number 21 will be admitted into evidence in the
2 trial of this case without objection.

3 (State's Exhibit Number 21, Facebook page, is received
4 into evidence.)

5 THE COURT: State's 21 is in evidence. You may
6 publish.

7 Q Now, when you took Banger Holmes to his mother's house;
8 is that correct?

9 A Uh-huh (affirmative). Yes.

10 Q What did you do?

11 A I took a shower.

12 Q Did you stay there as well?

13 A Yes.

14 Q And when did you leave?

15 A I left the next morning.

16 Q Okay.

17 THE COURT: Anything further?

18 ASST. SOL. MURDAUGH: No, sir. No further questions.

19 THE COURT: Cross-Examination.

20 CROSS-EXAMINATION

21 BY MR. HUGHES:

22 Q Y'all had a relationship?

23 A Yes.

24 Q So you know him well, right?

25 A Yes.

1 Q What do most people call him?

2 A Banger, Antonio, they call him different names.

3 Q Is it Antonio more or Banger more?

4 A Antonio.

5 Q So most people know him as Antonio?

6 A Yes.

7 Q And most people around here know him as Antonio?

8 A Yes.

9 MR. HUGHES: No further questions, Your Honor.

10 THE COURT: Redirect?

11 ASST. SOL. MURDAUGH: None, Your Honor.

12 THE COURT: As to the witness?

13 ASST. SOL. MURDAUGH: She may be excused.

14 THE COURT: Any objection?

15 MR. HUGHES: None whatsoever.

16 THE COURT: Ms. Chisolm, you may step down and you are
17 excused from the trial of this case.

18 ASST. SOL. MURDAUGH: Your Honor, please, that
19 concludes the State's case.

20 THE COURT: Very well. Ladies and gentlemen of the
21 jury, at this point, we are going to stop for today. I told
22 you I was going to get you home early today and I'm going to
23 keep my word to you. I'm going to ask you to be back in
24 your jury room in the morning at 10:00. Get home early

25

1 today, but you've got to be here prior to 10:00. Please
2 report to your jury room. Please do not discuss the case
3 overnight. I don't know whether there will be anything on
4 the television, radio, newspaper. Please don't read such or
5 listen or watch such. You must decide this case only upon
6 the evidence which has been presented during the trial of
7 the case. Please don't try to do any research on your own
8 through a computer, smart phone, or any other electronic
9 devices, even if you think it would help you in deciding
10 some issue in this case. Both sides have the absolute right
11 to know exactly which information you are basing your
12 decision on. I look forward to seeing each of you in the in
13 the morning. Please report to your jury room. You may
14 leave the courtroom at this time. Everyone remain seated
15 while the jury is leaving.

16 (3:35 p.m., whereupon, the jury exits the courtroom and
17 the following is held on the record.)

18 THE COURT: Mr. Hughes, I understand the State has
19 rested. Are there any matters of law from the defendant
20 that I need to take up at this time?

21 MR. HUGHES: One moment, Your Honor. I'm watching the
22 jury leave. I'm going to wait until they are all out.

23 THE COURT: Is the door open?

24 MR. HUGHES: Well, they can see through the glass
25 there. Your Honor, I move for directed verdict on the

1 charge of murder. I don't believe the State has met all of
2 the elements of that. On the charge of use of a weapon
3 during the commission of a violent crime, again, that would
4 relate to the murder, I move for a directed verdict on that.
5 The charge of firing into a dwelling, I'm not sure if the
6 State has managed to demonstrate the location that was
7 actually a dwelling house. And on the charge of possession
8 of a pistol, I have not been informed and I didn't know what
9 a pistol was, that there are two typed of guns that look
10 like a pistol and I'm not sure that the State has
11 established, based upon their witness's testimony, that the
12 item that was possibly used was a pistol.

13 THE COURT: Solicitor, do you wish to be heard on this
14 motion?

15 ASST. SOL. MURDAUGH: No, sir, I don't.

16 THE COURT: Mr. Hughes, your motion for directed
17 verdict as to murder is respectfully denied. You know the
18 standard that I've used at the close of the State's case.
19 Your motion for unlawful carrying of a pistol is
20 respectfully denied. Your motion for discharging a firearm
21 at or into a dwelling or structure is respectfully denied.
22 And your motion for possession of a weapon during the
23 commission of a violent crime is also respectfully denied.

24 Let the record reflect that I have shown counsel in
25 chambers a verdict form and they tell me they have no

1 objection to it. They have both reviewed it in my chambers.
2 I have also been over with them everything in my preliminary
3 proposed charge, which my law clerk and I have prepared
4 during the pendency of this trial. I have asked each of
5 them as of this moment, and I realize we haven't finished
6 the evidence in this case whether they have any additional
7 requests to charge other than what I have shown them the
8 Court intends to charge, and I have been informed by counsel
9 for the State and the defendant that at this time, they have
10 no additional requests to charge.

11 With that, I'm ready to adjourn, but if there is
12 anything else we need to put on the record outside the
13 presence of the jury before we adjourn, from the State?

14 ASST. SOL. MURDAUGH: No, sir.

15 THE COURT: From the defendant?

16 MR. HUGHES: No, Your Honor.

17 THE COURT: Very well. This Court is in recess until
18 10:00 a.m. tomorrow morning.

19 (Whereupon, the trial in this case is in recess for the
20 evening. Thereafter, at 10:55 a.m., on March 15th, 2017, the
21 trial resumes and the following is placed on the record.)

22 THE COURT: When I arrived at the courthouse this
23 morning, I was greeted by the Clerk of Court and one of my
24 deputies concerning an incident that occurred after court
25 had adjourned yesterday afternoon. My deputy has reviewed a

1 video in which a juror apparently had conversation with
2 allegedly a member of the defendant's family. In light of
3 that fact, I'm going to bring the juror out first and
4 inquire about that matter. We have alternate jurors. I've
5 already met with the lawyers about this in chambers this
6 morning. I need, just Eartha Johnson, please, juror number
7 89.

8 (Ms. Eartha Johnson, juror number 89, enters the
9 courtroom.)

10 THE COURT: Ms. Johnson, have a seat for me in the jury
11 box if you would. Ms. Johnson, when I arrived this morning,
12 I was informed by a deputy that you had come to talk to him
13 last night.

14 MS. JOHNSON: Yes, sir.

15 THE COURT: And I understand that after court
16 adjourned, that you had a conversation on the courthouse
17 grounds with the defendant's father, who you now realize
18 that you knew and you reported that to the deputy; is that
19 correct?

20 MS. JOHNSON: Yes, sir.

21 THE COURT: Now, what did you talk to the defendant's
22 father about?

23 MS. JOHNSON: It wasn't nothing. He recognized me and
24 I just asked him, "Oh, what you doing here?" And he let me
25 know who he was, and I said, "Oh, I didn't know that."

1 THE COURT: How long have you known the defendant's
2 father?

3 MS. JOHNSON: We go back a couple of years.

4 THE COURT: Did you have any discussion with the
5 defendant's father about this case?

6 MS. JOHNSON: No, I did not.

7 THE COURT: Well, I want to thank you for reporting it
8 to my deputy, for coming to see him. Of course, I've
9 instructed you throughout the trial. Of course, I recognize
10 that the defendant's father may not have been present on
11 Monday when we selected the jury and it didn't give you an
12 opportunity to see him and inform me that you had a
13 friendship with him. Because of that and because of the
14 relationship between the defendant's father and you, it
15 gives me, obviously, some concern only because you found out
16 after the fact.

17 Did you discuss any of your conversations with the
18 defendant's father with any of your fellow jurors?

19 MS. JOHNSON: No, I did not.

20 THE COURT: All right. Well, Ms. Johnson, here's what
21 I'm going to do so that we don't have any problem with any
22 appearance. I want to thank you for reporting it to the
23 deputy, because I think you did exactly what you should have
24 done. I understand that people come up to you and try to
25 talk to you, and I also understand is the parties selecting

1 the juries need to know about any relationship you have with
2 a defendant's family, because it might affect whether they
3 use their strike or not. For that reason, I'm going to
4 excuse you from service in the trial of this case. I will
5 use one of my alternates. I'm instructing you not to return
6 to the jury room. This concludes your service this week on
7 the jury and I thank you for your service. You may leave
8 the courtroom at this time.

9 MS. JOHNSON: All right.

10 THE COURT: Now, I'll inquire of the jury when I bring
11 them out to make sure to see if anyone has had any
12 conversations or if anyone has approached them about this
13 case to make sure I don't have any other problems.

14 But I'm speaking now to the people in my courtroom.
15 Although certainly, there is nothing wrong with speaking a
16 pleasant, "Good morning" or "Good afternoon," the jury has
17 been instructed not to discuss this case. Even if you have
18 some relationship with a juror, it is not the time to engage
19 in conversation when a trial is going on. Because even what
20 you consider to be an innocent conversation gives the
21 appearance that you are providing or possibly adding to some
22 influence over the juror and outcome of the juror's decision
23 in a trial. I will not allow that and I will use this
24 Court's powers of contempt with anybody that attempts to
25 have conversations with a juror, particularly about anything

1 involving this case.

2 Now, that doesn't mean you can't speak to one if you
3 know one, but I don't want to find -- we have a video of
4 what occurred and there was a conversation that lasted for
5 several period of time. Then, there was an embrace between
6 the person who obviously knew the defendant's father and the
7 juror, and that gives the appearance of impropriety. And
8 the Court will not tolerate that when a trial is in
9 progress.

10 I want everyone in this courtroom to be aware that any
11 such conduct I will deal with, with contempt powers of this
12 court if it should occur again.

13 Mr. Hughes, you and your client come around. Madame
14 Clerk, swear the defendant.

15 (Whereupon, the defendant, Mr. Sidney Holmes, is duly
16 sworn.)

17 THE COURT: All right. State your name for the record,
18 please.

19 MR. HOLMES: Sidney Antonio Holmes.

20 THE COURT: Mr. Holmes, at this time, I'm going to
21 explain to you certain of your rights. If you do not
22 understand anything that I say, you let me know. If you
23 want me to explain anything in further detail, you let me
24 know; do you understand?

25 MR. HOLMES: Yes, Your Honor.

1 THE COURT: We have now reached the stage of the trial
2 where you may present your defense. You have the right to
3 testify on your own behalf. However, no one -- no one, this
4 Court or anyone can make you testify. You have the
5 constitutional right to remain silent. In the event that
6 you have a record for any conviction involving dishonesty or
7 false statement or for a crime punishable by imprisonment of
8 more than one year and this Court would determine the
9 probative value of admitting this evidence outweighs its
10 prejudicial effect to you. If you testified and had such a
11 record, the Solicitor could be able to introduce this record
12 for impeachment purposes for purposes of trying to attack
13 your credibility or your believability. Solicitor, does the
14 defendant have a criminal record?

15 ASST. SOL. MURDAUGH: A substantial one, yes, sir.

16 THE COURT: All right. Are you aware of it, Mr.
17 Hughes?

18 MR. HUGHES: Yes, sir.

19 THE COURT: And you agree with the Solicitor?

20 MR. HUGHES: Yes, sir.

21 THE COURT: All right. It appears that you have a
22 substantial criminal record that if you took the stand would
23 involve prior convictions of imprisonment of more than one
24 year, as well as a record possibly involving dishonesty or
25 false statement, and therefore, if you took the witness

1 stand and if I ruled as a matter of law that the probative
2 value of admitting that evidence outweighed its prejudicial
3 effect to you, the Solicitor could be able to introduce this
4 record for impeachment purposes. If you elect not to take
5 the witness stand, I will charge the jury that they are not
6 to give the fact that you did not testify any consideration
7 whatsoever, and there is to be absolutely no prejudice to
8 you because you did not testify.

9 The decision as to whether or not you testify in the
10 trial of this case will be left up to you. You may talk
11 with your attorney, Mr. Hughes, but it is not Mr. Hughes'
12 decision. It is your decision. So the ultimate decision of
13 whether or not you testify in this case will be left
14 entirely and completely up to you. Have you understood what
15 I've just told you?

16 MR. HOLMES: Yes, Your Honor.

17 THE COURT: Do you want a moment to talk to your
18 lawyer?

19 MR. HOLMES: Yes, Your Honor.

20 MR. HUGHES: It's your decision.

21 MR. HOLMES: I wish not to testify.

22 THE COURT: You do not wish to testify? And that's
23 your decision?

24 MR. HOLMES: Yes, Your Honor.

25 THE COURT: And that's no one else's decision but your

1 own?

2 MR. HOLMES: Yes, Your Honor.

3 THE COURT: No one forced you into that decision?

4 MR. HOLMES: That's right.

5 THE COURT: No one promised you anything?

6 MR. HOLMES: No, Your Honor.

7 THE COURT: No one threatened you?

8 MR. HOLMES: No, sir.

9 THE COURT: Very well. And you understand that you do
10 not wish to testify in the trial of this case; is that
11 correct?

12 WITNESS: Yes, sir.

13 THE COURT: Very well. You may return to your seat
14 with your attorney. Mr. Hughes, we have reached the point
15 in the trial where the State has rested and I understand
16 that you may wish to put up some evidence; is that correct?

17 MR. HUGHES: Your Honor, I was informed this morning of
18 a potential impeachment witness. I need to have a little
19 time to find out exactly what they would say and whether or
20 not they would be necessary. I would request from the Court
21 to at least allow me to find this person and talk to them.

22 THE COURT: I've already given you a half hour, Mr.
23 Hughes, since you learned of it. It's now 10:30 and we were
24 scheduled to start at 10:00 a.m., but because of the
25 situation involving a juror, I was going to use that as

1 additional time for you to locate a witness. My
2 understanding is that this witness you wanted to recall was
3 Xandra Bryant; is that right?

4 MR. HUGHES: Xandra Bryant and Courtney Russell are the
5 people I need to talk to.

6 THE COURT: Well, Courtney Russell, obviously, did not
7 testify in this case. Zandra Bryant did, and you agreed to
8 excuse Zandra Bryant at the conclusion of her testimony. I
9 inquired of both the Solicitor and you whether or not there
10 was any objection to excusing the witness and allowing the
11 witness to leave the courtroom as to Zandra Bryant, and you
12 informed me there was no such objection.

13 Now, I have no knowledge of the whereabouts of Courtney
14 Russell who has not been a witness for the State but who you
15 are correct was on the potential witness list for the State.
16 I understand that both of these people live in Hampton
17 County and therefore they are subject to your subpoena
18 power. Because I have to deal with finishing this trial and
19 have a jury, Mr. Hughes, I will give you an additional 10
20 minutes and we will move forward with this trial. Do you
21 understand, Mr. Hughes?

22 MR. HUGHES: I would ask for more time, Your Honor.

23 THE COURT: We will take 10 minutes at this time.

24 (Whereupon, the Court is in recess in the trial of this
25 case. Thereafter, at 11:00 a.m., the case resumes in this

1 trial.)

2 THE COURT: All right. Let the record reflect that I
3 have given Mr. Hughes -- he asked for 10 and I've given him
4 an additional 20. It is now 50 minutes past the time to
5 start Court. Mr. Hughes was able to locate his witnesses
6 and then he asked for an additional five minutes, which I
7 gave him, to talk to his witnesses. They are now present in
8 the courtroom. Mr. Hughes advises me that he has two
9 witnesses he wishes to call. He advised his witness of my
10 Order of sequestration. I wanted the record to be clear as
11 to that.

12 When I bring the jury out, once the defendant is
13 present, I will inquire of them whether or not anybody has
14 had any conversations with anyone about this case during the
15 recess. I need the defendant brought out.

16 (Whereupon, the defendant, Sidney Holmes, enters the
17 courtroom.)

18 THE COURT: Bring us the jury, please, I.W. Let the
19 record also reflect that I met with counsel during the break
20 and the order of closing argument will be the State will
21 make an opening argument in full if the defendant puts up
22 evidence, followed by the defense, and then a reply argument
23 by the State but they do not introduce any new matter. Both
24 sides agree with that and have 30 minutes each side.

25 (Whereupon, the jury enters the courtroom and the

1 following is held on the record.)

2 THE COURT: Good morning, ladies and gentlemen of the
3 jury, as frequently happens in a trial, matters of law come
4 up and that's the reason I take complete responsibility for
5 the delay. I know we are an hour behind schedule, but
6 that's because I had to deal with some matters of law.

7 As I told you from the outset, you're the sole judges
8 of the facts and I'm the sole judge of the law. Sometimes
9 by necessity when I'm ruling on a matter of law, I have to
10 make a comment to the attorneys about the facts so that you
11 won't be influenced by anything that I might say or do in
12 ruling on whether or not a particular piece of law applies
13 to this case. The custom is that those discussions take
14 place out of your presence. So I want to thank you for your
15 patience.

16 Now, you notice we have an empty chair, and counsel, I
17 assume y'all have agreed to take the alternates in the order
18 in which they were selected without redrawing; is that
19 correct, from the State?

20 ASST. SOL. MURDAUGH: Yes, sir, Your Honor.

21 THE COURT: From the defendant?

22 MR. HUGHES: Yes, Your Honor.

23 THE COURT: Mr. Patel, congratulations. I'm going to
24 ask you to come down and take a seat here. You are now a
25 part of the jury as my alternate number one.

1 MR. HUGHES: Your Honor, what was his juror number?

2 THE COURT: 117.

3 MR. HUGHES: Thank you.

4 THE COURT: Mr. Patel is now a part of my jury. He was
5 alternate number one. Ladies and gentlemen, I need to ask
6 you in light of the situation, obviously, we had to excuse a
7 juror. Has anyone had any conversations either amongst
8 yourselves or with anybody else about this case since we
9 recessed court, or actually since we started this trial? If
10 so, would you raise your hand for me? Anybody try to talk
11 to you about this case?

12 (NO RESPONSE.)

13 THE COURT: Let the record reflect, no hands were
14 raised.

15 THE COURT: As I've instructed you throughout this
16 trial, if somebody tries to talk to you about the case, just
17 tell them you're on the jury and you can't talk about it.
18 Sometimes, ladies and gentlemen, people just trying to be
19 friendly, speak to you, but the problem that arises from
20 that sometimes is that it gives the appearance that you
21 might be discussing the case, so if anybody tries to talk to
22 you, please tell them that you cannot discuss the case and
23 report that to me. I appreciate that very much.

24 All right, ladies and gentlemen, we've heard from the
25 State of South Carolina in this case. We will now hear from

1 the defendant. Mr. Hughes, you may call your first witness.

2 MR. HUGHES: May it please the Court? The defense
3 calls Courtney Russell.

4 (Whereupon, Courtney Russell enters the courtroom and
5 is duly sworn by the clerk.)

6 THE COURT: Have a seat. Pull your chair up. Adjust
7 that microphone. It's going to amplify your voice. I need
8 you to speak up so that everybody on the jury can hear and
9 the people in the courtroom can hear. I want everybody to
10 hear you. I want you to begin by stating your full name and
11 spelling your last name.

12 MS. RUSSELL: Courtney Russell, R-U-S-S-E-L-L.

13 THE COURT: Your witness, Mr. Hughes. I remind you
14 that this is direct examination.

15 DIRECT EXAMINATION

16 BY MR. HUGHES:

17 Q Ms. Russell, where are you from?

18 A Hampton.

19 Q Have you lived here all of your life?

20 A Not really.

21 Q Where do you live now?

22 A I stay in Hampton.

23 Q Where were you on August 1st, 2015?

24 A In front of Xandra Bryant's apartment.

25 Q Did you live in the apartment complex?

- 1 A Yes, I did in J46.
- 2 Q And where did Ms. Bryant stay?
- 3 A I don't know what the letter was, but she stayed in 43.
- 4 Q And tell the jury what happened, what you saw, and what
5 you said.
- 6 A Me, Xandra Bryant, Kentravia Brown, Shanita -- I don't
7 know her last name, we were outside having a conversation,
8 but Shanita was talking to Mr. Steve at the office. So me,
9 Kentravia and Xonie was ---
- 10 Q When you say "Xonie" you mean?
- 11 A Xandra Bryant.
- 12 Q Okay.
- 13 A We was talking and having a conversation. And Shanita
14 walked towards us. Then, a couple minutes later, we heard
15 gunshots. We heard gunshots -- everybody run into Xandra
16 Bryant's house.
- 17 Q When you say everybody, who do you mean?
- 18 A Xandra Bryant, Kentravia Brown, Shaniqua, and myself.
- 19 Q Okay. Then, what happened?
- 20 A We sit in there for a little amount; I don't know how
21 long. Then, we came out. When we came out, we went
22 straight towards Mr. Steve. Zandra Bryant took Mr. Steve's
23 phone. I think Mr. Steve was talking to Jake Sullivan on
24 the phone. I took out my phone and I called 9-1-1.
- 25 Q Okay. Did you see anybody?

1 A No.

2 Q Was anybody around Mr. Steve?

3 A Just like the people that live out there.

4 Q From where you were in the apartment, could Ms. Bryant
5 have seen anything outside?

6 A No, sir, because she was in the apartment with us.

7 Q Okay. And y'all left together.

8 A Uh-huh (affirmative).

9 THE COURT: You can't say "Uh-huh". You have to say
10 yes or no.

11 A Yes, sir.

12 Q And you would have seen anything that she saw?

13 A Yes, sir, I would have saw everything that she saw.1

14 ASST. SOL. MURDAUGH: Your Honor, that's an improper
15 question. That calls for ---

16 THE COURT: Sustained. Rephrase the question.

17 Q You did not see anybody ---

18 ASST. SOL. MURDAUGH: Your Honor, please, that's got to
19 be leading, sir.

20 THE COURT: Sustained. Direct examination. Ask direct
21 questions.

22 MR. HUGHES: I apologize.

23 Q Did you see anybody shoot Mr. Steve?

24 A The only thing that I saw was somebody running out of
25 the apartments and they was in a red shirt. And that was

1 from the behind.

2 Q Okay. How far was that?

3 A When we walked out the apartments, the person was
4 already at the top.

5 Q Okay. How far is that? Is that from here to me?

6 A No, sir, a little further. Maybe to the door.

7 Q When you say "door," do you mean this door?

8 A No, a little further.

9 Q About here?

10 A Yes, sir.

11 Q And their back was turned?

12 THE COURT: Come on back up here for my court reporter,
13 Mr. Hughes..

14 A Yes, sir.

15 Q And where was Ms. Bryant when you saw this person?

16 A She was walking out with me. We was going towards Mr.
17 Steve. Mr. Steve's dog was chasing the unknown person and
18 the dog came back towards Mr. Steve.

19 Q And you were with Zandra Bryant for the entire time
20 from when the shooting started until she went and picked up
21 Mr. Steve's phone?

22 A Yes, sir.

23 MR. HUGHES: No further questions, Your Honor.

24 THE COURT: Cross-examination?

25 CROSS-EXAMINATION

1 BY ASST. SOL. MURDAUGH:
2 Q Ms. Russell, how are you doing?
3 A Fine. How you doing?
4 Q Did you see Steve Cochran get shot?
5 A No, I didn't.
6 Q Do you remember giving a statement to the Hampton
7 Police Department?
8 A It depends on what statement you are talking about.
9 Q Do you remember telling them that an unknown person
10 came around the building and shot Mr. Steve"?
11 A No, I don't remember saying that.
12 Q I ask you whether or not this is in your handwriting,
13 ma'am?
14 A Oh, yeah, this is the recent one.
15 Q My question to you, do you remember writing this?
16 A Yes, I do.
17 Q Okay. Now, you say you did not see that, that somebody
18 threatened you?
19 A (NO RESPONSE.)
20 Q You think something's funny about that?
21 A I'm thinking.
22 Q Ma'am?
23 A I said I'm thinking.
24 Q Excuse me, I apologize. When you finish thinking, let
25 me know.

1 A Yes, I had talked to Jake Sullivan, because I met him
2 at the baseball field, sir.

3 Q My question to you is did you write this statement?

4 A Yeah, I did wrote that statement.

5 Q And in this statement, you said, "I saw the man shoot
6 Steve Cochran."

7 A No, I didn't, sir.

8 Q Ma'am ---

9 A I put an unknown person.

10 Q Ma'am, an unknown person?

11 A Yes.

12 Q I saw an unknown person shoot Steve Cochran?

13 A Yes.

14 Q And Zandra Bryant was right beside you when that
15 happened, wasn't she?

16 A Yes, she was.

17 Q Okay.

18 ASST. SOL. MURDAUGH: Your Honor, I have no further
19 questions. I would offer this as an exhibit.

20 THE COURT: Counsel? Show it to counsel.

21 MR. HUGHES: No objection.

22 ASST. SOL. MURDAUGH: Your Honor, it is a statement
23 consisting of two pages.

24 THE COURT: State's Exhibit 22 will be admitted into
25 evidence in the trial of this case, ladies and gentlemen,

1 without objection.

2 (State Exhibit Number 22, Statement of Courtney
3 Russell, is received into evidence.)

4 THE COURT: State's 22 is in evidence. Redirect, Mr.
5 Hughes?

6 REDIRECT EXAMINATION

7 BY MR. HUGHES:

8 Q What did you see that night?

9 A Nothing, just somebody running with a red shirt on.

10 MR. HUGHES: No further questions, Your Honor.

11 THE COURT: Recross, limited to redirect.

12 RECROSS-EXAMINATION

13 BY ASST. SOL. MURDAUGH:

14 Q You only saw somebody running?

15 A Yes, sir.

16 Q You did not see anybody shoot anybody?

17 A Sir ---

18 Q Just yes or no, then you can explain yourself any way
19 that you want to.

20 A No.

21 Q You did not see anybody shoot anybody?

22 A No.

23 Q You lied when you gave that statement?

24 A No, I didn't.

25 Q In that statement, you said you saw him shoot, didn't

1 you?

2 A No, I didn't. I said it was an unknown person. By the
3 time we ran ---

4 Q I didn't say you saw any particular person. Didn't you
5 say in that statement, "I saw a man come around the building
6 and shoot Mr. Steve"?

7 A If I did, I don't remember it.

8 Q Well, read the statement, ma'am. I show you State's
9 Exhibit Number 22 and ask if you can identify it. Read it
10 and tell these people what you're telling them now. Did you
11 see anybody or not?

12 A Yes, I did say that in my statement.

13 Q Ma'am?

14 A Yes, I did say that in my statement.

15 Q Did you see anybody shoot Steve Cochran?

16 A All I seen was an unknown person.

17 Q Ma'am?

18 A An unknown person, sir, but I didn't see who ---

19 Q Anybody?

20 A If it's an unknown person, it's a human. I don't know
21 who the person was.

22 Q I didn't ask you who it was, ma'am. I asked you if you
23 saw anybody shoot Steve Cochran.

24 A Yes.

25 Q Okay. And Zandra Bryant was standing right almost

1 beside you when it happened, wasn't that true?

2 A Yes.

3 Q I have on further questions.

4 THE COURT: As to this witness, Mr. Hughes?

5 MR. HUGHES: I ask that she be excused, Your Honor.

6 THE COURT: Any objection?

7 ASST. SOL. MURDAUGH: I certainly don't need her.

8 THE COURT: All right. You are excused and you may
9 leave the courtroom. Call your next witness, Mr. Hughes.

10 MR. HUGHES: Benjamin Holmes.

11 (Whereupon, Mr. Benjamin Holmes enters the courtroom
12 and is duly sworn by the clerk.)

13 THE COURT: Have a seat. Make yourself comfortable.
14 Adjust that microphone. It's going to amplify your voice.
15 I need you to speak up so that everybody on the jury can
16 hear and the people in the courtroom can hear. I want
17 everybody to hear you. I want you to begin by stating your
18 full name and spelling your last name.

19 MS. RUSSELL: Benjamin Holmes, the third, H-O-L-M-E-S.

20 THE COURT: Your witness, Mr. Hughes. I remind you
21 that this is direct examination.

22 DIRECT EXAMINATION

23 BY MR. HUGHES:

24 Q Mr. Holmes, where do you live?

25 A [REDACTED].

- 1 Q Where is that?
- 2 A Hampton.
- 3 Q How far is that from here?
- 4 A Right down the road:
- 5 Q Is that sort of behind the library?
- 6 A Yes, sir.
- 7 Q How long have you lived there?
- 8 A Fifteen plus years.
- 9 Q Okay. Where do you work?
- 10 A Scotsman.
- 11 Q What do you do at Scotsman?
- 12 A Maintenance ice machines.
- 13 Q How long have you worked there?
- 14 A Going on two years.
- 15 Q And where did you work before then?
- 16 A Nowhere.
- 17 Q Do you know Mr. Sidney Holmes?
- 18 A Yes, sir.
- 19 Q How do you know him?
- 20 A He's my first cousin.
- 21 Q I would ask how long you've known him, but since you're
- 22 relatives, I'm going to -- you've known him most of his
- 23 life?
- 24 A Yes, sir.
- 25 Q How old are you, sir?

- 1 A Twenty-five.
- 2 Q Do you remember the night of August 1st, 2015?
- 3 A Yes, sir.
- 4 Q Tell the jury what happened.
- 5 A Starting from?
- 6 Q Starting from while it was still daylight or when you
- 7 first talked with Sidney.
- 8 A He was staying at my house. We woke up and were
- 9 drinking lemonade and went to the projects.
- 10 Q About what time did y'all go there?
- 11 A Six-ish, seven-ish.
- 12 Q Why did y'all go there?
- 13 A Go hang out.
- 14 Q Okay. What did you do?
- 15 A Nothing, chill out.
- 16 Q How long were y'all there?
- 17 A An hour maybe.
- 18 Q Do you know the gentleman, Mr. Steve?
- 19 A (Witness shakes head.)
- 20 THE COURT: Don't shake your head; say yes or no.
- 21 A No.
- 22 Q Did y'all have any confrontation with anybody while
- 23 y'all were there?
- 24 A No.
- 25 Q Where did you go after you left the apartments?

- 1 A Back to my house.
- 2 Q And how long were you there?
- 3 A The rest of the night.
- 4 Q Who was with you?
- 5 A Me, Sidney, Vic, Six and my mom and dad.
- 6 Q How long were you there? I'm sorry, what were y'all
- 7 doing?
- 8 A Nothing. Chilling, drinking, talking, nothing.
- 9 Q And at any point, did anybody get a phone call?
- 10 A Later on that night, my mom got a call.
- 11 Q Okay. Where was Sidney when she got the call?
- 12 A Sitting in the living room.
- 13 Q And how long had y'all been there?
- 14 A All night.
- 15 Q Do you know where Sidney was about 11:00 that night?
- 16 A At my house.
- 17 Q You saw him there?
- 18 A Well, I was in the room playing a game, but he was in
- 19 the living room.
- 20 Q He was in the living room and you were in the -- where?
- 21 A In my room.
- 22 Q Could he have left without you knowing it?
- 23 A Maybe.
- 24 Q Did you ever get up and just go in there and he was --
- 25 was he ever not there that you know of?

1 A No.

2 Q Was he there when your mother got the phone call?

3 A Yeah.

4 MR. HUGHES: No further questions, Your Honor.

5 THE COURT: Cross-examination?

6 CROSS-EXAMINATION

7 BY ASST. SOL. ALEC MURDAUGH:

8 Q Mr. Holmes, tell me who was with you that day?

9 A I already went.

10 Q Sir?

11 A Me, Banger, Six and Vic.

12 Q You, Banger, Six and Vic?

13 A Yes.

14 Q Okay. Who was Homey-G?

15 A Who?

16 Q Maybe that's Homey-six. All right. You, Banger, Six
17 and Vic?

18 A Yeah.

19 Q All right. And y'all started out that morning, y'all
20 went to a cookout down at the projects?

21 A No.

22 Q In Varnville?

23 A Yes.

24 Q All right. So you woke up at mid-day?

25 A Uh-huh (affirmative).

- 1 Q Did I understand you correctly?
- 2 A Yeah.
- 3 Q That day, August 1st, did I understand you to say that
- 4 y'all got up about midday?
- 5 A No.
- 6 Q What time did you get up that day?
- 7 A I don't remember.
- 8 Q Was it the morning or the afternoon?
- 9 A I don't remember.
- 10 Q All right. So when you got up, you went to a cookout
- 11 in Varnville?
- 12 A I don't recall.
- 13 Q You don't recall going to a cookout in Varnville?
- 14 A No.
- 15 Q All right. You don't remember going to somewhere in
- 16 Varnville to a cookout, drinking and chilling, with your
- 17 people?
- 18 A No.
- 19 Q Okay. All right. Tell me what's the first thing you
- 20 remember when you got up that day?
- 21 A Chilling at my house.
- 22 Q Chilling in your house?
- 23 A Yeah.
- 24 Q All right. Did you stay there all day?
- 25 A No.

1 Q Tell me what you did.

2 A Woke up, chilling, drinking, and went to the projects,
3 and then came back to my house.

4 Q So basically, the day was spent chilling and drinking
5 and laughing with your folks?

6 A Yeah.

7 Q Okay. Do you remember what you did the day before?

8 A No.

9 Q And you have no idea on that day you got up?

10 A No.

11 Q But you do know that when you got up, you started
12 chilling and drinking with Vic, Six and Banger?

13 A Yeah.

14 Q And then, at some point you when to the projects?

15 A Yeah.

16 Q And what time was that?

17 A Like seven.

18 Q Okay. So it was getting dark when you went around
19 there?

20 A Yeah.

21 Q And how long did you stay there?

22 A Um, an hour, close to an hour.

23 Q Okay. And y'all were chilling and drinking and all at
24 the projects?

25 A Yeah.

1 Q And y'all were -- when you go in the projects, there's
2 a long road that leads down there and a big circle down at
3 the end, right?

4 A Yeah.

5 Q And y'all were chilling and drinking down in the circle
6 at the end, correct?

7 A Yeah.

8 Q And at some point, Mr. Steve came down there to y'all?

9 A Yeah.

10 Q Is that correct?

11 A Yeah.

12 Q All right. And what did he tell you?

13 A He pulled up and I walked to the truck. He was like,
14 "What y'all doing here?" I say, "Nothing. We just
15 chilling." He was like, "You know y'all can't be out here.
16 Y'all got to go." So I told them we got to go and went back
17 to my house.

18 Q Did he say anything that made you irritated?

19 A He said like, "Y'all get the fuck out of here."

20 Q Okay. So that's what he told y'all? "Y'all got to get
21 the fuck out of here"?

22 A Yes.

23 Q All right. And what did y'all do?

24 A I went to them and told them, "We got to go."

25 Q All right. And so y'all loaded up and then you left?

1 A Yes.

2 Q And that's when y'all went to your house and started
3 playing video games?

4 A No, we was still chilling and then I went in my room.

5 Q Okay. So you went to your house, you, Vic, Banger and
6 Six, and y'all drank and chilled some more?

7 A Yeah.

8 Q Okay. So at that point, y'all sent over there at 7:00,
9 so that would have been several hours later?

10 A Yeah, about an hour ---

11 Q I understand that, but you got up that day. When you
12 got up and you started drinking and you started chilling
13 with Vic, Banger, Six and yourself. You drank and you
14 chilled all day and you went to the projects. You drank and
15 you chilled and you partied over there. Steve ran y'all
16 off. You went back to your house. You drank and you
17 chilled some more?

18 A Yeah.

19 Q And then you started playing video games?

20 A Yeah.

21 Q All right. What game were you playing? Call of Duty?

22 A Most likely.

23 Q All right. And that's just a video game where you
24 control a man?

25 A Yeah.

1 Q And the man navigates certain paths?
2 A Yeah.
3 Q Kind of like a war game, very fun war game?
4 A Yeah.
5 Q All right. And you got people that are throwing things
6 at you trying to take you out and you are trying to take
7 people out?
8 A Yeah.
9 Q Fair enough?
10 A Yeah.
11 Q Very involved game?
12 A Yeah.
13 Q You got to keep your hands on and you got to pay
14 attention?
15 A Yeah.
16 Q All right. And you were back there playing that?
17 A Yeah.
18 Q Banger was in another room is what you've just told us,
19 correct?
20 A Yeah.
21 Q All right. And who was playing the video game with
22 you?
23 A I was online.
24 Q So you were playing against the computer or you were
25 playing against another person?

1 A I was playing online.

2 Q All right. Online, just so we all understand, you can
3 get online and you compete and people that aren't there via
4 the internet can compete against you?

5 A Yeah.

6 Q Correct?

7 A Yeah.

8 Q So you're playing against them. And as many as -- and
9 I'm not all -- my children play this.. I'm not all up to
10 speed. I know a little bit about it, but as many as 8
11 people can play at one time, is that correct?

12 A Yeah.

13 Q Am I right about that?

14 A Yeah.

15 Q So and that's normally the way it works. When you get
16 online, the slate gets full and all 8 slots gets filled, so
17 you're competing against 8 other people?

18 A Yeah.

19 Q Okay. So when you're doing that, there isn't time --
20 it's a really intense interactive fun game, isn't it?

21 A Yeah.

22 Q All right. And it requires your full attention,
23 doesn't it? A I won't deny that.

24 Q And while you were playing this game -- and if I
25 remember right, there's a bunch of stages in Call of Duty,

- 1 correct?
- 2 A Yeah.
- 3 Q And so you go through a stage and then you get like 10
- 4 seconds and you go into the next stage; isn't that right?
- 5 A Yeah, something like that.
- 6 Q All right. And a stage lasts about 8 minutes?
- 7 A Close.
- 8 Q Isn't that right?
- 9 A It depends.
- 10 Q But a normal stage is about 8 to 9 minutes.
- 11 A About 5 to 6 minutes.
- 12 Q And then you get about 10 seconds in between stages?
- 13 A Yeah.
- 14 Q Okay. And were you the only person in the room in your
- 15 house playing the game?
- 16 A Yeah.
- 17 Q Okay. And while you were playing the game, Sidney
- 18 Holmes was in the other room?
- 19 A Yeah.
- 20 Q And when you're playing this game, you will admit to me
- 21 and acknowledge to me, because I've seen it, that you can't
- 22 pause and get up and walk around because the other people
- 23 that are playing will kill you; isn't that correct?
- 24 A Yeah.
- 25 Q So y'all went back after chilling and drinking to the

1 house. You chilled and dranked some more. You started
2 playing the video game and then somebody called the house
3 and you know Sidney was there then, correct?

4 A Yes.

5 Q Banger was there then?

6 A Yes.

7 Q All right. And you will agree with me that when you're
8 playing this video game and you're in these stages that last
9 that long and you're playing with eight people, it is
10 impossible for you to know what he was doing in the other
11 room.

12 A How? I can get up and walk.

13 Q Well, you just told us a minute ago, now, Mr. Holmes,
14 that you can't get up and walk around while the game is
15 going on or you get killed. That's what you just told me
16 now.

17 A You can't pause it.

18 Q Okay. So it's going to be your testimony that you're
19 playing this game against eight other people and that you
20 just got up and walked around and let your man get killed?

21 A Yeah.

22 Q That's what your testimony is?

23 A Yeah.

24 Q Okay. How many times is it your testimony that you let
25 that

1 happen and you walked outside?

2 A Many times.

3 Q Because when you put the thing down and you walk away,
4 your man gets killed, doesn't he?

5 A Yeah.

6 Q And that's the end of the game, isn't it?

7 A No.

8 Q Now, this house y'all were at, it's your moma's house?

9 A Yeah.

10 Q And it's behind the library?

11 A Yeah.

12 Q So let's get this exactly straight. It is about three
13 blocks down one way to Holly Street?

14 A Yeah.

15 Q And about a -- what? A half a mile down the projects?

16 A I guess.

17 Q So from your house, if you were in a car, how long does
18 it take to drive a car from your house to the projects and
19 come back?

20 A I don't know.

21 Q Less than two minutes, doesn't it?

22 A Probably.

23 Q You never went out that room and saw Mr. Holmes while
24 you were playing that game, did you?

25 A Yes, I did.

1 Q You saw Mr. Holmes there when the telephone call came
2 later that night.

3 A He was in the house while I was playing the game.

4 Q What was the telephone call about?

5 A I don't know. Somebody called my moma and said they
6 found somebody in the projects.

7 Q And while you were playing video games, the rest of the
8 group kept chilling and drinking?

9 A Yeah.

10 Q What time do you normally get up, Mr. Holmes?

11 A When? On the weekends?

12 Q On a regular day?

13 A On a regular day, I work and get up around 6:00.

14 Q So on a day you aren't working, what time do you
15 normally get up? Morning time?

16 A Twelve-ish.

17 Q So if it was a normal day, you would have gotten up at
18 Twelve-ish-O'clock, and that means y'all got up at 12 and
19 started drinking and chilling around 12:00 is when that
20 started that day? A I don't remember.

21 ASST. SOL. MURDAUGH: No further questions.

22 THE COURT: Redirect?

23 REDIRECT EXAMINATION

24 BY MR. HUGHES:

25 Q Mr. Holmes, unfortunately, I don't play this video

1 game, but it sounds to me like the way the solicitor was
2 saying it, that you have to play it constantly. You can't
3 stop it ever.

4 THE COURT: Mr. Hughes, redirect now.

5 MR. HUGHES: Okay.

6 Q Can you stop this video game?

7 A You can't pause it, no.

8 Q I don't understand. You can pause it or not?

9 A No, you cannot pause it.

10 Q Okay. Can you pause it when you're at one of these 10-
11 second intervals?

12 A No.

13 Q So why don't you -- why isn't it played constantly?

14 A Huh?

15 Q I mean, if you can't stop it, are you still playing it?

16 A If I can't stop it -- no, if I can't stop it -- what do
17 you mean am I still playing?

18 Q Did you just say you couldn't stop it?

19 A I can put the controller down and walk away, yeah, I
20 can do that, but you cannot pause the game.

21 Q Okay. Is there a stop for it ever?

22 A You can exit the game, yeah.

23 Q And that's what everybody does?

24 ASST. SOL. MURDAUGH: Objection to the form of the
25 question, as to leading.

1 THE COURT: Sustained. Don't suggest yes or no
2 answers, counsel. Rephrase your question.

3 Q These people who play the game, how can they not be
4 playing the game anymore? Is there any way to not play the
5 game?

6 A I don't play it anymore.

7 Q If you get killed in the game, do you have to start
8 over?

9 A Yeah.

10 Q And when you picked up the controller that day, you had
11 to start over?

12 A Yeah.

13 Q And every time you play the game, you have to start
14 over?

15 A What do you mean?

16 Q The solicitor made it seem that you couldn't put the --
17 -

18 THE COURT: Counsel, no argument. Ask a question.

19 MR. HUGHES: Okay.

20 Q Can you put the controller down?

21 A Yeah.

22 Q Is there any way -- I'm -- do you put the controller
23 down on a regular basis?

24 A If the game is still playing, yes.

25 Q Okay. Did you put the controller down that night?

- 1 A Yes.
- 2 Q Now, the solicitor says it's a half mile from your
3 house to where this took place, is that about right?
- 4 A I guess.
- 5 Q So it's a mile there and back?
- 6 A Yeah.
- 7 Q And what type of car does Sidney have?
- 8 A He doesn't have a car.
- 9 Q So what kind of car does he usually drive?
- 10 A He doesn't drive.
- 11 Q And you never -- did you ever go to get a beer or
12 anything from the refrigerator while you were playing the
13 game?
- 14 A Yes.
- 15 Q Was Sidney there?
- 16 A Yes.
- 17 Q Did you ever get up to go to the bathroom?
- 18 A Yes.
- 19 Q Was Sidney there?
- 20 A Yes.
- 21 Q Was there any time that you ever got up from the game
22 and Sidney wasn't there?
- 23 A No, not that I recall.
- 24 Q And you did get up and go out of your bedroom a number
25 of times that night?

1 A Yes.

2 Q And you didn't do it at a regular interval, like wait
3 for 30 minutes and then go?

4 A No.

5 Q So completely random or not?

6 A Yeah, random.

7 MR. HUGHES: No further questions, Your Honor.

8 THE COURT: Recross, limited to redirect, counsel.

9 RECROSS EXAMINATION

10 BY ASST. SOL. MURDAUGH:

11 Q How did Banger get to the projects earlier that night?

12 A We were all with Six.

13 Q So you had a car -- there was a car there?

14 A Yeah.

15 Q Who is Six?

16 A I don't know his real name.

17 Q Huh?

18 A I don't know his real name.

19 Q Is this somebody you hang around with regular?

20 A Yeah.

21 Q And you have no idea what his real name is?

22 A No.

23 Q Where does he live?

24 A I don't know.

25 Q Where is he from?

1 A He's from here.

2 Q He's from Hampton?

3 A Yeah.

4 Q And you don't have any clue what his real name is?

5 A No.

6 Q Okay. Now, just talking about this game, one of the

7 things that I understand about this, one of the fun parts

8 about this game is you're a warrior. You have to outfit

9 him, correct?

10 A Yeah.

11 Q And you have to choose what ---

12 MR. HUGHES: Your Honor, I don't see how this is ---

13 THE COURT: You asked about the proceses of the game.

14 It's permissible on recross because of what you raised on

15 redirect. Overruled. Proceed.

16 Q One of the fun things about this game, or at least what

17 I like about it is outfitting your man that you're going to

18 control, correct?

19 A Yeah.

20 Q And that's one of the fun parts, isn't it?

21 A Yeah.

22 Q You get to choose what gear he's gonna wear?

23 A Yeah.

24 Q What weapons he's gonna use?

25 A Yeah.

- 1 Q There are a number of choices to choose from, correct?
- 2 A Yes.
- 3 Q I mean, dozens?
- 4 A Yes.
- 5 Q All right. And when I say dozens, there are dozens of
- 6 choices about what weapons you're going to use. There are
- 7 dozens of choices of what gear you are going to put on.
- 8 There are dozens of choices for what helpful items you're
- 9 going to get, like GPS and those types of things, right?
- 10 A Yeah.
- 11 Q So at the start of the game, you go through and you set
- 12 your man up, correct?
- 13 A Yeah. You have a loadhouse you can choose from.
- 14 Q Right. And so you go through and you outfit your man
- 15 each time?
- 16 A Yeah.
- 17 Q And you have to do that when you start a game?
- 18 A Yeah.
- 19 Q And one of the aggravating parts, even though it's fun
- 20 ---
- 21 A You don't got to keep customizing them each time, you
- 22 know.
- 23 Q You have to outfit your man each time. And every time
- 24 your man dies, you have to do that?
- 25 A Not every time, no.

1 Q Mr. Holmes, every time you start a new game, you have
2 to outfit your man, don't you?

3 A Yes.

4 Q All right. And so if normally when you're playing the
5 game, you play several stages and it takes a while to play a
6 game, and you know that, don't you?

7 A Yes.

8 Q Okay. That's all the questions I have.

9 THE COURT: As to this witness, may he be excused?

10 MR. HUGHES: Yes, sir.

11 THE COURT: Any objection?

12 ASST. SOL. ALEXANDER: No, Your Honor.

13 THE COURT: You may step down and you are excused from
14 the trial of this case. Call your next witness.

15 MR. HUGHES: Begging the Court's indulgence.

16 Off the record, briefly.

17 MR. HUGHES: Your Honor, at this time, the defense
18 rests.

19 THE COURT: Is there any reply testimony from the State
20 of South Carolina?

21 ASST. SOL. MURDAUGH: We have no reply, sir.

22 THE COURT: Mr. Hughes, for the record, the matters of
23 law that we took up at the conclusion of the State's case
24 are now noted for the record at the conclusion of all the
25 evidence. I've already discussed this with the attorneys.

1 Ladies and gentlemen of the jury, you are now going to
2 hear closing arguments of the attorneys. You will first
3 hear argument from the State of South Carolina, followed by
4 argument from counsel for the defendant and then a reply
5 from counsel for the State of South Carolina. Then, you
6 will hear my charge on the law in this case. I ask you to
7 please give the attorneys your careful consideration. For
8 the record, I've noted the matters of law and my ruling on
9 those matters of law at the close of evidence remains as it
10 was at the close of the State's case.

11 MR. HUGHES: Thank you, Your Honor.

12 ASST. SOL. MURDAUGH: May it please the Court?

13 THE COURT: Yes, sir, proceed.

14 CLOSING ARGUMENT

15 ASST. SOL. MURDAUGH:

16 Mr. Foreman, ladies and gentlemen of the jury, I told
17 you at the very beginning that the case is divided up into
18 various components, opening statement was the first time I
19 talked to you and Mr. Hughes talked to you, then we had the
20 trial which you heard testimony and evidence was put in for
21 y'all to see. Then, now is final arguments. And arguments
22 is exactly is what they say, what I say has no evidentiary
23 value. It only is an attempt to help y'all remember certain
24 things, same with Mr. Hughes. He's going to attempt to help
25 you remember certain things that came out at the trial.

1 When that's over with the next segment of the case will
2 be the charge. That is when the judge tells you what the
3 law is. During my argument, I'm going to tell you in lay
4 terms what the law is, but if I differ from what he says,
5 y'all don't pay no attention to me because he's a lot
6 smarter than I am. So y'all listen to what he says about
7 the law.

8 He can't tell y'all what the facts are, because that is
9 your province. I can't tell you what they are. I can tell
10 you what you need to think about in determining what the
11 facts are. Remember I told y'all at the beginning, we want
12 you to come in with your everyday experience and use that in
13 determining whether or not the truth came out from people on
14 the stand and what happened from what you saw with the
15 pictures, the photographs, the testimony.

16 In this case, murder, the unlawful killing of another
17 person with malice aforethought. As Your Honor will charge
18 you that malice can be an act that puts another person in
19 danger of being killed, or words to that effect. He will
20 tell you that malice does not have to be in the minds for
21 any length of time but only at the time of the killing.

22 Shooting into a dwelling house. That is when you fire
23 a gun into a dwelling house; it's just that simple. Illegal
24 possession of a pistol and use of a weapon during the
25 commission of a violent crime. Murder is a violent crime.

1 If you're guilty of murder and you use a weapon, you're
2 guilty of using a weapon during the commission of a violent
3 crime.

4 Now, let's look a little bit at the facts. We know
5 that Sidney Holmes, Banger, had access to a pistol. Now you
6 say, how do we know that? Well, if you will remember, there
7 are two things that happened. He was being housed in the
8 jail in Ridgeland. He made a telephone call. A fellow by
9 the name of Dylan Hightower that monitors the phone calls
10 and he works for the Solicitor's Office. He monitored a
11 call that says, "Did you get rid of the whistle?" And he
12 says that in his experience in the gang vernacular that that
13 means gun.

14 We then put up a fellow by the name of Brian Varnadoe -
15 - I'm getting so old I can't hardly remember anything, but I
16 think it was Brian Varnadoe, and Brian Varnadoe said he
17 worked with the prison for some 18 years, and then a couple
18 years in the sheriff's department. He said in his
19 experience, a whistle means gun.

20 And Hightower says that he monitored -- how many calls
21 was it? A pile of calls. Says that the voice on every one
22 of them sounded the same. So you got to assume that that
23 was Sidney Holmes. But that's not all. He went to the Wal-
24 mart, along with another fellow and bought some ammunition.
25 Do y'all remember that testimony? State's Exhibit Number 20

1 is the receipt for the ammunition. Then he again testified
2 and said -- and I asked him the question, you know, Mr.
3 Hughes asked him, "Did you go to Varnville? Did you go to
4 Bluffton? Did you go to Hardeeville?" I asked him, "Why
5 did you go to Walterboro? He said because Sidney told me he
6 had bought .9 mm ammunition over there. Do you remember
7 that?

8 So we know now that he had a gun. And by the way,
9 talking about that, he also told Mr. Ginn that "We bought
10 the ammunition to shoot on the Fourth of July." But you
11 can't shoot ammunition without a pistol. He said it was a
12 .40 caliber gun.

13 So we know he had a gun at some point in time. Then, a
14 lady who I have got all the admiration in the world for,
15 that woman is scared to death her entire life. She's got
16 four children that live out there. She is scared of these
17 people, but she had the guts to walk into this courtroom and
18 she had the guts to tell you the truth. The truth being
19 that Sidney Holmes walked up and shot Steve Cochran because
20 he was teed off with him for running him off earlier. How
21 she had the guts to do it, I don't know, but I admire her.

22 We have got all the other evidence that we had. Jake
23 Sullivan, and Blue Bolton, who is now dead, and Nick Ginn,
24 they went in there and picked up the cartridge casings and
25 they picked up the projectiles. We had the lady from

1 Columbia come up and say that the cartridge casings and two
2 of the projectiles that they found at the scene came from
3 the same gun. Don't know what gun that is, because we don't
4 have a gun, because they threw the whistle away apparently.
5 But we know that those things came from the same gun. They
6 were .40 caliber Perfecta. The same kind of bullets they
7 bought at Wal-mart, Perfect, .40 caliber.

8 You heard the testimony of Erin Presnell. Ms. Presnell
9 -- my wife gets made with me everytime I do this, but she
10 drew all over me where the shots went in. Do you remember
11 where she said they were? She told you they were four
12 wounds. The one that killed was the one in the chest. She
13 said in her -- she had an opinion, and in her opinion was
14 that wound to the chest killed him.

15 We know that a bullet was found. I show you State's
16 Exhibit Twelve. This picture, you see that little blue
17 thing? That's the projectile that they found on the floor
18 and in this room, do you remember the photograph of a bed
19 with a bad on top of it? No question that he was living
20 there off and on. That's all it takes. If he shot a
21 projectile into that building, he is guilty of that one. We
22 know he had a gun out there because he shot Steve Cochran,
23 so he is guilty of possession of a pistol. We know that he
24 shot him and killed him, so he's guilty of murder. And if he
25 used the pistol, he is guilty of using a weapon during a

1 violent crime.

2 There is no question -- and there's a bunch of stuff
3 here and y'all are going to have it all in your jury room.
4 I could talk to y'all about it, but there's no question,
5 ladies and gentlemen, that Banger, Sidney Holmes, is guilty
6 of murdering Steve Cochran. Jake Sullivan, Steve Cochran's
7 family, and I will be awaiting your verdict, your verdict of
8 guilty. Thank you, ladies and gentlemen.

9 CLOSING ARGUMENT

10 BY MR. HUGHES:

11 Nothing that I'm going to tell you will be evidence.
12 Nothing the solicitor told you is evidence. As a matter of
13 fact, the solicitor heard different evidence than I heard
14 it, but that doesn't matter, it's what you heard that
15 matters.

16 You are the finders of fact. You are the finders of
17 truth. And in most cases, nothing said up there can you
18 assume to be proven true until you decide that it's true.
19 There are exceptions. The United States Constitution gives
20 a certain civil right of the right to confront your accused,
21 it's called confrontation clause. That's the reason why we
22 have a jury. That's the reason we have the defendant sitting
23 there listening to every person that testifies either for or
24 against him.

25 But occasionally, there is something called hearsay.

1 Y'all all have seen on every courtroom television show,
2 someone is on the stand and they say something and a lawyer
3 sitting in behind the desk, stands up -- he's always younger
4 and better looking than me. "Objection, Your Honor,
5 hearsay." And the judge, who is always older than Judge
6 Buckner, says, "Sustained." What is hearsay? "Hearsay is a
7 statement by a third party inserted for the truth of the
8 matter thereof." What in the world does that mean? That
9 means that a person can't get on the stand and say, "I heard
10 so-and-so say that so-and-so did it." It's as simple as
11 that. Right to confront their accuser. If so-and-so gets
12 up there and testifies on himself, then there is no problem.
13 If someone comes up and says, "I say something happen."
14 That's not hearsay. But if someone says I heard someone say
15 such and such, and the person they heard isn't going to
16 testify, that doesn't come in, that's hearsay.

17 Congratulations. Y'all have just had an entire law
18 school semester because that is what we had to learn in
19 evidence, but there is a kicker. The exception to the
20 hearsay rule. In Courts, society have decided there are
21 certain things that are so inherently true -- inherently
22 true, that they overcome the civil right to confront your
23 accuser. Now, I'm not going to try and explain the business
24 rule exception. I had to sit through that class, but there
25 are two cases, two exceptions to the hearsay rule that

1 happened in this case.

2 The first one is excited utterance. If you're standing
3 outside and your back is to the road and you hear someone
4 say, "That red car just ran the red light and hit that man."
5 That's an excited utterance, because we feel that society,
6 and the court's feel, that an initial impression vocalized
7 is true. You don't have time to think of a lie. You don't
8 have time to think of anything else. You say what you saw.
9 And people usually say what they saw. Excited utterance is
10 allowed to come in. This time we have two of them. Y'all
11 heard one of them.

12 The second 9-1-1 call -- the entire 9-1-1 call is
13 excited utterance. I didn't stand up and object because I
14 knew they were excited utterances and y'all have the right
15 to hear them, because the courts and society have deemed
16 them to be inherently true.

17 But something that someone said in the second 9-1-1
18 call that caught my attention. "They shot him." Y'all can
19 hear it. Y'all can listen to it. Please do. It's going to
20 be in evidence. It is in evidence. Y'all can listen to it.
21 "They" shot -- it might have been Mr. Steve or something
22 else, but I remember those two words, "They shot him." The
23 second time the excited utterance came in, Major Sullivan
24 was on the phone to the victim when he was shot. He heard
25 in the background people yelling and the solicitor got him

1 to say what he had heard and I got him to repeat it, because
2 it was important. It was an excited utterance. It was
3 inherently true. You remember what it was? "They shot
4 him." Two times. Two different people. "They shot him."
5 The other type, or the other exception to the hearsay rule
6 is the most pointed and most truthful of all the exceptions.
7 It's called a dying declaration. This is basically the law
8 acknowledging a person's life in death. A dying declaration
9 is admitted as an exception to the hearsay rule because, and
10 I'm quoting, "A man will not go meet his maker with a lie
11 upon his lips." "A man will not go meet his maker with a
12 lie upon his lips."

13 He saw the person that shot him or the persons that
14 shot him. I asked, and the solicitor asked, "Where was he
15 shot?" He was shot in the front. He was shot at a
16 distance. From here to the witness stand, he was on the
17 phone with Major Sullivan and the absolute last thing that
18 this man said was "They shot me." He knew he was dying. He
19 knew his last act was to convey to Major Sullivan what had
20 happened to him. He didn't say, "He shot me." He didn't
21 say, "The black man shot me." or something to the
22 equivalent of that. He said, "They shot me."

23 Now, those are truths. Those are truths that the court
24 and society have deemed more important than the civil right
25 of confronting your accuser. Most juries don't get to go

1 back into their jury room already knowing a truth that
2 everybody agrees is a truth. Everything else that y'all
3 talk about must be based upon the truths that were given to
4 you. Your job is to find out the whole truth. The Court
5 has given y'all a foundation to build upon that truth. We
6 do know that it was "they" who shot him. "They shot him."
7 And if the testimony does not meet the truth that you have
8 in front of you, then the testimony is a lie. To add more
9 truth, you have to build on that truth. If it doesn't match
10 that truth then you can't take it as truth. It has to be a
11 lie.

12 Ms. Bryant says that she saw one person and that she
13 saw everything, but could she have? Now, the solicitor
14 calls her a very brave person. I call her a very smart
15 person. She still lives at the projects with her kids. She
16 admitted that she lied. She said she lied. Then sometime
17 later, she changed her story. We don't know how much later,
18 but she said that Banger, which the solicitor for some
19 reason or another loves to say is the one who did it. How
20 does she know who Banger is? Nobody said anything about if
21 we even know if she knew who Banger was. But she identified
22 him in court.

23 Ladies and gentlemen, if someone is standing right here
24 saying, "Do you see the person you saw that night sitting
25 here?" And the only young African American man who is

1 sitting on this side at these tables, is sitting with this
2 heavy-set, gray-haired lawyer who y'all have already been
3 introduced to, it's not that hard to go, "That's the person
4 I saw." How does she know him? She called him by name, but
5 how does she know him? We don't know. There was no
6 testimony about that.

7 Would she have recognized him from a photo lineup? We
8 don't know. There is no testimony for that. Nothing to
9 build on the truth that y'all have. Why did she come
10 forward to talk now? We don't know. But we do know that
11 "They shot me." "They shot him."

12 Now, the 9-1-1 operator; I didn't object to those
13 tapes. I knew they weren't hearsay. I wanted y'all to hear
14 the response. Listen to them. Y'all will have the
15 capability. Y'all can see every piece of information as
16 many times as y'all want to. Y'all can hear everything as
17 many times as y'all want to. Rhett Long was next, Hampton
18 Police Department, he was the first on the scene. Mike
19 Lawson was second on the scene, taped off the crime scene.
20 Ms. Gates, the chief paramedic, tried to resuscitate him.
21 Brenda Ellis, the other EMT, which I don't want to waste
22 your time, I just basically said -- it is going to be the
23 same testimony plus a waste of time, please just let's go
24 forward. We'll agree to anything that she said, it's no
25 problem.

1 Dr. Michael, if I had known what he was going to
2 testify to, I wouldn't have wasted your time, I would have
3 agreed to this. Dr. Smith took some photos. Dr. Presnell,
4 she told you how he died. She told you how he was facing.
5 She told you what killed him. She also basically confirmed
6 that he didn't die right away. She had time to give you
7 that truth. Coroner Ernie Washington. Gordon transported
8 the body.

9 Jake Sullivan testified again. He testified about the
10 cartridges and the bullets they recovered. Forty caliber
11 bullets, three different times. One time that my client
12 actually admitted to being with somebody while they were
13 buying shells. And y'all even watched the video of the
14 other guy buying the bullets on Fourth of July to shoot for
15 Fourth of July.

16 Now, I don't shoot bullets on Fourth of July, but the
17 other guy was buying them for the other guys gun, and yes,
18 they went to Wal-mart, but what does this have to do with
19 this case? A .40 caliber gun was used to kill. But, is
20 there anything tying him to this gun? Yeah, you know,
21 somebody that has a .40 caliber. And if you know someone
22 that has a .40 caliber, and I know somebody that has a .40
23 caliber, and the Solicitor knows somebody who has a .40
24 caliber, and I believe every police officer in here knows
25 somebody who has a .40 caliber; that does not prove a thing.

1 It goes back to what goes on; the truth that you already
2 have.

3 Okay. The detention center phone calls. I don't watch
4 HBO, so I have no idea about the slang that was popular two
5 years ago when this show was actually filmed -- out West or
6 in New York or whatever, a "whistle". Okay, if we were
7 prosecuting someone who was on that show then, yeah, we
8 would have something. If we were prosecuting someone who
9 was in a gang, then, yeah, we would have something. If we
10 were prosecuting someone who we knew used that slang, yeah,
11 we would have something. But what do we have? We have that
12 truth. That's all we've got.

13 Please, I want y'all, if you get a chance, if you want
14 to, to look at that video. The other guy is buying the
15 ammo. Watch what my client does. He buys a candy bar and
16 he flirts with that cashier, and I'm glad his girlfriend did
17 not see that. Courtney Russell, the young lady that I
18 called this morning. It seems that nobody at the projects
19 wants to talk to police, but she did. She came here
20 basically saying that, yeah, the lady was with her. Does
21 that match that table of truth that you already have in
22 front of you? Take it for what it is worth.

23 Mr. Holmes, the guy, who probably spends as much time
24 playing video games as the junior assistant solicitor there,
25 he could have walked out any time and would know if Sidney

1 was there or not. If it doesn't match the truth that you
2 have in front of you, do with it what you want.

3 Now, in closing, I am going to say this. When you all
4 go back in your jury room, you all are going to have to say
5 one word. Yes, he said, "They shot me." Yes, the other
6 people said, "They shot him," and here is the word, but
7 maybe they meant only one. If you say maybe to what you
8 just said, well, that is reasonable doubt.

9 I can't prove anything. I cannot prove a negative. I
10 cannot prove anything. The Law and the Court say that I
11 have given you -- that the witnesses have given you a truth
12 that you all have, but I cannot prove anything and I don't
13 have to. You cannot prove a negative. You cannot prove
14 that you did not have sirloin last night, unless you have a
15 bunch of people who witness what you did have. But if you
16 just say I did not have sirloin, you can't prove it. If you
17 say maybe, you say reasonable doubt, and you have to have a
18 verdict beyond a reasonable doubt.

19 If you cannot get beyond a reasonable doubt, there is
20 only one verdict, and that is not guilty. He spoke from the
21 grave and said, "They shot me." That is the truth, and you
22 have to say who is they? And if it is not anything but
23 maybe, it has to be not guilty. Thank you.

24 THE COURT: Mr. Murdaugh?

25

18 Courtney Russell said the same thing that Zandra Bryant
19 said, except she did not name him. You remember what she
20 said in that paper that she did not say, but she did say?
21 And maybe she said it, and "I don't think I did," but it's
22 in this paper and that's what happened, and I know that
23 doesn't make any sense, but that's about what it amounted
24 to. She says the fellow came from behind the building, shot
25 Mr. Steve. Do you remember that?

1 If you have any question about that, look at State's
2 Exhibit Number Twenty, I believe it is -- State's Twenty-
3 Two. And you will have all of this stuff in the jury room
4 with you, so you don't have to worry about asking if it came
5 in there. Right in here, ladies and gentlemen, I'm just
6 going to point it out so you will know where to look.
7 "Then, an unknown person came from around the building and
8 shot Mr. Steve." And if y'all believe B.J. Holmes, we've
9 got a sad state of affairs. Thank you.

10 JURY CHARGE

11 BY THE COURT:

12 All right. Mr. Foreperson, ladies and gentlemen of the
13 jury, it is now my duty to charge you on the law of this
14 case. The State of South Carolina has charged the
15 defendant, Sidney Holmes, with four different charges and
16 four different indictments. Murder, unlawful carrying of a
17 pistol, discharge of a weapon into a dwelling or structure,
18 and possession of a weapon during the commission of a
19 violent crime.

20 I remind you that the fact that the defendant was
21 arrested, charged, and indicted in this case is not evidence
22 in this case, nor does it create any presumption or
23 inference of guilt. These documents I hold in my hand,
24 which we call indictments, ladies and gentlemen, they are
25 simply as I told you in the outset, the formal written

1 instruments by which this case is brought into this Court
2 and contains the charges made against the defendant, Sidney
3 Holmes.

4 Now, to these indictments, the defendant has pled not
5 guilty, and that plea of not guilty puts the burden on the
6 State of South Carolina to prove the defendant guilty beyond
7 a reasonable doubt.

8 A person charged with committing a criminal offense in
9 South Carolina is never required to prove himself innocent.
10 I charge you, ladies and gentlemen, that it is an important
11 rule of the law that the defendant in a criminal trial, no
12 matter what the seriousness of the charge may be, will
13 always be presumed to be innocent of the crime for which the
14 indictment was issued, unless guilt has been proven by
15 evidence satisfying you the jury of that guilt beyond a
16 reasonable doubt.

17 This presumption of innocence does not end when you
18 begin your deliberations, but it accompanies every defendant
19 throughout the trial until you, ladies and gentlemen of the
20 jury, reach a verdict of guilt based on evidence satisfying
21 you of that guilt beyond a reasonable doubt.

22 The presumption of innocence is not a mere legal
23 theory. It is not just a legal phrase. It is a substantial
24 right to which every defendant is entitled, unless you, the
25 jury, are satisfied from the evidence of the defendant's

1 guilt beyond a reasonable doubt.

2 What is a reasonable doubt in the law? A reasonable
3 doubt, ladies and gentlemen, is the kind of doubt that would
4 cause a reasonable person to hesitate to act. The State has
5 the burden of proving the defendant guilty beyond a
6 reasonable doubt. Some of you may have served as a juror in
7 the past in a civil case, such as a contracts case or a
8 wreck case; those are examples of civil cases.

9 In a civil case, the jury is told that it is only
10 necessary to prove that a fact is more likely true than not
11 true. In a criminal case, such as the case here, the
12 State's proof must be more than that. It must be beyond a
13 reasonable doubt. Proof beyond a reasonable doubt is proof
14 that leaves you, the jury, firmly convinced of the
15 defendant's guilt.

16 Now, there are very few things in this world that we
17 know with absolute certainty, and in criminal cases the law
18 does not require proof that overcomes every possible doubt.
19 If based on your consideration of the evidence you are
20 firmly convinced that the defendant is guilty of the crime
21 or crimes charged, you must find the defendant guilty.

22 On the other hand, if you think there is a real
23 possibility that the defendant is not guilty, you must give
24 the defendant the benefit of the doubt and find the
25 defendant not guilty.

1 I remind you, ladies and gentlemen, that during this
2 trial you and I have certain duties to perform. As the
3 trial judge it has been my responsibility to preside over
4 the trial of the case, and I also have the duty to rule on
5 the admissibility of the evidence that's been offered during
6 the trial.

7 You are to consider only competent evidence that has
8 been presented during the trial of this case before you. If
9 there was any testimony ordered stricken from the record in
10 this case during this trial, you should disregard that
11 testimony. You are to consider only the testimony from the
12 witness stand, any exhibits which have been introduced into
13 evidence during the trial of the case and any stipulations
14 or agreements or counsel that may have occurred during the
15 trial of the case and deciding upon the evidence in this
16 case.

17 Now, I, also, as a presiding judge, have the additional
18 duty to charge you the law that applies to this case. As
19 the presiding judge as I've told you, I'm the sole judge of
20 the law in this case, and it is your duty, ladies and
21 gentlemen, under the oath which each of you took, to accept
22 and apply the law as I now state it to you.

23 If any of you have any opinions, or preconceived ideas
24 as to what you feel the law is, or what you think the law
25 ought to be, and it does not agree with what I now tell you

1 the law is, you must abandon any of your preconceived ideas
2 or opinions because you took an oath, and in that oath each
3 of you swore or affirmed that you would accept the law and
4 you would apply the law exactly as I now state it to you.

5 In every case tried in this Court before a jury, the
6 jury becomes the sole and the exclusive judges of the facts
7 in the case based on evidence introduced during the trial of
8 the case. A trial judge such as myself cannot intimate,
9 comment on, can't make any kind of statement to a trial jury
10 about the facts in the case.

11 Since you, ladies and gentlemen, the members of the
12 jury are the sole judges of the facts in this case, you are
13 not to infer from what I have said during the progress of
14 this trial, or anything I might say now during the course of
15 my charge to you on the law, that I have any opinion
16 whatsoever about the facts in this case. The law does not
17 allow me to have an opinion about the facts in this case.
18 This is a matter, ladies and gentlemen, the facts based on
19 the evidence, solely for you, the jury, to determine. It is
20 your duty, ladies and gentlemen, as jurors to determine the
21 effect, the value, the weight, and ultimately the truth of
22 the evidence that's been presented during the trial of this
23 case.

24 Now, ladies and gentlemen, the law has names for many
25 things. In trials, there are two types of evidence, which

1 are generally presented during the trial, and the law calls
2 those general types of evidence direct evidence and
3 circumstantial evidence.

4 Direct evidence, ladies and gentlemen, is the testimony
5 of a person who claims to have actual knowledge of a fact,
6 such as an eyewitness to an event. Direct evidence is
7 evidence which immediately establishes the main fact to be
8 proved.

9 Circumstantial evidence, as contrasted with direct
10 evidence, is proof of a chain of facts and circumstances
11 indicating the existence of a fact. Circumstantial evidence
12 is evidence which establishes collateral facts from which
13 the main fact may or may not be inferred. Circumstantial
14 evidence, ladies and gentlemen of the jury, is based on
15 inference and not on personal knowledge or personal
16 observation.

17 The law makes absolutely no distinction between the
18 weight or the value to be given to either direct evidence or
19 circumstantial evidence, nor is there a greater degree of
20 certainty required of circumstantial evidence rather than
21 direct evidence.

22 You, ladies and gentlemen of the jury, should weigh, or
23 consider, or evaluate all the evidence in this case, both
24 direct and circumstantial. And if you are not convinced of
25 the guilt of the defendant beyond a reasonable doubt, you

1 must find the defendant not guilty. On the other hand,
2 after hearing, considering, and evaluating all of the
3 evidence in this case, both direct and circumstantial, if
4 you are convinced of the guilt of the defendant beyond a
5 reasonable doubt, you must find the defendant guilty.

6 Now necessarily, as I've told you, you are going to
7 have to determine the credibility, which simply means the
8 believability, of the witnesses who have testified here in
9 the trial of this case. It becomes your duty, ladies and
10 gentlemen, to analyze as jurors, to evaluate the evidence,
11 and you will have to determine, as a jury, which evidence
12 convinces you of it's truth.

13 In determining the believability of the witnesses who
14 have testified in this case, you may believe one witness
15 over several witnesses or several witnesses over one
16 witness. You may believe a part of the testimony of a
17 witness and reject the remaining part of the testimony of
18 that same witness. You may believe the testimony of a
19 witness in its entirety or you may reject the testimony of a
20 witness in its entirety.

21 You may consider whether any witness has exhibited to
22 you any interest, any vice, any prejudice or other motive in
23 this case. You may also consider as I've told you in
24 deciding about the believability of the witnesses what we
25 call the demeanor of the witness, the appearance of the

1 witness, while the witness is on the witness stand.

2 Anything that is in evidence, you as a jury have the
3 right to consider in evaluating the believability or the
4 credibility of the witnesses who have testified during the
5 trial of this case.

6 Now, as I've told you during the trial and you've heard
7 me instruct you, normally witnesses don't get on the witness
8 stand and say, "Let me tell you about my opinion on this,"
9 because the rules of evidence do not permit witnesses to
10 testify to opinions or conclusions.

11 An exception to that rule exists for those witnesses we
12 call expert witnesses. A witness who by education,
13 experience, and training claims to have become an expert in
14 some art, science or profession, and those witnesses are
15 qualified by the Court, may state an opinion as to matters
16 in which they claim to be an expert; and they also may state
17 the reasons for their opinion.

18 You should consider any expert opinion received in
19 evidence in this case, and just like any other evidence you
20 give it the weight you think it deserves. If you decide the
21 opinion of an expert is not based on sufficient education
22 and experience, or if you conclude that the reasons given in
23 support of the opinion are not sound, or that the opinion is
24 outweighed by other evidence, you may disregard the expert
25 opinion entirely. An expert witness's opinion is to be

1 given no greater weight than that of other witnesses, simply
2 because the witness is an expert.

3 Ladies and gentlemen, during the course of this trial
4 you have heard evidence of statements allegedly made by the
5 deceased victim after alleged injuries. I have determined
6 that the statements would be admitted into evidence in this
7 case. It is for you to determine the believability of those
8 statements. In deciding that question, ladies and
9 gentlemen, you may consider whether the victim was dying,
10 and knew he or she was dying, and whether the victim had
11 lost all hope of recovery at the time the statements were
12 made.

13 In order to establish criminal liability, or criminal
14 responsibility, ladies and gentlemen, I charge you that
15 criminal intent is required. Let me give you some examples
16 when we talk about that. The mental state required to be
17 proven by the State for a particular crime, it might be --
18 in other instances, purpose or intent, knowledge,
19 recklessness; those are examples of criminal intent.

20 Criminal intent must be proven by the State beyond a
21 reasonable doubt. Criminal intent is always a matter that
22 must be determined by the jury from the circumstances
23 surrounding the situation based on evidence introduced
24 during the trial of the case.

25 Now, ladies and gentlemen, there is no way to prove

1 intent to any kind of mathematical certainty. There is no
2 way, ladies and gentlemen, that medical science can dissect
3 a person's brain and tell what that person had in mind.

4 So the law says, ladies and gentlemen, that criminal
5 intent may be inferred from the circumstances shown to have
6 existed based on evidence introduced during the trial of the
7 case. This, ladies and gentlemen, is how you as a jury make
8 a determination of whether or not any element in any crime
9 requiring intent -- this is how you make the determination
10 of whether or not the element requiring intent was present.

11 It is not necessary to establish intent by direct
12 evidence, but intent may be established by inference in the
13 same way as any other fact by taking into consideration the
14 acts of the parties and all the facts and circumstances of
15 the case based on the evidence introduced.

16 Criminal intent, ladies and gentlemen, is a mental
17 state. It is a conscious wrong-doing. It is up to you, the
18 jury, to determine what the defendant intended to do, based
19 on the evidence introduced during the trial of the case.
20 Criminal intent can arise from action, or a faded act. It
21 can arise from all sorts of things: negligence,
22 recklessness, and indifference to duty are the consequences
23 considered by the law to be the equivalent of criminal
24 intent.

25 Now, I charge you, ladies and gentlemen, that an issue

1 in this case is the identification of the defendant as the
2 person who committed the crime charged. The State has the
3 burden of proving identity beyond a reasonable doubt. You
4 must be satisfied, ladies and gentlemen, beyond a reasonable
5 doubt at the accuracy of the identification of the defendant
6 before you may convict the defendant. I instruct you that
7 the burden of proof is on the State and it extends to every
8 element of the crime or crimes charged and that specifically
9 includes the burden of proving beyond a reasonable doubt,
10 the identity of the defendant as the person who committed
11 the crime. If, after examining the testimony, you have
12 reasonable doubt as to the accuracy of identification, you
13 must find the defendant not guilty.

14 I instruct you, ladies and gentlemen, that the fact
15 that the defendant did not testify in this case is not a
16 factor to be considered by you in any way in your
17 deliberation, or in your consideration on the question of
18 the guilt or the innocence of the defendant. A defendant
19 has a constitutional right to remain silent. So the fact
20 that the defendant did not testify must not be considered by
21 you in your jury room in any manner whatsoever, and the
22 assertion of your constitutional right to remain silent must
23 not be considered by you in your deliberations.

24 You are to draw no conclusion whatsoever from the fact
25 that the defendant in this case did not testify. It should

1 not be discussed in your jury room. The burden of proof, as
2 I've stated, is on the State of South Carolina. The
3 defendant is not required to prove his innocence. The
4 burden of proof remains on the State to prove guilt beyond a
5 reasonable doubt.

6 I will now define the offenses for you. The defendant
7 is charged in one indictment with the offense of murder.
8 The State must prove for this offense, beyond a reasonable
9 doubt, that the defendant killed another person with malice
10 aforethought.

11 Malice, ladies and gentlemen, is hatred, ill-will,
12 hostility towards another person. It is the intentional
13 doing of a wrongful act without any just cause, without any
14 excuse, and with an intent to inflict injury. Malice of
15 forethought, ladies and gentlemen, does not require that
16 malice exist for any particular time before the act is
17 committed, but malice must exist, ladies and gentlemen, in
18 the mind of the defendant just before and at the time of the
19 act being committed.

20 Therefore, there must be a combination of the evil
21 intent, or the hostility, and the act itself. Malice
22 aforethought may be expressed or implied. These terms
23 expressed and implied do mean different kinds of malice, but
24 merely the manner in which malice may be shown to exist.
25 That is either by direct evidence or causative evidence from

1 the evidence introduced during the trial of the case.

2 Express malice would be shown when a person speaks
3 words which express hatred or ill-will or hostility towards
4 another person. Those are examples of express malice.
5 Malice may also, ladies and gentlemen, be inferred from
6 conduct showing a total disregard for human life. If facts
7 are proven beyond a reasonable doubt sufficient to raise an
8 inference of malice to your satisfaction, this inference
9 would simply be an evidentiary fact to be considered by you
10 along with the other evidence in this case, and you may give
11 it the weight you decide it should receive.

12 I charge you, ladies and gentlemen, in addition to the
13 offense of murder, the defendant is also charged with the
14 offense of unlawful carrying of a pistol. The State must
15 prove to this offense beyond a reasonable doubt that the
16 defendant carried the pistol about his person, whether
17 concealed or not. It is about a defendant's person if it is
18 readily accessible and convenient for immediate use. The
19 pistol need not be actually touching the person of the
20 defendant.

21 I charge you, ladies and gentlemen, that the defendant
22 is also charged with the offense of discharging a firearm at
23 or into a dwelling or structure. For this offense, ladies
24 and gentlemen, the State must prove that beyond a reasonable
25 doubt that the defendant used a firearm to shoot or

1 discharge a projectile towards a dwelling house, other
2 building, structure or enclosure that is regularly occupied
3 by person or persons.

4 A firearm, ladies and gentlemen, means any machine gun,
5 automatic rifle, revolver, pistol, or any weapon which will,
6 or is designed to be, or may be readily converted, to expel
7 a projectile. A dwelling house, ladies and gentlemen, is a
8 building in which a person or persons ordinarily sleep.

9 I charge you, ladies and gentlemen, that the defendant
10 is also charged with possession of a weapon during the
11 commission of a violent crime. The State must prove for
12 this offense beyond a reasonable doubt that the defendant
13 was in possession of a firearm or visibly displayed what
14 appeared to be a firearm during the commission of a violent
15 crime.

16 A firearm, ladies and gentlemen, means a machine gun,
17 automatic rifle, revolver, pistol, or any weapon which or is
18 designed or may be readily converted to expel a projectile.
19 In order, however, to find the defendant guilty for the
20 possession of a weapon during the commission of a violent
21 crime, you must, ladies and gentlemen of the jury, first
22 find the defendant guilty of committing a violent crime.

23 I charge you, ladies and gentlemen, that murder is a
24 violent crime under the laws of the State of South Carolina.
25 Now, Mr. Foreman, and ladies and gentlemen of the jury, I

1 have prepared a verdict form for you. Pay absolutely no
2 attention to the order in which we wrote the forms verdict.
3 I obviously had to write one before the other, so the order
4 has no significance whatsoever.

5 I have placed the caption of this case at the top of
6 your verdict form, Mr. Foreman and ladies and gentlemen of
7 the jury, it says, "The State of South Carolina County of
8 Hampton," and then it says In the Court of General Sessions,
9 which is criminal court, and it has the indictment numbers
10 on it, 2015-265, 266, 267, 268. Those were the offenses in
11 the indictments that I just charged you about.

12 Under that, I put the caption of the case, "The State
13 of South Carolina v. Sidney Antoine Holmes, defendant, and I
14 wrote the word verdict. There are several questions on your
15 verdict.

16 Question one. We, the jury, by unanimous consent, find
17 the defendant, Sidney Holmes, in indictment number 2015-GS-
18 25-00265, that is the indictment for murder, and the first
19 form of verdict under question one is guilty of murder.

20 If that be your form of verdict, Mr. Foreman, you would
21 place a check mark on the line beside that form of verdict.
22 The second form of verdict under question one is not guilty
23 of murder. If that be your form of verdict, Mr. Foreman,
24 you would place a check mark on the line beside that form
25 for verdict. You must find one form of verdict or the

1 other, you cannot find both. Either guilty or not guilty.

2 The second question on your verdict form. We, the
3 jury, by unanimous consent, find the defendant, Sidney
4 Holmes, in indictment number 2015-GS-25-00266, and that
5 first form of verdict under question two, guilty of unlawful
6 carrying of a pistol.

7 If that be your form of verdict, you would check on the
8 line, Mr. Foreman, for the entire jury by that form of
9 verdict. The second form of verdict under question two is
10 not guilty of the unlawful carrying of the pistol. If that
11 be your form of verdict, you would check on the line beside
12 that form of verdict under question two. You must find one
13 form of verdict or the other under question two, you can not
14 find both. Either guilty or not guilty.

15 Question three. We, the jury, by unanimous consent
16 find the defendant, Sidney Holmes, in indictment number
17 2015-GS-25-00267 either guilty of discharge of a firearm at
18 or into a dwelling or a structure, and that would be the
19 first form of verdict under question three, or not guilty of
20 discharge of a firearm at or into a dwelling or a structure.
21 You must find one form of verdict or the other, you cannot
22 find both. Either guilty or not guilty of discharge of a
23 firearm at or into a dwelling or structure.

24 Now, your last question on the verdict form, I wrote
25 you some instructions because of my charge to you. The last

1 question deals with possession of a weapon during the
2 commission of a violent crime indictment, and I wrote the
3 following instructions. The jury may only find the defendant
4 guilty of possession of a weapon during the commission of a
5 violent crime if it has already found him guilty of murder.
6 I charged you that murder is a violent crime under the laws
7 of the State of South Carolina. If you have found that the
8 defendant is not guilty of murder, you cannot find the
9 defendant guilty of possession of a weapon during the
10 commission of a violent crime. Those are my instructions to
11 you.

12 I put those in bold print above question four just as I
13 read it to you. Question four. We, the jury, by unanimous
14 consent, find the defendant, Sidney Holmes, in indictment
15 number 2015-GS-25-00268 either guilty of possession of a
16 weapon during the commission of a violent crime. If that be
17 your form of verdict consistent with my charge to you and
18 the instructions on the verdict form, you would check on the
19 line beside that form of verdict. The second form of
20 verdict under question four is not guilty of possession of a
21 weapon during the commission of a violent crime. If that be
22 your form of verdict, you would check on the line beside
23 that form of verdict.

24 Now, after you are completed with the check marks, Mr.
25 Foreman, for the entire jury, you would sign your name where

1 it says foreperson. I've already put in today's date, March
2 15th, and Hampton, South Carolina. Once you've completed
3 the verdict form, signed your name, you would then knock on
4 your jury room door and tell the bailiff you have reached
5 the verdict and we will bring you back out in the courtroom
6 to publish your verdict.

7 Whatever you write on this verdict form I've prepared,
8 my law clerk is going to want you to sign the exact same
9 words under the words verdict on the indictment. Each
10 indictment, whatever you write on the verdict form, we will
11 want you to write on the indictment. So, Mr. Foreman, do
12 not leave the courtroom without having signed the
13 indictments after you return the verdict as I instructed
14 you.

15 Now, Mr. Foreman and ladies and gentlemen of the jury,
16 your verdict must be unanimous. That is, it must be the
17 verdict of each and every one of you. All twelve of you
18 must agree on a verdict. I've now charged you on the law in
19 order to try and help guide you to a just result in this
20 case. You are the judges of the facts in this case and
21 based on your determination of the facts from the evidence
22 and the law as I have now explained it to you, you are soon
23 going to begin your deliberations.

24 Now, I'll remind you that each of you were selected as
25 fair and impartial jurors and that each of you took an oath

1 from the Clerk of Court of Hampton County. In that oath,
2 you swore that you would fairly and that you would
3 impartially try and determine the facts of this case, and
4 when you do that ladies and gentlemen, no one can criticize
5 your verdict. But you are to decide this case, ladies and
6 gentlemen, not on passion, not on sympathy, not on your
7 feelings about anyone, not on any emotion; you must decide
8 this case based on the evidence that has been introduced
9 during the trial of this case. Testimony from the witness
10 stand, the exhibits which have been introduced into
11 evidence, and if they occurred, any stipulations of counsel.

12 Ladies and gentlemen, you have to decide the issues in
13 this case without any bias on your part, without any
14 prejudice toward either party, the State or the defendant.
15 So you can't allow yourself to be governed by prejudice for
16 or against any person, or by public opinion, or for any
17 other arbitrary factor such as emotion. Both the defendant
18 and the State of South Carolina have the absolute right to
19 expect that each of you on this jury will carefully and
20 impartially consider all of the evidence in this case, and
21 that you will follow the law as I've instructed it to you to
22 be in reaching your verdict in this case.

23 All right, ladies and gentlemen in my jury panel, if
24 you would, I'm going to ask you to step to your jury room.
25 Do not begin your deliberations. When it is time for you to

1 begin your deliberation, I will send the verdict form in
2 that I went over with you, along with all the exhibits with
3 the exception of an exhibit that you might need to view out
4 here because we don't have that equipment in your jury room,
5 you'll have to come back out here so that we can use the
6 equipment for exhibits that have to be viewed in the
7 courtroom.

8 But when it is time for you to begin your
9 deliberations, I will send the other exhibits that you can
10 view in your jury room along with the verdict form and
11 instruct my bailiff that you may then commence your
12 deliberations. Please do not start until I instruct you to
13 do so. You may retire to your jury room. My alternate
14 jurors please remain the courtroom with us.

15 (12:42 p.m., whereupon, the jury exits the courtroom
16 and the following is held on the record.)

17 THE COURT: I want to thank you on behalf of Hampton
18 County and this Court for your service. All that a judge
19 can ask of a juror is that you listen, ladies and gentlemen.
20 I watched you during the trial of this case and that's
21 exactly what both of you did.

22 I want to thank you for your service. This concludes
23 your service for the week and I appreciate that. You now
24 have finished your jury service. On behalf of Hampton and
25 this Court, I want to thank you for that service. If you

1 need a work excuse from having been on the jury this week,
2 go downstairs to Mylinda's office, you can get that and your
3 lunch is there also.

4 One other thing I want to tell you. Sometimes people
5 are curious and they want to ask you about your impression
6 from serving on the jury. You have every right to talk to
7 them if you so desire. If you don't want to talk to them,
8 just tell them you don't want to talk to them and if they
9 persist, get their name and give it to me. I'll handle that
10 problem for you. I appreciate your service. You are free
11 to leave the courtroom.

12 (The two alternate jurors leave the courtroom.)

13 THE COURT: Any exceptions or additions to the charge
14 from the State of South Carolina?

15 ASST. SOL. MURDAUGH: None from the State, Your Honor.

16 THE COURT: From the defendant?

17 MR. HUGHES: None from the defense.

18 THE COURT: I'd ask that counsel come forward, with
19 Becky Hill, and go through the exhibits.

20 THE COURT: Exhibits One, Eighteen, and Nineteen should
21 remain in the courtroom because they don't have the
22 capability of playing it.

23 MR. HUGHES: I do.

24 THE COURT: Do you agree, Solicitor?

25 ASST. SOL. MURDAUGH: Yes, sir.

1 THE COURT: With the exceptions of One, Eighteen and
2 Nineteen, are you satisfied, Solicitor, that the court
3 reporter has all the exhibits?

4 ASST. SOL. MURDAUGH: Yes, sir.

5 THE COURT: And do you have any objection to the
6 bailiff taking the verdict form and the exhibits, other than
7 those three, into the jury room and telling the jury they
8 may now commence their deliberation?

9 ASST. SOL. MURDAUGH: No, sir.

10 THE COURT: Mr. Hughes, are you satisfied that the
11 court reporter has all the exhibits?

12 MR. HUGHES: Yes, Your Honor.

13 THE COURT: And with the exception of the three
14 exhibits, which I've placed on the record, are you now
15 willing to let the bailiff take the verdict form and the
16 remaining exhibits into the jury room and having the bailiff
17 inform the jury that they may now commence their
18 deliberation?

19 MR. HUGHES: Yes, sir.

20 THE COURT: Very well. If you will take the box and
21 the verdict form and tell the foreman and ladies and
22 gentlemen of the jury they may now commence their
23 deliberations. We will be at ease while we await the jury's
24 verdict.

25 (12:47 p.m., whereupon, the verdict form and exhibits

1 are taken to the jury room.)

2 (At 2:10 p.m., the Court is informed that the jury has
3 reached a verdict.)

4 THE COURT: Ladies and gentlemen, I understand that the
5 jury has reached a verdict. If you can't control your
6 emotions, you need to leave, because I'm going to deal with
7 you if there is any emotional outburst. I don't want one
8 word spoken in this courtroom in the presence of the jury.
9 If you can't control your emotions, I'm going to ask you to
10 please step out at this time. I can assure you I will
11 enforce that. All right, is the State ready?

12 ASST. SOL. R. MURDAUGH: Yes, Your Honor.

13 THE COURT: Is the defendant ready?

14 MR. HUGHES: Yes, Your Honor.

15 THE COURT: Bring us the jury, please.

16 (2:20 p.m., the jury enters the courtroom and the
17 following is placed on the record.)

18 MADAME CLERK: Mr. Foreman, have you reached a verdict?

19 FOREMAN: Yes.

20 THE COURT: Madame Clerk, you may publish the verdict.
21 Defendant will rise with counsel.

22 MADAME CLERK: The State of South Carolina, County of
23 Hampton, the State of South Carolina v. Sidney Holmes, in
24 indictment numbers 2015-GS-25-265, 266, 267 and 268.

25 Verdict: We, the jury, by unanimous consent find the

1 defendant, Sidney Holmes, in indictment number 15-GS-25-265,
2 guilty of murder.

3 Number two: We, the jury, by unanimous consent find the
4 defendant, Sidney Holmes, in indictment number 15-GS-25-266
5 guilty of unlawful carrying of a pistol.

6 Number three: We, the jury, by unanimous consent find
7 the defendant, Sidney Holmes, in indictment number 15-GS-25-
8 267 guilty of discharging a firearm at or into a dwelling or
9 a structure.

10 Number four: We, the jury, by unanimous consent find
11 the defendant, Sidney, Holmes, in indictment number 15-GS-
12 25-268 guilty of possession of a weapon during the
13 commission of a violent crime. Signed by the foreman, Mr.
14 Norman Bostick in Hampton, March 15th, 2017.

15 THE COURT: Mr. Hughes, are there any matters involving
16 the jury that you wish to bring to the Court's attention
17 before I excuse the jury?

18 MR. HUGHES: Request that the jury be individually
19 polled, Your Honor.

20 THE COURT: Very well. Please be seated along with
21 your client. Madame Clerk, I'm going to ask that you call
22 each individual member of the jury. Ladies and gentlemen, as
23 your name is called by the clerk, I'm going to ask you to
24 stand. She will ask you two questions. The first question
25 will be, "Was that your verdict?" as published by the Clerk

1 of Court; you will answer yes or no. She will then ask, "Is
2 that still your verdict?" And you will answer yes or no.

3 Madame Clerk, please poll the jury.

4 MADAME CLERK: Lee Terry. Was this your verdict?

5 JUROR: Yes.

6 MADAME CLERK: Is it still your verdict?

7 JUROR: Yes.

8 MADAME CLERK: Joseph Saxon. Was this your verdict?

9 JUROR: Yes.

10 MADAME CLERK: Is it still your verdict?

11 JUROR: Yes.

12 MADAME CLERK: Jerry Moore. Was this your verdict?

13 JUROR: Yes.

14 MADAME CLERK: Is it still your verdict?

15 JUROR: Yes.

16 MADAME CLERK: Kim Youmans. Was this your verdict?

17 JUROR: Yes.

18 MADAME CLERK: Is it still your verdict?

19 JUROR: Yes.

20 MADAME CLERK: Norman Bostick. Was this your verdict?

21 JUROR: Yes.

22 MADAME CLERK: Still your verdict?

23 JUROR: Yes.

24 MADAME CLERK: Sandra Barnwell. Was this your verdict?

25 JUROR: Yes.

1 MADAME CLERK: And is it still your verdict?
2 JUROR: Yes.
3 MADAME CLERK: Tiffany Lott. Was this your verdict?
4 JUROR: Yes.
5 MADAME CLERK: And is it still your verdict?
6 JUROR: Yes.
7 MADAME CLERK: Carolyn Turner. Was this your verdict?
8 JUROR: Yes.
9 MADAME CLERK: Is it still your verdict?
10 JUROR: Yes.
11 MADAME CLERK: Hannah Bostick. Was this your verdict?
12 JUROR: Yes, ma'am.
13 MADAME CLERK: Is it still your verdict?
14 JUROR: Yes.
15 ADAME CLERK: Cassy Brunson. Was this your verdict?
16 JUROR: Yes, ma'am.
17 MADAME CLERK: Is it still your verdict?
18 JUROR: Yes, ma'am.
19 MADAME CLERK: David Greene. Was this your verdict?
20 JUROR: Yes.
21 MADAME CLERK: Is it still your verdict?
22 JUROR: Yes.
23 MADAME CLERK: Raja Patel. Is this your verdict?
24 JUROR: Yes.
25 MADAME CLERK: Is it still your verdict?

1 JUROR: Yes.

2 THE COURT: Mr. Foreman, if you will stay right there
3 my law clerk, Skyler Hutto, is coming to you, I need you to
4 write -- he will show you where. Sign your name on the
5 indictments consistent with the verdict form.

6 Mr. Hughes, the jury has been polled by the clerk and
7 the jury has confirmed their verdict. Anything further from
8 the defendant concerning the jury before I excuse the jury?

9 MR. HUGHES: No, Your Honor.

10 THE COURT: Ladies and gentlemen of the jury panel on
11 behalf of Hampton County and this Court, I want to thank you
12 for your service. All a judge can do is ask a jury to
13 listen, and I watched each of you during the trial of this
14 case and each of you did exactly that. I appreciate your
15 service and Hampton County appreciates your service. This
16 concludes your service for the week. I told you I was going
17 to get you home early this week. You are also going to be
18 exempt from jury service, if the computer were to choose any
19 of you for the next three years, if you choose to claim your
20 exemption. If any of you need a work excuse because you've
21 been here this week serving on the jury, if you will go
22 downstairs to the clerk's office and see Deborah in the
23 clerk's office, we'll be happy to provide a work excuse to
24 you. Also, we'll be mailing you that exorbitant check that
25 we pay you for your jury service at the address that we sent

1 you your summons. You will be receiving that in the mail.

2 Finally, I want to tell you this. Many times people
3 might want to talk to you about your jury service. Many
4 people feel they can learn how to improve the way they
5 handle court by talking to you and obtaining your
6 observations or your feelings.

7 If you want to talk to someone about your service, you
8 are certainly at liberty to do so, but if you do not want to
9 talk to anyone about your service you do not have to. All
10 you have to do is say I don't want to discuss it, if that
11 person persists in wanting to talk to you, all I ask is you
12 get me their name and bring it to me. I'll be happy to
13 handle that problem.

14 Now, sentencing in this matter is going to occur now.
15 In fact, as soon as I finish speaking to you, the defendant
16 will come forward and we will proceed, unless there are any
17 post-verdict motions. I am happy for you to remain in the
18 courtroom for sentencing if you would like to do so.
19 However, you do not have to remain because your service has
20 concluded. If you would like to leave the courtroom you may
21 leave at this time or you may stay right in your box and
22 remain for sentencing. Anybody that would like to leave can
23 stand up, leave through this door at this time.

24 Mr. Hughes, are there any post-verdict motions from the
25 defendant?

1 MR. HUGHES: No, Your Honor.

2 THE COURT: Very well. Please come around with your
3 client and Solicitor for sentencing; are you ready?

4 ASST. SOL. MURDAUGH: Yes, sir.

5 THE COURT: Mr. Hughes, are you ready?

6 MR. HUGHES: One second, Your Honor. Yes Your Honor,
7 thank you.

8 THE COURT: Very well. All right, Solicitor, do you
9 have the sentencing sheets?

10 ASST. SOL. MURDAUGH: Your Honor, if you will please, I
11 do not have the sentencing sheets, but I'm getting them
12 filled out now. I'll have them for you by the time we
13 finish talking.

14 THE COURT: I'll be happy to hear from you.

15 ASST. SOL. MURDAUGH: If Your Honor please, several
16 members of the family would like to address the Court, and
17 Peggy is getting their names and will get them to me in just
18 a minute. I need to tell you about his record.

19 THE COURT: All right.

20 ASST. SOL. MURDAUGH: If Your Honor, please, starting
21 in February of 2003 as a juvenile, he was sentenced for
22 simple assault and battery, put on probation, violated his
23 probation in May of 2004. He was charged with obstruction
24 of justice in April of 2007, miscellaneous traffic offenses,
25 public drunk in 2008, public disorderly conduct in February

1 2008, simple assault and battery. March of 2008, unlawful
2 possession of a weapon, for which he got a year suspended
3 with eighteen months probation. May of 2008, violation of a
4 city ordinance interfering and hindering officers, convicted
5 and got thirty days.

6 In April of 2008, he got a violation of a city
7 ordinance, doesn't say what it is. May of '08 charged with
8 unlawful carrying of a weapon, convicted, and got one year
9 suspended, eighteen months probation. On 9-4-08, he got
10 convicted of possession of marijuana. Probation violation
11 in 9-08. In 12-08 he got convicted of entering a premises
12 after warning, was convicted.

13 In July of '09, he was charged with carrying a firearm
14 and got a five month sentence; that was in Walterboro. In
15 09-08, he got charged with failing to appear for a simple
16 possession of marijuana charge. In 07-11, assault and
17 battery, first degree. And indecent exposure, a non-
18 conviction. Assault and battery with intent to kill. A
19 plea was taken for second degree and he was given 110 days
20 credit for time served, but it does not say what his
21 sentence was.

22 In January of 2013, he was charged with illegal
23 possession of a weapon that was stolen. And some sort of a
24 drug charge in January of 2013, he was charged with
25 contributing to the delinquency of a minor in January of

1 '13, and a drug violation -- a non-conviction on parts of
2 it, but a conviction on the unlawful carrying of a weapon;
3 and a non-conviction on contributing. That appears to be
4 the record that we have.

5 THE COURT: Very well. I understand that your victim
6 assistance officer has members of the family that wish to
7 address the Court. Do you have the list yet?

8 ASST. SOL. MURDAUGH: Yes, sir.

9 MR. HUGHES: Your Honor, this is Ms. Cochran. She is
10 the daughter of the deceased, Steve Cochran. She would like
11 to address the Court.

12 THE COURT: Ms. Cochran, if you would, for my court
13 reporter and the record, would you state your full name.

14 MS. COCHRAN: Samantha Jane Cochran.

15 THE COURT: And spell your last name.

16 MS. COCHRAN: C-O-C-H-R-A-N.

17 THE COURT: Be happy to hear from you anything you want
18 to tell me.

19 MS. COCHRAN: I have lost half of me to a man who did
20 not care what they were taking from me. Senseless anger to
21 many moments of love in my life. I'll never have those
22 father-daughter moments. I don't get to have my dad walk me
23 down the aisle at my wedding or tell me that he's proud of
24 me or hold any of my children. I did not get to prepare for
25 his passing like a child is supposed to get. I had twenty-

1 two years and it was supposed to be at least 60 more.
2 Twenty-two years doesn't seem like a lot, but it was so
3 short and it's not fair. There's not a day that it doesn't
4 hurt to breathe. I don't have him in my life anymore. I
5 can only hope that one day he can understand what he's taken
6 from so many people, not just me, but my whole family and my
7 friends and this community. That's all I have to say.

8 ASST. SOL. MURDAUGH: Thank you, ma'am. Your Honor,
9 please, Pam Mitchell. The sister of the deceased would like
10 to address the Court.

11 THE COURT: Give me your name please.

12 MS. MITCHELL: My name is Pamela Ray Mitchell and my
13 last name is M-I-T-C-H-E-L-L.

14 THE COURT: Ms. Mitchell.

15 MS. MITCHELL: Yes, sir. I am one of three children
16 that we were raised together and Steven was my baby brother.
17 I was fortunate enough to be part of his life for fifty
18 years and he was a wonderful child and he was a wonderful
19 man. He loved his family and he loved his friends, and he
20 was a good person and he was honorable. He spent a
21 tremendous amount of his life helping others. He fostered
22 children, he rescued animals, and I will forever for the
23 rest of my life think of him alone that night, without his
24 family by his side as he passed away, and I'm the one that
25 took the phone call and I had to call my brother and I had

1 to call Samantha and we had to go together and tell my
2 eighty-eight year old father that his youngest son had been
3 killed, and we didn't know why. We didn't know what the
4 circumstances were or what led up to it. We have to face
5 his friends and we had to have a memorial service and he
6 wasn't there.

7 It's just taken so much from our lives. There's not a
8 day that doesn't go by that I don't look at his picture and
9 tell him that I miss him. There's not a day that doesn't go
10 by that I can listen to a Jimmy Buffet song and not break
11 down in tears. And on the last night of his life he spent
12 time doing what he loved most. And he was with friends and
13 he was with his dog who was never away from his side, and he
14 went to the beach and he took a beautiful picture of a scene
15 and he sent it home to his family. And he said I wish you
16 were here to share this with me. And that picture hangs in
17 my home and will forever haunt me. There just aren't words
18 to express our loss. But he was loved, and he was honored
19 and he was honest. And it wasn't right that he was taken in
20 the way that he was.

21 THE COURT: Thank you for taking the time to address
22 the Court. I appreciate your thoughts. Anyone else?

23 ASST. SOL. MURDAUGH: No, sir. We had a second witness
24 that was going to testify, and on Friday she told us that
25 she would have testified exactly like Zandra Bryant

1 testified. She said that things have happened and I can't
2 testify. We know and think we know somebody threatened her,
3 and we think we know who threatened and we are doing an
4 investigation of it.

5 I might also tell the Court that this morning, Jake
6 Sullivan received a message from Zandra Bryant, the lady
7 that testified first, saying that she had been getting
8 threats from the Cowboys in Walterboro. I hope the people in
9 this courtroom will send a message, because I'm going to
10 tell you one thing here, if one person bothers any of the
11 witnesses in this case, it is the intention of the State of
12 South Carolina to pull the full pressure down on them, and I
13 just want them to know that.

14 Now, if Your Honor would please, very seldom have you
15 ever heard me get up and tell you what the sentence ought to
16 be; I realize that belongs to you. But in this case, I
17 think you ought to -- the carrying a gun makes no difference
18 what you do. The rest of them, I think you ought to give
19 consecutive sentences and I think you ought to give him a
20 life sentence for the murder, and I just say that because
21 his record indicates that nothing real bad, but just a total
22 disrespect for the law, and can't say it changes.

23 THE COURT: I need my sentence sheets. Counsel
24 approach.

25 (Off the record, briefly.)

1 THE COURT: All right. Mr. Hughes, I will be happy to
2 hear from you on behalf of your client in mitigation.

3 MR. HUGHES: Your Honor, to begin with, there are some
4 parts of the record that we disagree with. My client
5 informs me that he never had a ABWIK charge. It was reduced
6 down to an A&B 2nd, which I believe the Solicitor talked
7 about. He does have a firearm record, which is the reason
8 why I did what I did earlier today.

9 Your Honor, he's 26 years old. He is -- he has his life
10 in front of him. What the jury said he did, he still
11 denies. I've explained to him what he's looking at. I've
12 explained to him what the next process is going to be. But
13 you and I know that any appeal will take time and it will
14 also depend upon errors of the law and not errors of fact.
15 Errors of fact were ended today. However, your sentencing
16 can reflect that he's looking at thirty to life on the
17 murder charge. He's looking at up to two years on the
18 charge of the firing into a dwelling. He's looking at five
19 years on the use of a weapon during the commission of a
20 violent crime, and one year on the pistol charge. He's 26
21 years old. The bare minimum, including the consecutive
22 charge on the use of a weapon during the commission of a
23 violent crime is 35 years. Murder, as you know, is a day
24 for day sentence. He would be 56 before he even got through
25 with the murder charge. He would be in his 60's before he

1 got through the use of a weapon during the commission of a
2 violent crime. Any additional charge, like the Solicitor is
3 asking for being consecutive, would put him into his 70's
4 before he would be eligible to get out.

5 He's 26 years old, Your Honor. The State didn't ask
6 for life during anything until the final charge. We're
7 asking that you give him some hope. Murder has a minimum
8 sentence of 30 years. The use of a weapon during the
9 commission of a violent crime is a consecutive sentence.
10 We're asking for the minimum on both, 35 years, and make the
11 other two charges consecutive to the murder charge. He
12 would still be in his 60's before he could get out of
13 prison, but that would give him something to work toward.
14 That's all we're asking for, Your Honor. We're not asking
15 for vigilante justice. We're not asking for punishment for
16 having a life that doesn't match what the Solicitor thinks,
17 because there's no real violence on that. We're not talking
18 about major violence on his record. We're just talking
19 about a young man, young and stupid.

20 Now as far as the so-called gang activities that may be
21 involved in threatening people, Your Honor, he has been
22 incarcerated this entire time. The Solicitor's Office, as
23 Mr. Hightower so eloquently pointed out, monitors all
24 communication from the detention center's outside world.
25 This wasn't anything done to any of the so-called witnesses.

1 It was not done at his request. It was not done with his
2 knowledge. Don't punish him for the actions of others. The
3 jury has spoken. We know that. We're asking for a minimum
4 sentence and mercy. Thank you, Your Honor.

5 THE COURT: Mr. Holmes, is there anything you would
6 like to tell me prior to sentencing? I'd be happy to hear
7 from you.

8 MR. HOLMES: I didn't commit no crime.

9 THE COURT: Anything further from the defendant, Mr.
10 Hughes?

11 MR. HUGHES: No, Your Honor.

12 THE COURT: Solicitor, anything further from the State?

13 ASST. SOL. MURDAUGH: Yes, sir. If Your Honor, please,
14 I want the Court to know that I'm not accusing the defendant
15 of anything about this gang stuff. I did that for purposes
16 of sending notice to tell them if they cross the line into
17 this county, we're going to bust their behinds, sir.

18 THE COURT: Mr. Hughes, I note on the sentence sheet
19 that you have not given me any address, nor have you given
20 me a date of birth, nor have you given me any social
21 security or drivers license number.

22 MR. HUGHES: Your Honor, that can be filled out. That
23 is generally done by the Solicitor's Office on guilty
24 verdicts. I have never held a sentence sheet from a murder
25 trial before. We don't write on that.

1 THE COURT: I understand that. But it needs to have
2 some identifying information on it for the defendant. Do
3 you have that information, Solicitor?

4 ASST. SOL. MURDAUGH: No, Your Honor.

5 THE COURT: Obtain it from your client, Mr. Hughes.

6 (BRIEF PAUSE IN THE COURTROOM.)

7 THE COURT: Very well. First of all, to my ladies and
8 gentlemen of the jury, I want to thank you for your
9 patience. As you can see, we don't have the opportunity as
10 Mr. Hughes and the Solicitor pointed out, the paperwork
11 concerning sentencing sheets, which is the province of the
12 Court, not yours. You've done your job, ladies and
13 gentlemen. I listened to this evidence, just as the people
14 in this courtroom did. I couldn't agree more with your
15 verdict. There was, in my opinion, clear evidence beyond a
16 reasonable doubt of the guilt of the defendant.

17 I take into consideration for sentencing several
18 things. Mr. Hughes disputes a conviction. I certainly will
19 not consider that, Mr. Hughes. However, Mr. Holmes, you've
20 had convictions for things such as obstruction of justice,
21 disorderly conduct, assault and battery, simple assault,
22 unlawful possession of a weapon, interfering with an
23 officer, unlawful carrying of a weapon, drug charges,
24 carrying a firearm, illegal possession of a weapon. There
25 seems to be a pattern in your life with the use of weapons.

1 I take into consideration your prior record, as well as your
2 age at 26 years of age. I also have to take into
3 consideration how difficult it is -- Mr. Hughes, I agree
4 with you. Your client is not being charged with threatening
5 any witness in this case. Although the Solicitor wants to
6 express his intentions publicly about his feelings if he
7 feels an investigation show that. I also have to say that I
8 think it probably did take courage for Ms. Bryant to appear
9 in the courtroom and testify. Very often, ladies and
10 gentlemen, people are somewhat hesitant or intimidated about
11 coming to testify in a courtroom. We need people to be able
12 to give us all facts and circumstances in order that Courts
13 can perform justice.

14 Taking all of that into consideration in my sentencing,
15 I wanted you to know what I'm looking at. Mr. Hughes, you
16 are correct that the defendant is entitled to credit for
17 time that he has served. I will see that my sentence sheet
18 reflects that. My sheet, so you will know, Mr. Holmes, was
19 run on March the 13th, which was two days ago. Today being
20 the 15th and my sheet from the sheriff of Hampton County
21 reflects that you've been in custody for 587 days as of
22 March 13th. The record of the jail will be forwarded to the
23 Department of Corrections concerning the time served.

24 On Indictment 2015-GS-25-00265, the State v. Sidney
25 Antoine Holmes, indictment for murder, the sentence of the

1 Court is the defendant is committed to the State Department
2 of Corrections for a term of 40 years.

3 On Indictment 2015-GS-25-00268, possession of a weapon
4 during the commission of a violent crime, the sentence of
5 the Court is the defendant is committed to the State
6 Department of Corrections for a term of five years.
7 Sentence will run consecutive to the murder case.

8 On Indictment 2015-GS-25-00267, discharging a firearm
9 at or into a dwelling, the sentence of the Court is the
10 defendant is committed to the State Department of
11 Corrections for a term of five years. Sentence will run
12 consecutive to the murder case and the possession of a
13 weapon during the commission of a violent crime.

14 Finally, on Indictment 2015-GS-25-00266, unlawful
15 carrying of a pistol. Sentence of the Court is defendant is
16 committed to the State Department of Corrections for a term
17 of one year. Sentence will run consecutive to the
18 discharging of firearm, possession of a weapon during the
19 commission of a violent crime and murder. The total of your
20 time that I have sentenced you today is 51 years. The
21 sentences are to run consecutively. Thank you very much,
22 ladies and gentlemen of the jury, this concludes your
23 service. I want to thank you very much for your service.
24 You may leave the courtroom at this time.

25

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON) CERTIFICATE

I, REBECCA H. HILL, Official Court Reporter for the
Judicial Department of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had in the
hearing of the captioned case, in the Court of General
Sessions for Hampton County, South Carolina, on the 15th day
of March 2017.

I do further certify that I am neither of kin, counsel,
nor interest to any party hereto.

June 19, 2017

Rebecca H. Hill

Rebecca H. Hill,
Official Court Reporter

WITNESSES

J. E. Sullivan - Hampton Police
Department

N A Ginn - Hampton Police Department

DOCKET NO. 2015GS2500265

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

April Term 2016

THE STATE

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2015a2520300134

vs.

Sidney Antoine Holmes

Indictment For.

Murder

SC Code: 16-3-10

CDR Code: 0116

TRUE BILL

Foreperson of Grand Jury
Date: APR 29 2016

VERDICT

Guilty

Defendant

Witness:

C.C.C. PLS. and G.S.

RECEIVED

MAR 20 2017

SC Court of Appeals

Norman Boseick

Norman Boseick

Foreperson of Petit Jury

Date: 3-15-2017

INDICT

FILED

2017 MAR 15 PM 3:05
MYLINDA D. HETTLER
CLERK OF COURT
HAMPTON COUNTY, S.C.
RY

STATE OF SOUTH CAROLINA)

COUNTY OF HAMPTON)

INDICTMENT

2015GS2500265

At a Court of General Sessions, convened on April 29, 2016, the Grand Jurors of Hampton County present upon their oath:

Murder

That in Hampton County, South Carolina, on or about August 1, 2015, the Defendant, Sidney Antoine Holmes, did, with malice aforethought, kill Steven Douglas Cochran and Steven Douglas Cochran did die as a proximate result of Sidney Antoine Holmes's actions, to wit: shooting him, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

TRUE BILL

RECORDED

MAY 10 2016

CLERK OF COURT

30 - Life SM

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

STATE

AKA:

Race:

DOB:

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO:

In violation of §

of the S.C. Code of Laws, bearing CDR Code #

☐ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury,

(def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections☐ County Detention Center,

for a determinate term of

40 days/months/years or

☐ under the Youthful Offender Act not to exceed

years

and/or to pay a fine of \$

; provided that upon the service of

days/months/years and or payment

of \$ plus costs and assessments as applicable; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on:

2015-GS-R-266 / 2015-GS-25-267 / 2015-GS-R-268

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1)(Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

Proviso 61.6 (Public Def./Probation)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

INDICTMENT/CASE#:

AW#:

Date of Offense:

S.C. Code §:

CDR Code #:

SENTENCE SHEET

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. Or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol Testing: ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code:

Sentence Date:

WITNESSES

J. E. Sullivan - Hampton Police
Department

N A Ginn - Hampton Police Department

DOCKET NO. 2015GS2500266

The State of South Carolina

County of Hampton

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

April Term 2016

I
hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2015a252030012

THE STATE

vs.

Sidney Antoine Holmes

Indictment For

Unlawful Carrying of Pistol

SC Code: 16-23-20

CDR Code: 0044

TRUE BILL

Foreperson of Grand Jury

Date:

APR 29 2016

Defendant

VERDICT

Guilty

Witness:

Foreperson of Petit Jury

Date:

3-15-17

C.C.C. PLS. and G.S.

INDICT

FILED

2017 MAR 15 PM 3:09

MYLINDA D. NETTLES
CLERK OF COURT
HAMPTON COUNTY, S.C.

BY

STATE OF SOUTH CAROLINA)

COUNTY OF HAMPTON)

INDICTMENT

2015GS2500266

At a Court of General Sessions, convened on April 29, 2016, the Grand Jurors of Hampton County present upon their oath:

Unlawful Carrying of Pistol

That in Hampton County, South Carolina, on or about August 1, 2015, the Defendant, Sidney Antoine Holmes, did carry about his person a handgun, whether concealed or not, while not authorized to do so under Section 16-23-20, all in violation of Section 16-23-20, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

TRUE BILL

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF:

STATE

INDICTMENT/CASE# 2015-GS-25-00266

AKA: Sidney vs Antoine HolmesAW#: 2015-25-20300138Race: BS Sex: M Age: 26Date of Offense: 5-1-15DOB: [REDACTED]S.C. Code §: 16-23-20CDR Code #: 0044City, State, Zip: Hampton SC 29042

SENTENCE SHEET

DL# [REDACTED] SID# [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: UNLAWFUL CARRYING OF PISTOLIn violation of § 16-23-20 of the S.C. Code of Laws, bearing CDR Code # 0044☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS ☐ \$17-25-45

(CSC w/minor 1" or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (def.'s Initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 1 days/months/years or ☐ under the Youthful Offender Act not to exceed 1 years and/or to pay a fine of \$ 100.00; provided that upon the service of 1 days/months/years and or payment of \$ 100.00; plus costs and assessments as applicable; the balance is suspended with probation for 1 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2015-GS-25-265/2015-GS-25-167/2015-GS-25-268☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-85 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered.

PTUP: _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

*Fine:

\$14-1-206 (Assessments 107.5%)	\$	
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
\$14-1-213 (Drug Court Surcharge)	\$150	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/Deputy Clerk

Court Reporter: Becky HillMelinda D. NadeauRandom Drug/Alcohol Testing: ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2122Sentence Date: 3/15/17Roy M. Buckner

WITNESSES

J. E. Sullivan - Hampton Police
Department

N A Ginn - Hampton Police Department

DOCKET NO. 2015GS2500267

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

April Term 2016

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2015a2520300136

VS.

Sidney Antoine Holmes
Sidney Antoine Holmes

Indictment For

Discharge Firearm At or Into
Dwelling or Occupied Vehicle

SC Code: 16-23-440(A)

CDR Code: 0052

TRUE BILL

[Signature]
Foreperson of Grand Jury

Date:

APR 29 2016

Defendant

Witness:

VERDICT

Guilty

Norman Bostick

NORMAN BOSTICK
Foreperson of Petit Jury

Date:

INDICT

FILED
2017 MAR 15 PM 3:05
MYLINDA D. NETTLES
CLERK OF COURT
HAMPTON COUNTY, S.C.
BY

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)

COUNTY OF HAMPTON)

INDICTMENT

2015GS2500267

At a Court of General Sessions, convened on April 29, 2016, the Grand Jurors of Hampton County present upon their oath:

Discharge Firearm At or Into Dwelling or Occupied Vehicle

That in Hampton County, South Carolina, on or about August 1, 2015, the Defendant, Sidney Antoine Holmes, did discharge, or cause to be discharged, a firearm at or into a dwelling house, other building, structure, or enclosure regularly occupied by persons, to wit: office at Hampton Garden Apartments, all in violation of Section 16-23-440(A), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

TRUE BILL

0-10 1/25 54

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

STATE

VS. Hampton
Sibney Autolite Holmes

AKA:

Race: B Sex: M Age: 26DOB: [REDACTED]City, State, Zip: Hampton SC 29924DL# [REDACTED] SID# [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

INDICTMENT/CASE#: 2015-GS-25-00267AW#: 2015A2520300136Date of Offense: 1-1-15S.C. Code §: 16-23-440 (A)CDR Code #: 0252

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
 TO: D. Charge Firearm At or in Dwelling or Occupied Vehicle
 In violation of § 16-23-440 (A) of the S.C. Code of Laws, bearing CDR Code # 0252
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45
 (CSC w/minor 1st or Lewd Act)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #
 WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____ provided that upon the service of _____ days/months/years and/or payment
 of \$ _____ plus costs and assessments as applicable*, the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
 incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2015-GS-25-205 / 2015-GS-25-266 / 2015-GS-25-268☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP: _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine: \$ _____

Random Drug/Alcohol Testing ☐

\$14-1-206 (Assessments 107.5%) \$ _____

Fine may be pd. in equal consecutive weekly/monthly

\$14-1-211 (AX1)(Conv. Surcharge) \$100 \$ 100.00

pmts. of \$ _____ Beginning

\$14-1-211 (AX2)(DUI Surcharge) \$100 \$ _____

\$ _____ Paid to Public Defender Fund

\$56-5-2995 (DUI Assessment) \$12 \$ _____

\$56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 61.6 (Public Def/Probation) \$500 \$ _____

\$14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

\$14-1-213 (Drug Court Surcharge) \$150 \$ _____

\$50-21-114 (BUI Breath Test Fee) \$50 \$ _____

\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75Clerk of Court/Deputy Clerk Myrinda O'NealeCourt Reporter: Berdy BellPresiding Judge: [Signature]Judge Code: 122Sentence Date: 3/15/17Perry M. Boudin

WITNESSES

J. E. Sullivan - Hampton Police
Department

N A Ginn - Hampton Police Department

DOCKET NO. 2015GS2500268

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

April Term 2016

THE STATE

vs.

Sidney Antoine Holmes

Indictment For

Possession of Weapon During
Violent Crime

SC Code: 16-23-490

CDR Code: 0549.

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2015a2520300137

TRUE BILL

Foreperson of Grand Jury

Date:

APR 29 2016

VERDICT

Guilty

Name: *Boston*

N. Demas Boston
Foreperson of Petit Jury

Date:

3-15-2017

INDICT

Defendant

Witness:

C.C.C. PLS. and G.S.

FILED

2017 MAR 15 PM 3:09

MYLINDA D. NETTLES
CLERK OF COURT
HAMPTON COUNTY, S.C.

BY

STATE OF SOUTH CAROLINA)

COUNTY OF HAMPTON)

INDICTMENT

2015GS2500268

At a Court of General Sessions, convened on April 29, 2016, the Grand Jurors of Hampton County present upon their oath:

Possession of Weapon During Violent Crime

That in Hampton County, South Carolina, on or about August 1, 2015, the Defendant, Sidney Antoine Holmes, did possess a firearm, visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent crime as defined in Section 16-1-60, to wit: murder, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

TRUE BILL

5 yr 9M

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

STATE

VS. Sidney Antonio HolmesINDICTMENT/CASE#: 2015GS-25-0265AW#: 2015A1520360137Date of Offense: 5-1-15S.C. Code §: 16-23-450CDR Code #: 0545

SENTENCE SHEET

AKA: _____
 Race: W Sex: M Age: 46
 DOB: [REDACTED] SSN: [REDACTED]
 Address: _____
 City, State, Zip: Hwy 1 SC 29529
 DL#: _____ SID#: _____
 *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Possession of Weapon During Violent CrimeIn violation of § 16-23-450 of the S.C. Code of Laws, bearing CDR Code # 0545
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45
 (CSC w/minor 1st or Lewd Act)
The charge is: ☒ As indicted, ☐ Lesser included Offense, ☐ Defendant Waives Presentment to Grand Jury, (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor SC Bar # _____ Defendant Attorney for Defendant SC Bar # _____
 WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
 of \$ _____ plus costs and assessments as applicable; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
 incorporated by reference.
☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: 2015-GS-25-265 / 2015-GS-25-266 / 2015-GS-25-267
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
 Department of Corrections.
☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
 Pursuant to 18 U.S.C. Section 922, It is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP: _____

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____

May serve W/E beginning

Substance Abuse Counseling ☐

*Fine:

\$14-1-206 (Assessments-107.5%)	\$	
\$14-1-211 (AX1)(Conv. Surcharge)	\$100	\$ 100.00
\$14-1-211 (AX2)(DUI Surcharge)	\$100	\$
\$56-5-2985 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
\$14-1-213 (Drug Court Surcharge)	\$150	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning

\$ _____ Paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.
Presiding Judge [Signature]Judge Code: 1122Sentence Date 3/15/17Rory M. Buckner
 Clerk of Court/Deputy Clerk Myrinda O. Nadeau
 Court Reporter: Becky Hill

SCCA217 (07/2016)

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

Susan B. Hackett

Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 15th day of November, 2017.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

Susan B. Hackett

Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 15th day of November, 2017.

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SC Court of Appeals