

 **ORIGINAL**

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable D. Garrison Hill, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOHN CALVIN SLEDGE,

RECEIVED

JUN 26 2017

APPELLANT

SC Court of Appeals

APPELLATE CASE NO 2016-000641

RECORD ON APPEAL

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THE FOLLOWING EXHIBIT'S ARE ON FILE WITH THIS COURT:

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STATE'S EXHIBIT NO. 1 (911 call)

STATE'S EXHIBIT NO. 7 (traffic stop video)

STATE'S EXHIBIT NOS. 15 AND 16 (photographs)

STATE'S EXHIBIT NO. 61 (redacted interrogation video)

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	2015-GS-23-04574
	)	2016-GS-23-00837A
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
JOHN CALVIN SLEDGE,	)	
DEFENDANT.	)	
_____	)	

March 14, 15, and 16, 2016
Greenville, South Carolina

B E F O R E:

THE HONORABLE D. GARRISON HILL, JUDGE; and a jury.

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

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Circuit Court Reporter

I N D E X

(SW) - Denotes State's Witness
 (DW) - Denotes Defense Witness
 (IC) - Denotes In Camera

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All Exhibits were retained by the Clerk of Court for
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P R O C E E D I N G S

(WHEREUPON, State's Exhibit Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 58-A, and 58-B were marked for identification only.)

THE COURT: Is there anything we need to do before we bring the jury pool up here?

MR. SARRATT: We're doing motions after we bring the jury up?

THE COURT: Yes.

MR. SARRATT: Then no.

THE COURT: Okay.

MS. MUNSON: Nothing from the State, Your Honor.

THE COURT: All right. Well, we'll go ahead and bring them up.

Thank you.

(Pause.)

(WHEREUPON, the jury panel entered the courtroom.)

THE COURT: Ladies and gentlemen, we're going to select a jury in the first case. And that case is -- well, I'll let the Solicitor call the case.

Ms. Munson.

MS. MUNSON: May it please the Court, Your Honor.

1 The State calls the case of the State of South
2 Carolina v. John Calvin Sledge, indicted for murder,
3 indicted for possession of a weapon during a violent
4 crime, and indicted for unlawful conduct towards a child.

5 THE COURT: All right.

6 MS. MUNSON: Thank you, Your Honor.

7 THE COURT: Thank you, Ms. Munson.

8 Ladies and gentlemen, I'm going to read to you the
9 indictments in this case. Before I do that, I want to
10 just emphasize to you that these indictments are not
11 evidence of anything. They don't constitute any kind of
12 proof. They're simply the formal way a case begins in the
13 courtroom, and is the way that a citizen is notified of
14 what he's charged with.

15 Mr. Sledge has pled not guilty to these charges. And
16 that puts the burden of proof entirely on the State. In a
17 criminal case, no one is ever required to prove themselves
18 innocent or prove themselves not guilty.

19 And Mr. Sledge, like anyone charged with a crime, is
20 presumed innocent. And that presumption of innocence will
21 remain with him throughout the trial and even into your
22 deliberations. And it can only be removed if the State
23 convinces all 12 jurors that they have proved each and
24 every element of the crime beyond a reasonable doubt.

25 So Mr. Sledge has no burden of proof. The burden is

1 entirely on the State. He doesn't have to offer any
2 evidence or explanation whatsoever. So keep those things
3 in mind. And as I read these allegations of the
4 indictment, remember they are just that, allegations.

5 The first indictment is in case 2015-GS-23-004574,
6 the State v. John Calvin Sledge. It alleges that John --
7 there are two counts. Count one alleges that John Calvin
8 Sledge did in Greenville County on or about the 29th day
9 of January, 2014, unlawfully and with malice aforethought
10 kill Kimberly Sledge by means of shooting her in the head,
11 and that Kimberly Sledge died as a proximate result
12 thereof. This is in violation of Section 16-3-10 of the
13 South Carolina Code of Laws, as amended.

14 Count two alleges that John Calvin Sledge did in
15 Greenville County on or about the 29th day of January,
16 2014, possess or visibly display a pistol during the
17 commission or attempted commission of a violent crime,
18 to-wit, murder. This is in violation of Section 16-23-490
19 of the South Carolina Code of Laws.

20 The second indictment is from docket number
21 2016-GS-23-00837A. It alleges that John Calvin Sledge did
22 in Greenville County on or about the 29th day of January,
23 2014, while being the legal custodian, parent, or guardian
24 place the child, M.W., at an unreasonable -- excuse me, at
25 unreasonable risk of harm affecting the child's life,

1 physical, or mental health or safety. This is in
2 violation of Section 63-05-70 of the South Carolina Code
3 of Laws, as amended.

4 Those are the allegations of the indictments.

5 JURY QUALIFICATION

6 THE COURT: And, at this time, I need to go through a
7 series of questions to make sure we can find a jury that
8 can be fair and impartial.

9 The first question is: Is there anyone here who is
10 related by blood or marriage to the Defendant, John Calvin
11 Sledge?

12 And, Mr. Sledge, if you could just stand up so
13 everybody can see who you are, sir.

14 Thank you.

15 (WHEREUPON, there was no response.)

16 THE COURT: Is anyone related by marriage or blood to
17 Mr. Sledge or have any personal, social, or business
18 relationship with him? If so, please, stand.

19 Thank you, sir.

20 (WHEREUPON, there was no response.)

21 THE COURT: Is anyone related by blood or marriage to
22 Kimberly Sledge, or have any personal, social, or business
23 relationship, or kin to her in any way? If so, please,
24 stand.

25 All right. Tell me your name.

1 THE COURT: Okay. Do y'all want to go ahead and --

2 MS. SCOTT: I'm sorry, Judge.

3 THE COURT: -- hear some of these motions?

4 MS. SCOTT: Yes, sir.

5 THE COURT: Ms. Scott, yes, ma'am.

6 MS. MUNSON: Well, I think I'm first.

7 MS. SCOTT: We didn't hear you. And I was just
8 trying -- wanted to make sure you knew we weren't
9 listening.

10 THE COURT: No. That's okay.

11 MOTIONS

12 MS. MUNSON: Your Honor, the first thing I would like
13 to discuss is there are two kind of weird, I guess, sort
14 of motions in limine by the State.

15 But, during the investigation, there were DNA samples
16 taken from the Defendant and, also, gunshot residue dabs
17 done on the palms and backs of his hands. The person who
18 collected that evidence is absolutely unavailable. We
19 don't even know where she is. Her name is Iona Ooten.
20 She used to work for the Department of Public Safety as an
21 evidence person. She's just gone.

22 THE COURT: How do you spell her name?

23 MS. MUNSON: Ooten, O-O-T-E-N.

24 THE COURT: Okay.

25 MS. MUNSON: So I would expect that the Defense would

1 want to argue to the jury, well, how come there's no DNA
2 evidence in this case? How come there's no gunshot
3 residue in this case? And the reason those things are not
4 going to be introduced, Your Honor, is because we don't
5 have the first person in the chain.

6 So my position is that evidence is not relevant
7 because we can't introduce it. And I think that to allow
8 either side -- not just them. But to allow either side to
9 put in front of the jury what about the DNA, what about
10 the gunshot residue is sort of misleading them. Because
11 it sort of indicates that, well, maybe there is DNA, but
12 it's bad for the State or it's bad for the Defendant. I
13 just think it would be misleading for them.

14 So I'm asking that we -- both sides be instructed
15 just to not even talk about collecting it, not arguing
16 about it, or just mentioning it at all to the jury.

17 THE COURT: All right. Mr. Propst or Mr. Sarratt?

18 MR. PROPST: Mr. Sarratt is going to respond, Your
19 Honor.

20 MR. SARRATT: Well, this is a circumstantial case.
21 And it's going to come down to the sufficiency of the
22 evidence. And I think that under the South Carolina State
23 Constitution, we have the right to be fully heard in our
24 defense. And, certainly, a lack of evidence is a
25 crucial part of our defense when the case is

1 circumstantial.

2 I, certainly, would not argue something that is not
3 true to the jury. I would not argue say that, certainly,
4 the DNA and the gunshot residue would prove him innocent.
5 But I think I can say, you didn't hear forensic evidence
6 in this case.

7 Forensic evidence is very crucial and has a lot of
8 weight with the jury. And if it doesn't come into
9 court -- it's their burden to put up the evidence. And I
10 don't think we should be hamstrung because of a defect with
11 their witness.

12 THE COURT: But it seems to me if you're going to be
13 able to argue that, then the State ought to be able to
14 tell the jury that the witness is unavailable.

15 MS. MUNSON: Well, that would be my next --

16 THE COURT: Yes.

17 MS. MUNSON: If you say they're allowed to say that,
18 then I would request permission to put it out there that
19 Ooten is not available. And I would go so far as to ask
20 the Court to charge the jury that it's a legal problem.
21 It's not just like we can't find her. She's gone off the
22 rails, Your Honor. I mean, it's not like -- she's just
23 gone. Charge the jury that it's a legal issue.

24 I mean, because if the jury hears from the Defense,
25 where's the gunshot residue evidence, where's the DNA

1 evidence, and the State's response is, well, we don't have
2 a witness, that could potentially lead this jury to think
3 that we're just not doing what we're supposed to do up
4 here. And that's what bothers me is something getting in
5 their head, good or bad, that isn't true.

6 It's not true that we're failing to produce evidence.
7 It's not true that we have dropped the ball somehow. What
8 is true is the evidence is not admissible. Therefore,
9 it's not relevant. Therefore, I don't think either side
10 should be allowed to talk about it.

11 THE COURT: Any further comment, Mr. Sarratt?

12 MR. SARRATT: Nothing further.

13 THE COURT: Well, I think preliminarily -- and this
14 is in limine -- that the Defense would be allowed to make
15 the argument. The State, likewise, would be allowed to
16 establish that the DNA evidence and the residue was
17 collected, but the results of that collection are
18 inadmissible because the witness is unavailable.

19 And if that's going to be handled by way of a
20 stipulation between the parties, I'll be glad to do that.
21 That might be the cleanest way to do it. Otherwise, we'll
22 have to spend time establishing why the witness is
23 unavailable, what she collected. It seems to me that a
24 stipulation would take care of it for purposes of this
25 motion.

1 MS. MUNSON: The State is willing to do that, Your
2 Honor.

3 MR. SARRATT: We'd be willing to just not talk about
4 it. I'm sorry for changing --

5 THE COURT: Not talk about what?

6 MR. SARRATT: We won't mention it. We won't argue
7 it.

8 MS. MUNSON: Okay.

9 THE COURT: So that takes care of the whole issue?

10 MS. MUNSON: That takes care of that issue, yes, Your
11 Honor.

12 I think the next thing -- this might be a Defense
13 motion. But we've got a 911 call that we would like to
14 introduce into evidence.

15 THE COURT: Okay.

16 MS. MUNSON: And I believe the Defense is going to
17 have an argument to keep that out.

18 THE COURT: Yes, sir, Mr. Propst.

19 MR. PROPST: Yes, sir, Your Honor.

20 The 911 call includes a mention by the caller that
21 he -- that the Defendant shot his mother. It, also,
22 references fighting among the two prior to the shooting.
23 We'd ask that if not the whole statement be suppressed or
24 excluded that, at least, those portions -- or more,
25 specifically, just the portions talking about the previous

1 fighting.

2 I understand you would -- and we'd argue against it,
3 that the call is probably considered an excited utterance
4 from your standpoint. And the Prosecution will address
5 that. But I think the reference to the fighting is not
6 part of that -- is not part of that excited utterance.
7 Because it's not induced by -- it has nothing to do with
8 the stressful event that just took place, which is the
9 child finding his mother on the floor in a pool of blood.
10 It's a prior event that happened before this excited
11 utterance even took place or could have taken place.
12 He's, at that point, reflecting and recalling things in
13 the past.

14 So I don't think it would fall under that excited
15 utterance exception.

16 THE COURT: Thank you.

17 Ms. Scott.

18 MS. SCOTT: Thank you, Your Honor.

19 We have Rene Beauford who will be testifying as
20 custodian of the 911 call. She, also, can testify that
21 this is an ordinary course of her business to have these
22 documents.

23 Also, in regards to him stating that the child said
24 that the two were fighting. This is, actually, something
25 this child will testify to in this trial, Your Honor, but,

1 also, something the child saw. This happened within the
2 span of the murder, Your Honor. I believe time is
3 relevant in this case in a sense of 30 minutes still being
4 presence sense impression of this child, excited utterance
5 of a call immediately after he finds his mother laying on
6 the floor.

7 In regards to saying the Defendant shot his mother,
8 Your Honor, again, this witness will testify. And there
9 is no issue here with the confrontation in this case.

10 THE COURT: How long does the call last?

11 MS. SCOTT: 25 minutes.

12 THE COURT: The 911 call is that long?

13 MS. MUNSON: I think it's about that long.

14 MS. SCOTT: It's about 15 to 20 minutes, Your Honor.

15 MR. WAYNE CAMPBELL: It's 22 minutes.

16 MS. SCOTT: Okay. Thank you.

17 THE COURT: And what is it exactly that the child
18 says about the prior fighting? Was that fighting -- I'm
19 unsure if that's fighting immediately before the alleged
20 murder, or is it fighting the day before, or the week
21 before, or the year before?

22 MS. SCOTT: Yes, Your Honor.

23 It's fighting right before the murder, Your Honor,
24 same day, same home, same parties. I believe testimony
25 the will come forward that within 10 to 15 minutes of this

1 argument and this fight that he hears a gunshot.

2 THE COURT: Okay. My ruling preliminarily would be
3 it is admissible. There's no confrontation clause
4 problem.

5 And as far as the part of the call that deals with
6 the events leading up to the shooting, I don't think
7 there's any problem under Rule 403 with that or any other
8 prohibition under the rules of evidence. I think it's
9 admissible. It's relevancy is high. And any confusion of
10 the issues or unfair prejudice to the Defendant is vastly
11 outweighed by the probative value of the call.

12 So what's the next motion?

13 MS. MUNSON: Next, Your Honor, Jackson v. Denno. We
14 have two separate statements made by the Defendant that we
15 would like to introduce.

16 THE COURT: Okay.

17 MS. MUNSON: So the first one, we would call Ramon --
18 (Pause.)

19 MS. MUNSON: I changed my mind, Your Honor. It's
20 going to be Robert May.

21 THE COURT: Okay.

22 THE CLERK: Officer, please, come forward to be sworn
23 in.

24 Would you, please, place your left hand on the Bible
25 and raise your right.

1 WHEREUPON,

2 ROBERT MAY,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: You may be seated.

5 Please state your name for the record.

6 THE WITNESS: Master Deputy Robert May.

7 THE CLERK: Thank you.

8 DIRECT EXAMINATION

9 BY MS. MUNSON:

10 Q Master Deputy May, were you with the sheriff's office
11 on January 29th of 2014?

12 A Yes, ma'am, I was.

13 Q And how did you get involved in this case?

14 A I received a -- we received a 911 call about an
15 incident that happened. I believe it was on Berry Road.
16 And I was one of the responding officers. And I ended up
17 locating the suspect at a later time.

18 Q Okay. Were you -- when you say you located him "at a
19 later time," how did you find him?

20 A Well, myself and Deputy Williams decided to patrol
21 the area since there were multiple units that were already
22 on scene. As we began to patrol the area, we decided to
23 sit at the Hot Spot gas station -- I believe the address
24 is 11504 Augusta Road -- and see if there was a chance we
25 might see the suspect's vehicle driving down the road.

1 Q Okay. And did you have a description of the vehicle?

2 A We did.

3 Q And what was that description?

4 A It was an older model Toyota SUV, I believe, red in
5 color. And it was supposed to have had some sort of a
6 black top on the top part of the roof.

7 Q Okay. And you, eventually, did see that vehicle and
8 pull it over?

9 A We did. It was traveling northbound on Augusta Road.
10 And we got in behind it and we pulled it over. And I
11 believe it ended up stopping on Scott Road off of Augusta.

12 Q And once the vehicle was stopped, did you identify
13 the person that was inside?

14 A We did. We made contact with him and we ordered him
15 out of the vehicle. He was, subsequently, detained. And
16 we later identified him to be the Defendant that was
17 charged.

18 Q Okay. Now, no question he was in custody?

19 A That's correct.

20 Q Not free to leave?

21 A That's correct.

22 Q Okay. Now, where did you take him? From his vehicle
23 to where?

24 A We brought him from his vehicle to my patrol vehicle.

25 Q Okay. Was he handcuffed?

1 A He was.

2 Q In the front or in the back?

3 A In the back.

4 Q It was just you -- or who else was out there with
5 you?

6 A Myself and Deputy Williams.

7 Q Okay. And when you put him in the back of the patrol
8 car, did you read him his rights?

9 A We did -- or I did.

10 Q Okay. How did you do that?

11 A I have a card issued to me through the sheriff's
12 office that every time I read somebody their rights, I use
13 that card. So I read it to him from the issued sheriff's
14 office card.

15 Q Do you have that card with you now?

16 A I do.

17 Q Could you, please, read for the Court exactly as you
18 read to the Defendant that night?

19 A This is from the card. It says, You have the right
20 to remain silent. Anything you say can and will be used
21 against you in a court of law. You have the right to talk
22 to an attorney and have him or her present with you while
23 you're being questioned. If you cannot afford to hire an
24 attorney, one will be appointed to represent you before
25 any questioning, if you wish. You can decide at any time

1 to exercise these rights and not answer any questions or
2 make any statements.

3 Do you understand these rights as I've explained them
4 to you? Having these rights in mind, do you wish to speak
5 with me?

6 Q Okay. And was he -- in what kind of condition was
7 he? Was he drunk or --

8 A When I observed him, he appeared to be intoxicated.
9 There was a strong odor of an alcoholic beverage about his
10 person.

11 Q Did he have trouble walking back to your patrol car?

12 A I can't really recall. I know he was in handcuffs
13 and we were -- we had -- I had a hold of him, so.

14 Q Did he appear to understand what you were saying to
15 him?

16 A He did.

17 Q Was he able to carry on a conversation with you?

18 A Yes, ma'am, he was.

19 Q Did he ask you for anything, like something to eat or
20 drink?

21 A No, not that I remember. I don't think so.

22 Q Now, after you read him his rights and you say he
23 indicated he understood them, did he tell you that he
24 wanted to speak with you?

25 A He wanted -- he said he wanted to know what was going

1 on.

2 Q Okay.

3 A So his exact words were, I want to know what's
4 happening. I want to know what's going on.

5 Q Okay.

6 A And I asked him a couple times if he wanted to speak
7 with me. And he kept saying, I want to know what's going
8 on.

9 Q So did he ever agree to answer your questions?

10 A He did.

11 Q Okay. Now, was that conversation with him recorded
12 in any way?

13 A It was.

14 Q And how was it recorded?

15 A On an in-car video.

16 Q All right. Let's see. Deputy, I'm showing you
17 State's Exhibit No. 7. If you can just take a look at
18 that. And what is that?

19 A It's a copy of my in-car video.

20 Q And how do you know that that's your in-car video?

21 A Because I have seen this. And I have initialed it
22 and dated it.

23 Q And what's the date on there?

24 A Today is -- it's dated the 14th.

25 Q And when you looked back over this, were there any

1 additions, deletions, anything like that?

2 A No, ma'am.

3 MS. MUNSON: I have nothing further at this time,
4 Your Honor, of this witness.

5 THE COURT: Cross-examination.

6 MR. PROPST: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. PROPST:

9 Q So you were the one who, actually -- Williams
10 initiated the traffic stop; correct?

11 A We were both there at the exact same time.

12 Q But you approached first? You went up together?

13 A We both approached, yes, sir.

14 Q Guns drawn?

15 A Yes, sir.

16 Q And you were yelling at him for him to get his hands
17 out of the car?

18 A I was.

19 Q Do you remember what you said exactly?

20 A My exact words?

21 Q Yeah.

22 A I told him to get his fucking hands out of the car or
23 out of the vehicle repeatedly.

24 Q Repeatedly?

25 A Repeatedly, yes, sir.

1 Q Okay. And he complied?

2 A He did.

3 Q You said he did have a strong odor of an alcoholic
4 beverage about him?

5 A Yes, sir.

6 Q And he was visibly intoxicated?

7 A Yes, sir.

8 Q You immediately handcuffed him?

9 A That's correct.

10 Q And then you and -- is it Deputy Williams?

11 A Deputy Williams.

12 Q -- Deputy Williams stood him up?

13 A That's correct.

14 Q Because he had been on the ground?

15 A Correct.

16 Q Under command?

17 A Yes, sir.

18 Q And then y'all led him back to your car --

19 A We did.

20 Q -- where you read Miranda?

21 Now, did you -- you never informed him why he was
22 being detained; correct?

23 A I told him he was being detained. And I told him
24 there had been an incident at his house, and that some
25 people wanted to speak with him.

1 Q But you never told him why?

2 A No, not right out. No, sir.

3 Q Not right out or no?

4 A No. I mean, I didn't tell him the exact reason, if
5 that's what your question is.

6 Q Did he ever ask you to use the bathroom?

7 A Not out on the scene, no, sir.

8 Q What about during transport?

9 A Not that I can remember. Now, at the law enforcement
10 center, I believe he did.

11 Q He never asked to use the bathroom maybe when you
12 pulled over during transport when you were about to leave?

13 A I don't -- not that I remember. I don't know. I
14 can't remember that.

15 Q Maybe when you were pulling out of a parking lot or
16 about to?

17 A It's a possibility. I don't -- I can't exactly
18 remember.

19 Q Maybe you didn't want to let him pee outside --
20 urinate outside? Excuse me.

21 A That -- I don't remember that, sir. I'm sorry. I
22 don't know.

23 MR. PROPST: Nothing further from this witness, Your
24 Honor.

25 THE COURT: Any redirect?

1 MS. MUNSON: Briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. MUNSON:

4 Q Was he able to understand what you were saying to
5 him?

6 A He was.

7 Q Able to comply?

8 A Yes, ma'am.

9 Q Did he get out of his car or fall out of his car?

10 A He got out of his car on his own will. And he got on
11 the ground on his own will.

12 Q And these questions that Mr. Propst was asking you
13 about whether or not the Defendant asked to urinate, was
14 that before or after you read him his rights and asked him
15 if he wanted to talk?

16 A The -- are you talking about if he asked after that?

17 Q Yes.

18 A I don't remember if he asked to use the restroom or
19 not.

20 MS. MUNSON: I have nothing further, Your Honor.

21 If the -- I'm sorry.

22 THE COURT: Recross?

23 MR. PROPST: I don't have recross at this point.

24 THE COURT: All right. Thank you.

25 Thank you, Mr. May.

1 You may step down.

2 MS. MUNSON: Your Honor, if the Court would like to
3 see the -- not the whole video, but just this particular
4 part.

5 THE COURT: Yes.

6 You can step down, sir.

7 (WHEREUPON, a portion of State's Exhibit No. 7 was
8 played in open court.)

9 MS. MUNSON: That's all we have as to whether or not
10 the Defendant was informed of his rights, understood them,
11 and waived them, Your Honor.

12 THE COURT: Okay. Do you have any more witnesses?

13 MS. MUNSON: Not as to that statement, Your Honor,
14 but we do on another statement.

15 THE COURT: All right.

16 MS. MUNSON: Do you want to do that one?

17 THE COURT: Yes. Let's go ahead and do them all.

18 MS. MUNSON: The State calls Ramon Rivera.

19 THE CLERK: Sir, come forward to be sworn.

20 Place your left hand on the Bible and raise your
21 right.

22 WHEREUPON,

23 RAMON L. RIVERA,

24 after first having been duly sworn, testified as follows:

25 THE CLERK: Will you, please, state your name for the

1 record?

2 THE WITNESS: Ramon L. Rivera.

3 THE CLERK: Thank you.

4 DIRECT EXAMINATION

5 BY MS. MUNSON:

6 Q Sergeant Rivera, when did you first become involved
7 in this case?

8 A I became involved the night of the incident. I
9 received a phone call from Investigator Campbell asking me
10 if I could respond to the LEC in order to help
11 Investigator King conduct an interview and do a couple
12 search warrants.

13 Q Okay. And did you do that?

14 A I did.

15 Q And, at some point, during your part of the
16 investigation, did you have a conversation with the
17 Defendant?

18 A I did.

19 Q Where did that take place?

20 A That took place in the Greenville City Police
21 interview room.

22 Q Was anybody with you?

23 A Investigator Campbell was there.

24 Q And was that interview recorded?

25 A Yes.

1 Q Audio and video?

2 A Yes.

3 Q Let me show you State's Exhibit No. 32. If you could
4 just take a look at that. What is that, Sergeant?

5 A That is a copy of the Sledge interview.

6 Q And did you watch it from start to finish?

7 A I did.

8 Q And are there any deletions? Additions?

9 A No.

10 Q Is it a true and accurate recording?

11 A Yes.

12 Q How do you know that's the Sledge recording?

13 A Because I've initialed it, and dated it the day that
14 I watched it.

15 Q Now, when you and Investigator King got the Defendant
16 into the interview room, he was in custody; right?

17 A Yes.

18 Q Was he handcuffed?

19 A Yes.

20 Q When you talked to him, did he ask you for anything
21 prior to talking with you?

22 A Prior to being in the interview room, as I was
23 walking around getting search warrants, he did ask if he
24 could use the restroom. I told him I would be right back
25 with him, or be back within five minutes.

1 When I returned to him, I asked him again, Do you
2 still need to use the restroom?

3 He said, No.

4 Q Okay. And then when you went into the interview
5 room, what was the first thing you did with him?

6 A A search warrant was served on him first, and then we
7 did the interview.

8 Q Okay. And before you did the interview, what did you
9 say with him before the interview?

10 A I gave him Miranda warnings off of our Waiver of
11 Rights form.

12 Q Let me just see if I can't speed this up a little
13 bit. I'm sorry. I'm showing you State's Exhibit No. 31.
14 If you can just take a look at that.

15 A (Witness complied.)

16 Q Do you recognize that?

17 A I do.

18 Q What is that?

19 A That is the Waiver of Rights that the sheriff's
20 office uses.

21 Q And how do you notify him of his rights?

22 A I read it to him verbatim, as well as I gave him a
23 copy to read along. And then after I read him all the
24 rights, he goes back and initials to make sure that he
25 understood.

1 Q Okay.

2 A That indicates that he understood them. I answer any
3 questions, if he had any. And then we go through the
4 Waiver of Rights. If he chooses to speak to us, then
5 he'll sign it and we witness it.

6 Q And was Investigator King in the room with you when
7 you read him his rights?

8 A Yes.

9 Q Could the Defendant read?

10 A He could. He said he didn't have his glasses with
11 him.

12 Q Oh, okay. After you read him his rights -- well, let
13 me ask you this. Did he appear to understand you?

14 A Yes.

15 Q Did he ask you any questions about what you were
16 telling him?

17 A No.

18 Q Did he ask for anything after you told him his
19 rights?

20 A No.

21 Q Okay. After you read him his rights, did he indicate
22 that he wanted to give his rights up?

23 A He said, I have nothing to hide.

24 Q Okay. And what was -- so what's the next part of the
25 form?

1 A Once he was read his rights, then I read verbatim to
2 him the Waiver of Rights. A lot of people have the
3 problem with the word "coercion." So I explain to them
4 what the coercion -- I ask them if they know what the
5 meaning is. If they don't know, then I explain it to
6 them.

7 Q Okay.

8 A And then I ask them, having those rights in mind, do
9 you still want to talk to me? And they'll say "yes" or
10 "no."

11 Q Okay. And did he indicate his agreeing --

12 A Yes.

13 Q -- to speak on that form?

14 A Yes.

15 Q Where?

16 A Down here by signing it.

17 MS. MUNSON: Your Honor, if it please the Court, I'd
18 like to just play that part of the interview where he
19 gives him his rights.

20 THE COURT: Yes, ma'am.

21 THE WITNESS: Do you want me to step down, sir?

22 THE COURT: No. You're good.

23 (WHEREUPON, a portion of State's Exhibit No. 32 was
24 played in open court.)

25 MS. MUNSON: Nothing further, Your Honor.

1 THE COURT: All right. Cross-examination.

2 CROSS-EXAMINATION

3 BY MR. PROPST:

4 Q Is it Sergeant Rivera?

5 A Yes, sir.

6 Q So Mr. Sledge was waiting in the -- he was in the CID
7 waiting area when you arrived?

8 A Yes.

9 Q How long had he been there?

10 A I don't know how long he had been there.

11 Q You don't know. Okay. But he was handcuffed?

12 A Yes.

13 Q In the front or the back?

14 A I believe it was the back.

15 Q And, at that point, he asked you if he could go to
16 the bathroom?

17 A He just said that he needed to go to the bathroom.

18 MR. PROPST: One second.

19 (Pause.)

20 MR. PROPST: Judge.

21 THE COURT: Yes.

22 MR. PROPST: Out of an abundance of caution, I just
23 wanted to clarify something with the Court. I've got a
24 line of questioning that the technician that we had just
25 discussed --

1 THE COURT: Yes, sir.

2 MR. PROPST: -- she is involved here. And I've just
3 got a line of questioning that would bring her up for a
4 little bit just for the purposes of this hearing. I just
5 want to make sure that I'm not opening the door to
6 anything. I'm not talking about the results of DNA, or
7 anything to that effect. I just don't want to assume I
8 can do it and then find out later that I can't.

9 THE COURT: Do you want me to tell you now?

10 Go ahead.

11 MR. PROPST: Okay. Thank you, Your Honor.

12 BY MR. PROPST:

13 Q So you came back after going -- I think you told him
14 you'd be back in five minutes?

15 A Yes, sir.

16 Q So you came back to him. And then you and -- is it
17 Sergeant King or Investigator King?

18 A Investigator King.

19 Q Investigator King escorted him to the interview room?

20 A Correct.

21 Q And, in that interview room, there was Ooten?

22 A Yes.

23 Q And two uniform deputies; right?

24 A Well, Ooten was outside in the hallway until we
25 brought him over. And then she conducted the processing

1 of his person.

2 Q And there were two uniform deputies in there with
3 her?

4 A Yes.

5 Q And this was all done in the interview room?

6 A I wasn't present for all of it. So I don't know if
7 it happened inside the interview room. I would assume so,
8 but I don't know.

9 Q But that's where you last left him?

10 A That's where I left him.

11 Q So you left and you went to get your chains and
12 handcuffs?

13 A The belt so he could be handcuffed in the front.

14 Q So it's a chain belt?

15 A It's just a belt. And then it has a loop, and you
16 run a set of handcuffs through it.

17 Q And how long were you gone?

18 A Just a few minutes.

19 Q And, during that time, he's processed for DNA and
20 that's when they take pictures of him?

21 A Yes. I'm assuming so. That's when the search
22 warrant on him was served.

23 Q And that's when he was stripped naked?

24 A Yes.

25 Q Okay. And the pictures that were taken of him, who

1 took those pictures?

2 A It would have been forensics.

3 Q Do you know -- would that have been Ooten?

4 A Ooten.

5 Q Okay. Now, when you returned, you were told that he
6 may have urinated on himself?

7 A Yes.

8 Q That Mr. Sledge may have urinated on himself?

9 A Yes. And I, also, noticed that the chair he was
10 sitting in when I went by him and come back was, also,
11 wet. And there was urine or something wet all over the
12 chair and all over the floor.

13 Q Now, when you -- I may have asked you this. How long
14 were you gone during that period?

15 A Just a few minutes. I'm not sure.

16 Q So did you have to wait before going back in the room
17 so they could finish processing him?

18 A I think I did. I don't remember exactly.

19 Q Do you remember if it was a long time? I mean, five
20 minutes?

21 A Just a few minutes. I don't know. It wasn't
22 anything excessive.

23 Q Okay. And how long -- then you went in the interview
24 room. And it was just you and Investigator King at that
25 point?

1 A Yes.

2 Q Ooten and the two deputies had left?

3 A Correct.

4 Q And how long did you meet with Mr. Sledge before

5 turning on the camera?

6 A Right there on the video -- right before I walked in,

7 I turned the camera on.

8 Q That was the first time you walked into the room?

9 A Yes.

10 Q Okay. At that point, had he been placed under

11 arrest?

12 A He was still just detained.

13 Q Detained. And he told you he had been drinking?

14 A Yes.

15 Q Okay. Did you ever offer a drink, cigarette, snack

16 to him?

17 A No, sir.

18 Q Okay. Was he ever free to leave?

19 A No.

20 Q How long was the taped interview?

21 A Two and a half hours.

22 Q And how long --

23 A Give or take a few minutes.

24 Q And how long was he at the -- in the CID area from

25 the time you first encountered him until he left?

1 A A little over two and a half hours.

2 Q Three hours?

3 A Sure.

4 Q Okay. And you and Investigator King interviewed him
5 for those full two and a half hours; right?

6 A Yes, sir.

7 MR. PROPST: Okay. No further questions.

8 MS. MUNSON: Nothing further, Your Honor.

9 THE COURT: Thank you, Sergeant.

10 You may step down.

11 THE WITNESS: Yes, sir.

12 MS. MUNSON: Your Honor, that's all the State has on
13 the two separate waivers.

14 THE COURT: All right.

15 MR. PROPST: Your Honor, we'd ask that the
16 statement -- both statements, really, be suppressed,
17 especially the latter one that Sergeant Rivera was just
18 testifying to.

19 Jackson v. Denno addressed issues of coercion whether
20 by physical brutality or psychological manipulation.
21 Here, from the get-go, the initial traffic stop,
22 Mr. Sledge is pulled over and guns are drawn and he is
23 rushed upon by two officers. He's immediately put in
24 handcuffs and then placed in the back of a car.

25 At that point, they tell him he's being detained.

1 They don't tell him why. They -- the officers --
2 officer -- or deputy -- Master Deputy May testified that
3 the Defendant was physically intoxicated and smelled of an
4 alcoholic beverage. We can't tell if he necessarily
5 appeared intoxicated, because they, actually, walk him to
6 the car handcuffed. So he's under their support.

7 So he's then taken to the LEC and he continues to be
8 handcuffed. He is never unhandcuffed. He's in a chair.
9 He asks to use the bathroom -- or tells someone he needs
10 to use the bathroom, and they deny him the opportunity.
11 And he urinates on himself. In that chair, in the clothes
12 that he was wearing at the time, he had to urinate on
13 himself.

14 He remains handcuffed. He's taken in this interview
15 room and stripped naked. Pictures are taken of him. And
16 he's placed in a jumpsuit and put back in handcuffs and
17 the belt so he can be chained up front. He's never free
18 to leave. He's continuously subjected to interrogation.
19 They do read him Miranda, but he admits to them that he's
20 been drinking.

21 Your Honor, this happened over the course, at the
22 LEC, of about three hours. And I believe the transport
23 video would have been about an hour and 25 minutes. So
24 it's about four and a half hours.

25 From the get-go, this extreme show of force followed

1 by the denial of using the restroom, being stripped down
2 naked, having pictures taken of you by a female officer,
3 and then subject to two and a half hours, three hours of
4 interrogation, that's -- it's a psychological
5 manipulation.

6 The show of force makes it evident that this isn't
7 this free and voluntary Waiver of Rights. He feels that
8 he's forced to do it. And he was never free to leave. So
9 by all indications, he was forced to do it, Your Honor.

10 Based on those factors and the testimony you've
11 heard, we would ask that both statements be suppressed.

12 THE COURT: What is the lapse of time between the
13 arrest and the time he's in the interview room with
14 Mr. King and Sergeant Ramon Rivera?

15 MS. MUNSON: The call -- let's see. The 911 call is
16 about 10:20.

17 MR. PROPST: The arrest -- or the stop was at 11:10.

18 MS. MUNSON: The stop is at 11:10.

19 And then it's 1:43 in the morning when he signs the
20 waiver -- or when Sergeant Rivera is filling out the
21 paperwork. He begins his conversation with the Defendant
22 at 1:43 in the morning.

23 THE COURT: Okay. Anything further?

24 MR. PROPST: No, sir.

25 THE COURT: All right. So the only question before

1 me is the admissibility of these statements. The jury
2 would have to determine the voluntariness for purposes of
3 considering them in the trial, if they are admissible
4 under the law, which is an issue I have to resolve.

5 I find that, based on all the circumstances, the
6 Defendant, Mr. John Calvin Sledge, did voluntarily waive
7 his rights against self-incrimination. The Defendant was
8 Mirandized twice.

9 And so he -- based on the content of the video and
10 the testimony of the officer, I find him to be credible
11 and understood his situation. It was clearly and
12 carefully explained to him what his rights were. He
13 acknowledged those rights in writing.

14 The video shows, at least, as far as the interview
15 room setting is concerned that it was not a hostile
16 atmosphere. The Defendant was paying close attention to
17 what the officer said, based on the audio of the initial
18 advisement under Miranda. And in the encounter with
19 Officer May, he, also, clearly apprehended what was
20 occurring.

21 Although there is evidence of his intoxication, I
22 don't find that it was to such an extent that it erased
23 his ability to understand, process and -- process
24 information and make rational decisions. I don't find any
25 evidence of coercion or pressure to the extent that would

1 find that the Defendant's will was overborne.

2 I understand the incident regarding the access to the
3 restroom, and his using the restroom. But I don't find
4 that that by itself interfered with the voluntariness of
5 the statement or his knowing and intelligent waiver of his
6 rights under Miranda.

7 I don't find anything in the record that would show
8 me that the statements he gave were not the product of his
9 free and voluntary choice. I don't have any information
10 about his educational background, but he appeared to be in
11 physical and mental health sufficient to give a statement.

12 Again, the intoxication he may have been experiencing
13 did not seem to and I find did not interfere with his
14 understanding of his rights, and his clear and voluntary
15 relinquishment of his rights. I find that there was no
16 pressure exerted on him or coercion.

17 And, again, the State has proven beyond a reasonable
18 doubt that the waivers were freely and voluntarily made.
19 So I don't find there's any impediment to their being
20 admitted into evidence.

21 All right. What's the next issue?

22 MS. MUNSON: Nothing else from the State, Your Honor.

23 MR. PROPST: We just have one thing dealing with the
24 video, nothing that you just ruled on. But there are some
25 portions of the video -- and the State and I can maybe

1 work this out on our own -- where I believe either
2 Investigator King or Sergeant Rivera says the victim told
3 the son something, and then they're telling Mr. Sledge. I
4 think it's clearly hearsay and we should be able to redact
5 that.

6 There's, also, a part where Ooten comes in to re-swab
7 him and there's mention of GSR in the video. So we just
8 ask that we have that redacted.

9 MS. MUNSON: I don't object to that.

10 I do object to redacting anything where the
11 investigators said to the Defendant, Michael said X, Y, or
12 Z. When the investigators are saying that, it's not
13 offered for the truth of the matter. They can tell him --
14 whatever they tell him doesn't even have to be the truth.
15 They're giving him information and trying to see if he has
16 a reaction to it.

17 So I would object to that. And that information is
18 going to come out anyway.

19 THE COURT: So the State's intent is to play the
20 entire interview; is that correct?

21 MS. MUNSON: Yes, sir, except for the parts that
22 Mr. Propst was just talking about.

23 MR. PROPST: Your Honor, the statement I'm talking
24 about is Investigator King, I believe -- I could be wrong
25 about the person. His words are, John, do you know

1 that -- and I'm paraphrasing -- Michael said that Kimberly
2 told him you said you were going to kill her.

3 So, Your Honor, there are a lot of levels of hearsay
4 there. I don't think that that statement would come out
5 in trial at all, even with witness testimony. We'd ask
6 that that part be excluded or any mention of that sort of
7 threat be excluded.

8 THE COURT: Well --

9 Yes, ma'am, Ms. Munson.

10 MS. MUNSON: I was just standing, Your Honor, in case
11 you were going to ask me something.

12 THE COURT: All right. I do believe that the playing
13 of the entire interview might bring up the decision the
14 Supreme Court handed down about a year ago. I can't
15 recall the exact nature of it. But I know that Justice
16 Kittredge wrote the opinion about the hazards of playing
17 both the questions and the answers of these custodial
18 interrogations, because it could interject inadmissible
19 and inflammatory matters before the jury.

20 What about that in this particular case?

21 MS. MUNSON: Well, that could certainly -- there are
22 some mentions of some things that would not normally be
23 admissible, such as asking the Defendant about -- or the
24 Defendant mentioning -- I'm not sure who initiated it --
25 about DUI, or things of that nature.

1 THE COURT: So, I mean, the questions aren't really
2 evidence; right?

3 MS. MUNSON: Correct.

4 THE COURT: So is there some way to redact it so it's
5 just what he -- that is, the Defendant is stating?

6 MS. MUNSON: Yeah. It might not make --

7 MR. PROPST: Then you just have a continuous loop of
8 him talking --

9 MS. MUNSON: Him just saying things randomly.

10 THE COURT: So I'm talking about -- what I'm talking
11 about is the State v. Brewer, January 28, 2015.

12 Do y'all want to look at that during the lunch break?

13 MR. PROPST: Sure.

14 THE COURT: And see if you can come up with some
15 compromise, perhaps.

16 MS. MUNSON: Oh, absolutely, Your Honor. We'll sure
17 give it a try.

18 THE COURT: Okay.

19 MR. PROPST: And we just ask that the witnesses be
20 sequestered during the trial. We understand that the
21 Victim's Rights Act would allow the lead investigator to
22 be present. But other than that, we just ask --

23 MS. MUNSON: The Victim's Rights Act, also, would
24 allow Vera Davis to be present, Your Honor. She is the
25 mother of the decedent.

1 Now, she is going to be called as a witness. She's
2 the mother of the decedent, and, currently, has custody of
3 Michael W , the child in this case.

4 MR. PROPST: That's fine.

5 THE COURT: So the witnesses will be sequestered,
6 other than those that you have mentioned would be exempt
7 based on Rule 615.

8 Anything further?

9 MS. MUNSON: Nothing from the State, Your Honor.

10 THE COURT: What do we have to do before we can,
11 actually, have the opening statements, depending on the
12 resolution of the video?

13 MS. MUNSON: Nothing else from my viewpoint, Your
14 Honor.

15 MR. PROPST: Nothing else, Your Honor.

16 THE COURT: Okay. We'll see you back at 2:00.

17 Of course, now, the bond is -- the jury has been
18 selected. So the bond would be evaporated during this
19 point. So he'll be in custody.

20 MR. PROPST: Your Honor, if I may briefly.

21 Mr. Sledge has been out on bond for approximately
22 18 months on GPS monitoring. There's no strike against
23 him. He's never had a violation with the HIP office.
24 He's up on his payments. So he's not a flight risk in
25 that regard.

1 So if you'd consider letting him out on bond or --

2 THE COURT: And, you know, everybody has different
3 policies. My policy simply is charges of this nature that
4 once the jury is selected, he'll be in custody.

5 Thank you.

6 (WHEREUPON, a lunch break was taken.)

7 THE COURT: Do we have anything before the jury comes
8 in, other than Mr. Propst?

9 MS. MUNSON: Nothing from the State, Your Honor.

10 MR. SARRATT: I may as well just go ahead and put it
11 out there that we've flip flopped once again. We're now
12 going to elect to go with what Your Honor suggested in
13 terms of the GSR and the DNA. We talked to Solicitor
14 Munson and we're going to work on some kind of stipulation
15 by the parameters of how far one can do. I don't intend
16 to address it in my opening. And so I'm just letting you
17 know that that's our position now.

18 THE COURT: Okay. Thank you.

19 (Pause.)

20 MR. PROPST: I apologize.

21 THE COURT: That's okay.

22 Do you have anything you need to take up before we
23 bring the jury out, Mr. Propst?

24 MR. PROPST: No, sir.

25 THE COURT: Okay. Yes, sir. Bring the jury in.

1 TUESDAY, MARCH 15, 2016

2 THE COURT: Is everybody ready for the jury?

3 MS. MUNSON: The State is ready, Your Honor.

4 MR. SARRATT: The Defense is ready.

5 (WHEREUPON, the jury came into open court at
6 approximately 9:07 a.m.)

7 INTRODUCTORY REMARKS

8 THE COURT: Good morning, ladies and gentlemen.

9 I think when we stopped yesterday, we were at the
10 part talking about you being the judge of the facts. And
11 I just want to go over that with you briefly.

12 The Constitution makes you the sole judge of the
13 facts. And I'm not going to hint to you or intimate to
14 you what I think the facts are or what your verdict should
15 be in this case. Even if I had an opinion, I couldn't
16 share it with you.

17 You determine the facts and you determine it solely
18 from the evidence. The evidence consists of two sources,
19 sworn witness testimony and exhibits. Nothing else is
20 evidence. You, also, are the sole judges of the
21 credibility of all the evidence.

22 The burden of proof is on the State entirely. The
23 burden of proof is beyond a reasonable doubt. As I told
24 you, Mr. Sledge is presumed innocent. He doesn't have to
25 prove anything or offer any evidence whatsoever.

1 Don't talk about the case until we've reached the end
2 when you've heard all the evidence, and the arguments from
3 the lawyers, and my instructions on the law.

4 These trials are often like puzzles. And the lawyers
5 have to present them one piece at a time. You, certainly,
6 wouldn't try to solve a jigsaw puzzle until you had all
7 the pieces in the box. And you won't have that until
8 probably sometime tomorrow when we get into the closing
9 arguments, and instructions on the law, and I tell you to
10 start deliberating.

11 Don't do any kind of outside investigation. You've
12 taken an oath to decide this case based on the evidence
13 you hear in this courtroom. So, please, try to inhibit
14 your natural human curiosity to learn about things. And
15 don't get on the Internet or social media and talk about
16 the case. Because you have to decide it based on the
17 evidence here in the courtroom.

18 Now, in just a minute, we're going to have the
19 opening statements of the lawyers. The State bears the
20 burden of proof. So they're going to go first and give a
21 brief opening statement, which is merely an outline or a
22 road map of what they think the evidence will show and
23 what the issues are in the case.

24 The Defense has the opportunity, but not the
25 obligation, to give an opening statement as well.

1 Because, remember, they don't have to do or say anything
2 during this trial, the burden being entirely on the State.

3 Then we'll go to the evidence portion of the trial
4 where the State will call their witnesses, which the
5 Defense may confront. And then we'll have the opportunity
6 for the Defense to present evidence that the State can
7 confront. Then we'll have the closing arguments. And
8 I'll give you the instruction on the law. So that's kind
9 of the structure of the trial just to further kind of
10 familiarize yourself with the surroundings.

11 And the lawyers in this case are advocates for their
12 clients. Their sole interest is to zealously represent
13 their client's best interest.

14 You and I, ladies and gentlemen, are not advocates.
15 Our job is to be fair and impartial. And your job is to
16 determine the facts from the evidence, and determine
17 whether the State has met its burden of proof beyond a
18 reasonable doubt.

19 So thank you for your attention to me.

20 And, at this time, we'll have the opening statement.

21 And, yes, ma'am, Ms. Munson.

22 MS. MUNSON: May it please the Court, Your Honor.

23 THE COURT: Yes, ma'am.

24 OPENING STATEMENT

25 MS. MUNSON: Mr. Propst.

1 Mr. Sarratt.

2 The evidence in this case will show that Michael
3 W was 10 years old when his mom, Kim Sledge, died on
4 January the 29th of 2014. It sounds like a tragedy. The
5 evidence in this case will, also, show that it was a
6 vicious, intentional crime committed by this Defendant
7 right here, John Calvin Sledge, Kim's husband, Michael's
8 stepdad.

9 January the 29th of 2014 started out pretty good.
10 Because, you see, it had snowed the night before. So
11 school was out. The Defendant didn't go to work. Kim
12 didn't go to work. And Michael, and his mom, and stepdad
13 spent the day playing in the snow, sledding, and things
14 like that. But as the sun went down on that home on Berry
15 Road in Greenville County, things got very, very bad.

16 Sometime after dinner, Michael was in his bedroom and
17 he heard an argument. And he came out of his room and he
18 saw the Defendant physically attacking his mother. And he
19 intervened as best he could, a skinny, little 10-year-old
20 boy up against a grown man. Things seemed to calm down a
21 little bit. And Michael went back to his bedroom.

22 And it wasn't too long after that, Michael heard a
23 boom inside the house. Michael waited a little bit. And
24 when he came out of his room, the Defendant was gone. And
25 he found his mother on the floor in the guest bathroom

1 with a lot of blood around her.

2 Michael was able to get his mother's cell phone from
3 her, and he called 911. And the investigation started,
4 law enforcement showed up, emergency services, things of
5 that nature. They got to the house and started the
6 investigation.

7 Part of the investigation was an autopsy performed on
8 the body of Kimberly Sledge. And you will hear that, yes,
9 she had been drinking a little bit that night, probably
10 more than a little bit.

11 But you'll, also, hear that she died as the result of
12 a single gunshot wound to the head. The bullet entered
13 the back of her skull. It went through her brain. It
14 came out her forehead, went through the mirror in the
15 bathroom, went through the wall behind the mirror, and
16 kept going. Part of the bullet broke off and landed on
17 the counter in the bathroom where Kimberly died. The rest
18 of the bullet kept going. It went through the wall in
19 Michael's bathroom. And part of the bullet was recovered
20 next to the toilet in Michael's bathroom.

21 Now, at the close of this case, Ms. Scott is going to
22 have a chance to talk to you again in closing argument.
23 And, at that time, she is going to ask you to find this
24 Defendant guilty of murder, of possession of a weapon
25 during a violent crime, and of unlawful conduct towards a

1 child.

2 Before you can do that, each and every one of you
3 must be firmly convinced that he's guilty of each element
4 of each offense. You're going to have to be firmly
5 convinced that he intentionally killed Kimberly Sledge
6 with malice aforethought with no just cause or excuse.
7 And that he did so -- that at the time he did it, he meant
8 to do what he was doing.

9 You'll, also, have to be convinced that he was in
10 possession of a weapon, in this case, a pistol at the time
11 that he killed Kimberly Sledge. And you'll have to be
12 firmly convinced that as a person having some
13 responsibility for Michael W that, he put Michael's
14 mental or physical health at unreasonable risk of harm.

15 As you heard a long time ago, actually, I'm Judy
16 Munson. And this is Brittany Scott. And we're assistant
17 solicitors for the Thirteenth Circuit. It's our duty and
18 it's our great privilege to represent the people of South
19 Carolina in this matter.

20 At the close of the case, based on the evidence, on
21 behalf of the people of Greenville County, we'll ask you
22 to find him guilty.

23 Thank you for your time.

24 THE COURT: Thank you, Ms. Munson.

25 Mr. Sarratt.

1 MR. SARRATT: Good morning, ladies and gentlemen.

2 This week is going to be a very trying week for all
3 of us. This is a tragic, tragic case. And you're going
4 to hear some testimony and you're going to see some
5 evidence that's going to be difficult to handle. The
6 evidence is going to be very emotional.

7 I anticipate that this morning you're going to hear a
8 911 call that Michael made. And this call captures
9 Michael as he's seeing his mother lying in a pool of
10 blood. And I'll tell you that this 911 call is one of the
11 worst things I've ever heard.

12 The Judge told you that it's your responsibility to
13 decide this case based on the facts and the evidence.
14 You're not to decide this case based on emotion, but we're
15 all human. And when you hear this 911 call and when
16 Michael takes the stand and testifies, all of our hearts
17 are going to go out to him. And you're going to feel
18 emotional. You can't help it. And you're going to want
19 to judge John Sledge.

20 I can't tell you not to feel emotion. I can't tell
21 you not to judge my client. But when you feel that
22 emotion and you feel that urge to disregard the oath that
23 you took and to judge my client, think of that when you
24 hear the officers testimony today. Because they were the
25 ones who met with this great tragedy firsthand. And

1 imagine the overwhelming desire that they felt to find the
2 person responsible.

3 And what you're going to hear today is that the
4 police, and law enforcement, and the investigators made a
5 rush to judgment. You're going to hear that before any
6 officer ever set foot inside the house, they knew who
7 their man was. They knew that they were looking for John
8 Sledge. Don't make the same mistake. Don't rush to
9 judgment. Listen to the evidence. And when you hear the
10 evidence, I want you to consider who is in here telling
11 the truth and who has something to hide.

12 At the end of this case, my co-counsel, Chad Propst,
13 is going to come back and argue. And we are convinced
14 that you will find our client, John Sledge, not guilty.

15 Thank you.

16 THE COURT: Thank you, Mr. Sarratt.

17 The State may call its first witness.

18 MS. SCOTT: Thank you, Your Honor.

19 The State calls Rene Beauford.

20 THE BAILIFF: When you get a chance, ask the Judge
21 can they take notes.

22 THE LAW CLERK: Okay.

23 THE COURT: They want to take notes?

24 THE BAILIFF: They asked me yesterday.

25 THE COURT: Okay.

1 Come on up, ma'am, and have a seat.

2 THE CLERK: Ma'am, could I swear you in?

3 Thank you.

4 Would you place your left hand on the Bible and raise
5 your right.

6 WHEREUPON,

7 RENE BEAUFORD,

8 after first having been duly sworn, testified as follows:

9 THE COURT: Before we get started with this
10 testimony, if some of y'all wish to takes notes, that's
11 perfectly fine. Just bear in mind a few things while
12 you're taking notes. Part of your job, as I said, is to
13 assess the credibility of the witnesses. Don't become so
14 engrossed in your notes that you don't pay attention to
15 the witnesses while they're on the stand and their
16 demeanor.

17 And your notes can't be used to trump somebody else's
18 independent memory. They're just for your personal use.
19 Because, as we all know from school, notes can often be
20 wrong. So keep that in mind. But we'll provide you with
21 pen and paper, if you don't have it.

22 Does anybody want some pen and paper now, or are you
23 going to wait?

24 (WHEREUPON, the jurors indicated they would like to
25 wait.)

1 THE COURT: Okay. Ms. Scott.

2 DIRECT EXAMINATION

3 BY MS. SCOTT:

4 Q Will you state your name again for the record?

5 A Yes. Rene Beauford.

6 Q And where do you work?

7 A The Greenville County Sheriff's Office.

8 Q And what do you do there?

9 A I'm a research analyst and training officer.

10 Q All right. So a research analyst and training
11 officer. In what particular department?

12 A In communications.

13 Q Is that 911 communications?

14 A Yes, it is.

15 Q Would you tell the jury more about 911 communications
16 and what that entails?

17 A Yes. Our 911 communications, what we do is we're the
18 intake for all 911 calls and any other incoming calls from
19 the sheriff's office, even if they're nonemergency. It is
20 our job to disburse those calls as necessary to the proper
21 agency or the proper units. And we're, also, responsible
22 for dispatching to all the sheriff's office units in
23 Greenville County.

24 Q And when those calls come in, how are they stored?

25 A They're stored on a server recording system that

1 records them simultaneously, automatically and digitally.

2 And they're stored on our server up to three years.

3 Q And that storing process, is that done in the normal
4 ordinary course of your business?

5 A Yes, ma'am.

6 Q And are you a custodian of those recordings?

7 A I am.

8 Q I want to talk to you about the kind of calls that
9 come in. You said that they were anything within
10 Greenville County?

11 A Correct.

12 Q What about if someone needs help to get hospital
13 help?

14 A Yes.

15 Q Emergency care?

16 A If they call 911, then, yes, that call -- and they're
17 within Greenville County, then that call would come to us.
18 And we would disburse it either to EMS, or if their need
19 was just for a phone number. Even though they shouldn't
20 be calling 911 for that, we still go ahead and utilize and
21 get them the help they need.

22 Q All of these calls are stored on a particular system,
23 a network?

24 A Correct.

25 Q If a solicitor, or a defense attorney, or any

1 investigator needs that call, how would we get that call?

2 A A request form is issued with the date, the time, the
3 location, any pertinent information, caller's name,
4 telephone number, address of the call. And if it is a
5 sheriff's office call, of course, that would be entered
6 into what we call a CAD, computer-aided dispatch system.
7 And it is assigned an incident number at that time, which
8 can later on become the case number, if necessary.

9 Q On that CAD informational system, do you, also, have
10 who the dispatch caller -- excuse me, dispatch receiver
11 was?

12 A Yes, we do.

13 Q What else would you have on that CAD?

14 A That CAD will document the call taker, the location
15 of the call, the caller's name, the caller's telephone
16 number, the dispatcher that dispatched the call out to the
17 units, and all responding units, their time stamps of when
18 they got on the scene, when they were en route to the
19 scene, if they left the scene and went to the hospital, or
20 to another location, any time stamp.

21 Q Did you provide the Solicitor's Office with a
22 recording of the call made in this case?

23 A Yes, I did.

24 Q I'm going to --

25 MS. SCOTT: May I approach the witness, Your Honor?

1 THE COURT: Yes, ma'am.

2 You don't have to ask.

3 MS. SCOTT: For the record, I'm showing what has been
4 pre-marked as State's Exhibit No. 1 to Renè Beauford.

5 BY MS. SCOTT:

6 Q Do you recognize this?

7 A I do.

8 Q And how so?

9 A It is a CD -- a CDR that is marked with my name, the
10 date that it was made. And then, again, it was marked
11 when I re-listened to it to verify that it was the correct
12 information, initialed, and the case number of the
13 incident.

14 Q So you've listened to this tape?

15 A I have.

16 Q And you've verified that it's a true and accurate
17 recording of what was made January the 29th, 2014?

18 A I did.

19 MS. SCOTT: At this time, the State would like to
20 admit this into evidence, Your Honor.

21 MR. PROPST: Your Honor, we renew our previous
22 objections from pre-trial motions.

23 THE COURT: All right. I overrule the objection.

24 Thank you.

25 It's in evidence.

1 (WHEREUPON, State's Exhibit No. 1 was admitted into
2 evidence.)

3 MS. SCOTT: Your Honor, may we publish this to the
4 jury at this time?

5 THE COURT: You may.

6 BY MS. SCOTT:

7 Q As I'm putting it in the computer here, can you tell
8 us when these calls -- I'm sorry -- how many calls are,
9 actually, on this CD here?

10 A There's three calls.

11 Q And can you tell the jury the time of each call?

12 A May I look at my notes?

13 The first -- there's three calls. The first call --
14 911 call, that came in at approximately 22:15 hours on
15 January 29, 2014. That was a very short -- like a
16 28-second call where the caller hung up.

17 Q And for those of us who don't do Army time, 22:00, is
18 it --

19 A It would be 10:00 p.m. I apologize.

20 Q Okay. And the second call?

21 A And the second call, again, was a 911 call from the
22 same telephone number that came in at approximately
23 10:16 p.m. And it was a very short call again,
24 16 seconds, and hung up.

25 The third call, again, was from the same telephone

1 number. This one come in at 10:17 p.m. And it lasted for
2 approximately 22 minutes and 29 seconds from the same
3 telephone number.

4 Q To be clear, these three calls came back to back
5 within seconds of each other?

6 A Yes, they did.

7 Q The dispatch receiver on the first call was who?

8 A Jessica Perry.

9 Q And what about that second call that came after that?

10 A The second was call taker Yvonne Ellis.

11 Q And what about that third call, the one that lasted
12 22 minutes?

13 A Again, it was Yvonne Ellis on the third one.

14 (WHEREUPON, State's Exhibit No. 1 was played in open
15 court.)

16 BY MS. SCOTT:

17 Q Ms. Beauford, I have a few more questions now that
18 we've heard this call. There were some times that there
19 was some silence. Can you explain to the jury why that
20 silence takes place on some of these recordings?

21 A If there is -- our levels of recording are set at
22 thresholds. So if it reaches a point of threshold to
23 where there is no one talking and there's no background
24 noise, it's just a silence, then it -- there's -- it just
25 records dead air. And then the first noise, whether it be

1 verbal noise or background noise, it picks up -- then it
2 will pick it back up and start recording again.

3 Q This call has not been edited in any way?

4 A No.

5 Q And then, also, we heard repeatedly the dispatcher
6 receiver ask Michael what his name was and what his
7 stepfather's name was. Why would a dispatcher -- when you
8 train them, why would they do that?

9 A Once we get the initial information and it's
10 documented in the call, a lot of times -- the length of
11 this call and it being a juvenile and the circumstances
12 probably -- the call takers, they get nervous, you know,
13 as far as carrying on a conversation and just trying to
14 keep that conversation alive, and they're -- the mind of
15 the caller off of the situation.

16 So they would repeatedly ask questions like, What's
17 your name? What is the name of your father? What is the
18 name -- you know, your mom's car. Just repeatedly asking
19 things to -- it takes the mind off of the actual incident,
20 because they're repeatedly asking a question that is, you
21 know, routine.

22 MS. SCOTT: Answer any questions Defense Counsel
23 might have.

24 MR. PROPST: No questions, Your Honor.

25 THE COURT: All right. Thank you.

1 You may step down, Ms. Beauford.

2 MS. SCOTT: We'd like to excuse this witness for the
3 duration of the trial.

4 THE COURT: Any objection?

5 MR. PROPST: No objection, Your Honor.

6 THE COURT: All witnesses will be excused, unless
7 other arrangements are made.

8 Okay. Thank you.

9 MS. MUNSON: Your Honor, the State calls Robert May.

10 THE CLERK: Sir, would you, please, come forward.

11 Please place your left hand on the Bible and raise
12 your right.

13 WHEREUPON,

14 ROBERT MAY,
15 after first having been duly sworn, testified as follows:

16 THE CLERK: Thank you.

17 You may be seated.

18 Would you, please, state your name for the record?

19 THE WITNESS: Master Deputy Robert May.

20 THE CLERK: Thank you.

21 DIRECT EXAMINATION

22 BY MS. MUNSON:

23 Q And you work for the sheriff's office, sir?

24 A Yes, ma'am.

25 Q How long have you been with the sheriff's office?

1 A A little over eight years.

2 Q And you say "Master Deputy." How does that differ
3 from a regular deputy?

4 A It's one step up, a promotion, sort of first line
5 supervisor.

6 Q Okay. So what are your duties?

7 A I answer calls for service. I train new deputies
8 that come into the sheriff's office. My primary duties...

9 Q Were you with the sheriff's office on January 29th of
10 2014?

11 A Yes, ma'am, I was.

12 Q Were you on duty?

13 A I was.

14 Q And did you get a call in reference to this case?

15 A I did.

16 Q Where did you respond?

17 A I responded to the area of 11504 Augusta Road near
18 Princeton in Greenville County to be on the lookout for a
19 suspect vehicle that was given -- a description given in
20 this incident.

21 Q Okay. And the incident, did you have the incident
22 location?

23 A I did. I don't remember the numerics, but I believe
24 it was on Berry Road.

25 Q And why did you not go right to Berry Road?

1 A There were several other units there. And I felt
2 that my presence looking out for the vehicle could be best
3 suited for that.

4 Q Okay. And were you by yourself in your car?

5 A I was by myself in my car, yes, ma'am.

6 Q And the address that you listed, what is at that
7 address?

8 A There's a Hot Spot gas station at that address, 11504
9 Augusta Road.

10 Q And tell the jury what you did when you got there.

11 A Once we arrived in the area, I drove around a little
12 while looking for the vehicle. It was -- I thought it
13 best after driving for a little while to sit stationary in
14 case the vehicle might have came up to where I was
15 sitting, I would have a better chance of seeing it there.

16 Q What kind of description did you have of the vehicle?

17 A An older model red Toyota SUV, black top on the roof
18 portion is what was told to us.

19 Q While you were sitting at the Hot Spot, hopefully --
20 hoping to see the vehicle come by, were there any other
21 law enforcement with you?

22 A It was me and Deputy Williams. He was in the car
23 next to me.

24 Q And, as you sat there, did you see any vehicle
25 matching that description?

1 A I did. When we were sitting there, I observed a red
2 in color older model Toyota SUV with a black top traveling
3 northbound on Augusta Road that passed Deputy Williams and
4 myself.

5 Q Okay. So when you say "northbound," is it coming
6 from your right or your left?

7 A If I was facing the road, it was coming from my
8 right.

9 Q When you saw this vehicle go by, what did you do?

10 A Being that it matched the description of the vehicle
11 that we were told to be on the lookout for, myself and
12 Deputy Williams got in behind it. I was second and he was
13 first behind it.

14 Q Okay. And did you try to pull the car over?

15 A We did. Deputy Williams and myself both activated
16 our blue lights. I believe Deputy Williams -- I can't
17 remember if he had the radio or I did. But the car,
18 eventually, pulled over onto Scott Road off of Augusta
19 Road.

20 Q And once the car was pulled over, what did you do?

21 A We immediately challenged the driver of the vehicle.
22 Being that this was a gunshot victim, we didn't know what
23 we were dealing with. We drew our firearms and challenged
24 him to get out of the vehicle and to show us his hands.
25 And he stepped out of the car and complied with our

1 commands.

2 Q Okay. Once he got out of the car, what did you do?

3 A He was ordered to the ground. Once he got on the
4 ground, we, subsequently, moved in to -- to put him in
5 handcuffs after that.

6 Q And once you got him in handcuffs, where did you take
7 him?

8 A We got him up off the ground and we took him to my
9 patrol vehicle where he was placed inside of it.

10 Q Now, did you notice anything about -- anything about
11 his level of intoxication out there on the road?

12 A I noticed he seemed intoxicated. He had the strong
13 odor of an alcoholic beverage about him. I don't think he
14 was fall-down drunk, I guess, for a better term.

15 Q Okay.

16 A But it was apparent he had been drinking something.

17 Q Okay. Was he able to walk back from his vehicle to
18 your patrol car?

19 A He was. Now, of course, we had a hold of him, but he
20 was able to walk just fine. We didn't have to drag him,
21 or anything.

22 Q And did you threaten him in any way?

23 A No, ma'am.

24 Q Once you got him back to your patrol vehicle, what
25 did you do?

1 A We sat him in the patrol vehicle and he was -- he
2 started asking some questions. And before he asked any
3 questions, I took out a sheriff's office issued Miranda
4 card and I read him his Miranda rights.

5 Q Okay. Do you have that card with you?

6 A I do.

7 Q Do you keep it with you all the time?

8 A Yes, ma'am.

9 Q Could you remove that card?

10 A (Witness complied.)

11 Q And if you don't mind, read for the jury what you
12 read to the Defendant that night?

13 A It says on here, You have the right to remain silent.
14 Anything you say can and will be used against you in a
15 court of law. You have the right to talk to an attorney
16 and have him or her present with you while you're being
17 questioned. If you cannot afford to hire an attorney, one
18 will be appointed to represent you before any questioning,
19 if you wish. You can decide at any time to exercise these
20 rights and not answer any questions or make any
21 statements.

22 Do you understand these rights I've explained to you?
23 Having these rights in mind, do you wish to speak with me?

24 Q Okay. Did he appear to understand what you were
25 asking?

1 A Yes, ma'am, he did.

2 Q Did he ask you for anything right after you read him
3 those rights?

4 A He wanted to know what was going on and why he was
5 being detained.

6 Q Okay. And after you explained his rights, did he
7 indicate that he wanted to speak with you?

8 A He did.

9 Q Okay. Now, your -- the traffic stop and your
10 conversation with him, was that recorded in way?

11 A It was.

12 Q I'm showing you State's Exhibit No. 7. If you'll
13 take a look at that.

14 A (Witness complied.)

15 Q Do you recognize that?

16 A I do.

17 Q And how do you recognize that?

18 A This is the copy of the in-car video from the traffic
19 stop. My initials are on here and the date of when I
20 watched it.

21 Q And when did you watch that?

22 A I observed it yesterday afternoon, 03/14 of '16.

23 Q And is it a true and accurate recording of the stop
24 and your conversation with him?

25 A It is.

1 MS. MUNSON: Your Honor, at this time, I move State's
2 Exhibit No. 7 into evidence.

3 MR. PROPST: Your Honor, again, we renew all our
4 objections from pretrial.

5 THE COURT: Okay. I overrule the objection.
6 It's in evidence.

7 (WHEREUPON, State's Exhibit No. 7 was admitted into
8 evidence.)

9 MS. MUNSON: I request permission to play this for
10 the jury, Your Honor.

11 THE COURT: Yes, ma'am.

12 MS. MUNSON: Your Honor, I'm just wondering if we
13 could get the witness maybe to step down?

14 THE COURT: Sure.

15 MS. MUNSON: Because this is going to be right in his
16 face, otherwise.

17 (WHEREUPON, State's Exhibit No. 7 was played in open
18 court.)

19 BY MS. MUNSON:

20 Q If you'll come back to the stand, Master Deputy.
21 Before you get back up there, let me ask you just one
22 thing. If you could use the laser -- or let me use it.
23 If you could explain to the jury what these numbers are.
24 Like "A16," what is this?

25 A That was my unit number at the time. May is my last

1 name.

2 Q Okay. And right here?

3 A That's the date that was displayed by the camera.

4 Q Okay. And this right here?

5 A It should be the time, military time.

6 Q 23:08:23 is what time?

7 A About 11:00 in the evening.

8 Q 11:08?

9 A Yes, ma'am.

10 Q Why didn't you just tell him -- when he kept asking,
11 Is my wife okay? Why didn't you just tell him?

12 A At that point, it had been -- at that point, it had
13 been decided that the Criminal Investigative Division of
14 the sheriff's office would be taking over the
15 investigation. So any further subsequent conversation, I
16 was just going to leave to them.

17 MS. MUNSON: Okay. I have nothing further.

18 THE COURT: I tell you what, let's take about a
19 10-minute break. And we'll come back at 11:30.

20 And if y'all would just select somebody to be the
21 Foreperson of the jury, and write their name down, and
22 give it to the bailiff during the break.

23 Thank you.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 11:20 a.m.)

1 THE COURT: Okay. We'll just take a 10-minute break.

2 (WHEREUPON, a break was taken.)

3 THE COURT: Okay. Bring the jury in.

4 (WHEREUPON, the jury came into open court at
5 approximately 11:34 a.m.)

6 THE COURT: Okay. Ms. Mellesmoen, you've been
7 selected to be the Foreperson. You will be the liaison
8 between the Court and the jury.

9 If anyone needs to communicate with me, I can only
10 communicate with you here on the record or by way of a
11 note that's made part of the record. The note is the
12 preferred way. Hopefully, you won't have to communicate
13 with me, but if you do, that's the protocol. And you'll
14 just preside over the deliberations.

15 JUROR 107, TINA MELLESMOEN: Yes, sir.

16 THE COURT: Yes, sir, Mr. Propst. Cross-examination.

17 MR. PROPST: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. PROPST:

20 Q Investigator -- Deputy May, you, initially, went to
21 [REDACTED]; correct?

22 A No, sir. I never responded there.

23 Q You never responded there?

24 A No, sir.

25 Q So the first place you went was the Hot Spot?

1 A That was not the first place I went. The first place
2 I went was to the area of the Hot Spot. I ended up
3 sitting at the Hot Spot subsequent to that.

4 Q So that was the first location you came to a stop?

5 A That's correct.

6 Q And at the time you got to the Hot Spot, you already
7 had the name of a suspect; correct?

8 A I believe so. I don't exactly remember. I believe I
9 did have a name.

10 Q John Calvin Sledge?

11 A Yes, sir.

12 Q And you had the description of a car?

13 A Yes, sir.

14 Q A late model -- late 80's model Toyota 4Runner?

15 A Yes, sir.

16 Q Red in color and a black top?

17 A Correct.

18 Q And so you're at the Hot Spot. You see the car --
19 the suspect car pass; correct?

20 A Yes, sir.

21 Q And you immediately pursue?

22 A Correct.

23 Q You initiated the traffic stop?

24 A We were both there at the same time. Deputy Williams
25 was in front of me. So, I mean, I'm -- I guess he was the

1 one that initiated it.

2 Q So you and Williams were the ones that, initially,
3 approached the suspect; correct?

4 A Yes, sir.

5 Q And you're -- before you even get out of the car or
6 anyone gets out of the car, you tell the suspect to do
7 what?

8 A My exact words were to get his "fucking hands out of
9 the window."

10 Q And you repeated that?

11 A Yes, sir.

12 Q And then he complies. And you get out of the car
13 with your weapon drawn?

14 A That's correct.

15 Q And Williams has his weapon drawn as well?

16 A I'm -- I don't know. You'd have to ask him. If it's
17 on the tape, then he did. I wasn't paying attention to
18 him at the time, but that's policy. It's customary for us
19 to have our weapons drawn.

20 Q So you approach him with your weapons drawn. And
21 he's complying with your demands at that point?

22 A That's correct.

23 Q He never not complied with your commands; correct?

24 A No, sir.

25 Q And then he's immediately handcuffed?

1 A Correct.

2 Q And he's told he's being detained?

3 A Correct.

4 Q But he's never told why he's being detained?

5 A I told him there was an incident at his house.

6 Q He was never told why he was being detained; right?

7 A Not outright, no, sir.

8 Q You do say there's an investigation going on at his
9 house, but nothing further than that?

10 A That's correct.

11 Q Once -- you then read him Miranda rights?

12 A Correct.

13 Q And so up to this time, he's been complying?

14 A Correct.

15 Q And he wants to talk to you?

16 A Yes, sir.

17 Q And he keeps asking if something happened to his
18 wife?

19 A That's correct.

20 Q If something happened to his son?

21 A That's correct.

22 Q And he asked you this stuff repeatedly?

23 A Uh-huh.

24 Q Then after you read Miranda and he agreed to talk to
25 you, he says that he and his wife got into a little bit of

1 an argument; right?

2 A Correct.

3 Q And then he left the house for a bit?

4 A Correct.

5 Q Now, when you made contact with him, you were -- he
6 was driving up Highway 25?

7 A Yes, sir.

8 Q Northbound?

9 A Yes, sir.

10 Q Which, as he says, he was going back home; correct?

11 A I don't exactly remember if he said he was going back
12 home. I don't remember his exact words.

13 Q You don't -- but are you fairly certain he said he
14 was going home?

15 A I believe it might have been mentioned at one point.
16 I don't remember when.

17 Q So, yes, it was mentioned he was going home?

18 A I don't -- I think so. I think he said he was going
19 home.

20 Q It's a "yes" or "no."

21 A I don't remember if he said exactly he was going
22 home.

23 Q Did he indicate he was heading home?

24 MS. MUNSON: Objection, Your Honor. Asked and
25 answered. He said he doesn't remember.

1 THE COURT: All right. Sustained.

2 BY MR. PROPST:

3 Q All right. We'll move on.

4 So he's in your car and you're transporting him to
5 the LEC?

6 A Yes, sir.

7 Q Someone instructs you to stop and meet forensics;
8 correct?

9 A That's correct.

10 Q Who instructs you to do that?

11 A I believe it was CID investigative -- criminal
12 investigative division.

13 Q Anyone in particular?

14 A I believe Investigator Campbell.

15 Q Wayne Campbell?

16 A Uh-huh.

17 Q Okay. And was he the lead investigator on this
18 operation?

19 A There were several of them involved. I don't know
20 exactly who took lead.

21 Q Okay. But you took your commands from him at that
22 point?

23 A I did.

24 Q All right. And you went to Heatherly Brothers
25 Towing?

- 1 A Yes, sir.
- 2 Q And we saw this on video, you drove to Heatherly
- 3 Brothers?
- 4 A That's correct.
- 5 Q And you met with someone there?
- 6 A Correct.
- 7 Q Who was that?
- 8 A It was Forensic Officer Ooten.
- 9 Q Iona Ooten?
- 10 A Yes, sir.
- 11 Q And she took samples -- or she swabbed John Sledge's
- 12 hands?
- 13 A Yes, sir.
- 14 Q And did she take fingernail clippings?
- 15 A I don't know if she took fingernail clippings.
- 16 Q You don't remember? But she did basic -- she
- 17 collected some samples --
- 18 A Yes, sir.
- 19 Q -- in her capacity as a forensics technician?
- 20 A Correct.
- 21 Q You'd agree?
- 22 A Yes, sir.
- 23 Q Okay. And that was the end of your involvement with
- 24 her?
- 25 A Yes, sir.

1 Q Highway 25 northbound, was that going towards Berry
2 Road or away from it?

3 A I believe it's heading north towards Berry Road.

4 MR. PROPST: Thank you.

5 I have no further questions, Your Honor.

6 THE COURT: Redirect?

7 MS. MUNSON: Briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. MUNSON:

10 Q Master Deputy, what information did you have that
11 night about what you were looking for?

12 A I knew there was a gunshot victim. And I knew that
13 the suspect vehicle was a late 80's model Toyota SUV.

14 Q Okay.

15 A With a black top on it.

16 Q So when you saw a vehicle matching that description,
17 did you know who was in it?

18 A I didn't know exactly who was in it.

19 Q Okay. Did you know how many people were in the
20 vehicle?

21 A I did not.

22 Q Did you know whether there were any weapons in the
23 car?

24 A I did not.

25 Q Did you know whether they could get out of the car

1 and just start shooting at you?

2 A I didn't know.

3 Q Okay. So the forcefulness of your commands to
4 whoever was in that vehicle, is that normal?

5 A Yes. That's a -- when I'm under excessive pressure
6 like that, especially a possible murder suspect, yes,
7 that's normal for any deputy or myself to do.

8 MS. MUNSON: Okay. Nothing further, Your Honor.

9 MR. PROPST: Just briefly, Your Honor.

10 THE COURT: Yes, sir. Recross.

11 RECROSS-EXAMINATION

12 BY MR. PROPST:

13 Q You didn't see a gun in the car; correct?

14 A No, sir.

15 Q You didn't see any luggage in the car?

16 A No, sir.

17 MR. PROPST: No further questions, Your Honor.

18 MS. MUNSON: Nothing further, Your Honor.

19 THE COURT: Thank you.

20 You can step down, sir.

21 MS. MUNSON: The State calls Deputy John Williams.

22 THE CLERK: Sir, would you, please, come forward to
23 be sworn in.

24 Please place your left hand on the Bible and raise
25 your right.

1 WHEREUPON,

2 JOHN SPENCER WILLIAMS, JR.,
3 after first having been duly sworn, testified as follows:

4 THE CLERK: Thank you.

5 You may be seated.

6 Would you, please, state your name for the record?

7 THE WITNESS: John Spencer Williams, Jr.

8 THE CLERK: Thank you.

9 DIRECT EXAMINATION

10 BY MS. MUNSON:

11 Q Do you work for the sheriff's office, Mr. Williams?

12 A Yes, ma'am.

13 Q How long have you been with the sheriff's office?

14 A Over three years.

15 Q All right. What is your current job title?

16 A I work with the directed patrol unit.

17 Q Is that different from any other units in the
18 sheriff's office?

19 A Not necessarily, ma'am.

20 Q Okay. What are your duties?

21 A Uniform patrol, responding to calls, and, currently,
22 street level narcotics investigations.

23 Q All right. Are you assigned to any particular area?

24 A I am not at this time.

25 Q Were you back in January of 2014?

1 A Yes, ma'am. I was assigned to the south Greenville
2 district.

3 Q All right. And were you on duty on January 29th of
4 2014?

5 A Yes, ma'am, I was.

6 Q And did you hear a call over the radio in reference
7 to this case?

8 A I did.

9 Q Do you know about where you were when you got the
10 call on the radio?

11 A Yes, ma'am. I was just clearing up. I had just left
12 the detention center up here in the city when I heard the
13 call go out for a gunshot victim at Berry Road down in
14 Pelzer. And I began going down that way.

15 Q Okay. Were you familiar with that area?

16 A Yes, ma'am.

17 Q Did you go directly to the Berry Road address?

18 A No, ma'am.

19 Q And that address -- in what county is that?

20 A That's Greenville County.

21 Q So why did you not go right to Berry Road?

22 A By the time I received the call, there were already
23 deputies arriving on scene. And I began driving around in
24 the area, because I began getting information over the
25 radio from deputies on scene concerning a vehicle that was

1 not at the house and could be of interest.

2 Q Okay. And, as you were heading in the general
3 direction, about how long did you ride around before you
4 ended up with Master Deputy May?

5 A Around 30, 35 minutes.

6 Q Okay. And what sort of areas did you look --

7 A I was stuck mainly to Augusta Road. It's a main
8 thoroughfare. I was checking gas stations. There's a
9 hotel, the Princeton Hotel, I believe, down at the Laurens
10 County line. I checked down there. And then I arrived at
11 the Hot Spot gas station, checked the parking lot there
12 and then just waited.

13 Q All right. And when you got to the Hot Spot, was
14 Master Deputy May already there?

15 A I believe so. We kind of got there at the same time.
16 And he pulled his car next to mine.

17 Q All right. And, at some point, y'all got in pursuit
18 of a vehicle?

19 A Yes, ma'am. I observed a vehicle traveling
20 northbound on Augusta Road that matched the description of
21 the vehicle given by deputies at the house.

22 Q Okay. And so, eventually, it did stop?

23 A It did.

24 Q Did the person inside the car give you any trouble?

25 A He was slow to respond to our initial commands. But

1 then he complied with them, and he got on the ground. And
2 I was able to place handcuffs on him.

3 Q Okay. And -- now, you're the one that handcuffed
4 him?

5 A It was either me or Deputy May, ma'am. I'm not sure.

6 Q And why do you do that right away?

7 A To make sure that I -- we had received information
8 that it was a gunshot victim. I believed the subject in
9 the car might have a gun on his person. So I wanted to
10 secure his hands before conducting any sort of pat-down
11 for weapons on his person.

12 Q And you did pat him down?

13 A I did.

14 Q You didn't find any weapons on him?

15 A No, ma'am.

16 Q Did you ever get a look inside his truck?

17 A I did.

18 Q Was there anybody else in the truck?

19 A No.

20 Q What did you notice in the truck?

21 A I did notice a 12-pack of Natural Light beer that was
22 on the passenger seat. And it had a few beers missing
23 from it.

24 Q Okay. Could you tell -- were they cold? Did you
25 touch it?

1 A I didn't touch anything inside the car.

2 MS. MUNSON: Thank you.

3 I have nothing further, Your Honor.

4 THE WITNESS: Yes, ma'am.

5 CROSS-EXAMINATION

6 BY MR. PROPST:

7 Q So, that night, you were on the lookout for an '87
8 Toyota 4Runner, red with a black removable top?

9 A Yes, sir.

10 Q And you had already heard the name of a suspect;
11 correct?

12 A Yes, sir.

13 Q John Calvin Sledge?

14 A Yes, sir.

15 Q Now, you initiated the actual traffic stop?

16 A I did.

17 Q And when you -- when the suspect vehicle pulled over,
18 you and Deputy May rushed him with your guns drawn;
19 correct?

20 A No. We gave him commands to get out of the vehicle.

21 Q Okay. Excuse me. I'll back up. You gave him
22 commands to get out of the vehicle?

23 A Yes, sir.

24 Q And then y'all rushed up on him with your guns drawn?

25 A I walked up on him with my gun drawn. At that point,

1 he was not secured. I did not know who he was at the
2 time. And I did not know if he had any weapons on him
3 and --

4 Q Right. I understand that.

5 A Yes, sir.

6 Q So you get him down on the ground and handcuff him
7 behind his back immediately?

8 A Yes, sir. And then I put -- once he was secured, I
9 put my --

10 Q You holstered your weapon?

11 A Yes, sir.

12 Q Now, did you have any -- you had no involvement in
13 questioning Mr. Sledge?

14 A No.

15 Q But you did go and take a look through the vehicle?

16 A Yeah.

17 Q Did you see any firearm?

18 A I did not.

19 Q Did you see any bags that looked like luggage in
20 there?

21 A I did not.

22 Q Any noticeable amount of clothing?

23 A No, sir.

24 Q And which way was Mr. Sledge traveling on --

25 A Northbound on Augusta Road.

1 Q Northbound?

2 A Yes, sir.

3 Q Going towards Berry Road?

4 A Yeah -- essentially, yes.

5 MR. PROPST: No further questions, Your Honor.

6 MS. MUNSON: No redirect, Your Honor.

7 THE COURT: All right. Thank you.

8 You can step down, sir.

9 THE WITNESS: Thank you, sir.

10 MS. MUNSON: The State calls Deputy Heath.

11 (Pause.)

12 MS. MUNSON: Your Honor, apparently, Deputy Heath has
13 gone to the restroom.

14 THE COURT: Okay.

15 MS. MUNSON: So we'll call Deputy Woody.

16 (Pause.)

17 THE CLERK: Deputy Woody?

18 MR. JEFFREY HEATH: Heath.

19 THE CLERK: Deputy Heath, please, come forward to be
20 sworn.

21 Place your left hand on the Bible and raise your
22 right.

23 WHEREUPON,

24 JEFFREY SCOTT HEATH,

25 after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you.

2 You may be seated.

3 Would you, please, state your name for the record?

4 THE WITNESS: Jeffrey Scott Heath.

5 THE CLERK: Thank you.

6 DIRECT EXAMINATION

7 BY MS. MUNSON:

8 Q You work for the sheriff's office, sir?

9 A Yes, ma'am, I do.

10 Q How long have you been with the sheriff's office?

11 A A little over three years.

12 Q Are you assigned to any particular area right now?

13 A Usually, the south end of Greenville County.

14 Q And were you with the sheriff's office in January of
15 2014?

16 A Yes, ma'am.

17 Q Assigned to the same area?

18 A Yes, ma'am, specifically, area four in the south end.

19 Q All right. Were you on duty on January 29th, 2014?

20 A Yes, ma'am.

21 Q Did you get a call in reference to this case?

22 A Yes, I did.

23 Q Do you remember where you were when you got the call?

24 A I was, actually, on Fork Shoals Road approximately at
25 the intersection of Fork Shoals and Ashmore Bridge.

1 Q So where did you go in response to the call?

2 A I went southbound on Fork Shoals Road toward the
3 incident location, which, I believe, would be [REDACTED]
4 [REDACTED].

5 Q All right. Can you tell us about what time the call
6 came over the radio sending you to [REDACTED] [REDACTED]?

7 A 22:21, which is 10:21 p.m.

8 Q That's when you were dispatched?

9 A Yes, ma'am.

10 Q When you -- was anybody else in your car with you?

11 A No, ma'am.

12 Q And about how long did it take you to get to Berry
13 Road?

14 A I arrived at the incident location at 10:34 p.m. So
15 it took me about 13 minutes to respond.

16 Q And when you responded, was there anybody else there
17 already?

18 A When I arrived, Deputies Woody and Bomar arrived
19 about the same time.

20 Q All right. Now, is Berry Road -- what type road is
21 that?

22 A It's off of -- McKelvey Road is more of a main road.
23 Berry Road is a two-lane road. It's not often traveled.

24 Q Okay. Now, the residence that you were looking for,
25 could you see it from the road?

1 A No, ma'am. We had to make our way up a sloped
2 driveway with heavy icy conditions.

3 Q So -- and that's -- was it doing anything when you
4 got there?

5 A Right. When we got there, we had to park on the
6 road. Because we couldn't make our way up the driveway to
7 find the house. We had to approach on foot.

8 Q All right. You, and Bomar, and Woody?

9 A Yes, ma'am.

10 Q Was it a short walk? A couple of steps? About how
11 long did it take you to get up there?

12 A It took us a couple of minutes. Because we were
13 slipping and falling to -- I'd say a couple of minutes,
14 but I'm not sure. It was a short while. But it's
15 approximately -- I'd say maybe 100, 150 feet from the
16 roadway or so.

17 Q Okay. Now, on this walk up this driveway, is it a
18 wide driveway?

19 A If I recall, it would be difficult to fit two cars
20 side by side, if you had to.

21 Q Was it paved?

22 A No.

23 Q Was there any lighting along the driveway that y'all
24 could use going up to the house?

25 A No. We had to use flashlights.

1 Q All right. Now, once you got to the house, did you
2 get into the house?

3 A Yes, ma'am. The front door was unlocked.

4 Q It was unlocked. When you got into the house, did
5 you see anybody in the house?

6 A We noticed a young boy on a phone, who I assumed to
7 be the complainant who had called the sheriff's office,
8 standing near the kitchen.

9 Q So, as you get into this house, what was the first
10 thing that y'all did?

11 A Deputy Woody, I believe, stayed with the child that
12 was on the phone. And Deputy Bomar and myself made our --
13 took a left-hand turn through the front door towards the
14 bedrooms on the left side of the house just to make sure
15 there were no threats still inside the home.

16 Q Okay. Did you find anybody else in the house?

17 A Other than the deceased in the bathroom, no.

18 Q Okay. And did you approach her?

19 A I did not approach her closely. Deputy Bomar did and
20 advised the rest of us that he didn't see any signs of
21 life. But I did see her there in the bathroom.

22 Q Okay. Now -- so after you see the person in the
23 bathroom floor and tend to the child, what did y'all do
24 next?

25 A We notified dispatch to let EMS know that it was

1 clear for them to enter the home. And then we waited for
2 them to arrive.

3 Q Okay. Now, did they drive up to the house?

4 A No. As best I recall, no one ever drove up to the
5 house because of the icy conditions.

6 Q All right. How long did you stay on the scene?

7 A I stayed on the scene while supervisors showed up.
8 The deputy coroner showed up. Investigators showed up.
9 Once they began showing up, I left the home and walked
10 back down to my car to begin typing the original incident
11 report.

12 Q All right. Deputy Heath, let me show you State's
13 Exhibit No. 54. If you could take a look at that.

14 A Yes, ma'am.

15 Q Do you recognize that?

16 A I do.

17 Q Is this an accurate depiction of how you found the
18 woman in the bathroom?

19 A Yes, ma'am.

20 MS. MUNSON: Your Honor, at this time, I move State's
21 Exhibit No. 54 into evidence.

22 MR. SARRATT: Without objection.

23 THE COURT: All right. It's in evidence.

24 (WHEREUPON, State's Exhibit No. 54 was admitted into
25 evidence.)

1 BY MS. MUNSON:

2 Q All right. Now, Deputy Heath --

3 A Yes, ma'am.

4 Q -- the -- in what part of the house is this?

5 A It's on the left side of the house. If you're
6 walking through the front door, the bathroom is right here
7 towards the left where you can't see in the picture. You
8 can see in the bottom -- towards the bottom of that
9 picture, the door frame for another door. Here at the
10 bottom is what the -- is where the boy's bedroom is.

11 Q Just to the left of where we're looking at?

12 A Correct. Directly here to the left of here is the
13 boy's bedroom.

14 MS. MUNSON: All right. Thank you.

15 I have nothing further, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. SARRATT:

18 Q Deputy Heath, you said you arrived at 10:34?

19 A Yes, sir.

20 Q And you were there with Deputies Woody and Bomar?

21 A Yes, sir.

22 Q All right. Now, you said you received the call at
23 10:21?

24 A Yes, sir.

25 Q So in those 13 minutes between 10:21 and 10:34, you

1 received information that John Sledge had shot the gunshot
2 victim; correct?

3 A Correct.

4 Q Okay. Now, you said that you ran up the driveway and
5 entered through the front door?

6 A Correct.

7 Q Now, in order to go in through the front door, there
8 was a front porch; is that correct?

9 A Yes, sir.

10 Q So you went up the front porch. And I assume Deputy
11 Woody and Bomar, also, went up the front porch?

12 A Correct.

13 Q When you went in, you said that you cleared each
14 room?

15 A I personally didn't. I went through, if I recall,
16 two bedrooms. And Deputy Woody went to the right where
17 there was a master bedroom. And Deputy Bomar went
18 straight to the female in the bathroom.

19 Q All right. So once you gave the all clear, EMS came
20 next?

21 A Correct.

22 Q All right. And there were two EMS employees?

23 A (There was no response.)

24 Q I believe it was Mr. Garrett and Mr. Orange. Does
25 that sound familiar?

1 A Yes. They were the ones on the ambulance that came.
2 There may have been more EMS, but those were the ones in
3 the ambulance.

4 Q Did they, also, come in through the front door?

5 A They did.

6 Q So they would have gone up on the porch to get
7 through the front door as well?

8 A Correct.

9 Q Now, you had a pretty quick response time, 13
10 minutes. You stayed on scene, and several more officers
11 arrived on the scene?

12 A Correct.

13 Q All right. Specifically, I believe Deputy Clark was
14 one of the next who arrived?

15 A Yes, sir.

16 Q At some point, Deputy Serrano arrived?

17 A Correct.

18 Q And Master Deputy McMakin?

19 A Yes.

20 Q And Sergeant Lynn?

21 A Correct.

22 Q Lieutenant Davenport?

23 A Yes.

24 Q So you've got the three initial people, you included,
25 going in up on the porch and through the front door, two

1 EMS, and five or more additional officers. Did they all,
2 at some point, go up on the front porch as well?

3 A I don't know if all of them did. I do know that some-
4 people arrived and were directed by supervisors to go do
5 other things that would be more helpful, put up crime
6 scene tape, or other things. But I don't -- so I don't
7 know who all went onto the front porch, so.

8 Q But there were 10 approximately people on scene at
9 one time?

10 A Right.

11 Q All right. You briefly spoke to Michael; correct?

12 A In passing, yes.

13 Q Did he tell you that he saw John Sledge walking out
14 of the house after he heard a bang?

15 A I don't believe he ever told me that personally, no.

16 MR. SARRATT: No further questions.

17 MS. MUNSON: No redirect, Your Honor.

18 THE COURT: All right. You may step down Deputy
19 Williams -- I mean, Deputy Heath. Excuse me.

20 MS. MUNSON: The State would call Deputy Woody.

21 THE CLERK: Please raise you right hand and place
22 your left hand on the Bible.

23 WHEREUPON,

24 CAMERON WOODY,

25 after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you.

2 You may be seated.

3 THE CLERK: Would you, please, state your name for
4 the record?

5 THE WITNESS: Cameron Woody.

6 THE CLERK: Thank you.

7 DIRECT EXAMINATION

8 BY MS. MUNSON:

9 Q Deputy Woody, how long have you been with the
10 sheriff's office?

11 A About two and a half years now, ma'am.

12 Q Are you assigned to any particular area now?

13 A I work the south end of Greenville County in uniform
14 patrol.

15 Q Were you with the sheriff's office in January of
16 2014?

17 A Yes, ma'am, I was.

18 Q And, at that time, were you assigned to any
19 particular area?

20 A The south end of Greenville County in uniform patrol.

21 Q Were you working on the 29th?

22 A I was.

23 Q Did you get a call in reference to this case?

24 A Yes, ma'am, I did.

25 Q Do you remember where you were when the call came

1 over the radio?

2 A On -- near Augusta Road, the closest intersection
3 would have been 80 Asbury, which is just south of White
4 Horse Road.

5 Q When the call came over the radio, where did you go?

6 A Down 25 -- down Augusta towards 418, turned onto 418,
7 took Berry Road.

8 Q Had you been to Berry Road before?

9 A Not to that address before, no, ma'am.

10 Q But on the road?

11 A Yes.

12 Q You knew where it was?

13 A Yes.

14 Q Now, was anybody in your patrol car with you?

15 A No.

16 Q And about how long did it take you to get there?

17 A 15 minutes or so, if I had to estimate.

18 Q Okay. And when you got there, were there any other
19 emergency personnel on scene?

20 A I arrived with Deputy Bomar at the time. And Deputy
21 Heath was parking as we arrived.

22 Q And how did -- when you went from where you parked to
23 the house -- first of all, could you see the house from
24 the road?

25 A Very distant through the trees. It was dark when we

1 arrived on the scene. We noted the driveway was covered
2 in ice. And we opted to park on the road, one for
3 identification of where we were and, two, for safety.
4 Because we didn't know if we could get the cars through
5 the driveway.

6 Q Okay. And can you kind of describe this driveway?

7 A Gravel, broken, again, covered in ice, very slippery,
8 distant.

9 Q All right. What about any lighting that was on the
10 driveway leading to the house?

11 A None that I can recall.

12 Q All right. And when you got to the house, did y'all
13 go in?

14 A We did.

15 Q And did you find anybody in the house?

16 A When we entered the door, I could look to the left
17 and see the victim laying down. Michael was -- the small
18 child was in the living room on the other side of the
19 couch. And those were the only two people we found in the
20 house.

21 Q Okay. And Michael, was he standing? Sitting? What
22 was he doing?

23 A He was standing talking on the phone.

24 Q Do you remember how he was dressed?

25 A Pajamas.

1 Q And when you got into the house, what did the three
2 of y'all do?

3 A We divided up and tried to clear the house as quickly
4 as we could to make sure that there was nobody threatening
5 that was still in the house that didn't need to be there,
6 or anybody potentially armed.

7 Q Okay.

8 A I went to the right. I was third in the door. I
9 followed everyone else. One person went left, one person
10 went straight. And I went to the right. I ended up in
11 the master bedroom. I made sure it was empty of people.

12 And then I grabbed Michael and brought him into the
13 bedroom, because it was the farthest room away from his
14 mother.

15 Q Now, the weather that night, I know it was on the
16 ground, but was there any precipitation as you were
17 getting there or when you got there?

18 A Not that I can recall.

19 Q Okay. Now, the phone that Michael had, what did he
20 do with it when y'all got there?

21 A He was talking on the phone still to our dispatchers.
22 When I started talking to him, I remembered him asking --
23 or I could hear dispatch over the phone asking, Are you
24 with the police? Are you with the officer? Are you with
25 the deputy?

1 And I asked to see the phone. Michael showed it to
2 me. And I could note what I believed to be blood stuck on
3 the face. You could see where somebody had wiped it. I
4 took that and wrapped it in a plastic glove as evidence.
5 And it was moved to the kitchen area.

6 Q Okay. Did Michael appear to be injured in any way?

7 A No.

8 Q Okay. Did he have anything on him relating to the
9 phone?

10 A He did have a red smear on his face, on the right
11 side of his face, which, again, I assumed to be blood.

12 Q Okay. When you took him into the master bedroom, how
13 long did he stay -- did you stay in there with him?

14 A Yes, until I was relieved.

15 Q Who relieved you?

16 A Deputy Serrano.

17 Q And about how long did you stay on scene?

18 A 20 or so minutes, 20, 30 minutes after everything was
19 over, settled until she came and relieved me.

20 Q Deputy, let me show you State's Exhibit Nos. 36 and
21 37. If you could take a look at these.

22 A Yes, ma'am.

23 Q Do you recognize those?

24 A I do.

25 Q Are they true and accurate depictions of what you saw

1 when you went into that house?

2 A Yes.

3 MS. MUNSON: Your Honor, at this time, I move State's
4 Exhibit Nos. 36 and 37 into evidence.

5 MR. SARRATT: Without objection.

6 THE COURT: They're in evidence.

7 (WHEREUPON, State's Exhibit Nos. 36 and 37 were
8 admitted into evidence.)

9 BY MS. MUNSON:

10 Q Let's look at State's Exhibit No. 36. Now, with the
11 laser pointer there, could you point on State's Exhibit
12 No. 36 if there's -- what you recognize in particular in
13 there?

14 A This is the door to the bathroom. Here is where the
15 victim was laying. And here is where I placed the cell
16 phone with the latex glove around it.

17 Q And, now, State's Exhibit No. 37 -- there we go.
18 Could you show for the jury where that telephone is here?

19 A Here.

20 MS. MUNSON: Okay. Thank you, Deputy.

21 I have nothing further.

22 THE COURT: Mr. Sarratt.

23 CROSS-EXAMINATION

24 BY MR. SARRATT:

25 Q So you arrived on scene at 10:34?

1 A About then, yes, sir.

2 Q And, before arriving on scene, you received
3 information that John Sledge was responsible for shooting
4 Kimberly?

5 A Dispatch communicated to us that Michael was stating
6 his father had done it, yes.

7 Q Okay. So with that information in hand, you went in
8 with Deputies Heath and Bomar?

9 A Correct.

10 Q All right. Now, you said Michael was on the phone
11 when you arrived and that you took the phone from Michael?

12 A Correct.

13 Q Did you give it to Deputy Bomar?

14 A I did.

15 Q Okay. After giving the phone to Deputy Bomar, you
16 went into the room with Michael?

17 A I was in the room with Michael when I took the phone.

18 Q All right. Did you speak with Michael?

19 A I did.

20 Q Did he tell you that he saw John walking out of the
21 house after he heard the gunshot?

22 A No. I do not believe he did. I don't recall.

23 MR. SARRATT: No further questions.

24 MS. SCOTT: Nothing further of this witness, Your
25 Honor.

1 THE COURT: All right. Thank you, Deputy Woody.

2 You can step down, sir.

3 THE WITNESS: Yes, sir.

4 Thank you.

5 MS. SCOTT: The State calls Sergeant Ragan Marling.

6 THE CLERK: Sergeant Marling, if you'd come forward
7 to be sworn in.

8 Please place your left hand on the Bible and raise
9 your right.

10 WHEREUPON,

11 RAGAN MARLING,

12 after first having been duly sworn, testified as follows:

13 THE CLERK: Thank you.

14 You may be seated.

15 THE WITNESS: Thank you.

16 THE CLERK: Would you, please, state your name for
17 the record?

18 THE WITNESS: Ragan Marling.

19 THE CLERK: Thank you.

20 DIRECT EXAMINATION

21 BY MS. SCOTT:

22 Q Where do you work?

23 A Greenville County Sheriff's Office.

24 Q What are your duties there?

25 A As of right now, I'm in uniform patrol as a sergeant.

1 And I supervise the west side of town.

2 Q Now, in 2014 -- January of 2014, what were your
3 duties then?

4 A I was the sergeant in the criminal investigation
5 division, specifically, crimes against children and sex
6 crimes.

7 Q Now, what is your involvement in this case, from
8 2014, as a crimes against children investigator?

9 A I was the supervisor sergeant on call for after hours
10 for any violent crimes that occurred in Greenville County.

11 Q Did you receive a call to meet officers anywhere
12 regarding this particular case?

13 A I did. I received a call from Investigator Wayne
14 Campbell.

15 Q And where did he tell you to go?

16 A We discussed the situation and decided that it would
17 be best if I went to my office, which is at county square.

18 Q And when you arrived at county square who, if
19 anybody, met you there?

20 A After I arrived there, I was there for a few minutes
21 and then Loris -- Deputy Loris Serrano, she came with
22 Michael.

23 Q And who is Michael?

24 A Michael was the complainant in this incident, who was
25 the son of the victim.

1 Q Were you aware of how old he was at that time?

2 A I was.

3 Q How old was he?

4 A 10 years old.

5 Q Can you describe to the jury Michael's demeanor when
6 you met with him?

7 A Michael was very visibly upset when he came into my
8 office, asking a lot of questions as far as where his mom
9 was.

10 I sat with him. I had a couch in my office at the
11 time. And I sat with him on the couch and we discussed
12 his activities throughout the day trying to get his mind
13 off of what had just happened and get him deescalated as
14 far as being so upset.

15 Q Did you give him any food, or a toy, or -- tell the
16 jury if you gave him anything to comfort him?

17 A He didn't want anything at first. But later on, I
18 gave him a snack and I gave him a drink. I, also, had
19 some stuffed animals in my office. So I gave him a
20 stuffed animal, at the time, so that he could hold onto.

21 Q Did you ask him to write any statements to you as
22 you're interviewing him about what's going on?

23 A I did not ask him to write anything down. We sat
24 down and just conversed about activities that he was
25 involved in, his activities that day and so forth, just to

1 get to know him to try to get him comfortable with me.

2 Q Now, Sergeant, were you the one who had to tell
3 Michael that his mom didn't make it?

4 A I was.

5 Q And what was his reaction when you told him that?

6 A He broke down. He started crying. He couldn't
7 understand what happened. And he kept saying over and
8 over again, Why would he do this?

9 Q Now, during your interview, he came in with a deputy,
10 Deputy Serrano?

11 A Yes.

12 Q Where was his family? Were you able to locate them
13 at that time?

14 A Michael was very intelligent. He knew his families
15 names. He knew that his grandparents were out of town,
16 out of the state. He knew his aunt's name, but he did not
17 know any telephone numbers. And we looked throughout the
18 computer system, but could not locate any.

19 Q Now, being that you couldn't locate his family and it
20 late at night, dark out --

21 A Yes, it was.

22 Q -- where did Michael have to go after he finished
23 talking with you?

24 A In this situation, the best call we could have made
25 is to put him in emergency protective custody. And he

1 went with DSS to a safe house -- safe home.

2 MS. SCOTT: Answer the questions Defense Counsel may
3 have for you.

4 CROSS-EXAMINATION

5 BY MR. SARRATT:

6 Q Sergeant Marling, Investigator Campbell gave you the
7 responsibility of interviewing Michael; correct?

8 A I made the decision as the supervisor on call.

9 Q Okay. And you arrived at -- it was at county square
10 where the interview took place?

11 A County square was where our office was located at the
12 time.

13 Q And you arrived at 11:34 approximately?

14 A Approximately.

15 Q Now, you said that Michael was visibly upset?

16 A Uh-huh.

17 Q I'm sure it was difficult to encourage Michael to
18 talk about this. Was it?

19 A It was to an extent. I didn't want to just have him
20 sit down and just talk about the situation. So I took a
21 round about way and just discussed different things with
22 him before that.

23 Q Sure. You sort of eased him into talking about the
24 details?

25 A Yes.

1 Q All right. But, eventually, you did have to get him
2 to tell the details; correct?

3 A Yes.

4 Q You told him that it was important that he try to
5 remember everything that he could?

6 A I did.

7 Q Okay. He told you that he heard arguing and yelling?

8 A Throughout the day, yes, sir.

9 Q Okay. He told you that he went in the den to see
10 what was happening?

11 A He did.

12 Q Did he tell you that, at first, all he saw was his
13 mom with a rash on her face?

14 A And, also, he said she was -- her shoulder appeared
15 to be injured.

16 Q Specifically, about that shoulder, do you remember --
17 did Michael tell you that his mom had a bone sticking out
18 of her shoulder?

19 A Yes. In my report, I -- he stated to me that it
20 appeared that she had a bone sticking out of her shoulder.
21 And I asked him if it was bleeding. And he said, No, it
22 was not bleeding.

23 Q And did Michael say that Kimberly was in the den when
24 he observed this?

25 A I believe so. He had backtracked a little bit and

1 said he, also, at one time, came out and they were in a
2 physical altercation.

3 Q Okay. But he didn't say that at first?

4 A Not at first.

5 Q Specifically, with that physical altercation, he said
6 that he saw John on top of Kimberly?

7 A He did.

8 Q On the floor?

9 A On the floor in front of the fireplace.

10 Q He said that he tried to go push John off of
11 Kimberly?

12 A He stated that he tried to push John off of Kimberly
13 at that time, but he was unable to.

14 Q All right. Now, after that, Michael said that he
15 went to bed?

16 A He said he went back to his room at that time. I'd
17 have to look at my report to see if he, actually, went
18 to -- I don't believe he went to bed at that time.

19 Q Did he go to bed around 9:00? That may have been
20 after the altercation.

21 A That may have been after the altercation, yes.

22 Q Okay. He said that he was asleep for about
23 30 minutes, and then he heard a loud bang?

24 A There was another incident where Michael -- before he
25 went into his room, he stated his mother was in the

1 bathroom near his bedroom. And that he was standing in
2 the doorway to the bedroom and his -- he was talking with
3 his mother. And John stated something about taking her to
4 the hospital. And then he went and turned around and went
5 into his bedroom.

6 Q Okay. But, at some point, after going to his
7 bedroom, he did hear a loud bang?

8 A He did.

9 Q Okay. Now, Michael told you that before he went into
10 his room was the last time that he saw John; is that
11 right?

12 A At that time, yes.

13 Q Okay. He stated that when he came out of his room
14 after about 10 minutes, he heard the big bang. And he did
15 not see John in the house; right?

16 A He stated he did not see John in the house after he
17 heard the big bang, right.

18 Q And he did not hear a door shutting?

19 A No, sir.

20 Q He did not hear a car?

21 A He did not.

22 Q Okay. While you were interviewing Michael,
23 Investigator -- well, Sergeant Rivera was interviewing
24 John; correct?

25 A Correct.

1 Q And, at one point, you stepped out to sort of update
2 Sergeant Rivera on the information you were receiving from
3 Michael; is that right?

4 A I did.

5 Q Did you, also, brief Investigator Campbell about what
6 Michael was telling you?

7 A We had several discussions as far as what --
8 Investigator Campbell and I did have several conversations
9 in reference to what was going on with both incidents --
10 or both locations, yes.

11 Q At the time the interview was taking place?

12 A At the time my interview was taking place?

13 Q Right. Did you step out to call Investigator
14 Campbell, as well as Sergeant Rivera?

15 A It might not have been at the same time, but, yes, we
16 did have discussions.

17 Q Did you tell Investigator Campbell that Michael said
18 he saw John walking out of the house after hearing the
19 gunshot?

20 A I don't recall saying that, no.

21 Q Okay. Now, you said it was important to get the
22 details of what happened. Earlier you testified to that;
23 correct?

24 A To Michael, yes.

25 Q Yes. Because he's a young boy and he was, obviously,

1 very traumatized by this event?

2 A Correct.

3 Q And this was not video recorded. The interview was
4 not video recorded; right?

5 A It was not a forensic interview, no, sir.

6 Q Okay. So you didn't take your phone out to record
7 it, or anything like that?

8 A I did not record it, no, sir.

9 Q Okay. Did you take any notes?

10 A No, I did not.

11 Q All right. So you wrote a report later. You didn't
12 write that report as Michael was talking to you, did you?

13 A I did not write the whole report. I did type in the
14 information as far as family contacts, and so forth.

15 Q Okay. Michael arrived with Deputy Serrano at about
16 11:53. Does that sound right? Thereabouts?

17 A If that's what the records show, then, yes.

18 Q And, eventually, Officer Dudzik [phonetic] came to
19 help facilitate getting Michael into emergency protective
20 custody?

21 A Yes, sir.

22 Q And do you remember Officer Dudzik arriving around
23 1:53 in the morning?

24 A If that's what the records say.

25 Q Okay. You're -- you didn't leave until about after

1 the sun came up. Was it around 7:50 when you left?

2 A I'm sure that's probably correct.

3 Q Okay. Did you write your report, at some point,
4 before leaving at 7:51?

5 A Yes, I did.

6 Q All right. But that would have been after Officer
7 Dudzik arrived?

8 A Yes.

9 Q Okay.

10 A Officer Dudzik helped facilitate the EPC with DSS.

11 Q All right. And, again, when you -- although you
12 typed in, you said, some biographical information of
13 family members. You didn't have any notes to refer to
14 when you were writing your report?

15 A No, sir. I sat there with Michael and just had a
16 conversation with him.

17 MR. SARRATT: All right. One moment, Your Honor.

18 THE COURT: Sure.

19 (Pause.)

20 MR. SARRATT: No further questions.

21 MS. SCOTT: Brief redirect.

22 THE COURT: Yes, ma'am, Ms. Scott.

23 REDIRECT EXAMINATION

24 BY MS. SCOTT:

25 Q Defense counsel asked you about if it was recorded or

1 taped, this conversation you had with Michael. Did you
2 influence him in any way during your talking with Michael?
3 And what I mean is, did you tell him what to tell you?

4 A No, I did not.

5 Q The description of him fighting off Mr. Sledge --

6 A Uh-huh.

7 Q -- did that come from you?

8 A No, it did not. It came from Michael.

9 Q At any point, did you suggest to him who did this?

10 A No, I did not. Michael was just telling me who was
11 in the house at the time all of this was occurring.

12 Q The purpose of that initial interview with him was
13 for what?

14 A To try to obtain the information that we needed at
15 the time since this had just occurred.

16 Q You mentioned it wasn't a forensic interview?

17 A Correct.

18 Q Would you explain to the jury what a forensic
19 interview is?

20 A A forensic interview is a taped video interview with
21 a child, normally, done at an advocacy center and with an
22 unbiased party that is a counselor of some sort that sits
23 down and has the child describe to them -- or in a
24 friendly atmosphere any type of traumatic incident that
25 has occurred to them.

1 MS. SCOTT: All right. Nothing further from the
2 State.

3 MR. SARRATT: Brief recross.

4 RE CROSS-EXAMINATION

5 BY MR. SARRATT:

6 Q You said in a forensic interview, the interviewer
7 would be an unbiased party?

8 A Normally. Now, our investigators for our crimes
9 against children are certified forensics investigators.
10 So they are capable of and have the knowledge to do a
11 forensic interview. The process that we use is an
12 unbiased party, which has the same training as our
13 investigators. But it is necessary at certain times to
14 have our investigators to do a forensic interview.

15 Q You would agree with me that when you interviewed
16 Michael you were a biased party?

17 A I was a biased party, but I wasn't interviewing him.
18 I was having a conversation and obtaining information from
19 a witness.

20 MR. SARRATT: Nothing further of this witness.

21 THE COURT: All right.

22 MS. SCOTT: Nothing further for this witness, Your
23 Honor.

24 THE COURT: Thank you.

25 THE WITNESS: Thank you.

1 MS. MUNSON: Your Honor, may we approach?

2 THE COURT: Yes.

3 (WHEREUPON, a bench conference was held.)

4 THE COURT: Ladies and gentlemen, we're going to go
5 ahead and break for lunch. Just be back in the jury room
6 at 2:00. We'll resume the trial at that time.

7 Don't talk about the case. Don't do any outside
8 investigation. Continue to keep an open mind. 2:00.

9 (WHEREUPON, the jury was excused from open court at
10 approximately 12:25 p.m.)

11 THE COURT: Okay. We'll be in recess until 2:00.

12 Thank you.

13 (WHEREUPON, a lunch break was taken.)

14 THE COURT: Anything before we bring the jury in?

15 MS. MUNSON: Nothing from the State, Your Honor.

16 MR. PROPST: No, sir, Your Honor.

17 THE COURT: All right. Bring them in.

18 (WHEREUPON, the jury came into open court at
19 approximately 2:04 p.m.)

20 THE COURT: Ms. Munson, you may call your next
21 witness.

22 MS. MUNSON: Thank you, Your Honor.

23 The State calls Sergeant John Hamilton.

24 THE CLERK: Sergeant Hamilton, if you'll come
25 forward, please.

1 Place your left hand on the Bible and raise your
2 right.

3 WHEREUPON,

4 JOHN FRANKLIN HAMILTON,
5 after first having been duly sworn, testified as follows:

6 THE CLERK: Thank you.

7 You may be seated.

8 Would you, please, state your name for the record?

9 THE WITNESS: Sergeant Jonathan Franklin Hamilton.

10 THE CLERK: Thank you.

11 DIRECT EXAMINATION

12 BY MS. MUNSON:

13 Q Who do you work for, sir?

14 A I, currently, work for the Greenville County
15 forensics division.

16 Q And what are your duties?

17 A I am -- currently, I'm sergeant for the forensics
18 division, which means that among answering calls for
19 service, like any other forensics officer, I'm, also, in
20 charge of reading reports that my officers submit. We
21 have approximately 11 officers for the forensics division,
22 assisting with their training, supervisory roles.

23 Q Okay. How long have you been with the forensics
24 department?

25 A I've been with forensics now for nine years, almost

1 10, I believe.

2 Q Do you have any law enforcement experience prior to
3 that?

4 A I do. I do. I was a Greenville City police officer
5 working the road for six years prior to that.

6 Q Now, were you working with the forensics department
7 in January of 2014?

8 A I was.

9 Q And you were on duty?

10 A I was.

11 Q And did you get a call in reference to this case?

12 A Yes, I did.

13 Q And where did you go?

14 A I went to [REDACTED] in Pelzer.

15 Q And where is your office located?

16 A We're at 203 Winterberry Court. We all know where
17 Greenville Tech is on 291. Our office is, actually,
18 located within that campus.

19 Q How long did it take you to get from the campus to
20 Berry Road?

21 A I can give you the time right now. I received the
22 call at 11:00 at night. I was en route at 11:05, and
23 arrived on scene at 11:28.

24 Q All right. And when you got to the scene -- well,
25 where did you park?

1 A I had to park on the road, actually. It was one of
2 those rare occasions in Greenville, South Carolina, where
3 we, actually, had snow and ice on the ground. So we
4 couldn't use the actual drive going up to the home. We
5 had to, actually, use the roadway and walk up.

6 Q So when you walked up the driveway, were you by
7 yourself?

8 A No. I, actually, had one of my forensics officers
9 with me, Forensics Officer Hope. And there were some
10 deputies. But I believe Forensics Officer Hope and I were
11 the only ones that walked up and met the other individuals
12 at the actual front lawn.

13 Q Okay. Well, describe the home at [REDACTED].

14 A The home is situated off of the main roadway, Berry
15 Road. It was in a wooded area and had a winding-style
16 driveway that led up to the front of the home. The home
17 was a trailer, a single-story trailer, entrance door on
18 the front, two entrance doors on the back.

19 Q Okay. And is this a fixed home? Was it a mobile
20 home?

21 A It was a mobile home like a double wide kind of deal.

22 Q And when you got up to the home, what was the first
23 thing that you did as the forensics person?

24 A Well, the first thing that we do protocol-wise is
25 like to get with the investigating officer, Investigator

1 Campbell, deputy coroners that are on scene, and the first
2 responding officers. If we can get a chance to try to get
3 an idea of why we're there, what we're looking for, and
4 what we need to pay attention to when we're processing the
5 scene.

6 Q Okay. So why did you not just go right in the house?

7 A Well, first off, search warrant, right. We've got to
8 make sure that we have a right to be there. The
9 investigating officer is our go-to person. He's the one
10 that tells us, I have warrant, I have reason for us to be
11 able to do what we need to do, and to get the story from
12 them.

13 Q Okay. So what did you do while waiting on the search
14 warrant?

15 A We just kind of looked around the perimeter of the
16 home. There again, it was snowing. Snow was still
17 accumulated on the ground. We kind of make sure that we
18 get an idea of what we need to look for on the exterior of
19 the home. Because, obviously, we can't do anything on the
20 inside.

21 At that time, we'll take photographs, if need be, and
22 video, that kind of thing, prepare ourself for when we,
23 actually, have to, actually, go inside.

24 Q And as you're going around the outside of the home,
25 what are you looking for?

1 A We're looking for signs of forced entry, someone
2 prying on a window, breaking out a door window, doors and
3 windows are open, signs of footwear or shoe impressions on
4 stairs and doors, just anything that's kind of odd that
5 you would not normally find at one of your homes.

6 Q Okay. Did you find anything like that around the [REDACTED]
7 Berry Road address?

8 A I did not. Actually, the snow, actually, helped
9 because the accumulation of snow showed that there was no
10 footwear impressions leading up to the back doors of the
11 home. There were some tracks where when initiating
12 officers come they have to make that they secure and clear
13 the scene, that they had walked around. But there were no
14 footwear impressions and snow coming up to windows and
15 doors. There was no forced entry into the home, nothing
16 like that.

17 Q Okay. And, eventually, you got into the house?

18 A Yes.

19 Q So describe, generally, for the jury just the layout
20 of the house.

21 A Okay. As you're entering into the home, the front
22 door sits on a porch, a raised porch. No walls. The
23 front door has a storm door and then an entrance door.
24 You walk through that entrance door and you're, actually,
25 in a living room.

1 And I'm sure all of us are aware of the open plan
2 living room/dining room combined kind of thing. There was
3 no walls separating the dining room from the living room.
4 So you're in the living room, the dining room is here to
5 your left leading into the kitchen. That's the first
6 group of rooms that were right there at the front entrance
7 door.

8 The master bedroom was situated off the right side of
9 the home from the living room. And then you had the
10 child's room, bathroom, back hallway to the left side off
11 of the kitchen. So it ran off the kitchen into the back
12 area. The master bedroom ran off the living room area.

13 Q Okay. And did you go through every room in the
14 house?

15 A What we, initially, do is do a walk-through. We want
16 to get an idea. So we get the story, this is what
17 happened from A to Z and -- or what we know. And then we
18 do a walk-through with both the investigating officer,
19 sometimes deputy coroner, if need be, and forensics
20 officers that are on the scene.

21 We go through the scene and we say, okay, this is
22 what we're looking for. We're looking for this evidence.
23 We're looking at and wanting to pay attention to this,
24 that, and the other. I may see something the investigator
25 may not see. The investigator may see something that I

1 may not see. So we have to work together and figure out,
2 you know, which plan we're going to go with, and execute
3 that action plan.

4 Q Okay. So as you went through the house, were you
5 looking for anything in particular?

6 A Normally, in cases like this, we're kind of open
7 broad, depending on how the decedent is killed or injuries
8 made. We're looking for possible projectiles, guns,
9 cartridges, or bullets, cartridge casings, or fired
10 bullets.

11 We're looking for cell phones, anything
12 communication-wise. Because in this day and age,
13 everybody has a cell phone and we all communicate, do a
14 lot of things with those. Just anything of evidentiary
15 value that could link to the reason why we're there that
16 day.

17 Q Okay. As far as the condition of the house, describe
18 that for the jury.

19 A It was neat and orderly. One thing that kind of
20 caught my eye was on the couch in the living room, there
21 was a little bed made, I guess if you want to say. There
22 was pillows and sheets like somebody had been sleeping on
23 the couch. But it was neat and orderly, pretty neat
24 house, very clean. You know, there wasn't a lot of junk
25 laying around on the floors, and that kind of thing.

1 Q Were there any electronics, TV's, anything like that
2 in the house?

3 A Oh, yeah. It was full of TV's, living room, master
4 bedroom, I believe in the boy's room, and the front guest
5 bedroom. There was TV's in every room. Jewelry in the
6 master bedroom. Cell phones in one, two, three of the
7 rooms, guns. I mean, property was there and present.

8 Q Okay. Sergeant Hamilton, let me show you State's
9 Exhibits Nos. 5 and 6. I'll just put this up here and let
10 you have a look at them. If you can take a look at these,
11 please.

12 A Yes, ma'am.

13 Q Do you recognize these four photographs -- eight
14 photographs?

15 A I do. These are the photographs I took from the
16 scene.

17 Q Are they true and accurate depictions of the walk
18 from Berry Road up to the house?

19 A They are.

20 MS. MUNSON: Your Honor, at this time, I move State's
21 Exhibit Nos. 5 and 6 into evidence.

22 MR. PROPST: No objection.

23 THE COURT: They're in evidence.

24 (WHEREUPON, State's Exhibit Nos. 5 and 6 were admitted
25 into evidence.)

1 BY MS. MUNSON:

2 Q Sergeant Hamilton, if you could, step down here,
3 please, and just kind of describe for the jury what we
4 have here on State's Exhibit No. 5.

5 A Yes, ma'am. Moving from the top right over to the
6 left bottom right, that is the sequence we're going to be
7 looking at. Okay. This picture here is going to depict
8 the roadway of Berry Road. So this is the roadway here.
9 This is the entranceway going up to the home, the
10 driveway.

11 Okay. The way that I did this is that probably every
12 10 feet, I would stop, take another photograph, and then
13 move forward, stop, and take another photograph to show
14 the progression to the home, and so forth.

15 So this is the entrance to the drive. This is,
16 actually, at the front of this car. You can see the car
17 here. And, as you can tell, on both sides of the road,
18 snow is present. Ice on the dirt and driveway.

19 Here is, actually, up around this corner, which is
20 very hard to see in the dark, but it's right there. And,
21 again, more ice and snow present. And then this is,
22 actually, coming after I go around the curve in this
23 direction coming back the other way, heading back up
24 towards the home.

25 Q Now, let's -- State's Exhibit No. 6.

1 A All right. Then again, this is the same movement of
2 the pictures. This is that curve that we saw off into the
3 distance where it was dark and we couldn't really see.
4 This is the curve moving back around to the right if
5 you're looking at the drive.

6 And then here, you can see these little slide marks
7 right here in the ground, voids of snow. And then there's
8 a little storage building. And it has snow right here at
9 the side of the house sitting right there.

10 This is moving a little bit further up the drive.
11 Again, snow present, voids in the snow. This is the side
12 of the house. If you're looking at the front, it's this
13 right side. Crime scene tape is present.

14 And this is, actually, almost getting near next to
15 the driveway. Of course, the crime scene tape is present
16 there as well.

17 Q Okay. Now, Sergeant, if you could -- you don't need
18 to get back on the stand. If you could take a look at
19 State's Exhibit Nos. 10 and 11, please.

20 A Okay.

21 Q Do you recognize these?

22 A Yes, I do.

23 Q Are these true and accurate depictions of the outside
24 surrounding area of the house at [REDACTED] on that
25 night?

1. A Yes, ma'am.

2 MS. MUNSON: Your Honor, at this time, I move State's
3 Exhibit Nos. 10 and 11 into evidence.

4 MR. PROPST: No objection, Your Honor.

5 THE COURT: They're in evidence.

6 (WHEREUPON, State's Exhibit Nos. 10 and 11 were
7 admitted into evidence.)

8 BY MS. MUNSON:

9 Q Let's start with State's Exhibit No. 10. If you
10 could, explain to the jury what we're looking at.

11 A All right. This is going to be the front of the
12 house. Remember, I told you about the raised porch that
13 was at the front.

14 So this is the front of the house, stairway. The
15 driveway is coming up this direction. This, again, is the
16 front of the house. This is the right corner of the home
17 with the steps leading up to the front deck and the front
18 door.

19 Now, this is going to be to the left of that front
20 porch. This is the left corner of the front of that
21 house. This is, actually, the left side of the home. If
22 you're standing looking directly at the side of the house,
23 this is the left side.

24 Q Okay. And then let's move on to State's Exhibit
25 No. 11.

1 A Okay. Now, this is coming around the house. So
2 we're on the left side. You just saw that left side
3 picture. This is, actually, the left corner back. So
4 you're looking at the back of the home on the left side
5 near the front, if that makes any sense to anyone.

6 This is, actually, staring at the back of the house.
7 This is one of the back entrance doors with the little
8 small stairway leading up to it. And, like I explained,
9 with the snow present -- that's one thing I love about
10 snow is that you can tell when there's been movement. The
11 only movement we have here is kind of apparent that
12 somebody decided to go out and play in the snow.

13 This is the back right entrance door if you're
14 looking at the back of the home. This is the back left.
15 This is the main entranceway. This, actually, leads into
16 the living room. So this is the opposite side of that
17 front door. And, again, we have some stairs leading up.
18 And there's no voids in the snow.

19 Q Now -- you can go back on the stand.

20 A Yes, ma'am.

21 Q Sergeant, were -- these doors that are depicted on
22 State's Exhibit No. 11, were they secure?

23 A Yes, ma'am. That's from what I could tell from the
24 outside point where those pictures were taken.

25 Q Now, let me show you State's Exhibit Nos. 8, 9, and

1 12. If you could take a look at those, please.

2 A Yes, ma'am.

3 Q Do you recognize these?

4 A I do.

5 Q Are they true and accurate depictions of the outside
6 of the house?

7 A Yes, ma'am.

8 Q On Berry Road?

9 A They are.

10 MS. MUNSON: Let me just get these -- Your Honor, at
11 this time, I move State's Exhibit Nos. 8, 9, and 12 into
12 evidence.

13 THE WITNESS: If it's okay, Your Honor, may I step
14 down?

15 THE COURT: Does she want you to step down?

16 MS. MUNSON: It's probably easier for him.

17 THE COURT: Yes. Sure.

18 MR. PROPST: No objection.

19 THE COURT: All right. They're in evidence.

20 (WHEREUPON, State's Exhibit Nos. 8, 9, and 12 were
21 admitted into evidence.)

22 BY MS. MUNSON:

23 Q This is State's Exhibit No. 8. There we go.

24 All right. Sergeant, what is the jury looking at
25 here?

1 A Okay. Remember the picture that we just saw of the
2 crime scene tape?

3 So we're looking at the right side of the driveway
4 coming up to the home, right. This is that little storage
5 building that we were discussing about. And this is the
6 right side of the home as you're coming up the driveway.

7 So these are the two vehicles, storage building,
8 right side of the home. This right here, there's a little
9 stairway that leads up to the front raised porch.

10 Q Let's look at State's Exhibit No. 9. What does this
11 show?

12 A All right. This is, actually, just the front door of
13 the storage shed, which is out there in that driveway
14 where the two vehicles were parked.

15 Q Okay. Was there anything disturbed around that
16 building?

17 A The only thing I could see was the voids in the snow,
18 which appeared to me to be from a sled from the earlier
19 part of the day, those two vehicles and some tire tracks,
20 you know, from the vehicles that were parked there.

21 Q Okay. Now, look at State's Exhibit No. 12. What
22 angle is this, sir?

23 A This is that same storage shed, except we are now
24 looking from the backside of the shed to the right. So
25 this is the right side of the home. This is the right

1 side of that shed in between -- it's like a little alley
2 in between the shed and the side of the home.

3 Q Now, if you could retake the stand.

4 A (Witness complied.)

5 Q Let me show you State's Exhibit Nos. 13, 14, 15, 16,
6 and 17. If you could take a look at those.

7 A Yes, ma'am.

8 Q Okay. Do you recognize these?

9 A I do.

10 Q You, actually, took these photographs, didn't you,
11 Sergeant?

12 A I did.

13 Q Are they true and accurate depictions of the front
14 porch area, and what you collected from the front porch
15 area on January 29th, 2014?

16 A Yes, ma'am.

17 MS. MUNSON: Your Honor, at this time, I move State's
18 Exhibit Nos. 13, 14, 15, 16, and 17 into evidence.

19 MR. PROPST: Without objection.

20 (WHEREUPON, State's Exhibit Nos. 13, 14, 15, 16, and 17
21 were admitted into evidence.)

22 BY MS. MUNSON:

23 Q If you'll come down here. Now, we're looking at
24 State's Exhibit No. 13. There we go.

25 Now, explain to the jury what we're looking at here.

1 A Okay. Remember the raised front porch with the
2 stairs leading up to it?

3 This is as you're walking up those stairs onto the
4 top of the front porch. So this is the front of the
5 house. The front door is over here off to the side of the
6 picture.

7 Q And is there anything in State's Exhibit No. 13 that
8 you ended up collecting?

9 A I did, actually. If y'all can see right here, there
10 is a case sitting on this chair. This was, actually, a
11 handgun. It ended up being a revolver.

12 Q Now, this is State's Exhibit No. 14. What does this
13 view show?

14 A This is, actually, the total opposite of what you
15 just saw. So this is standing at that corner looking at
16 the stairs. Here's that storm door that I was speaking of
17 earlier. I don't know if you can see right here. Here's
18 the handgun case.

19 Q State's Exhibit No. 15, what does this show?

20 A Okay. This is just an up-close picture of that
21 handgun case that was sitting on the front porch on that
22 chair.

23 Q And is that how you found it when you got there?

24 A That is exactly the way it was when I arrived on
25 scene.

1 Q Now, let's take a look at State's Exhibit No. 16.

2 A This is the revolver. This is after I had
3 photographed it, initially, without opening it and
4 touching anything. We then opened up the case and
5 photographed it further.

6 So this is, actually, the same case that you saw in
7 the previous pictures, only opened to show you the gun
8 that's inside.

9 Q And, finally, State's Exhibit No. 17?

10 A Okay. This is the revolver cylinder. Normally, what
11 we do -- the normal case that we do is when we're taking a
12 cylinder -- a revolver, we, actually, mark the top of the
13 cylinder. And the reason that we do that is because we
14 want to keep that placement of where that revolver is,
15 where that cylinder is. So, that way, I can later put it
16 back in place exactly the way it was when I found it.

17 So this has already been marked. This is the
18 cylinder being opened up and showing what ammunition or
19 cartridge -- cartridge casings are inside.

20 Q Okay. Now, if you'll go back on the stand, please.

21 A (Witness complied.)

22 Q Sergeant Hamilton, I'm showing you State's Exhibit
23 No. 58.

24 A Okay.

25 Q Just take a look at that.

1 A Do you have any gloves?

2 Q I don't. Sorry.

3 A No. That's fine.

4 Yes, ma'am.

5 Q And can you explain for the jury why you were looking
6 at your report and the gun?

7 A I want to verify that what I took a photograph of,
8 what I documented in my report and what I see before me
9 are the same. I was looking for make, model, serial
10 number. I want to make sure that it is exactly the way I
11 remembered it from that night.

12 Q And is State's Exhibit No. 58 what you removed from
13 that porch that night?

14 A Yes, ma'am.

15 MS. MUNSON: Your Honor, at this time, I move State's
16 Exhibit No. 58 into evidence.

17 MR. PROPST: We have no objection, Your Honor.

18 (WHEREUPON, State's Exhibit No. 58 was admitted into
19 evidence.)

20 BY MS. MUNSON:

21 Q Now, Sergeant, I'm showing you State's Exhibit
22 Nos. 58A and 58B. If you could take a look at those.

23 A Yes, ma'am.

24 Q And what are those -- first of all, how do you
25 recognize those two items?

1. A This is my wonderful handwriting written on the
2 exterior of the bag. And on the back of the bag, the top
3 here, the original seal has my initials on it.

4 Q Okay. So what is contained in State's Exhibit
5 Nos. 58A and 58B?

6 A State's Exhibit No. 58A is, actually, going to be the
7 picture that we took that we just saw with the cylinder,
8 and the cartridges, and the cartridge casings. This
9 picture right here.

10 Q State's Exhibit No. 17.

11 A This one was, actually -- it's the cartridges and
12 cartridge casing out of here. So this is what was inside
13 the actual cylinder. I like to separate the ammunition
14 that's inside a handgun to what's on the outside.

15 Q And then what's in State's Exhibit No. 58B?

16 A That other picture where the case was opened and you
17 saw the handgun with the cartridges sitting there inside,
18 that's what these are. These are the ones that were on
19 the case itself -- inside the case itself and not inside
20 the gun.

21 MS. MUNSON: Your Honor, at this time, I move State's
22 Exhibit Nos. 58A and 58B into evidence.

23 THE COURT: State's Exhibit No. 58B?

24 MS. MUNSON: State's Exhibit Nos. 58A and 58B.

25 MR. PROPST: Without objection.

1 (WHEREUPON, State's Exhibit Nos. 58A and 58B were
2 admitted into evidence.)

3 BY MS. MUNSON:

4 Q Now, Sergeant Hamilton, let's get to inside of the
5 house.

6 A Yes, ma'am.

7 Q I'm showing you State's Exhibit Nos. 33, 34, 35, 38,
8 39, and 40. If you could take a look at these.

9 A Yes, ma'am.

10 Q Do you recognize those exhibits?

11 A Yes, ma'am, I do.

12 Q And you, actually, took these photographs?

13 A I did.

14 Q Are these true and accurate depictions of the inside
15 of the home when you got there that night?

16 A Yes, ma'am.

17 MS. MUNSON: Your Honor, at this time, I move State's
18 Exhibit No. 33, 34, 35, 38, 39, and 40 into evidence.

19 MR. PROPST: No objection.

20 THE COURT: All right. They're in evidence.

21 (WHEREUPON, State's Exhibit Nos. 33, 34, 35, 38, 39,
22 and 40 were admitted into evidence.)

23 BY MS. MUNSON:

24 Q Now, I'm showing you State's Exhibit Nos. 49, 50, 51,
25 and 52. If you could take a look at those.

1 A Yes, ma'am.

2 Q Okay. You took these photographs as well?

3 A I did.

4 Q Of what part of the house are these photographs of?

5 A This is that front center room -- I don't know if you
6 remember me telling you the guest bedroom -- the one that
7 was outside of the child's room. It's that front center
8 bedroom if you're looking at the front of it.

9 Q And these are true and accurate depictions of that
10 room on that night?

11 A Yes, ma'am.

12 MS. MUNSON: Your Honor, I move State's Exhibit Nos.
13 49, 50, 51, and 52 into evidence.

14 MR. PROPST: Without objection, Your Honor.

15 (WHEREUPON, State's Exhibit Nos. 49, 50, 51, and 52
16 were admitted into evidence.)

17 BY MS. MUNSON:

18 Q And this is -- Sergeant, I have State's Exhibit
19 Nos. 20, 21, 22, and 23. If you could take a look at
20 those, please.

21 A Yes, ma'am.

22 Q Do you recognize these photos?

23 A I do.

24 Q Of what part of the house are these photos?

25 A This is, actually, the child's bedroom. This is,

1 actually, photographs within the child's bedroom itself.

2 Q Are they true and accurate depictions of what you saw
3 that night?

4 A Yes, ma'am.

5 MS. MUNSON: Your Honor, I move State's Exhibit
6 Nos. 20, 21, 22, and 23 into evidence.

7 MR. PROPST: Without objection, Your Honor.

8 (WHEREUPON, State's Exhibit Nos. 20, 21, 22, and 23
9 were admitted into evidence.)

10 BY MS. MUNSON:

11 Q Sergeant, I'm showing you State's Exhibit Nos. 24,
12 25, 26, 27, and 28.

13 A Okay. Yes, ma'am.

14 Q Do you recognize these documents --

15 A I do.

16 Q -- these photographs?

17 A I do.

18 Q And of what part of the house are these?

19 A This is, actually, the child's bathroom within his
20 bedroom.

21 Q Are these true and accurate depictions of what you
22 saw that night?

23 A Yes, ma'am.

24 MS. MUNSON: Your Honor, I move State's Exhibit Nos.
25 24, 25, 26, 27, and 28 into evidence.

1 MR. PROPST: Without objection.

2 (WHEREUPON, State's Exhibit Nos. 24, 25, 26, 27, and 28
3 were admitted into evidence.)

4 BY MS. MUNSON:

5 Q This is State's Exhibit Nos. 44, 45, 46, 47, 48, 41,
6 42, and 43. Take a look at those.

7 A Yes, ma'am.

8 Q Do you recognize these photographs?

9 A I do.

10 Q Of what part of the house are these?

11 A This is one from the living room, and the remainder
12 are from the interior of the master bedroom to that right
13 side as you're entering the house.

14 MS. MUNSON: Your Honor, we would move State's
15 Exhibit Nos. 44, 45, 46, 47, 48, 41, 42, and 43 into
16 evidence.

17 MR. PROPST: Without objection, Your Honor.

18 (WHEREUPON, State's Exhibit Nos. 41, 42, 43, 44, 45,
19 46, 47, and 48 were admitted into evidence.)

20 BY MS. MUNSON:

21 Q Sergeant Hamilton, this is State's Exhibit No. 2.
22 Can you take a look at that?

23 A Yes, ma'am.

24 Q And what is that?

25 A That is a crime scene diagram that we make for report

1 purposes of the scene, of where the victim's body
2 placement is, and the room where the victim is located.

3 Q Okay. And does the diagram accurately reflect the
4 location of the body?

5 A Yes, ma'am.

6 MS. MUNSON: Your Honor, I move State's Exhibit No. 2
7 into evidence.

8 MR. PROPST: No objection, Your Honor.

9 (WHEREUPON, State's Exhibit No. 2 was admitted into
10 evidence.)

11 BY MS. MUNSON:

12 Q And, finally, Sergeant, I'm showing you State's
13 Exhibit Nos. 53, 57, 55, and 56?

14 A Yes, ma'am.

15 Q Do you recognize these documents?

16 A I do.

17 Q Okay. How do you recognize them?

18 A I took those photographs.

19 Q And what part of the house do these show?

20 A This is going to be in the living room, into the
21 dining room, straight into the kitchen, that little
22 hallway that goes to the juvenile's bedroom, and where the
23 victim was located at. This is that area of the home.

24 Q And, now, Sergeant, you can come down now, if you
25 want to.

1 A Yes, ma'am.

2 Q Let's go through those quickly. We're going to start
3 with State's Exhibit No. 33.

4 A This is at the front door of the home looking into
5 the living room. So this is the living room area. This
6 is that little -- that couch I said that had the pillow
7 and blankets on it, and the TV that we were speaking of.
8 There's, also, a cell phone sitting on this end table
9 here.

10 Q This is State's Exhibit No. 34. What do we have
11 here?

12 A Okay. So the picture that you just saw before is one
13 staring in this direction. So the TV is off to here.
14 Here's that couch with the little bed made. This is the
15 dining room area. And this is the kitchen area. So you
16 see, it's kind of an open floor plan going from living
17 room, dining room, and kitchen area.

18 Q State's Exhibit No. 35?

19 A This is, actually, the dining room, living room, and
20 kitchen.

21 Q Okay. And then State's Exhibit No. 38?

22 A Okay. This is, again, the living room. So this is
23 the couch that's got the little bed made. The TV is off
24 over here. And this is where that cell phone is that we
25 were discussing in the earlier picture.

1 Q Okay. So let's look at State's Exhibit No. 39.

2 A That is said cell phone that was sitting on the end
3 table in the living room.

4 Q Okay. And then State's Exhibit No. 40, what do we
5 have here?

6 A This is, actually, a parallel shot at -- where the TV
7 is, the flat screen in the living room. I'm standing in
8 front of that TV facing toward the master bedroom and the
9 back door to the home off that living room.

10 Q What is this item right here on State's Exhibit
11 No. 40?

12 A Some kind of electronic device. That looks like a
13 stereo and speakers system. The TV is right here.

14 Q Was any of that disturbed?

15 A Not that I'm aware of.

16 Q Well, did you see it disturbed?

17 A No.

18 Q Okay. And you didn't disturb it?

19 A No, I didn't.

20 Q Let me get the next group here for you.

21 A Yes, ma'am.

22 Q Let's go -- State's Exhibit No. 49, what door --
23 where does this door lead?

24 A This is the guest bedroom. That's that center front
25 bedroom where the -- actually, you can, actually, see the

1 door frame here. This is the juvenile's bedroom, far left
2 front bedroom. And this is the guest bedroom that's in
3 the center of the home.

4 Q Okay. And then this is State's Exhibit No. 50. What
5 does this show?

6 A This is, actually, walking through that doorway into
7 the guest bedroom. So you're, actually, looking at the
8 guest bedroom. And I don't know if y'all noticed the
9 little oval mirror in the previous picture, but there's
10 that mirror. So we're just walking through the apex of
11 that doorway.

12 Q Okay. And State's Exhibit No. 50?

13 A This is, actually, the -- so if you're looking at the
14 bed, the foot of the bed in that guest bedroom showing a
15 clock and a watch, there's -- which it's hard to see in
16 this picture, but there's containers. It's kind of -- it
17 was used as a storage in a way. It kind of looked like
18 they were using it to store certain things, you know,
19 different goods, and that kind of stuff.

20 Q And State's Exhibit No. 52, is this still in that
21 same bedroom?

22 A Yes, ma'am. And that is some kind of computer
23 equipment, printer, fax, copier, something like that,
24 maybe a monitor.

25 Q And were any of the wires messed with, torn up,

1 disconnected from the wall?

2 A No. Nothing that struck me as --

3 Q Well, as the crime scene guy, would you look for
4 that?

5 A Oh, yeah. Over 4,000 crime scenes that I've
6 responded to, you kind of look for those little
7 indications, you know, wires being pulled out of
8 electronic devices, drawers being slightly skewed from a
9 dresser, or a jewelry armoire, or something of that
10 nature.

11 Q And did you find any of that at this crime scene?

12 A No, ma'am.

13 Q Now, State's Exhibit No. 44, where are we in the
14 house right here?

15 A Okay. This is back in the living room. This here is
16 the front door. This is the couch with the little bed
17 made. And remember, I told you that the master bedroom
18 was off to the right side upon entering the home? That is
19 the entranceway to the master bedroom.

20 Q Okay. Now, we're looking at State's Exhibit No. 45.
21 What do we have here?

22 A This is walking through that doorway into the master
23 bedroom. So you've got end tables on each end -- or night
24 stands on each end of the bed. The bed is here. This
25 doorway, actually, leads into the master bath. And then

1 there's another closet to the immediate left if you turn
2 going into the room.

3 Q Okay. State's Exhibit No. 46?

4 A This is, actually, the front of the bed -- or the
5 front of the room. This depicts the dresser and a
6 television sitting on top of the dresser.

7 Q And State's Exhibit No. 47?

8 A This is the doorway leading out into the living room.
9 So I've, actually, turned around. And, now, we're facing
10 back the way we came. Okay. This is that dresser with
11 the television. And this right here is the edge of a
12 safe. There's some rifles, and guns, and miscellaneous
13 items on top of the safe.

14 Q And what is right here, Sergeant?

15 A It appears to be a rifle of some sort.

16 Q You didn't collect that?

17 A No, ma'am.

18 Q Now, State's Exhibit No. 48?

19 A This is the safe to the right of the doorway leading
20 back out into the living room. There's the hunting
21 equipment. There was hunting equipment present there, you
22 know, rifles, ammunition, that kind of stuff.

23 Q Okay. Now, let's look at State's Exhibit No. 41.

24 A This is a photograph of a jewelry box on top of the
25 dresser inside the master bedroom. And it is showing that

1 there's, actually, earrings present. There's jewelry
2 still present within the jewelry box. Nothing looks like
3 it's been pulled out.

4 Q And State's Exhibit No. 42?

5 A This is, actually, from the previous picture. This
6 is to the left of that. So this is another shot of a
7 jewelry box drawer and jewelry sitting on top of the
8 drawer itself.

9 Q And, finally, from the master bedroom, State's
10 Exhibit No. 43?

11 A This is from one of the night stands at the sides of
12 the bed in the master bedroom showing that there's a cell
13 phone attached to a charging cord station.

14 Q Okay. Now, let's move out. This is State's Exhibit
15 No. 53. Can you explain for the jury what we're looking
16 at here?

17 A If you remember the picture from the dining room. So
18 you have the edge of the dining room table. The kitchen
19 was off to your left. The living room is to the right.
20 This is, actually, the hallway off of the kitchen.

21 So in this picture, my back is to the kitchen and
22 living room/dining room area looking down the hallway.
23 This right here is the doorway of the juvenile that lived
24 in the home. And this doorway here is the actual hall
25 bathroom or foyer bathroom on that side of the house. And

1 the victim is, actually, laying right there.

2 Q Okay. Let's look at State's Exhibit No. 57. Explain
3 where this is.

4 A This is the last door -- entry door that we haven't
5 looked at yet from the inside. This is the first one that
6 we came around on the outside of the home with the little
7 stairs going up to the back door. This is, actually, that
8 back door. This is a laundry room door in that little
9 foyer area.

10 So where I'm standing, the hallway to the living
11 room/kitchen is here. The bathroom where the victim is
12 laying is here. And then the juvenile's is right beside
13 that. So you're looking at the back of the home through
14 the laundry room area to the back door.

15 Q And do you know what this dark item is on the floor?

16 A It looks like a pet carrier, or a litter box,
17 something like that.

18 Q Did you check to see whether or not that door was
19 secure?

20 A Yes. We checked the doors and didn't see any signs
21 of forced entry into the home.

22 Q Okay. Now, I'm going to show you what's already been
23 admitted into evidence as State's Exhibit No. 54.

24 A Yes, ma'am.

25 Q Can you take a look at this?

1 A Yes, ma'am.

2 Q Now, explain to the jury what we're seeing here.

3 A Okay. So the last picture you saw from the back --
4 the inside of the back door, this is, actually, me just
5 turning and facing that bathroom where the victim is. So
6 we are on the left side of the home in front of the
7 bathroom next to the juvenile's bedroom. This is looking
8 into that bathroom.

9 Q Okay. Now, let me show you State's Exhibit No. 55.
10 Can you explain what this is?

11 A This is, actually, that bathroom's vanity mirror. So
12 this mirror is attached to the wall in that bathroom.
13 I'm, actually, taking the photograph standing in front of
14 the sink towards that mirror.

15 This is a projectile hole. And it looks like there's
16 some kind of damaged area from some kind of projectile, or
17 fragment, or something hitting that mirror at a very high
18 rate of speed.

19 Q Okay. Now, I'm showing you State's Exhibit No. 56.

20 Do --

21 A Oh, and one other thing.

22 Q I'm sorry.

23 A There's, also, biological -- when I say biological,
24 it's just some kind of tissue, blood. It's some kind of
25 biological matter that is surrounding that projectile.

1 Q Okay. Thank you, Sergeant.

2 This is State's Exhibit No. 56. Can you explain
3 where this photograph is taken and what is it we're
4 looking at?

5 A This is -- if you're standing at that same sink in
6 the hall bathroom -- so the victim is behind us. This is
7 the top of the sink, left side where the sink counter and
8 the sink itself meet.

9 So this is, actually, on top of the sink. This is
10 the countertop itself. And this is a piece of some sort
11 of metal.

12 Q Okay. Now, let me move to State's Exhibit No. 20.
13 What are we looking at here?

14 A This is the juvenile's room. So I'm, actually, in
15 that foyer hall area that we were just at -- the victim --
16 which was right next to this room. So this is, actually,
17 looking into the juvenile's room from that hallway.

18 Q Okay. And then State's Exhibit No. 21?

19 A This is maybe one step in and turning left in that
20 same bedroom. So this is still the juvenile's bedroom.

21 Q All right. And State's Exhibit No. 22?

22 A Okay. The same bedroom. But, now, we're standing
23 over near the closet in the bedroom and we're looking
24 towards the hall -- or the bathroom in this bedroom.

25 So off to the right -- entrance door where the

1 hallway is, the victim is next door; correct?

2 This is the bathroom which butts up against the
3 bathroom where the victim is laying. So right on the
4 other side of that wall is the bathroom.

5 Q Okay. And then we have State's Exhibit No. 23.

6 A This is a shot from the bathroom in the juvenile's
7 bedroom looking back towards that foyer area, back towards
8 the hallway and into the kitchen and living room. It's
9 looking back in that direction.

10 Q Okay. Let's look at State's Exhibit No. 24. What
11 have we got here?

12 A This is, actually, the juvenile's bathroom. This is
13 the vanity mirror. And this is looking at -- from the
14 bathroom where the victim is laying, that wall is behind
15 me when I'm taking this picture, or to the right of me.

16 This right here is, actually, a damaged area of the
17 vanity mirror where a projectile went through that wall
18 from the bathroom into the juvenile's bathroom and through
19 a door and hit that -- struck that vanity mirror.

20 Q Okay. And what are we looking at in State's Exhibit
21 No. 25?

22 A This is, actually, the same bathroom, the juvenile's
23 bathroom. But this little sliver of a picture here is,
24 actually, going back into his bedroom. This is behind the
25 door. And there's a projectile hole that goes from this

1 wall, through this door, and then across the bathroom into ,
2 the vanity mirror -- or to the vanity mirror.

3 Q And let's look at State's Exhibit No. 26.

4 A This is just an up-close shot of where the projectile
5 hole is in the juvenile's bathroom. And, as you can see,
6 the fabric and the wall material is pointed inward towards
7 the inside of the juvenile's bathroom.

8 Q Which tells you what?

9 A Which, logically, it means that the projectile came
10 from the outside of the wall -- opposite side through the
11 wall and out that side of the wall.

12 Q Okay. Now, what do we have with State's Exhibit No.
13 27?

14 A This is in the juvenile's bathroom. And y'all
15 remember the toilet you saw in the bedroom shot looking
16 into the bathroom? This is that toilet. This is the
17 shower.

18 And if you can see this little tiny gray dot down
19 here, there was a projectile found on the ground next to
20 the toilet.

21 Q Okay. So let's look at State's Exhibit No. 28.

22 A This is that little gray -- let's say it's a
23 projectile fragment. It's a piece of a projectile. It's
24 a lead fragment.

25 Q Okay. You can get back on the stand, Sergeant.

1 A Yes, ma'am.

2 Q Now, Sergeant, I'd like to show you State's Exhibit
3 Nos. 29 and 30. If you would, take a look at those,
4 please.

5 A Yes, ma'am.

6 Q Do you recognize those?

7 A I do.

8 Q And how do you recognize them?

9 A This is the packaging of items JFH-4 and 5, which I
10 collected on the scene.

11 Q Okay. So what is State's Exhibit No. 29?

12 A State's Exhibit No. 29 is JFH-4, which contained a
13 possible projectile fragment. It's -- the bathroom sink
14 where the victim is laying that we saw that little piece
15 of metal, some kind of metal, that is this.

16 Q And what is State's Exhibit No. 30?

17 A That is off of the complainant -- or the juvenile's
18 bathroom floor. That's that little gray fragment that we
19 were talking about earlier, or that lead projectile that
20 was laying there.

21 Q Okay. Thank you.

22 A Yes, ma'am.

23 MS. MUNSON: Your Honor, at this time, I move State's
24 Exhibit Nos. 29 and 30 into evidence.

25 MR. PROPST: Without objection.

1 (WHEREUPON, State's Exhibit Nos. 29 and 30 were
2 admitted into evidence.)

3 MS. MUNSON: Thank you, Sergeant.

4 I have nothing further at this time.

5 THE COURT: Cross-examination.

6 MR. PROPST: Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. PROPST:

9 Q Sergeant Hamilton, you were not the first one on the
10 scene; right?

11 A No. I was not the first one on the scene.

12 Q There were, I think you said, multiple -- you met
13 other individuals at the home with -- was it Deputy Hope?

14 A No. Forensic -- we call them forensic officers or
15 technicians.

16 Q So with Hope?

17 A Uh-huh.

18 Q Multiple deputies had been to the house at that
19 point?

20 A From my understanding, yes, sir.

21 Q And Investigator Campbell?

22 A He -- actually, prior to arriving on scene, he had to
23 stop for another part of the investigation. But he
24 arrived on scene pretty much about the same time that we
25 did.

1 Q And the EMS folks, they had already been there as
2 well?

3 A From my understanding. I don't remember seeing the
4 EMS guys there, so they could have been. That's normal
5 protocol for any kind of call like this.

6 Q So when you -- I know you explained the procedure,
7 but I just wanted to clarify. You canvas the area of the
8 driveway and around the house, and then you go back and
9 take pictures?

10 A We walk the area to see if there's anything of note.
11 We don't want anything to be destroyed. We don't want
12 anything to -- especially with the weather the way it was.
13 We just wanted to make sure that we looked at everything,
14 did a walk-through, an initial walk around the house and
15 property.

16 Q Then you took the pictures?

17 A Then we did the documentation, yes, sir.

18 Q And same thing for the home. You walk inside the
19 home, do your initial walk-through, and then you go back
20 and you document it?

21 A Correct.

22 Q With the porch, specifically, you were not the first
23 person on the porch that night?

24 A No, sir, I was not.

25 Q Law enforcement was. There had been numerous people

1 on the porch before you arrived?

2 A Yes. As the back stairs that we were discussing
3 earlier -- the front was a lot different. There was heavy
4 traffic on the front there.

5 Q And this is out in a rural area?

6 A It's in the southern end of the county, so it's not
7 necessarily Main Street. It's a little bit more rural.
8 It's got more wooded areas, and that kind of thing.

9 Q So a good bit of wooded area around this home?

10 A Geographic-wise, yeah, I believe so. I'm not too
11 familiar with what's exactly around it. But, yes, there's
12 woods all around that exact home, yes, sir.

13 Q Now, there is a shed up the hill behind the house?

14 A The shed -- the only storage shed that I concerned
15 myself with was, actually, on that property, which was
16 right there next to the home.

17 Q But are you aware of the shed that was up away from
18 the house?

19 A That --

20 Q I know you didn't take any pictures.

21 A Yeah. We didn't go up to the shed that was up there.
22 I don't know anything about that area.

23 Q What about pictures of the wood line?

24 A No, sir.

25 Q You focused on the house?

1 A The surrounding yard, drive, home, just to show the
2 home itself.

3 Q Just to show the home itself. So you didn't look
4 away from the house?

5 A No, sir.

6 Q Now, let's move back into the house. In the master
7 bedroom, there was no sign of damage, or a struggle, or
8 suspected blood; correct?

9 A Not that I could see, no, sir.

10 Q And the kitchen, no sign of a struggle or damage?

11 A No, not a struggle or damage.

12 Q Living room, no sign of a struggle or damage?

13 A Nothing that jumped out to me, no, sir.

14 Q Guest bedroom, no sign of a struggle or damage?

15 A No, sir.

16 Q And the child's bedroom, again, no sign of a struggle
17 or damage?

18 A Not that I could see, no, sir.

19 Q And you -- just briefly in your testimony, you
20 mentioned that Investigator Campbell, he was the go-to
21 person?

22 A Yes. The way we work is -- we work in conjunction
23 with the investigator. So the investigator does the
24 gathering of all information, forensics, labs, that kind
25 of stuff, witness statements. And then he makes the

1 decisions of which way to go with it, where he needs to
2 focus his attention, that kind of thing.

3 Q So he --

4 A Our job is mainly for documentation, evidence
5 collection.

6 Q But you receive your instructions from him?

7 A Yes.

8 Q And he directs you where to go or what to do,
9 basically?

10 A It's kind of a joint. Because I know what he's going
11 to need or --

12 Q Based on your experience?

13 A Based on my experience and being in trials, that kind
14 of thing. We have to make sure we work together.

15 Q Right.

16 A I make sure that I try to catch anything that he may
17 not see. Vice-versa, if he sees something that he may
18 need and I'm not aware of, he'll tell me. And then I'll
19 direct my attention to that.

20 Q Okay. So you -- but, ultimately, you report your
21 findings to him?

22 A Yes.

23 MR. PROPST: No further questions, Your Honor.

24 THE COURT: Any redirect?

25 MS. MUNSON: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. MUNSON:

Q Sergeant Hamilton, what would you have -- can you say what you would have seen that would have made you gone away from the house into the woods?

A Any kind of footwear in the snow leading away from the home into the wooded area. When I get the information from the investigator, if there was reports of the person fleeing the home, but leaving the vehicle behind and still in this area, then, of course, we would start looking for anything on the surroundings.

MS. MUNSON: Okay. Thank you.

Nothing further.

THE COURT: Any recross?

MR. PROPST: No, Your Honor.

THE COURT: All right. Thank you, sir.

THE WITNESS: Thank you.

MS. MUNSON: The State calls J.C. Proctor.

THE CLERK: Mr. Proctor, if you'd come forward to be sworn in, please.

Please place your left hand on the Bible and raise your right.

WHEREUPON,

JAMES PROCTOR,

after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you.

2 You may be seated.

3 Would you, please, state your name for the record?

4 THE WITNESS: James Proctor.

5 THE CLERK: Thank you.

6 DIRECT EXAMINATION

7 BY MS. MUNSON:

8 Q Who do you work for, sir?

9 A I work for the Greenville County Sheriff's Office.

10 Q What particular division of the sheriff's office?

11 A I work in the criminal investigations division.

12 Q How long have you been there?

13 A Just over eight years.

14 Q Okay. Do you have any law enforcement experience
15 prior to that?

16 A I have about 36 years law enforcement experience.

17 Q Okay. Were you with the sheriff's office on January
18 the 29th of 2014?

19 A Yes, ma'am.

20 Q And were you asked to help in this particular
21 investigation?

22 A Yes, ma'am.

23 Q What were you asked to do?

24 A I was asked to go down to [REDACTED] and execute
25 a search warrant on that property.

1 Q Okay. What day did you go down there?

2 A I went down on the 30th.

3 Q What time of day was it?

4 A It was around 9:00 -- I believe I got there about
5 9:30 or 10:00.

6 Q Okay. Was there anybody with you?

7 A There was, Investigator Richter was with me. And
8 Sergeant Cooper was already at the scene.

9 Q When you got into the house, was there anything in
10 particular that you were looking for?

11 A No, ma'am. I was just told to execute the search
12 warrant.

13 Q Okay. At some point, we've seen in one of the
14 State's Exhibit, there was a large safe in the master
15 bedroom?

16 A Yes, ma'am.

17 Q Were you able to get into that safe?

18 A Eventually, yes, ma'am.

19 Q Eventually. How did you get into it?

20 A I was executing the search warrant and I was going
21 through a two-file gray filing cabinet, and I found some
22 papers pertaining to the safe. I gave those papers to
23 Sergeant Cooper, who was sitting at the dining room table.

24 He went through the papers. He, eventually, began
25 trying different sequences to get in the safe. The first

1 time he tried, he wasn't successful. He went back, looked
2 through the papers a little more. And then he came back
3 in, and that's when he got into the safe.

4 Q Okay. But there's no doubt that it was secure when
5 you got there?

6 A Absolutely, yes, ma'am.

7 Q And what did you recover from the safe?

8 A There was several weapons, ammunition, a lot of
9 different items in the safe.

10 Q Okay. Did you find any similar items, weapons,
11 ammunition just laying around outside the safe?

12 A The only thing I saw was a .22 rifle that was propped
13 up against the wall over near the dresser.

14 MS. MUNSON: Okay. Thank you.

15 I have nothing further.

16 CROSS-EXAMINATION

17 BY MR. SARRATT:

18 Q You said there were a lot of firearms inside the
19 safe?

20 A Yes, sir.

21 Q Were -- I don't need the specific number, but the
22 majority of those were hunting rifles?

23 A Hunting riflings and shotguns, as I recall.

24 Q Okay. And you're the one that executed the search
25 warrant?

1 A Myself and Investigator Richter, yes, sir.

2 Q Okay. Was the house locked up when you got there?

3 A It was locked up. And when we went up to the door,
4 the key would fit the door, but it wouldn't open the door.
5 And, eventually, Sergeant Cooper put his shoulder to it
6 and opened it. But it didn't damage the door or the door
7 frame. So we did get in at that point.

8 Q So you had to force entry through the door?

9 A Correct.

10 MR. SARRATT: No further questions.

11 MS. MUNSON: Nothing further, Your Honor.

12 THE COURT: Thank you, Mr. Proctor.

13 MS. MUNSON: The State calls James Armstrong.

14 THE CLERK: Sir, if you'd come forward to be sworn
15 in.

16 Please place your left hand on the Bible and raise
17 your right.

18 WHEREUPON,

19 JAMES WILLIAM ARMSTRONG,
20 after first having been duly sworn, testified as follows:

21 THE CLERK: Thank you.

22 You may be seated.

23 Will you, please, state your name for the record?

24 THE WITNESS: James William Armstrong.

25 THE CLERK: Thanks.

DIRECT EXAMINATION

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BY MS. MUNSON:

Q Who do you work for, sir?

A Employed by the Greenville County Department of Public Safety forensics division crime laboratory.

Q How long have you been with the crime lab?

A Two weeks shy of 20 years.

Q Do you have a particular job title?

A I'm a criminalist where I'm split in two different fields as a forensic drug chemist and a forensic firearms examiner.

Q Do you have to have any specialized training to be a forensics firearm analyzer?

A Yes, ma'am.

Q Okay. Explain to the jury the kind of training you have.

A I have a Bachelor of Science Degree in Chemistry from Erskine College. I trained in the area of firearm identification approximately two years in an apprenticeship-style training under the direction of a retired firearm examiner from Philadelphia PD. I've attended numerous firearms examination schools, such as one by the ATF in identifying firearms by their makes, and models, and serial numbers.

I've, also, toured 14 different firearm manufacturing

1 facilities to see how the products were made from raw
2 materials to the finished product. I've toured four
3 different ammunition manufacturing plants to do the same.
4 And I've been through five different armor schools to
5 learn how the firearms were functioning to be able to tell
6 if there are any abnormalities about the firearms.

7 And I have testified in federal and state courts, at
8 least, 47 times as an expert.

9 Q Okay. How many -- about how many firearms
10 examinations would you say you have performed over your
11 years?

12 A Thousands.

13 MS. MUNSON: Your Honor, at this time, I offer James
14 Armstrong as an expert in the field of firearms
15 examination.

16 MR. SARRATT: Without objection.

17 THE COURT: All right. He's qualified.

18 BY MS. MUNSON:

19 Q Now, when did you become involved in this case?

20 A I received information on this case on March the 5th,
21 2014.

22 Q And what particular items did you examine?

23 A I received -- I was given a request for items JFH-1,
24 JFH-4, and JFH-5.

25 Q All right. I'm going to show you State's Exhibit

1 No. 58. Take a look at this. And there's State's Exhibit
2 Nos. 58A and 58B, and State's Exhibit Nos. 29 and 30.

3 Just take a look at those.

4 A Yes, ma'am.

5 Q Do you recognize these exhibits?

6 A Yes, ma'am, I do.

7 Q Are these the items that you examined?

8 A Yes, ma'am, they are.

9 Q Now, let's talk about State's Exhibit No. 58 first,
10 the handgun.

11 A Yes, ma'am.

12 Q What was the first step that you did in examining
13 that gun?

14 A The first thing I did when I received the item, I
15 opened up the package. It was, actually, sealed with
16 evidence tape. Then I opened the container with my
17 initials and the date. Then I identified the firearm by
18 its make, model, serial number, caliber, and took some
19 measurements of the barrel and recorded my findings.

20 Q Did you test fire it?

21 A Yes, ma'am, I did.

22 Q And what's involved with that?

23 A Test firing the firearm is, basically, I go to my
24 ammunition reference collection, retrieve some ammunition
25 that will properly fit and function in the firearm, go to

1 my ballistics retrieval tank and, actually, fire the
2 cartridges into the water retrieval tank, and retrieve the
3 items for future testing.

4 Q Okay. And in what condition was State's Exhibit
5 No. 58?

6 A It was operable.

7 Q Okay. Now, the next thing that you did when you
8 examined, let's say, State's Exhibit No. 58A, which are
9 the cartridges and cartridge casings collected out of the
10 Taurus.

11 A Yes, ma'am.

12 Q Do you see that item?

13 A It's -- I have it broken up on mine as JFH-1B, 1C,
14 and 1D.

15 Q There you go.

16 A Can I open it up?

17 Q Yes, sir. Go ahead.

18 A This package here, State's Exhibit No. 58A, actually,
19 has item JFH-1B and JFH-1C.

20 Q And what are these items?

21 A These -- the JFH-1B is a caliber 357 Magnum fired
22 cartridge case.

23 Q Okay.

24 A And JFH-1C is, actually, three caliber 357 Magnum
25 cartridges.

1 Q Now, what's the difference between a cartridge and
2 cartridge case?

3 A The cartridge is, actually, containing the powder and
4 the projectile is still able to be fired. The cartridge
5 case is just the housing, which at one time did contain
6 the projectile and powder.

7 Q And what sort of testing, if any, did you do with
8 these items?

9 A I just identified JFH-1C and the JFH-1B fired
10 cartridge case. I, actually, did a microscopic comparison
11 to compare to the test shots of the revolver and was able
12 to determine that it was fired in that revolver.

13 Q So the casing that was recovered from inside the
14 cylinder of the 357 had been fired from that 357?

15 A That's correct.

16 Q Okay. Now, let's look at State's Exhibit No. 58B.

17 A State's Exhibit No. 58B was my item JFH-1D, which is
18 three caliber 38 Special cartridges.

19 Q And what did you do with these?

20 A I just identified them by their caliber and that
21 they're, actually, live cartridges.

22 Q Would the items in that exhibit fit in the gun that
23 was collected?

24 A Yes, ma'am, they would.

25 Q Okay. Now, that gun is a 357-caliber?

1 A Yes, ma'am, it is.

2 Q Does it have to be 357 ammunition to go in it to
3 work?

4 A No. In that one there, the two common calibers that
5 will fire in that firearm are, actually, 357 Magnum and 38
6 Special.

7 Q Let me show you something else before I ask you about
8 these next exhibits, Sergeant. This is State's Exhibit
9 No. 3. Can you take a look at that?

10 A Yes.

11 Q And I, actually, asked you to prepare that; correct?

12 A Yes, ma'am, you did.

13 Q And in State's Exhibit No. 3, would that be helpful
14 when you're explaining to the jury the other exhibits
15 collected from the scene?

16 A It's a possibility.

17 MS. MUNSON: Your Honor, I move State's Exhibit No. 3
18 into evidence.

19 MR. SARRATT: Without objection.

20 THE COURT: It's in evidence.

21 (WHEREUPON, State's Exhibit No. 3 was admitted into
22 evidence.)

23 BY MS. MUNSON:

24 Q And if you need to use the pointer, it's right there.
25 Now, explain to the jury what we're looking at here in

1 State's Exhibit No. 3.

2 A What you're looking at is the basic cutaway drawing
3 or diagram of an actual cartridge. You, actually, have
4 the projectile, which it can be various shapes. This one
5 is a hollow point design. It has a copper jacket, which
6 you can, also, have just a lead projectile -- well, any
7 type of projectile can fit there as long as it fits the
8 dimensions of this casing.

9 This casing here is the housing which, actually,
10 holds all the components of a cartridge. You have a
11 projectile, which is at the mouth of the casing. The
12 powder goes in here and right down in here is the primer,
13 which is needed for, actually, firing the projectile out
14 of a barrel.

15 Q Okay. Now, let me ask you this. Whenever a firearm,
16 such as this, this 357 handgun, when it's fired, explain
17 for the jury -- I mean, we all know you fire it and a
18 bullet comes out. But explain to the jury what else
19 happens, what's going on there chemically.

20 A Well, basically, when you fire a firearm, when you
21 pull the trigger, the hammer strikes the firing pin. The
22 firing pin then strikes the primer on that cartridge.
23 That primer has a shock-sensitive-type compound inside
24 which causes a spark. That spark then goes into the
25 powder chamber. And it causes that powder to burn at a

1 rapid rate.

2 As that powder is burning, it builds up pressure.
3 That pressure then pushes the casing backwards, as well as
4 pushing the projectile down the barrel. In that same
5 process with that being burnt like with a revolver, you
6 have the projectile going past what they call a cylinder
7 gap where the revolver -- cylinder is sitting before it
8 goes into the barrel. That gap there has little openings.
9 And then some of the gases can expand and go out around
10 it, kind of like a plume of smoke to form around it, as
11 well as come out of the barrel.

12 Q Okay. And this -- the things that come out of the
13 barrel and come out of the cylinder gap, what is that?

14 A That's commonly known as gunshot residue.

15 Q Now, gunshot residue, is that something that is
16 really hard to get off of your hands or your clothes?

17 A No, ma'am. It's -- basically, on clothes, it can be
18 washed off or wiped off. It's about like having salt on
19 your hands. Like if you're eating french fries and you
20 have salt on your hands, you can wipe it off, or rub it
21 off, or just wash it, and it, typically, will come off.
22 And that's about the same concept with gunshot residue.

23 Q Okay. Now, let's move to State's Exhibit No. 30.

24 A Yes, ma'am.

25 Q Now, what is State's Exhibit No. 30?

1 A State's Exhibit No. 30 was identified for me as item
2 JFH-5, which is a caliber 38/9mm fired bullet core.

3 Q And what testing did you do with that bullet core?

4 A I was only able to identify that it, actually, had
5 some lands and grooves that had been impressed from where
6 the jacket at one time was around it. And that general
7 rifling characteristic was consistent with five lands and
8 grooves with a right-hand twist.

9 Q When you're talking about lands and grooves and
10 right-hand twists, explain to the jury what you mean by
11 that.

12 A When you're looking down the barrel of a firearm, you
13 have raised and lowered sections, and it's usually in a
14 twisting manner. Each firearm has its own general rifling
15 characteristics. And that is just by general, we say
16 truly is general, just number and the direction of the
17 twist.

18 By looking down the barrel of the firearm, you can
19 count those lands and grooves. And when a projectile is
20 fired through that barrel, those lands and grooves are
21 then pressed into that projectile. And you can, also,
22 count them off of the projectile.

23 Q And different fire -- do all firearms have the same
24 markings or lands and grooves?

25 A No, ma'am, they don't.

1 Q Is that intentional?

2 A Well, the different companies have different ones --
3 things for their own company-wise. Even though there are
4 several firearms that, actually, are generated or
5 manufactured that have five lands and grooves or some with
6 six, you, also, have some anywhere from three to nine.

7 Q And why is it when you recover a bullet core, as you
8 say there, that, sometimes, you can't really match it up
9 real well?

10 A Well, the actual identifying feature or piece that
11 you really need to get the fingerprint of that firearm, so
12 to speak, is, actually, missing. That's called the
13 jacket. It's like the copper jacket would be covering
14 that piece of lead. And with that jacket being missing,
15 you're, actually, not picking up the true identifying
16 features of the projectile.

17 Q So what we're talking about here is --

18 A The piece we, actually, have here as item -- State's
19 Exhibit No. 30 is just this inner portion here, which is
20 like a little piece of lead inside a copper jacket.

21 Q Okay. And what you have as State's Exhibit No. 30 is
22 just a piece of the core?

23 A Just this core, yes, ma'am.

24 Q Okay. But it did have some markings on it; correct?

25 A It was just the general rifling characteristics that

1 had been impressed through the copper jacket into the
2 lead.

3 Q Consistent with the firearm that you tested?

4 A It has the same general rifling characteristics.

5 Q Okay. But you can't say that's a hundred percent
6 match?

7 A It's possible.

8 Q Now, let's look at State's Exhibit No. 29 -- before
9 we go to State's Exhibit No. 29, did you notice anything
10 else on State's Exhibit No. 30 when you were examining it?

11 A I did notice that there was some white residue which
12 was on the nose of the projectile, which is consistent
13 with like maybe even drywall and/or pulverized glass. It
14 was consistent with it passing through either something
15 that made a blast and/or some drywall.

16 Q Okay. Now, let's go to the next exhibit now.

17 THE WITNESS: Do you have any scissors?

18 THE CLERK: Yes.

19 THE WITNESS: State's Exhibit No. 29 was my item
20 number JFH-4, which is a metal fragment consistent with
21 being a portion of a fired bullet core that was not
22 suitable for microscopic comparison purposes.

23 BY MS. MUNSON:

24 Q Now, if the bullet core in your diagram goes through
25 hard things, say a skull, and a mirror, and a wall, what

1 would you expect to happen to it?

2 A Well, it depends on the construction of that core.
3 But it can, actually, fragment and pieces come off of it.

4 Q Okay. So it can fragment and one piece of the core
5 can be one place and another piece be somewhere else?

6 A Yes, ma'am.

7 MS. MUNSON: Okay. I have nothing else at this time,
8 Your Honor.

9 CROSS-EXAMINATION

10 BY MR. SARRATT:

11 Q So you testified about lands and grooves and general
12 rifling characteristics?

13 A Yes.

14 Q That just tells you certain models of a firearm that
15 a bullet could have been fired from; correct?

16 A Correct.

17 Q All right. In order to match a cartridge to a
18 specific gun, you would need to be able to analyze the
19 microscopic impressions that were left on the projectile;
20 is that right?

21 A Well, now, you just stated two different ones. You
22 said cartridge and projectile.

23 Q I'm sorry.

24 A On the cartridge, everything has to be matched
25 underneath the comparison microscope, do a side-by-side

1 comparison.

2 Q Okay.

3 A Without a side-by-side comparison, all you have is a
4 true generalization.

5 Q Right.

6 A You don't have any identifying features.

7 Q So you were not able to do any microscopic
8 examination that would show you -- to give you the
9 information to match this to a specific gun?

10 A Not on a projectile, correct.

11 Q You testified that you are able to definitively say
12 that the fired casing -- and correct me if I use the wrong
13 terminology.

14 A Correct.

15 Q The fired cartridge casing did come from this 357
16 handgun?

17 A Correct.

18 Q But you were not able to draw any conclusion as to
19 whether that projectile came from that fired cartridge
20 casing?

21 A That type of technology is not available today.

22 Q Okay. In looking at the lands and grooves, you said
23 there were five that twist to the right?

24 A Yes, sir.

25 Q Knowing that, you're able to exclude any other

1 handgun that did not have five lands and grooves and twist
2 to the right; correct?

3 A Correct.

4 Q So we know that that was not fired from anything that
5 had four lands and grooves, or three, or nine, or any
6 other thing?

7 A Correct.

8 Q All right. In addition, we know it wouldn't come
9 from any firearm, even if it had five lands and grooves,
10 if those twisted to the left; correct?

11 A Correct.

12 Q All right. So excluding those, can you say how many
13 different make, models of revolvers there are with five
14 lands and grooves that twist to the right?

15 A There's a large number that, actually, manufacture
16 with five lands and grooves with a right-hand twist.

17 MR. SARRATT: Okay. One second.

18 (Pause.)

19 MR. SARRATT: No further questions.

20 MS. MUNSON: Nothing further, Your Honor.

21 THE COURT: All right. Thank you.

22 THE WITNESS: Thank you.

23 MS. MUNSON: Your Honor, this next witness might take
24 a little while.

25 THE COURT: Okay. We'll just take about a 10-minute

1 break and let everybody get comfortable.

2 Don't talk about the case. And continue to keep an
3 open mind. We'll take about a 10-minute break.

4 (WHEREUPON, the jury was excused from open court at
5 approximately 3:21 p.m.)

6 THE COURT: Okay. We'll take a 10-minute recess.

7 Thank you.

8 (WHEREUPON, a break was taken.)

9 THE COURT: Bring the jury in, please.

10 MS. MUNSON: Your Honor, can I get something on the
11 record before the jury comes back?

12 THE COURT: Yes. Sure.

13 MS. MUNSON: Just real quick. I just neglected to
14 move into evidence State's Exhibit Nos. 53, 55, 56, and
15 57. I mean, I just didn't move them in, so if I could do
16 it now.

17 THE COURT: Okay.

18 MR. PROPST: No objection. I've seen the pictures
19 earlier.

20 MS. MUNSON: That's all, Your Honor.

21 Thank you.

22 THE COURT: Yes, ma'am.

23 Thank you.

24 (WHEREUPON, State's Exhibit Nos. 53, 55, 56, and 57
25 were admitted into evidence.)

1 (WHEREUPON, the jury came into open court at
2 approximately 3:42 p.m.)

3 THE COURT: Ms. Scott, yes, ma'am.

4 MS. SCOTT: Thank you, Your Honor.

5 The State calls Dr. James Fulcher.

6 THE CLERK: Dr. Fulcher, if you'll come forward to be
7 sworn in, please.

8 Place your left hand on the Bible and raise your
9 right.

10 WHEREUPON,

11 JAMES WILLIAM FULCHER, M.D.,
12 after first having been duly sworn, testified as follows:

13 THE CLERK: Thank you.

14 You may be seated.

15 Would you, please, state your name for the record?

16 THE WITNESS: James William Fulcher.

17 THE CLERK: Thank you.

18 DIRECT EXAMINATION

19 BY MS. SCOTT:

20 Q And what is your profession?

21 A I'm a forensic pathologist.

22 Q For what county?

23 A Greenville County, Pickens County, and Laurens
24 County.

25 Q And are you a duly licensed physician and surgeon?

1 A I am.

2 Q In what states?

3 A I'm licensed in North Carolina and South Carolina.

4 Q And how long have you been licensed to practice your
5 profession?

6 A In this state, seven and a half years.

7 Q And what are your duties here with Greenville County
8 as a medical examiner?

9 A I perform autopsies. If someone is injured, there's
10 a homicide, a suicide, body is found and it's unknown how
11 that person died, I do the autopsy to determine how and
12 why they died.

13 Q And how many autopsies have you done approximately?

14 A Approximately 1,800.

15 Q Okay. Are you on staff or affiliated in any way with
16 any of the academic universities around here?

17 A I am. I am an assistant professor of pathology for
18 the University of South Carolina of Medicine in
19 Greenville. I teach pathology, including being the course
20 director in dermatology and gastrointestinal hepatic
21 pathology.

22 Q Okay. Are you a part of any specialized medical or
23 scientific groups or associations?

24 A Yes. I am a member of the American Academy of
25 Forensic Science, the National Association of Medical

1 Examiners, and the Greenville Medical Society.

2 Q You said a word earlier, "forensic pathology," would
3 you tell the jury what that is?

4 A Sure. Forensic pathology is a study of decedents
5 bodies to determine two things, cause and manner of death.
6 Cause being why they died, gunshot wound to the head,
7 metastatic breast cancer, car accident, blunt force trauma
8 to the head. The manner in this state is one of several
9 things, homicide, suicide, accident, undetermined,
10 pending, or natural.

11 Q And have you been qualified as an expert in forensic
12 pathology in court?

13 A I have.

14 Q Roughly, how many times?

15 A Approximately 15.

16 MS. SCOTT: Your Honor, at this time, the State would
17 like to qualify Dr. Fulcher as an expert in the forensic
18 pathology field.

19 MR. SARRATT: No objection.

20 THE COURT: All right. He's qualified.

21 MS. SCOTT: Thank you, Your Honor.

22 BY MS. SCOTT:

23 Q Did you perform an autopsy on the decedent victim in
24 this case, Kimberly Davis?

25 A I did.

1 Q I'm sorry. Kim Sledge.

2 A Yes. At this point, I'll refer to my autopsy report.
3 I did. Yes. I performed a postmortem examination at 9:00
4 a.m., January 31st, 2014.

5 Q And how did you receive her body?

6 A The body is received in a body bag that is sealed and
7 opened in the morgue by myself.

8 Q And what was your external examination of her body?

9 A The external examination was remarkable for a single
10 gunshot wound to the head. She was clothed in various
11 garments, including sweat pants, a sweatshirt, undershirt.
12 She had some metal necklaces and a metal ring.

13 Her hands were received bagged, which forensics does
14 to preserve trace evidence. I saw no trace evidence
15 grossly. I, also, saw no gun powder residue on her hands
16 grossly. And when I say "grossly," that means with my
17 naked eyes. And I did observe some course drops of blood
18 on her hands, but no other debris.

19 Q Now, you mentioned that you take her out of the body
20 bag. And I imagine that she's laying on a table. Do you
21 take photographs? Other than this report here, how do you
22 document what you've seen?

23 A Sure. Photographs are taken at every step of the
24 autopsy.

25 Q And you're taking them?

1 A Yes.

2 Q Would your photographs help with your presentation
3 today?

4 A Generally.

5 Q I'm going to show you what's been marked as State's
6 Exhibit Nos. 18 and 19.

7 A Yes.

8 Q Do you recognize these photographs?

9 A I do.

10 Q And that's because you took them?

11 A Yes.

12 Q Are they a true and accurate depiction of Kimberly
13 when you saw her?

14 A Yes.

15 MS. SCOTT: At this time, the State would like to
16 move State's Exhibit Nos. 18 and 19 into evidence.

17 MR. SARRATT: Without objection.

18 (WHEREUPON, State's Exhibit Nos. 18 and 19 were
19 admitted into evidence.)

20 MS. SCOTT: Your Honor, the State would like to
21 move --

22 THE COURT: They're in evidence.

23 MS. SCOTT: Thank you.

24 BY MS. SCOTT:

25 Q Now, you mentioned that you noticed on Kimberly a

1 single gunshot wound?

2 A Yes.

3 Q We'll start with what we believe to be the entry
4 wound. And if you'll tell us -- let's see here.

5 MS. SCOTT: Where did he go with the lights? Is this
6 what he, normally, pushes?

7 THE CLERK: Uh-huh.

8 BY MS. SCOTT:

9 Q Doctor, what can you tell us about this entry wound
10 here or -- sorry. Is this an entry or exit wound?

11 A This is an entry wound.

12 Q And how do we know that?

13 A We know that because when a bullet enters the body,
14 they're not sharp. They're blunt. So they must push
15 through tissue. And it's obliterated a small plug of
16 tissue here that corresponds approximately to the diameter
17 of the bullet as it goes through the skin. We, also, see
18 some abrasion around the outside of the entry.

19 Q What else can you tell me about this specific wound,
20 as far as how it entered into the skull?

21 A It enters in at probably a very minimal angle. This
22 is largely round to elliptical. There's a few stellate
23 lacerations, which are caused by stress as the bullet
24 enters the skin.

25 Additionally, with the skin shaved here, we can see

1 no soot or stipple, which means that the weapon was
2 several feet away from the victim when fired.

3 Q If it had been right up on the skin, what would we
4 have seen again?

5 A We would have a thermal injury and soot around the
6 wound, actual debris. When you fire a modern cartridge
7 out of a revolver, the nitrocellulose gun powder doesn't
8 explode, it burns very quickly. And, as it burns, those
9 hot gases go out of the barrel. And you have some thermal
10 damage if it's a contact wound. And you, also, have quite
11 a bit of soot that's deposited on the skin's surface. We
12 have none of that in this case. So, therefore, this is a
13 distant wound.

14 Q Now, let's talk about the exit wound. Where did that
15 take place?

16 A This is the back of the head where the entrance is.
17 The exit entered -- or the exit is on the forehead in this
18 case. This is the exit.

19 And, in this case, as the projectile exits the head,
20 large portions of bone are blown out of the skull causing
21 a larger lacerated wound. All this black is empty space.
22 The bullet probably exited about here. But we have large
23 amounts of stellate laceration as the projectile exits
24 carrying debris. The kinetic energy of the projectile
25 usually causes a large wound on the way out.

1 Q Now, you mentioned it carried with it debris?

2 A Yes.

3 Q What type of debris are we talking about coming out
4 of this exit wound?

5 A Sure. Fragments of the skull, brain, soft tissue,
6 anything that gets in its wound path.

7 Q There was testimony earlier of a mirror. And,
8 Dr. Fulcher, I'm representing to you that this is a
9 mirror. I may have this upside down.

10 A Yes.

11 Q It, also, had a projectile go through it. You
12 mentioned that there would be debris?

13 A Yes.

14 Q And you mentioned the type of debris that we're
15 talking about?

16 A Yes.

17 Q The impact of that debris, are we talking -- how
18 far -- how fast -- would it have caused any damage to that
19 mirror?

20 A As bullets exit a skull, they do still have some
21 kinetic energy if they exit. Given the fragility that we
22 all know that mirrors have, it is reasonable that a
23 projectile or fragments of bone and hard tissue may have
24 damaged this mirror.

25 Q Now, do you know where in the brain that that bullet

1 entered?

2 A I do.

3 Q Where?

4 A Part of the autopsy is removing the brain. And, in
5 this case, we have a large -- and I'm going to refer to my
6 notes -- a large wound path destroying all midline
7 structures of the brain, particularly the midline cortex.

8 What that means is if you look at a picture of the
9 brain, you have a large cortical surface, the gyrated
10 pattern on the outside. It goes right through the middle
11 of the brain, basically. It's going to damage very many
12 vital structures, at that point, including the thalamus,
13 hypothalamus, all critical medial -- or in the middle
14 structures of the brain.

15 Q Now, given that you know the injury and exit wound,
16 could you tell the jury the trajectory of that bullet --
17 or sorry, projectile through that skull?

18 A Sure. Inside Ms. Sledge's body in her head, the
19 direction of wounding was from back to front, slightly
20 downward and slightly right to left, but really only
21 minimal deviations right to left. I believe the
22 projectile enters directly on midline and exits very
23 slightly left of midline, only three-quarters of an inch.

24 And between the space of the back of the head and the
25 front of the head, the bullet only drops one inch. So a

1 very minimal drop, very minimal deviation, but very
2 definitely back to front.

3 Q All right. Now, in addition to the external
4 examination that you do, do you, also, do a toxicology
5 report or tests on the deceased?

6 A We do. In these cases, this blood is packaged and
7 sent to a national send-out lab, National Medical Services
8 located in Philadelphia. It is sealed, signed, and Fed
9 Exed and overnighted to EMS. And they give us a report
10 shortly thereafter.

11 Q And what did the toxicology reveal in this case?

12 A In this case, we have ethanal grain alcohol, standard
13 alcohol that you drink at home. Ms. Davis [sic] had a
14 blood alcohol of 0.192 percent weight by volume.

15 Q And we're calling her "Ms. Davis." I did that, you
16 did that --

17 A I'm sorry. Ms. Sledge.

18 Q Davis being a maiden name of some sort?

19 A I apologize. I saw it in the report.

20 Q I think I started it.

21 Now, also, going back to the external examination,
22 did you notice any other wounding or injury to her?

23 A I did not. I believe the coroner's report and other
24 police reports mentioned some other minor injuries. Once
25 we cleaned off the body and got the blood off of it, I did

1 not note any other injuries.

2 Q Now, there was testimony earlier, Doctor, about
3 possibly someone -- a witness hearing slurping or
4 breathing from this victim on the floor. How would that
5 have been given the damage that you described to the
6 brain?

7 A It is unlikely. If they were around immediately
8 after the shooting, I suppose you could argue there might
9 have been some spasms of the body that made some noises.
10 But, generally speaking, this is a very quick demise,
11 nearly within seconds with this type of trauma to the
12 brain.

13 Q Now, I want to talk about the impact of that
14 projectile into the brain itself since you said it was
15 immediate. Can you describe what we would imagine as a
16 projectile goes through the brain, what it would be like,
17 what would the bullet be doing inside the brain area?

18 A Sure. So without, actually, having seen the
19 projectile, as they go through the brain, they start to
20 deform, particularly at the level of the skull. Once you
21 penetrate skin and bone, there really isn't a lot of
22 resistance to a projectile going through the brain. Your
23 brain has the consistency of Jell-O, to be honest. It's
24 quite soft. That's why it's inside your skull.

25 So, at this point, as the projectile went through the

1 brain, it would create a wound path. And if you've seen
2 them -- there are any number of videos of projectiles
3 being shot, ballistic jelly, which is a clear gelatin
4 substance which recapitulates human tissue very well --
5 you note a very large wound cavity.

6 As a projectile goes through soft tissue, it creates
7 a wake, a pressure wave, almost like a motor boat going
8 through the water. So you can have this pressure wave
9 that expands. It can be up to 10 times the diameter of
10 the bullet. Then it collapses and vibrates very quickly.
11 You can find stop motion, slow speed, or super high speed
12 photography and video of this ballistic jelly shaking.

13 That's the basic theory of wounding with projectiles.
14 That's why we have hollow-point projectiles. They expand
15 causing more surface area, more kinetic energy creating a
16 bigger wake or a bigger pressure wave inside the brain or
17 tissue.

18 Q Did you have a chance to move that brain from -- or
19 Kim's brain from her body?

20 A I did.

21 Q And what was the condition of her brain when you saw
22 it?

23 A Significantly damaged. The damage to the midline
24 structure, basically, separated the brain in two. So
25 there's a fairly large wound path. Even though the

1 diameter of the bullet, presumably, is less than a half
2 inch, your wound path could be significant, several inches
3 across, hemorrhage. Usually with brains, the tissue is,
4 basically, liquified at the wound path. So it's turned
5 into almost like a gravy, if you will, consistency.

6 MS. SCOTT: Answer any questions Defense Counsel
7 might have.

8 CROSS-EXAMINATION

9 BY MR. SARRATT:

10 Q Dr. Fulcher, how are you?

11 A I'm well, sir.

12 Thank you.

13 Q You're thorough in your examinations, aren't you?

14 A I try to be.

15 Q And you said that you cleaned the body off and got a
16 very good examination of it?

17 A Uh-huh.

18 Q You did not notice any other major injuries to the
19 body?

20 A No, sir, just the gunshot wound.

21 Q In your report, you talk about the musculoskeletal
22 system?

23 A Uh-huh.

24 Q If there had been, for instance, a shoulder injury,
25 would you have noted that?

1 A Yes, I should have.

2 Q All right. And you didn't note any shoulder injury
3 to Kimberly?

4 A No.

5 Q Specifically, you did not note that there was any
6 part of her bone sticking out from the skin from her
7 shoulder?

8 A I definitely would have noticed that.

9 Q I don't believe there are pictures in evidence. But
10 in looking at Kimberly, was there anything abnormal about
11 her face?

12 A Yes. We talked about that earlier. I did not,
13 specifically, mention it. But as projectiles go through
14 someone's body, particularly with the wounding we have to
15 the skull, you sometimes get a focal amount of blood
16 around the eyes. That's what we were talking about. I
17 did see it on the photos.

18 It's, generally, part of the wound path. We call
19 them raccoon eyes. And it comes from blood. It's not
20 from someone hitting the face. It's from blood leaking
21 behind the orbit of the eye. So the blood is coming from
22 the brain out, not being hit.

23 Q Was there any other discoloration, generally, of the
24 face? Was it, perhaps, red anywhere?

25 A Oftentimes, we do get a slight reddish tinge to

1 decedents. When you die, the blood stops moving through
2 your body. So blood can tend to pool in certain areas and
3 slightly discolor the face or other areas, yes.

4 Q Would it appear to resemble a rash, perhaps?

5 A Yes. It very well could have.

6 MR. SARRATT: One second.

7 (Pause.)

8 MR. SARRATT: No further questions.

9 REDIRECT EXAMINATION

10 BY MS. SCOTT:

11 Q Dr. Fulcher, just one last question. In your
12 professional medical opinion, what is the manner and cause
13 of death in this case?

14 A Sure. The cause of death in this case is -- let me
15 read it verbatim -- a gunshot wound to the head. And the
16 manner given that the wounding was from distance and to
17 the posterior aspect of the head is best coded as
18 homicide.

19 MS. SCOTT: Thank you.

20 Nothing further from this witness.

21 THE COURT: Thank you, Dr. Fulcher.

22 THE WITNESS: Thank you.

23 MS. MUNSON: Your Honor, our next witness would be
24 more than an hour and a half long. So I didn't know if
25 you wanted to go for break.

1 THE COURT: Let me confer with y'all, if I could, up
2 here, please.

3 (WHEREUPON, a bench conference was held.)

4 THE COURT: Ladies and gentlemen, due to the
5 logistics of the next witness, we're going to go ahead and
6 break for today. We've accomplished a lot, I think, in
7 terms of covering ground and what the State needed to
8 cover.

9 And we'll just resume the trial tomorrow morning at
10 9:00. Don't talk about the case. Continue to keep an
11 open mind. Don't do any outside investigation. We'll see
12 you back at 9:00 in the morning.

13 Thank you.

14 (WHEREUPON, the jury was excused from open court at
15 approximately 4:03 p.m.)

16 THE COURT: Okay. Y'all want to take up some
17 admissibility of evidence. Is that what I'm
18 understanding?

19 MR. PROPST: Yes, sir.

20 Your Honor, yesterday, we discussed the admissibility
21 of the interview with the Defendant by Investigator Rivera
22 and -- or excuse me, Sergeant Rivera and Investigator
23 King. Your Honor briefly brought up State v. Brewer.
24 It's from January 28th, 2015, 411 S.C. 401, which
25 discusses the admissibility of, essentially,

1 investigator's statements on these interviews saying they
2 must be -- they must not be inadmissible hearsay or serve
3 some non-hearsay purpose.

4 Basically, we'd object to the whole interview coming
5 in. However, if Your Honor isn't inclined to do that,
6 there's some issues towards the end of the interview. And
7 I can provide you a transcript, if you'd like.

8 THE COURT: Okay.

9 MR. PROPST: And you can take it under advisement.
10 Would you like it?

11 THE COURT: Sure.

12 MR. PROPST: I can provide you my copy and roughly
13 guide you through it.

14 THE COURT: Okay.

15 MR. PROPST: Specifically, Your Honor, starting on
16 Page 74, there's some conversations -- discussions between
17 Mr. Sledge and an investigator where they're, basically,
18 saying, you know, Did you do it? Did you do it?

19 He's saying, No, I didn't do it. I wouldn't hurt
20 them.

21 And once he says that, it seems to me that the
22 purpose of this line of questioning should be over. But
23 it continues. And I apologize I can't quote it verbatim
24 right now.

25 On Page 77, they're telling the Defendant they know

1 he did it. 88, he's categorically denying it. 103, same
2 sort of thing. I believe there's a quote on Page 106,
3 which is to the effect of the fact of the matter is we
4 know you did this, that sort of thing.

5 There's language in Brewer -- well, while it's not an
6 actual holding, the Court cites United States v. Silva, We
7 find no support -- this is from Brewer itself. We find no
8 support in the law for the State's argument that the
9 interrogator's statements were admissible for purposes of
10 context or for the effect the statements had on Brewer.

11 And they use Silva to explain this. And what they
12 meant was allowing agents to narrate the course of their
13 investigations and, thus, spread before a jury is damning
14 information that is not subject to cross-examination would
15 go so far -- would go far toward abrogating the
16 Defendant's right under the Sixth Amendment and the
17 hearsay rule. The only effect these statements have on a
18 defendant was to make him repeatedly deny shooting anyone.

19 Your Honor, by making Mr. Sledge repeatedly deny
20 involvement in this crime -- once he's answered, that
21 should be the end of questioning. After that, it becomes
22 somewhat of a burden shifting situation. They're saying
23 prove yourself innocent. We know you're guilty. You've
24 got to prove yourself innocent for this questioning to
25 cease or it's going to keep going on. And it does

1 continue.

2 So based on those specific examples on Pages 74, 77,
3 88, 103, and 106 -- and, again, I don't have the exact
4 language in front of me, we'd ask that those portions be
5 struck.

6 THE COURT: All right. So what portions precisely
7 are you asking me to strike?

8 MR. PROPST: Your Honor, at that point of the
9 interview, all the substantive information has been taken
10 from the Defendant and the investigators have done their
11 job. It's just after that, it becomes redundant. We know
12 you did it. Did you do it? We know you did it.

13 No, I didn't.

14 And it's just -- it's not relevant at that point.
15 It's asked and answered if they're sitting on the stand.

16 THE COURT: Okay. And that's all Page 73?

17 MR. PROPST: There's an example on Pages 74, 77, 88,
18 103, and 106 in my compilations.

19 THE COURT: Well, where do you want it to stop is
20 what I'm asking?

21 MR. PROPST: That's a good question. I'd have to
22 tell you based on the video or take another look at that
23 transcript.

24 THE COURT: Okay. Do you want to see this?

25 MR. PROPST: Let me read it.

1 THE COURT: Okay.

2 MR. PROPST: And it may be one of those things that
3 we can get together and discuss.

4 THE COURT: Okay. Well, what's the State's position?

5 MS. SCOTT: Yes, Your Honor.

6 That was the purpose of our meeting. We had a
7 meeting after yesterday's break about redacting the video,
8 Your Honor. And I thought that we had cleared out the
9 hearsay portion.

10 We did not talk about repetitiveness. And so I guess
11 that's the basis of the argument. And we can, certainly,
12 take out the repetitiveness in regards to it being
13 answered.

14 I do think that's not a great argument they're making
15 in the sense that they need to just allow investigators to
16 do their job. They do ask repeated questions because
17 people give different answers. That's just understood in
18 the course of investigations. I don't see how that's
19 prejudicial in any way.

20 In this particular case, I'm not sure of the fact
21 pattern in Silva, which he's talking about. I don't like
22 to quote cases when I don't know the actual facts. But
23 beyond what we have written here is a case within a case
24 cite.

25 But Brewer -- Bruster -- or Brewer, specifically,

1 talked about hearsay, which we took that out, Your Honor.
2 Things that Michael told the officers the Defendant told
3 Kim that Kim told him, we took that out, but understood
4 hearsay within hearsay probably within hearsay.

5 I do think, Your Honor, that investigations in a
6 sense -- they're not comfortable. They're not
7 conversations you have in your living room. There will be
8 some repetitiveness. I don't believe it needs to all be
9 redacted out.

10 THE COURT: Okay.

11 MR. PROPST: Your Honor, I'm not arguing the hearsay
12 point. We did go through yesterday and work together on
13 that. And I think we resolved those issues.

14 It's just once we get to the examples I was citing,
15 it just becomes the Defendant is repeatedly saying, I did
16 not shoot my wife, denying involvement. And they keep
17 asking him over and over not necessarily the same
18 question, but it's the same sort of question, which, like
19 I said, it almost seems to be a burden-shifting-type
20 approach to take.

21 And under 403, every time they ask it, it gets less
22 and less relevant and more and more prejudicial. So, Your
23 Honor, that's our position.

24 THE COURT: Okay. Well, y'all haven't really given
25 me concrete examples of what you want me to rule on. I

1 guess if you want to take what I'm about to say into
2 consideration and maybe craft some kind of compromise, you
3 can do that. But you're not really giving me chapter and
4 verse on what you think is inadmissible and not. It's
5 hard for me to go in and pick out each question and answer
6 and predict what you're going to say about it.

7 But I think what Brewer says is what Mr. Propst
8 brought up about the statements that were repetitive. The
9 only effect they had was on the Defendant making --
10 repeatedly denying shooting anyone.

11 And it tells trial courts to remember that all
12 out-of-court statements are either admissible for a valid
13 non-hearsay purpose or an exception to the hearsay rule.
14 And that the question -- We would like to remind trial
15 courts that the questions police pose during suspect
16 interviews may contain false accusations, inherently
17 unreliable, unconfirmed or false statements, and
18 inflammatory remarks that constitute legitimate points of
19 inquiry during a police investigation, but then would,
20 otherwise, be inadmissible in open court. And it says the
21 wholesale publication of recording a police interview to
22 the jury, especially, law enforcement investigatory
23 questions might very well violate the prescription against
24 hearsay or Rule 403.

25 So, I mean, if y'all can come to some kind of

1 agreement. Obviously, what Mr. Sledge says during the
2 interview is admissible under the rules. And it's not
3 hearsay because it's a statement of a party.

4 But I do believe Mr. Propst has a point about the
5 repetitive questions if he's denied it. I'm willing to
6 give the State some leeway on that. Because I do think
7 it's important for the jury to see the context of his
8 denials and his demeanor during the interview, and so
9 forth. But just to keep bringing it back up and back up
10 again, it seems to me Brewer would prohibit that.

11 MS. MUNSON: Well, Your Honor, we'll, certainly, go
12 back and look at it.

13 But I'm a little concerned about where we're going
14 here. For years, you know, well, did you record the
15 statement? No, we didn't record it. Then you can't trust
16 it. Now, we've got every single word that was said
17 between him and law enforcement. And, now, the Defense
18 says, no, you can't show the jury that, you can't show the
19 jury that.

20 And then what's going to happen is the Defense is
21 going to say, well, you know, we don't know everything
22 that was on that recording. So we're being put back in a
23 box. If they asked the Defendant one time, 10 times, I
24 think it's up to the jury whether or not it's relevant.
25 And you can't just look at one, or two, or three questions

1 in this interview.

2 The Defendant is asked, Did you shoot the gun that
3 night?

4 No.

5 Did you shoot the gun that night?

6 Yes.

7 Did you shoot the gun that night?

8 Maybe.

9 He gives inconsistent answers through the entire
10 time. Because of that, I think the jury is entitled to
11 see how he's being treated, what he's saying, how he's
12 answering it.

13 So I would object to going back. We've already gone
14 through -- we met with the Defense yesterday and chopped
15 out the clear things -- hearsay things, chopped them out.
16 References to a DUI, chopped that out. That's fine.

17 But, now, to go back and have to -- well, how many
18 times, Your Honor? How many times are they allowed to
19 ask? And who gets to decide which time? Like the Defense
20 might say I want -- you know, I want you to put in front
21 of the jury on Page #88 where he's asked if he's killed
22 his wife. So which ones do we leave in and take out?
23 That's impossible.

24 THE COURT: Well, I mean --

25 MS. MUNSON: It's just impossible. They're proposing

1 that we go back through this interview and take out --
2 pick one time where the Defense [sic] says, Did you kill
3 your wife?

4 And he says, No.

5 All the rest are cut out. Or are we just supposed to
6 put Rivera on the stand and say, Did he deny it?

7 Yes, he did deny it.

8 And then let the jury listen to the rest of the
9 interview and sit there and wonder, well, I wonder why
10 they didn't ask him if he killed his wife. What do we do
11 here?

12 THE COURT: You know, that's why I'm a little worried
13 about there's not a concrete submission that the Defense
14 is making about what exactly you want me to rule on.

15 MR. PROPST: Your Honor, would you allow us a short
16 recess to throw that together real quick?

17 THE COURT: Well, I mean --

18 MR. PROPST: 10 minutes?

19 THE COURT: Yes. Sure. If you want to do that.

20 I mean, I guess I'd have to ask Ms. Munson what part
21 of Brewer she wants me to ignore.

22 MS. MUNSON: I don't want you to ignore any of it,
23 Your Honor. I'm sorry. I don't want you to ignore any of
24 it.

25 THE COURT: That's the ruling of the Supreme Court.

1 So am I supposed to pick and choose what part of the
2 Supreme Court decision I follow?

3 MS. MUNSON: Well, I guess we're both in a box then.
4 So what do we pick and choose which times he's asked if he
5 killed her?

6 MR. PROPST: Your Honor --

7 MS. MUNSON: I just don't know what to do. I,
8 certainly, want to follow the law. And I'm, certainly,
9 going to do what you tell me to do, Judge. But what do we
10 do and who gets to pick?

11 MR. PROPST: When we met yesterday, I think it's fair
12 to say neither side had fully read and digested this
13 opinion. So it was not really part of our discussion
14 yesterday.

15 THE COURT: So now it's my fault. Is that what you
16 mean?

17 MR. PROPST: We're, certainly, open to compromising
18 with the State. But it is a newer opinion that has to be
19 dealt with and followed.

20 THE COURT: Well, I know y'all are both good lawyers
21 and you'll come up with something reasonable.

22 And I think Ms. Munson has got a good point about
23 the -- I haven't seen the tape, so it's hard for me to box
24 at shadows here. I haven't -- I've just read that little
25 part of the transcript y'all showed me. But if, in fact,

1 these repetitive questions elicited inconsistent answers
2 by the Defendant, that's, obviously, a whole different
3 matter.

4 I think you would have to show me, Mr. Propst, some
5 way that the repetitive questions caused unfair prejudice
6 to the Defendant under Rule 403. And I'll give you, you
7 know, 10 minutes if you want to go out and try to show me
8 some examples of that.

9 MR. PROPST: Yes, sir.

10 THE COURT: Okay. So we'll just take a 10-minute
11 break.

12 (WHEREUPON, a break was taken.)

13 THE COURT: Yes, sir.

14 MR. PROPST: Your Honor, after reviewing what I had
15 picked out, specifically, I'll concede I may have gotten a
16 little overzealous with the opinion reading it. But there
17 still are two examples that I think are relevant under
18 this case to be excluded. I can read them out or point
19 you to them.

20 THE COURT: Okay. Thank you.

21 MR. PROPST: The first is on Page 74.

22 THE COURT: All right.

23 MR. PROPST: And it begins midway down, RR, which is
24 Ramon Rivera. And he says, You know what's bullshit. And
25 it proceeds to Page 75 to the third spoken word there, the

1 third paragraph for lack of a better word.

2 THE COURT: All right. And what's the State's
3 position on that?

4 MS. MUNSON: That there's nothing in these questions
5 with Ramon -- it begins first right above that, Your
6 Honor, where the Defendant says, That's great. Go to the
7 creek, watch my cats walk up and down the trees, watch my
8 cats go back there half a mile to my creek bank, then met
9 us where our footprints would go. I love my wife. I love
10 my son. This is bullshit. Sorry, but this is bullshit.

11 The response by Ramon Rivera is, Do you know what's
12 bullshit?

13 Defendant, This is bullshit.

14 Rivera says, You know what's bullshit, that you know
15 exactly what happened to your beloved wife and you're
16 still hem-hawing around.

17 That is not Rivera saying anything like what was
18 going on in Brewer. That's not Rivera saying you know you
19 shot your wife because I have a witness who says that he
20 saw you shoot your wife. It's just Rivera challenging
21 him.

22 So the State's position on that one is there's
23 nothing that would run afoul with Brewer.

24 THE COURT: What's the next one, Mr. Propst?

25 MR. PROPST: Page 103, starting at the very top with

1 Ramon Rivera, Okay, do you know why he didn't call you?
2 And I believe ending with towards the bottom half of the
3 page, TK, Why would Michael tell us that?

4 THE COURT: All right. What's the State's position
5 on that?

6 MS. MUNSON: It's pretty much the same, Your Honor.

7 Well, I guess you could say with Tracy King saying to
8 the Defendant, Why would Michael tell us that? But what
9 we're talking about, you have to sort of start at the
10 beginning. Again, at the top of the page where Rivera
11 asked the Defendant, Do you know why he -- meaning
12 Michael -- didn't call you?

13 The Defendant asks the investigator, Why?

14 So Rivera says, Why would he not call, and call 911
15 instead? You said -- challenging the Defendant with the
16 Defendant's own words, You said you were surprised that he
17 didn't call you.

18 The Defendant says, Yes. The Defendant then says, Go
19 ahead.

20 Because Michael told us that you were the one that
21 did it.

22 That might run afoul of Brewer. However, it's
23 already in evidence, the little kid on the 911 call
24 saying, John Sledge shot my mother. The child himself
25 will be here tomorrow to take the stand and point at him

1 and say, John Sledge shot my mother. Certainly, the
2 Defense will be able to say, well, you didn't, actually,
3 see it, and all that other stuff. But just on the page,
4 Your Honor, certainly, it would run afoul with Brewer, but
5 for the fact that there's already evidence in to that
6 effect.

7 And the other parts that we've already taken out of
8 the -- so I guess we could compromise. We've already
9 taken stuff out of the video that relates to Michael said
10 you did it -- but, actually, no, what we took out was
11 Michael told us that your wife said you said you were
12 going to kill her. That's what we took out. Those are
13 the parts we took out.

14 MR. PROPST: Correct.

15 MS. MUNSON: My position, Your Honor, is although
16 black and white, looking at Brewer and then looking at
17 this, it might run afoul. It is not something that isn't
18 already in evidence. And it doesn't violate his rights.
19 And the whole time, he was agreeing to talk.

20 Thank you, Your Honor.

21 THE COURT: Thank you.

22 Well, I understand what the -- Michael said on the
23 911 call. Now, I don't know what he'll say when he comes
24 to court. But what they say here is -- I lost my place
25 again. Michael told us you were the one that did it.

1 That's different than what is in evidence so far, or did
2 I --

3 MS. MUNSON: No. I suppose very technically it is.
4 Because that's Tracy King saying, Michael told us. And
5 Michael on the 911 call, yeah, that is two sort of
6 different things that get to the same result. So I would
7 have to concede that.

8 THE COURT: Well, I would sustain the objection as to
9 the portion of 103, and deny as to the portion on Page 74
10 and 75, based on Brewer.

11 All right. Anything else?

12 MS. MUNSON: So we can -- we'll have to take up --
13 yes, Your Honor.

14 We had talked yesterday about how to handle the fact
15 that the person who initiated the DNA and GSR samples is
16 not just unavailable, but whereabouts unknown. We talked
17 about entering into a stipulation. We're very close to an
18 agreement.

19 The second part -- I'll just read it out loud, Now
20 comes the State, by and through its undersigned
21 representatives, and the Defendant, by and through his
22 undersigned representatives, to stipulate to the following
23 as fact in the trial of the above-styled matter: One,
24 that the whereabouts of the individual who collected
25 certain samples during the investigation of this case are

1 unknown. That because this individual started the chain
2 of custody with those samples, any tests performed on
3 those samples is not admissible in this trial.

4 The Defense would rather that say "is not available,"
5 which I don't care that much, Your Honor. But I would
6 then ask you to charge the jury that -- I'd have to come
7 up with something. I wouldn't expect you to come up with
8 my proposed charge.

9 But they need to know that there's a legal thing that
10 prevents it from coming in. I don't want the jury back
11 there thinking why is it not coming in? Why is it not
12 available? Do they have the reports and they're just not
13 giving them to us? We do have the reports and would love
14 to give them to them.

15 THE COURT: Okay.

16 MS. MUNSON: So that's why I think it should be more
17 correct and say not admissible.

18 THE COURT: I understand.

19 What about that, Mr. Propst?

20 MR. PROPST: Your Honor, it's the State's burden to
21 prove him guilty. They've lost this witness that is the
22 start of their chain. They can't get past that. It's
23 their responsibility to hold onto the witness. It would
24 be admissible but for their error in that they can't find
25 their witness, so it's unavailable for court. That's our

1 basic argument. I think it's a small thing to put in
2 there and "unavailable" suffices both of our ends.

3 MS. MUNSON: Judge, we didn't lose her. We're not
4 responsible. I mean --

5 THE COURT: We don't have to have a trial on that.

6 MS. MUNSON: Okay.

7 THE COURT: But I think that in fairness and to give
8 the jury a truthful and accurate picture, it should say
9 inadmissible or unavailable and, therefore, inadmissible
10 or something like that.

11 But I think the jury ought to know -- I don't think
12 it's fair to hamper the State's ability to respond to an
13 argument by the Defense that the evidence wasn't admitted
14 in this trial and could have been admitted when, in fact,
15 it couldn't. I mean, I understand about the
16 unavailability. But that's what -- a sizable portion of
17 the rules of evidence are based on situations where
18 witnesses are unavailable.

19 MS. MUNSON: What was that language you used, Your
20 Honor?

21 MR. PROPST: Unavailable.

22 MS. MUNSON: Unavailable and, therefore,
23 inadmissible.

24 THE COURT: Yes.

25 Or if y'all just want to say inadmissible. It

1 doesn't matter to me. But I think the State should be
2 able to say inadmissible.

3 MS. MUNSON: Well, I can't make them agree to this.
4 So if they don't want to agree to the stipulation, then
5 would we be talking about a jury charge?

6 THE COURT: Well, I mean, the alternative is the
7 State could try to admit the evidence in front of the
8 jury. And I would have to rule that -- I suppose -- I
9 don't know what would happen. But I suppose I would have
10 to rule that it's inadmissible and the jury would see
11 that. But we don't really need to go to all those
12 lengths.

13 MS. MUNSON: I would think any prosecutor that would
14 try to introduce something knowing it was not admissible
15 would be a little sketchy.

16 THE COURT: The problem is I can't comment on the
17 facts. So y'all -- that's why I'm saying the stipulation.

18 MS. MUNSON: I understand.

19 MR. PROPST: We'd be in agreement with the
20 stipulation as you worded it. But, obviously, if Your
21 Honor's opinion -- or decision is that would be the only
22 other option, then our hands are tied.

23 THE COURT: I don't know what you mean by that.

24 MR. PROPST: I was kind of talking in circles. Your
25 Honor, we would be on board with the language you used,

1 unavailable and, therefore, inadmissible.

2 THE COURT: Okay.

3 MS. MUNSON: But, see, that's not accurate either
4 because the tests were done. The tests are available.
5 The tests are here. It's a legal thing. I don't -- and I
6 know I'm being kind of a stickler about it, Judge. I just
7 don't want them thinking --

8 THE COURT: Why don't you say because -- I'm getting
9 confused on what -- even though this evidence -- even
10 though the evidence is -- even though the evidence exists,
11 because the first link in the chain is unavailable and we
12 cannot -- and cannot be located, then the rules of
13 evidence prevent it from being admitted in this trial.
14 Why don't you just say that?

15 MS. MUNSON: Okay.

16 THE COURT: Does that help anybody?

17 MR. PROPST: Your Honor, if that would be the
18 language, we'd stipulate to what they have.

19 THE COURT: Do what now?

20 MR. PROPST: If that's your proposed language, we
21 would be happy to stipulate to what they have.

22 THE COURT: What do you mean by "what they have"?

23 MR. PROPST: The original language in the motion and
24 withdraw our argument altogether.

25 THE COURT: Okay.

1 MS. MUNSON: We'll get it to you in the morning, Your
2 Honor.

3 THE COURT: Okay.

4 MS. MUNSON: Because I've written notes on this.

5 THE COURT: All right. Anything further?

6 MS. MUNSON: I don't think so.

7 MR. PROPST: No, sir, Your Honor.

8 THE COURT: Okay. Well, we'll start back at 9:00.
9 Thank you very much.

10 (WHEREUPON, the proceedings were concluded at
11 approximately 4:53 p.m., to be reconvened on
12 Wednesday, March 16, 2016.)
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1 WEDNESDAY MARCH 16, 2016

2 THE COURT: Anything before we bring the jury in?

3 MS. MUNSON: Yes, sir..

4 Just scheduling wise, the last part of the video that
5 we agreed needed to be redacted, that is just being
6 finished up right now.

7 THE COURT: Okay.

8 MS. MUNSON: And then I suppose we'll need some time
9 to -- so they can assure we've taken out what needs to
10 come out.

11 THE COURT: Okay.

12 MS. MUNSON: I think that's it.

13 So what we could do is just go ahead and call
14 Investigator Campbell while they're finishing up that, and
15 maybe take a break for us to review that.

16 THE COURT: Okay. Sounds fine.

17 MS. MUNSON: There's -- somebody is on their way over
18 here right now, Your Honor, with two other photographs.

19 THE COURT: Okay.

20 MS. MUNSON: These are just so -- the printer, I
21 guess, wasn't working so good. So give me like five
22 minutes.

23 THE COURT: Sure.

24 MS. MUNSON: I'll run over there and get them myself.

25 THE COURT: Okay.

1 MS. MUNSON: And just as -- I'm not quite sure how to
2 do that -- Your Honor, the stipulation that we've agreed
3 on, is that a Court's Exhibit? Is it a State's Exhibit?

4 THE COURT: We'll make it a Court's Exhibit.

5 MS. MUNSON: Okay.

6 (WHEREUPON, Court's Exhibit No. 1 was marked for
7 identification and admitted into evidence.)

8 THE COURT: While we're waiting on that, let me talk
9 to Mr. Sledge about his right to testify.

10 Raise your right hand, sir.

11 WHEREUPON,

12 JOHN CALVIN SLEDGE,
13 after first having been duly sworn, testified as follows:

14 THE COURT: All right. You can have a seat, sir.

15 Do you understand that once the State completes its
16 presentation of evidence, you can present any defense you
17 wish to, and that includes your own testimony?

18 Do you understand that?

19 DEFENDANT SLEDGE: Yes, sir.

20 THE COURT: And, as I'm going through this, if you
21 don't understand anything I'm saying, or if I'm not making
22 sense, or if you need me to repeat, or you need to stop
23 and talk to your lawyers, just let me know. Okay.

24 DEFENDANT SLEDGE: Okay.

25 THE COURT: You have the right to testify. And if

1 you choose to testify and take the stand, you'll be
2 subject to being cross-examined by the State. You can
3 tell your side of the story. But you, also, subject
4 yourself to that cross-examination.

5 Is there anything the State would seek to impeach him
6 with in terms of prior record, Ms. Munson?

7 MS. MUNSON: No, sir, Your Honor. There's nothing we
8 could use.

9 THE COURT: Okay. So you, also, have the right to
10 not testify, sir, and remain silent. I've already told
11 the jury that you don't have any burden of proof. The
12 burden of proof is entirely on the State. I'll tell them
13 that again during the jury charge. And I'll tell them if
14 you don't testify that you have the absolute right
15 guaranteed by the Constitution to remain silent. And they
16 can't draw any conclusion, or inference, or even discuss
17 the fact that you didn't testify during their
18 deliberations.

19 Do you understand that, sir?

20 DEFENDANT SLEDGE: Yes, sir.

21 THE COURT: Whether you testify or not is a personal
22 choice. It's your right to testify or not to testify. I
23 just have to make sure you understand your rights, the
24 consequences of --

25 DEFENDANT SLEDGE: I do.

1 THE COURT: -- the choice you make, and make you sure
2 you've had time to confer with your lawyers and anyone
3 else you wish to about your choice.

4 Have you had a chance to do all that?

5 DEFENDANT SLEDGE: Yes, sir, I have.

6 THE COURT: Do you feel like you understand
7 everything I've just gone over with you?

8 DEFENDANT SLEDGE: I do.

9 THE COURT: Do you have any questions of me,
10 Mr. Sledge?

11 DEFENDANT SLEDGE: No, sir, I do not.

12 THE COURT: Okay. Thank you, Mr. Sledge.

13 DEFENDANT SLEDGE: You're welcome.

14 (WHEREUPON, State's Exhibit Nos. 59 and 60 were marked
15 for identification only.)

16 MS. MUNSON: With that, Your Honor, we're ready.

17 THE COURT: Okay. Very good.

18 You can bring the jury on in.

19 (WHEREUPON, the jury came into open court at
20 approximately 9:11 a.m.)

21 THE COURT: Good morning, ladies and gentlemen.
22 We'll continue with the presentation of evidence.

23 And, yes, ma'am, Ms. Munson.

24 MS. MUNSON: May it please the Court.

25 Your Honor, I request permission to publish to the

1 jury the stipulation agreement.

2 THE COURT: Okay.

3 MS. MUNSON: State of South Carolina, Court of
4 General Sessions, County of Greenville, State v. John
5 Calvin Sledge. Now comes the State, by and through its
6 undersigned representatives, and the Defendant, by and
7 through his undersigned representatives, who stipulate to
8 the following as fact in the trial of the above case:
9 That the whereabouts of the individual who collected
10 certain samples during the investigation of this case are
11 unknown. That because this individual started the chain
12 of custody with those samples, any tests performed on
13 those samples is not admissible.

14 Thank you, Your Honor.

15 THE COURT: Yes, ma'am.

16 MS. MUNSON: With that, the State calls Wayne
17 Campbell.

18 THE CLERK: Sir, if you'll come forward to be sworn
19 in.

20 THE BAILIFF: Place your left hand on the Bible and
21 raise your right hand.

22 WHEREUPON,

23 WAYNE TAYLOR CAMPBELL,
24 after first having been duly sworn, testified as follows:

25 THE CLERK: Thank you.

1 You may be seated.

2 Would you, please, state your name for the record?

3 THE WITNESS: Wayne Taylor Campbell.

4 THE CLERK: Thank you.

5 DIRECT EXAMINATION

6 BY MS. MUNSON:

7 Q Who do you work for, sir?

8 A The Greenville County Sheriff's Office.

9 Q How long have you been with the sheriff's office?

10 A Since February of 2002.

11 Q Do you have any law enforcement experience prior to
12 that?

13 A Yes. I've got approximately 31 years.

14 Q What are your current duties with the sheriff's
15 office?

16 A I am a violent crime investigator that, basically,
17 deals with homicides.

18 Q All right. Were you with the sheriff's office in
19 that capacity on January the 29th of 2014?

20 A I was.

21 Q And did you get a call in reference to this case?

22 A I did.

23 Q Were you on duty?

24 A No. We take -- every sixth week, I'm on call for any
25 violent crime that occurs in Greenville County. And most

1 of them, we have to respond to.

2 Q Okay. Where were you when you got this call?

3 A I was at home in bed.

4 Q And about what time was it?

5 A It was around 10:30 to 11:00 on Wednesday, the 29th
6 of January.

7 Q And where did you go in response to the call -- well,
8 first of all, what information did you have?

9 A Early on, Sergeant Bill Lynn with our uniform patrol
10 called me and advised me of a gunshot victim at [REDACTED]
11 [REDACTED]. And that there was a young boy in the house at the
12 time of the shooting.

13 Then I started making phone calls trying to get
14 people in the right location with the information I had at
15 that point in time. So I got dressed and started going to
16 [REDACTED] in Pelzer.

17 Q So you started calling and telling people where to
18 go. What's the purpose of that?

19 A Well, a part of our call-out protocol is I have a
20 supervisor, which you were introduced to her yesterday,
21 Sergeant Ragan Marling. I called her and said, Listen,
22 this is what we've got. We've got this young boy that was
23 there. What do you think?

24 Well, she does crimes against children and was over
25 that particular division. She made the decision, let's

1 take him to county square. I'll interview him. So that
2 was taken off the table.

3 So then we had to do search warrant issues for the
4 home, and stuff. So I had to call other investigators to
5 try to get that lined up.

6 Q And that's -- but your role in this investigation was
7 what?

8 A To be the lead investigator and sort of, like I say,
9 get people to do things, and then manage it, and look at
10 the facts of the case, and see where it leads.

11 Q Okay. So, on your way to Berry Road, what was the
12 next thing that you recall happening?

13 A Well, I received a phone call stating that Mr. Sledge
14 had been stopped in Princeton, in front of 116 Scott Road
15 in the Princeton area. So I diverted from going to Berry
16 Road and went to 116 Scott Road.

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

18 A You got to see the traffic stop yesterday. When I
19 walked up to the vehicle, you noticed I was probably on my
20 cell phone. What I was trying to do was coordinate with
21 Sergeant Hamilton, who you met yesterday, with the
22 logistics of what needed to be done by forensics, the
23 home, the vehicle, among other things.

24 So he and I were discussing how this was going to be
25 worked out.

1 Q Okay. How long did you stay out there at Scott Road
2 and Augusta where the Defendant was pulled over?

3 A Until Hale's Wrecker Service had loaded the vehicle
4 up and was about to leave.

5 Q And what did you do next?

6 A Then I went to [REDACTED] in Pelzer.

7 Q What can you tell us about -- just, generally, when
8 you got to Berry Road, where did you go, and what did you
9 do?

10 A When I arrived there, I noticed that all patrol units
11 were parked along Berry Road. And I was instructed that
12 the residence I was seeking was up an ice-glazed driveway,
13 gravel dirt driveway.

14 So with the assistance of a deputy, since I didn't
15 have a flashlight on my person at the time, I walked up
16 the driveway and met up with Deputy Coroner Jeff Fowler
17 and the -- Michael Ellis with the corner's office, as well
18 as some other deputies that were already on scene.

19 Q And when you say the patrol units were on Berry Road,
20 were there any other emergency personnel on Berry Road?

21 A Not that I remember. I think EMS had already cleared
22 the scene.

23 Q Okay. So when you got to the scene, just describe
24 what you -- well, what information did you have as you
25 were going into the house? Let's get there first.

1 A Well, before we entered the house, we had to make
2 sure that there was a search warrant secured. And
3 Investigator Tracy King, eventually, called me a little
4 bit later and said he had secured a signature of a
5 magistrate on a search warrant for the home. So then we
6 could lawfully be there.

7 But before we went in, I, basically, talked with
8 Deputy Heath, the coroner's office, and, basically, got a
9 general idea of what was going on. I think Sergeant
10 Hamilton came up about that time.

11 We tried to -- when a body is still on scene, the
12 forensic technician, in this case, Sergeant Hamilton, the
13 coroner's office or their representative, which was Jeff
14 Fowler and Michael Ellis, and the lead investigator, which
15 on this case was myself, enter the residence together.
16 That way, we can look at the scene, discuss the scene, and
17 then back out and let forensics do their job. And that's
18 what we did in this case.

19 We entered the residence through the front door,
20 looked around, saw where Kimberly Sledge was. Sergeant
21 Hamilton and I discussed various things that were
22 noticeable or that -- you know, you look at what's there
23 and what's not there.

24 Q All right. And when you get into the house and you
25 see a gunshot victim, does your mind go directly to one

1 place like, aha, this is a murder, or, aha, this is a home
2 invasion? As the lead investigator, where does your mind
3 go? What are you trying to find out?

4 A Well, the things you do know is that you have a
5 gunshot victim and she is deceased. And that there was a
6 boy there, a 10-year-old boy. As you go to enter, as you
7 saw in the photographs, there was a firearm to the left of
8 the door going into the home in a case. So I know there's
9 a gun there. I don't know the significance at the time.
10 But there's a gun there.

11 You go in, you look around. Things are pretty well
12 kept in the house. So, I mean, as you go in, you don't
13 focus solely on the body. You look around at what's
14 there. I mean, you don't run straight to a body on a
15 crime scene, because you'll miss things.

16 You start looking around for things that are there.
17 Is it in disarray, or is it not? Is there blood anywhere
18 else, or is it contained in this one area? There's a lot
19 of things that you have to look for as you go along the
20 way.

21 Q Okay. When you -- you say you look at things that
22 are there and are not there. What things did you
23 notice -- when you're trying to figure out what sort of
24 crime happened --

25 A Well --

1 Q -- what did you notice that helped narrow your focus?

2 A The first thing you notice is there's a gun case
3 laying by the door. Okay. Don't know what's in it at
4 that point in time.

5 But, as you go in the house, the master bedroom,
6 you've got a pocketbook that belonged to Kimberly Sledge.
7 You've got jewelry. You've got a .22 rifle. If you walk
8 in that master bedroom door, you saw it on the picture to
9 the right propped up against door jam. You've got
10 electronics. You've got three cell phones in the house
11 that are still there. One of them just happens to be
12 bloody. So -- and the doors are locked on the back of the
13 house, as well as you've got snow.

14 In this particular case, as Sergeant Hamilton said,
15 you had snow to show that no one had been at the back
16 doors, which one was off the den area and one was off the
17 washroom area. So those doors had not been messed with.
18 So that part of the house, you can pretty much rule out.

19 Q Okay. The -- in -- have you ever investigated
20 burglaries in your time in law enforcement?

21 A I worked for the crime scene division for three
22 years, from 1998 to 2002, before I transferred over to the
23 sheriff's office. So I have worked hundreds of burglaries
24 in that time, as well as in previous occasions before that
25 I worked in uniform patrol.

1 Q Okay. So, in a burglary scene, what do you expect to
2 find out, other than just things that are laying out
3 missing?

4 A Well, one thing you don't expect to find in a
5 burglary is someone being home. A burglar wants to be
6 there when you're not there, basically, take their time,
7 rummage through stuff, look for valuable stuff. Because
8 they really don't know where it is most of the time.

9 If you're there, they want you to be asleep. Because
10 it's usually your utility buildings or something like that
11 that they're going to be breaking into. One of the last
12 things they want is someone to be home to confront them.
13 Because it's never a good situation when somebody is
14 confronted.

15 Q And when you say things are rummaged through,
16 describe that a little bit more clearly. What do you
17 mean?

18 A Well, drawers pulled out, things misplaced. A lot of
19 times, you see pillow sheets missing. Because they put
20 items in the pillow sheet to help tote them away from the
21 scene. You see the electronics missing. You can see dust
22 disturbed. There's a lot of things that deal with a
23 burglary that were not here.

24 Q Okay. So the things that are not there that would
25 tell you it was a burglary. What's the next scenario that

1 you go to to try to figure out?

2 A Well, was it a home invasion? Did someone come in
3 that -- while they were home? Usually, a home invasion,
4 they want something that you've got, usually, money or
5 drugs. Well, in this case, there was no indication of any
6 drugs in the house. They're a middle class family. There
7 was no indication that they kept large amounts of money
8 there.

9 Two, it was not rummaged through. The drawers and
10 things were like everyday life. And, usually, on a home
11 invasion, if I can't find or can't readily access what I'm
12 looking for, you don't shoot to kill, you shoot to maim or
13 to get the person to talk, meaning you shoot them in a
14 limb, leg, usually, but arms can be shot. And that's just
15 to encourage a person to tell me what I want to hear.

16 Q Okay. Well, after -- about how long did you stay at
17 the scene on Berry Road?

18 A We were at the scene on Berry Road from probably
19 around 11:30, 12:00 that night until about probably 5:00
20 or 6:00 the next morning.

21 Q Well, Investigator Campbell, you didn't find evidence
22 of a robbery. You didn't find evidence of a burglary.
23 You had the Defendant in custody. Wasn't that the end of
24 it?

25 A No.

1 Q Why not?

2 A We got lucky when we had the location of Michael

3 W and John Sledge, meaning they lived there. So once
4 you look around at the evidence that's there, then you
5 start looking at the people that live in that house, and
6 work your way out.

7 So we had to look at Michael. Did Michael do this
8 crime? He's a 10-year-old boy. But, still, you have to
9 look at him and see could he have done it? Well, in this
10 case, talking with Lieutenant Marling -- excuse me,
11 Sergeant Marling, we concluded that probably not.

12 So the next person to look at was John Calvin Sledge,
13 the Defendant. We looked at him to see what was going on
14 there with their life.

15 Q Okay. And, after that, did you stop there? Did you
16 talk to anybody else?

17 A No. Later that day, two investigators went out to
18 Hartness International where both were employed, John and
19 Kimberly, and spoke --

20 Q I'm sorry. Excuse me, Investigator. When I said did
21 you talk to anybody else, you said "No." Did you mean you
22 personally or --

23 A Oh, excuse me. I'm sorry.

24 Q The investigation?

25 A Once I left the scene, I spoke with some other

1 people, yes.

2 Q Just part of the investigation, in general. Were
3 other people talked to about the investigation?

4 A Yes, they were.

5 Q Okay. Let's go with that.

6 A Okay. I had a brief conversation with the
7 Defendant's brother, who said they did not really
8 communicate together very often. I spoke with Kimberly
9 Sledge's family, got -- trying to find out about the
10 relationship. Was there anybody else that had a problem
11 with Kimberly? Because, obviously, Kimberly was the focal
12 point of this investigation, because somebody had a
13 problem with her.

14 So I spoke with the family. They really didn't know
15 a whole lot. Because since the relationship with
16 Mr. Sledge, their relationship had sort of subsided some.

17 So then we sent investigators to Hartness
18 International and spoke with co-workers and all trying to
19 find out if there was anything at work that could lead us
20 to possibly who had done this and why it had occurred.

21 Q Okay. And, in all that investigation, how many
22 people did you find that had a problem with Kim?

23 A Other than John, none.

24 Q And you didn't find anybody that had problems with
25 John, did you?

1 A I found no one with a problem with John.

2 Q Okay. And did you find any evidence of loan sharks,
3 or drug debts, or any of that kind of stuff on either
4 side?

5 A No.

6 Q Okay. Now, in looking in her background -- well,
7 I've already asked that question.

8 Let's back up a little bit, Investigator. As the
9 lead investigator, back up a little bit with the jury with
10 the timeline here. Okay. The 911 call comes out?

11 A As you heard from Rene Beauford, we had three phone
12 calls that night, 10:15, 10:16, and 10:17, with the 10:17
13 phone call lasting, as you heard, for 20-plus minutes.
14 Then you heard a deputy say that they arrived on the scene
15 at approximately 10:34 p.m. That's when they arrived.
16 But Michael stayed on the phone. So you had a little bit
17 of overlap with the phone.

18 Then we obtained surveillance video from a Spinx that
19 Mr. Sledge had told us that he had went to that night to
20 purchase some beer. He was in the Spinx on -- the
21 physical address is 1301 Fairview Road in Simpsonville,
22 which, actually, is 418 and Fairview Road intersection.

23 He was at that particular location, per their time
24 stamp, at approximately 10:27 p.m. He entered through the
25 back door, purchased beer, and left. And then he was

1 stopped. The traffic stop, as you saw on the video, was
2 at 11:09 p.m. in front of [REDACTED] Scott Road.

3 Q Okay. Let me show you some exhibits here,
4 Investigator. This is State's Exhibit No. 4. Do you
5 recognize that?

6 A Yes, I do.

7 Q Is that a true and accurate aerial depiction of the
8 addresses you were just talking about?

9 A It appears to be, yes.

10 Q And I want to show you State's Exhibit Nos. 59 and
11 60.

12 A Yes, ma'am.

13 Q Are these true and accurate depictions of what you
14 saw in the home on Berry Road?

15 A It is.

16 MS. MUNSON: Your Honor, at this time, I move State's
17 Exhibit Nos. 4, 59, and 60 into evidence.

18 MR. SARRATT: Without objection.

19 THE COURT: They're in evidence.

20 (WHEREUPON, State's Exhibit Nos. 4, 59 and 60 were
21 admitted into evidence.)

22 BY MS. MUNSON:

23 Q Now, Investigator, you might want to come down and
24 get the laser pointer. It might make it a little bit
25 easier.

1 A (Witness complied.)

2 Q Now, we're looking at State's Exhibit No. 4 here. It
3 is a little dark, but we'll do the best we can.

4 All right. Investigator, State's Exhibit No. 4, the
5 very top address, can you tell the jury what that is right
6 there?

7 A This address here?

8 Q Uh-huh.

9 A This is the Spinx on the corner of 418 and Fairview
10 Road.

11 Q And what is the next address that's in the little
12 yellow box on State's Exhibit No. 4?

13 A Are you talking about Berry Road?

14 Q Yes, sir.

15 A This is the crime scene. This is the home of John
16 Calvin Sledge, Kimberly Sledge, and Michael W .

17 Q And then the very last yellow box on State's Exhibit
18 No. 4?

19 A This is the Hot Spot address. He was stopped
20 slightly at 25 on the right-hand side of the road.

21 Q And on State's Exhibit No. 4, Investigator, the
22 greenish line that's off to the right, what is this?

23 A Are you talking about this?

24 Q Yes, sir.

25 A That is the county line between Greenville County and

1 Laurens County.

2 Q Okay. And can you tell the jury about how long it
3 would take to go from Berry Road to the Spinx?

4 A It takes approximately nine minutes to travel that
5 area.

6 Q And then from the Spinx back towards Augusta Road?

7 A Investigator Rivera relayed to me the alleged travel
8 path that Mr. Sledge had said he took after he purchased
9 the beer at the Spinx up here and how he ended up here.
10 It took me approximately 29 minutes to travel that road.

11 Q From the Spinx --

12 A Going from here, going back up Fairview Road to
13 Ballenger Road to -- hold up a minute. Up this road to
14 Cowens Bridge Road, to Ballenger Road, to Bolt Road, to
15 76, back over to 25, and then back up here.

16 Q Okay. Now, Investigator, you had mentioned that you
17 didn't see any signs of any kind of struggle in the house?

18 A That's correct.

19 Q Did you see anything other than Kim Sledge's body in
20 the guest bathroom that caught your attention as the lead
21 investigator?

22 A Yes. There were a couple of items there.

23 Q Okay. So we're going to show you State's Exhibit
24 No. 60. What is it in here that got your attention?

25 A Of course, you saw yesterday, there's a metal object

1 right here on the edge or the lip of the sink.

2 But what else that caught my attention, Kimberly
3 Sledge had blond hair, shoulder-length. If you look right
4 here, there's blond long hair right there. She's the only
5 one that I know of in the household that had long
6 shoulder-length, blond hair.

7 Q Now, Investigator, this is State's Exhibit No. 59.

8 A This is just an up-close of it. Of course, you can
9 see the metal here. But there's the hair that I am
10 talking about.

11 Q . Okay.

12 A It's a fairly large quantity of hair on this towel.

13 Q If you could just go back to the stand now.

14 A (Witness complied.)

15 Q Did you see any brushes in that bathroom?

16 A No, ma'am, I did not.

17 Q So, as an investigator, when you go into a room and
18 you see hair like that, what does that indicate to you?

19 A It indicates some type of altercation.

20 MS. MUNSON: I have nothing further at this time,
21 Your Honor.

22 THE COURT: Cross-examination.

23 CROSS-EXAMINATION

24 BY MR. SARRATT:

25 Q Investigator Campbell, good morning.

1 A Good morning, sir.

2 Q Now, you've been present for the entire trial?

3 A That's correct.

4 Q All right. So you've heard each witness that's come
5 and testified?

6 A That's correct.

7 Q All right. You were present for Dr. Fulcher's
8 testimony?

9 A I was.

10 Q And, in fact, you were present for the autopsy
11 itself, were you not?

12 A No, I was not.

13 Q Oh, you weren't? Well, I apologize.

14 But you were here for his testimony and you heard
15 what he had to say?

16 A That's correct.

17 Q You have no reason to doubt the results of his
18 autopsy?

19 A No, sir.

20 Q Okay. An autopsy, you would agree with me, is
21 forensic evidence?

22 A Yes.

23 Q Okay. And forensic evidence is, generally,
24 scientific evidence?

25 A Yes, sir.

1 Q Okay. You would agree with me that eyewitness
2 statements are not scientific evidence? They are
3 evidence, but not scientific?

4 A It's a type of evidence, but they're different.

5 Q Certainly. So, again, eyewitness statements are not
6 forensic evidence.

7 You heard Dr. Fulcher testify that when he examined
8 Kim's body, aside from the obvious gunshot wound to the
9 head, there were no other injuries that he could tell or
10 that he noted in his report?

11 A That's correct.

12 Q He testified that there was no shoulder injury that
13 he took note of in his report?

14 A Yes. But you've got to look at a 10-year-old looking
15 at his mother on the floor with someone on top. And if
16 you look at it through the eyes of a 10-year-old, you've
17 got to think if someone is on top of you, whether it's to
18 calm you down, whether it's in an altercation, the one
19 thing that you do is you try to throw your shoulder up and
20 contort it in such a way where you can shift their weight.

21 Now, looking through the eyes of a 10-year-old,
22 that -- it could be easily mistaken for a broken bone or
23 misplaced bone. Because it's hard to redo that particular
24 motion. And I don't know exactly when he came in. So, I
25 mean, it did not surprise me that there was nothing wrong

1 as far as a broken bone with the shoulder.

2 Q Sure. But, again, just to be clear, Dr. Fulcher
3 testified there was no bone sticking out of her shoulder?

4 A That's correct.

5 Q Now, that autopsy was done January 31st?

6 A That's what Dr. Fulcher testified to.

7 Q Okay. Now, you obtained the warrant in this case --
8 the warrants in this case, specifically, the warrant for
9 murder; correct?

10 A Yes.

11 Q And that warrant was signed by you, you're the
12 affiant on that warrant?

13 A Yes.

14 Q The name is John Calvin Sledge as the Defendant?

15 A That's correct.

16 Q And that was sworn before Judge James Hudson?

17 A Correct.

18 Q All right. And that warrant was sworn on
19 January 30th?

20 A That's correct.

21 Q All right. In the warrant itself, it says that
22 forensic evidence at the scene indicates that the two had
23 been in a prior altercation; correct?

24 A I'd have to look at it.

25 Q Would it refresh your recollection to see a copy of

1 the warrant?

2 A Please.

3 Okay, sir.

4 Q Does that refresh your recollection?

5 A What was the question again?

6 Q The question is that the warrant states that forensic
7 evidence at the scene indicates the two had been in a
8 prior altercation?

9 A Well, the photographic documentation of the hair on
10 the sink right there where she died is part of what I was
11 talking about.

12 Q Okay. Now, I'm going to hand you a copy of your
13 notes -- well, I shouldn't say that. I'm going to hand
14 you this. Can you tell me if you recognize that?

15 A I do.

16 Q And what is that?

17 A This is where I was working on an affidavit for one
18 of the warrants.

19 Q Does that look like it's a draft of a murder warrant?

20 A Which has a lot of scribble on it.

21 Q Certainly.

22 A But -- and other information on it.

23 Q All right. In the notes that you took in drafting
24 the warrant, you wrote that there was evidence that the
25 two had been in a prior -- and then it cuts off, but we

1 can assume altercation is what you meant there?

2 A All I can testify to is those were rough draft.

3 Q Certainly.

4 A What's in the body of the affidavit of the warrant is
5 what I took before a judge.

6 Q I understand. But, in your notes, the word
7 "evidence," and you sort of write "forensic" off to the
8 side and underline that; correct?

9 A Yes, sir.

10 Q Okay. I want to move now -- you testified the reason
11 that you sent -- and I can't remember which officer, but
12 an officer to the gas station to collect the video is
13 because John had told you that he was there at that gas
14 station?

15 A During his interview, he told two investigators that
16 he had been there.

17 Q Okay. And you did obtain -- well, not you
18 personally, but throughout the investigation, a copy of
19 the surveillance video was obtained from that gas station?

20 A Investigator King spoke with them about obtaining
21 that video. And I did go down to the East Washington
22 Street location, and I did obtain it.

23 Q Okay. And that video did confirm what John had said,
24 that he was there?

25 A At -- their time stamp was 22:27, which is 10:27 p.m.

1 Q Okay. Now, I want to shift again. You testified
2 that you're the lead investigator in this case?

3 A That's correct.

4 Q And so you, to some extent, acted as sort of the CEO,
5 you're the one making the decisions?

6 A I made most of the decisions in this case.

7 Q So you direct all the officers as to where they
8 should go or what actions they should take?

9 A At that particular time, yes.

10 Q Okay. I'm about to throw a lot of times at you. And
11 I have a copy of the log.

12 A Sure.

13 Q So if any time you're not sure, just ask me and I can
14 refresh your recollection. But your sort of unit number
15 is Unit 610, or, at least, it was in January?

16 A Presently, it is.

17 Q It is?

18 A Uh-huh.

19 Q So you would have been en route to [REDACTED] [REDACTED] at
20 about 11:08. Does that sound right?

21 A I got the call between 10:30 and 11:00, so that's
22 probably about right.

23 Q Okay. 11:13, you sort of detoured. And you were
24 then en route to Augusta Road and Scott Road at the
25 traffic stop?

1 A I did detour.

2 Q Then you arrived on scene at the traffic stop at
3 12:04?

4 A I don't know about that one.

5 Q Okay. Well, regardless, at some point after that,
6 maybe around 12:26 is when you went to Talley Road where
7 the car was going to be stored?

8 A I didn't go to Talley Road for days later. I went to
9 Berry Road after I left Scott Road.

10 Q Well, this CAD report has sort of --

11 MS. MUNSON: Your Honor, I'm going to object to him
12 cross-examining about the content of the report, unless
13 the Investigator can say he's the one who generated it and
14 can explain why certain times get in certain places.

15 THE COURT: Sustained.

16 BY MR. SARRATT:

17 Q Let me ask you this. What does it mean to follow
18 1055?

19 A Another deputy followed the vehicle to Talley Road.
20 That was not me.

21 Q Okay. Would you agree with me, then, that you did
22 arrive on scene at [REDACTED] at 12:41?

23 A That's probably correct.

24 Q That's really the time that is the most important for
25 this conversation. Now, Deputy Serrano, she was unit 835?

1 A I have no clue, sir.

2 Q Okay. Do you -- well, let me ask you, was it you or
3 Sergeant Marling that directed Deputy Serrano to transport
4 Michel to county square?

5 A Neither.

6 Q Who did?

7 A I would suppose it was Sergeant Bill Lynn.

8 Q Okay.

9 A Who was the uniform patrol sergeant on scene.

10 Q Okay. And, Deputy Serrano, when she arrived with
11 Michael at county square, she would have radioed that?
12 Would you have been aware of that?

13 A I was not paying attention to that aspect. I knew
14 Sergeant Marling was there, and she was going to take care
15 of that.

16 Q But you knew that Michael arrived at county square --
17 and I'm not going to pin you down to a specific time
18 because you just said you don't know, but around midnight.
19 Is that fair to say?

20 A I knew he had arrived at county square at some point.
21 As far as exact times, I don't know.

22 Q Okay. You directed Sergeant Rivera to obtain a
23 search warrant?

24 A For the person of John Calvin Sledge, yes.

25 Q Okay. And you directed Investigator Tracy King to

1 get a search warrant for the home?

2 A [REDACTED] in Pelzer, yes.

3 Q Okay. I'm going to hand you a copy of that search
4 warrant.

5 A All right, sir.

6 Q Looking at that search warrant, can you tell what
7 time it would have been signed?

8 A On the front of it, it has a -- it has original and a
9 time on it, which is 00:47, which was 47 minutes after
10 midnight.

11 Q Okay. Thank you.

12 So Investigator Rivera had this search warrant signed
13 by a judge at 12:47 in the morning of January 30th?

14 A That's what it's indicating, yes.

15 Q All right. Now, in your -- well, we've established
16 you were on scene at Berry Road sometime around 12:40.
17 While awaiting the search warrant, you started taking
18 notes; is that correct?

19 A I was getting information from Deputy Heath, who had
20 the victim's name and information, such as that.

21 Q Okay. Do you recall writing in your notes while
22 waiting on the search warrant, Michael in room, mom and
23 dad arguing. Saw for a brief second, heard loud bang,
24 knew it was gun. Does that sound familiar?

25 A Can I see it?

1 Q Sure.

2 A Okay.

3 Q Does that sound familiar?

4 A It's in my notes.

5 Q Okay. And then below that, it says, Saw mom in
6 floor. Dad walking around and he left. Did you write
7 that?

8 A I wrote that. And that is what I heard from someone
9 on the scene. Now, when we interviewed Michael, that's
10 where you can confirm or deny the information that I've
11 been given by other deputies on scene. That's how we can
12 verify what was said.

13 Q So who was it that told you that?

14 A I have no clue.

15 Q You don't remember?

16 A It's not in my notes, no, sir.

17 Q Well, in your written report, you state that while
18 awaiting the search warrant, this investigator was
19 advised, without naming by whom, that a 10-year-old boy
20 named Michael W called dispatch and said his parents
21 had been arguing. He heard a loud bang. He came out of
22 his bedroom and saw his mother was lying in the floor and
23 his father walking away?

24 A Okay.

25 Q That's a pretty important piece of information, don't

1 you agree?

2 A Let me explain. When you start doing investigations,
3 you're told information by deputies. You're told by
4 people. My job is to find out if it is correct, if it's
5 factual or not. This particular information I thought
6 was important enough to put in a report, but it's not
7 factual.

8 Q Okay.

9 A And that is proven by Sergeant Marling's report where
10 she did the interview with Michael, who would have said
11 what he saw or not. And he never said that. So that is
12 merely a rumor that turned out to be untrue.

13 Q All right. So this rumor that turned out to be not
14 true was sworn before Judge O'Brien in a search warrant
15 that says that when he came --

16 MS. MUNSON: Objection, Your Honor. Again, he's
17 cross-examining him about the contents of a document that
18 he did not generate.

19 THE COURT: What are you asking him about?

20 MR. SARRATT: A search warrant that was signed by
21 Investigator Rivera at the direction of Investigator
22 Campbell.

23 THE COURT: I sustain the objection.

24 MR. SARRATT: Well, I believe we'll have Rivera next.
25 So I have no further questions.

REDIRECT EXAMINATION

BY MS. MUNSON:

Q Investigator Campbell, I'm going to ask you what he didn't. Did you pad your report to get him?

A No, I did not.

Q As the Defense said in their opening, did you rush to judgment?

A No, I did not.

Q Did you close your mind as soon as you heard Michael said that he did it?

A No.

Q Whenever you're on a scene and people are telling you things, how does that work?

A Early on, we didn't know what we had, other than a deceased female lying on the floor. I had not been inside the home. I had not interviewed anyone. I'm basing it off what other deputies are telling me that were there before me.

As you heard, we had three -- at least, three deputies enter the residence. They were looking for other suspects, people in the home, then trying to provide first aid to Kimberly Sledge, and then to cope and deal with a 10-year-old boy.

So, during all this, they provide me information. And, early on, to obtain a search warrant, we have to go

1 by the evidence or the facts that we're given at that
2 point in time. Once we do that, then if we disprove it
3 later, we disprove it later.

4 But, early on, I had not been in that home. I had to
5 wait for the search warrant to be signed before I could
6 even prove or disprove. At this point in time, I am going
7 on somebody else's word.

8 Q And when you're getting words from different people
9 on the crime scene, do you necessarily write down who said
10 what?

11 A No. I take notes. And a lot of times, my
12 handwriting gets cold and I can't read it. But I don't,
13 specifically, put down that information. I mean --

14 Q What's the purpose of taking the notes anyway?

15 A Well, it's just to refresh my memory at a later date.

16 Q What do you do with the information in the notes?

17 A Usually, it goes into the report that I generate days
18 or weeks later.

19 Q And, other than the report, what else do you do with
20 information you get on the scene? Does it take you in
21 other directions or --

22 A Well, I mean, when you look at what's there, it tells
23 you whom you need to talk to. Once you talk to that
24 person, it may lead you to somewhere else. Then you look
25 at the evidence once you talk to these people and you

1 figure out what evidence needs to go to what lab, who
2 needs to analyze what. You start from nothing but word of
3 mouth. And it sort of goes from there once you enter the
4 scene and it starts leading up to, eventually, which lab
5 you send evidence to.

6 The statement he is referring to was made by someone.
7 I don't know who, because I didn't write it down. And,
8 yes, I guess it was included in the body of the search
9 warrant. But we could not substantiate that Michael saw
10 him leave the house.

11 MS. MUNSON: Okay. Nothing further.

12 MR. SARRATT: No recross.

13 THE COURT: All right. Thank you, Mr. Campbell.

14 MS. MUNSON: Your Honor, if we could have a brief
15 recess for that matter we talked about.

16 THE COURT: Yes.

17 MS. MUNSON: Thank you.

18 THE COURT: We'll take about a 10-minute break.

19 Don't talk about the case. And continue to keep an
20 open mind, ladies and gentlemen.

21 (WHEREUPON, the jury was excused from open court at
22 approximately 9:55 a.m.)

23 THE COURT: Okay. We'll take a break.

24 (WHEREUPON, a break was taken.)

25 THE COURT: Is everybody ready to go?

1 MR. PROPST: Yes, sir.

2 THE COURT: Yes, ma'am.

3 MS. MUNSON: Your Honor, we have reviewed the
4 redacted version, myself and Mr. Propst. And I believe
5 that they are comfortable that this one has everything out
6 that's supposed to be out.

7 THE COURT: Okay. And it's -- since we're going to
8 move this into evidence, I don't know if we want to call
9 Ms. Hilton that can testify that she didn't take anything
10 out of it -- I mean, not in front of the jury, but she
11 didn't take anything out of it that she wasn't supposed
12 to. I'm just thinking about the record.

13 MR. PROPST: It's your call, Judge.

14 THE COURT: I mean, if y'all represent that didn't
15 happen, I don't think we need to.

16 MS. MUNSON: Oh, yeah. It didn't happen.

17 You didn't do that, did you, Jeannie?

18 MS. JEANNIE HILTON: No.

19 MS. MUNSON: The only other question I have, Your
20 Honor, is the one that's marked, but not in evidence is
21 State's Exhibit No. 32. This is the one that Sergeant
22 Rivera, actually, looked at and initialed. He hasn't done
23 that with this one. I don't want to make him sit for
24 three hours and watch it again.

25 THE COURT: Yes.

1 MS. MUNSON: Just logistics-wise, I'm not sure if
2 I'm --

3 THE COURT: Can you -- do you want to make State's
4 Exhibit No. 32 a Court's Exhibit?

5 MS. MUNSON: We could do that and then just move this
6 one into evidence.

7 MR. PROPST: No objection.

8 THE COURT: State's Exhibit No. 32 being the master
9 tape, so to speak?

10 MS. MUNSON: Yes. So it's not State's anymore.

11 (WHEREUPON, Court's Exhibit No. 2, which was previously
12 marked as State's Exhibit No. 32, was marked for
13 identification and admitted into evidence.)

14 (WHEREUPON, State's Exhibit No. 61 was marked for
15 identification only.)

16 MS. MUNSON: I think I'm ready now, Judge.

17 THE COURT: Okay.

18 MS. MUNSON: And one other thing, Judge. The first
19 part of the interview is about an hour and 37 minutes
20 long. So I would respectfully suggest that after that, we
21 give them a brief recess to stretch their legs.

22 THE COURT: Yes.

23 MS. MUNSON: Because the second part of the video is
24 58 minutes long.

25 THE COURT: So that will take us to almost 1:00.

1 Okay. And then you've got how many other witnesses?

2 MS. MUNSON: We have two other witnesses after that,
3 Your Honor. That would be Vera Davis and Michael W .

4 THE COURT: Okay. Are you ready for the jury?

5 MS. MUNSON: Yes. We're ready.

6 MR. PROPST: Yes, sir.

7 THE COURT: Yes, sir. Bring the jury in.

8 (WHEREUPON, the jury came into open court at
9 approximately 10:13 a.m.)

10 THE COURT: Ladies and gentlemen, as I understand it,
11 the State is going to present a video. It has two parts
12 to it. The first part lasts about an hour and 38 minutes,
13 I've been told. And we propose to watch that and let
14 y'all take a break. And then the second part lasts about
15 58 minutes, 53 minutes, something like that.

16 MS. SCOTT: 58.

17 THE COURT: 58, okay. And then we'll take a lunch
18 break after that. And so that's the plan.

19 Yes, ma'am.

20 MS. MUNSON: May it please the Court.

21 Your Honor, the State calls Sergeant Rivera.

22 THE CLERK: Sergeant Rivera, if you'd come forward to
23 be sworn in, please.

24 Please place your left hand on the Bible and raise
25 your right.

1 WHEREUPON,

2 RAMON L. RIVERA,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Thank you.

5 You may be seated.

6 Would you, please, state your name for the record?

7 THE WITNESS: I'm Sergeant Ramon L. Rivera.

8 THE CLERK: Thank you.

9 DIRECT EXAMINATION

10 BY MS. MUNSON:

11 Q How long have you been with the sheriff's office,
12 Sergeant Rivera.

13 A Twelve years.

14 Q And what is your current job title?

15 A I'm a sergeant in uniform patrol.

16 Q And what are your duties?

17 A My duties are to respond to felonies in progress, any
18 other crime in progress, as well as first line
19 supervision, and just overall supervision of the platoon.

20 Q Okay. How long have you been a sergeant for uniform
21 patrol?

22 A Nine months.

23 Q And, before that, what was your -- what were your
24 duties with the sheriff's office?

25 A I was an investigator in homicide.

1 Q So let me ask you this, Sergeant, is -- going from
2 investigator to sergeant over road patrol, is that a
3 demotion?

4 A No. It's a promotion.

5 Q Okay. What were your duties with the sheriff's
6 office on January 29th of 2014?

7 A To conduct investigations for homicides and other
8 violent crimes.

9 Q And I can't remember if I asked you this. How long
10 have you been with the sheriff's office altogether?

11 A 12 years altogether.

12 Q And did you get a call in reference to this case?

13 A I did.

14 Q Were you on duty?

15 A I was not.

16 Q About what time did you get the call?

17 A Sometime after 11:00, 11:30, midnight, somewhere in
18 there.

19 Q Okay. And where did you respond in response?

20 A The call was from Investigator Campbell. And I
21 responded to the law enforcement center in order to
22 conduct an interview.

23 Q And who was it that you were interviewing?

24 A John Sledge.

25 Q Now, before you talked to him -- well, first of all,

1 where did you conduct the interview?

2 A I conducted it at the law enforcement center in the
3 Greenville City Police Department interview room.

4 Q And was anyone with you while you were conducting the
5 interview?

6 A Investigator Tracy King was.

7 Q Was that interview recorded in any way?

8 A Yes. It was video recorded.

9 Q After that -- after the interview was recorded, did
10 you review it?

11 A I did.

12 Q And was it an accurate depiction of your interview
13 with the Defendant?

14 A It was.

15 Q Okay. Now, when you began your interview with the
16 Defendant -- first of all, was he handcuffed? Was he
17 restrained in any way?

18 A He was restrained when I first got there. And then
19 what I did was I put him in the belt where he was
20 handcuffed in the front.

21 Q Okay. And where did you take him to conduct the
22 interview?

23 A The Greenville City Police Department interview room.

24 Q Now, explain to the jury what you do when you first
25 begin your interview with someone.

1 A What we first do with the interview, given how he was
2 possibly a suspect in this case, I read him the Miranda
3 warning off of our Waiver of Rights form that the
4 sheriff's office uses. And once he -- once I read him the
5 Miranda rights, if he says that he understands them and
6 wants to talk to me, I then read the Waiver of Rights,
7 which is, also, on the same form. And, at that point,
8 he'll say "yes" or "no," and he'll sign it.

9 Q Okay. When you're reading them the rights, what are
10 you looking for?

11 A Well, I'm making sure that they understand, and that
12 they're not feeling coerced or pressure in any kind of
13 way.

14 Q Okay. Did you put any pressure on him?

15 A No, ma'am.

16 Q Did you witness Investigator King do anything to him?

17 A No, ma'am.

18 Q Okay. Now, let me show you State's Exhibit No. 31.
19 Just take a look at that.

20 A Sure.

21 Q What is that?

22 A That's our Waiver of Rights form.

23 Q And what information is contained on that?

24 A It has all of his personal data on here, his full
25 name, date of birth, social security number, his current

1 address, and case number, date, the time that I read the
2 Miranda warning to him, as well as his signature, and the
3 signature of myself and Investigator King, who witnessed
4 it.

5 Q Did you witness him sign that form?

6 A Yes.

7 Q Is this the actual form that you executed with the
8 Defendant?

9 A It is.

10 MS. MUNSON: Your Honor, at this time, I move State's
11 Exhibit No. 61 into evidence -- State's Exhibit No. 31.
12 I'm sorry.

13 MR. PROPST: Without objection.

14 (WHEREUPON, State's Exhibit No. 31 was admitted into
15 evidence.)

16 BY MS. MUNSON:

17 Q If you would, Sergeant Rivera, just go over the top
18 part of this form and explain what you're doing here.

19 A Sure. When I first give him the form, I say, I'm
20 going to read you your rights. I gave him a copy of the
21 form to read along with me. And I read it verbatim to
22 him.

23 It says, Before we ask you any questions, you must
24 understand your rights. You have the right to remain
25 silent. Anything you say can be used against you in

1 court. You have the right to talk to a lawyer for advice
2 before we ask you any questions and to have him with you
3 during questioning. If you have no money to pay a
4 lawyer's fee, the Court will appoint one to represent you
5 without cost, if you wish. If you decide to answer
6 questions now without a lawyer present, you will still
7 have the right to stop answering at any time. You, also,
8 have the right to stop answering at any time until you
9 talk to a lawyer.

10 Q Okay. And did he appear to understand them?

11 A Yes.

12 Q Well, what about when you're beginning an interview
13 with someone, what kind of things would concern you about
14 whether or not you should be interviewing them?

15 A Well, their state of mind, whether they're under the
16 influence of any alcohol or drugs, anything that would
17 impair their judgment.

18 Q Did you see any evidence of that in Mr. Sledge?

19 A No. I did ask him if he had been drinking. He said
20 he had a couple of beers three to four hours prior to.

21 Q Okay. But did he exhibit any signs that he couldn't
22 understand you?

23 A No, ma'am.

24 Q All right. And after you determined that he
25 understands his rights, what's the next process?

1 A Once he understands, I ask him to initial by each one
2 of those sentences that I read to ensure we have a
3 documented -- something documented on paper showing that
4 he understood.

5 And then, at that point, I ask him, Having those
6 rights in mind, do you wish to talk to me? And I read him
7 the Waiver of Rights.

8 MS. MUNSON: Okay. Thank you.

9 Your Honor, at this time, I'm going to move into
10 evidence State's Exhibit No. 61.

11 MR. PROPST: Without objection, Your Honor.

12 THE COURT: It's in evidence.

13 (WHEREUPON, State's Exhibit No. 61 was admitted into
14 evidence.)

15 MS. MUNSON: And I request permission to play it for
16 the jury.

17 THE COURT: Okay.

18 BY MS. MUNSON:

19 Q You might want to step down.

20 A Do you want me to stand over here?

21 Q You can stand at that chair.

22 A Okay.

23 (WHEREUPON, State's Exhibit No. 61 was played in
24 open court.)

25 THE COURT: All right. I just need to ask y'all

1 something up here right quick.

2 (WHEREUPON, a bench conference was held.)

3 THE COURT: Ladies and gentlemen, so we'll take a
4 short recess and let everybody stretch and get comfortable
5 before we have the second video.

6 We'll, also, let y'all order lunch.

7 And, Mr. Anderson, and, Mr. Cofield, have y'all got
8 the menus?

9 THE BAILIFF: I can get them.

10 THE COURT: It takes the lunch about an hour to get
11 here. So by the time we get through with this, the lunch
12 ought to be here.

13 So don't talk about the case. And continue to keep
14 an open mind.

15 (WHEREUPON, the jury was excused from open court at
16 approximately 12:00 p.m.)

17 THE COURT: Okay. We'll take about a 10-minute
18 break.

19 (WHEREUPON, a break was taken.)

20 THE COURT: Are they ready?

21 THE BAILIFF: Yes, sir.

22 THE COURT: Okay. Bring the jury in.

23 (WHEREUPON, the jury came into open court at
24 approximately 12:19 p.m.)

25 THE COURT: Okay. You may continue, Ms. Munson.

1 MS. MUNSON: Thank you, Your Honor.

2 (WHEREUPON, State's Exhibit No. 61 continued to be
3 played in open court.)

4 MS. MUNSON: Sergeant Rivera, go back to the stand.
5 No further questions, Your Honor.

6 THE COURT: Cross-examination.

7 MR. PROPST: Yes, sir.

8 CROSS-EXAMINATION

9 BY MR. PROPST:

10 Q Sergeant Rivera, the Defendant was in handcuffs the
11 first time you saw him; right?

12 A Yes.

13 Q And then y'all just went ahead and threw him in the
14 jumpsuit; right?

15 A After he was processed by forensics, yes.

16 Q Okay. Then handcuffs and the belt. Is that a
17 leather belt around him?

18 A Correct.

19 Q Okay. Y'all put him back in that so he's completely
20 contained, I guess?

21 A Only to the point that he went to sign the Waiver of
22 Rights, yes.

23 Q So he was the only suspect you ever interviewed?

24 A I was told to come to the LEC. And that's the only
25 person that I interviewed, yes.

1 Q Now, I just want to -- I know we all watched the
2 video, but I just want to touch on some different issues.
3 He told you that -- or John told you he was a dedicated
4 family man?

5 A That's what he says.

6 Q Dedicated to his family?

7 A That's what he says.

8 Q To his wife and to his child?

9 A That's what he said, yes.

10 Q Correct. This is all coming from the video?

11 A Correct.

12 Q He told you about Michael. He takes him to school a
13 few times a week?

14 A Yes, sir.

15 Q Takes him to baseball games?

16 A He said that.

17 Q They're getting into football practice in the fall?

18 A He said that.

19 Q He wanted to get Michael into hunting?

20 A That's what he said, yes.

21 Q Michael had been calling him "dad" for about a year?

22 A That's what he said. I mean, I didn't know them
23 prior to this.

24 Q Yes. Based on --

25 A Based on the video, that's what he's saying, yes.

1 Q That day, they had been sledding all day?

2 A From 2:00 to 3:30.

3 Q The better part --

4 A Just sometime in the afternoon.

5 Q He told you he loved that boy to death; right?

6 A That's what he says.

7 Q And Kimberly, he told you about a great relationship
8 they have?

9 A That's what he says.

10 Q He told you they had an awesome time together?

11 A Aside from the bickering and the arguments that they
12 had, yes.

13 Q He said everything is good, some things are better
14 than good, but everything is good?

15 A That's what he says, yes.

16 Q We have a great relationship?

17 A Yes.

18 Q He told you how great of a person she is?

19 A Outside of the bickering, again, yes.

20 Q But -- and you're right, he did tell you that she can
21 bicker at him, but overall is a happy and loving person;
22 right?

23 A That's what he's saying.

24 Q He told you he worshipped Kimberly?

25 A That's what he's saying.

1 Q And he told you they were infatuated with each other?

2 A Those were his words.

3 Q Now, he, also, told you about the different things
4 that he gave up for his family; correct, different
5 hobbies?

6 A Yes.

7 Q He told you he used to ride his bike, his motorcycle.
8 He stepped back and gave that up?

9 A Right.

10 Q He used to hunt a lot, but he hasn't hunted that much
11 in the past few years?

12 A Correct.

13 Q He, also, told you he used to fish a good bit, but
14 gave that up as well; right?

15 A That's what he said, yes.

16 Q And you are -- obviously, the bickering is part of
17 this investigation. The video -- he told you they had
18 arguments?

19 A Yes.

20 Q He admitted that. He told you she tends to get
21 mouthy at night?

22 A Yes.

23 Q And he described them as bickering arguments; right?

24 A Small arguments, bickering, yes.

25 Q But he, also, told you they have ways that they are

1 working on this?

2 A He said that they would talk about it.

3 Q They had a system in place to deal with these
4 bickering fights. He told you that, you know, one of them
5 might go to bed?

6 A He said that he normally went to bed.

7 Q Right. And he told you he might go outside for a
8 cigarette?

9 A Yes.

10 Q And, sometimes, he might just leave the house
11 altogether?

12 A Yes.

13 Q But, in all those, he told you they have a system of
14 letting things simmer down?

15 A Yes.

16 Q Now, you prepared a search warrant, didn't you?

17 A Yes.

18 Q And was that search warrant -- that search warrant
19 was for the person of John Sledge?

20 A Correct.

21 Q And you did that at the direction of Investigator
22 Campbell?

23 A Correct.

24 Q Now, in your sworn affidavit of this search warrant
25 that was signed by a judge --

1 A Yes.

2 Q -- you state when he -- I presume Michael -- came out
3 of his room, he saw his mother on the floor and his father
4 pacing in the area of the kitchen?

5 A That's what I was, originally, told.

6 Q Okay. Who told you that?

7 A It could have been Investigator Campbell during the
8 course of the investigation that that came to me. So
9 that's what I put on there.

10 Q You were talking to Sergeant Marling throughout the
11 night, too, weren't you?

12 A On and off.

13 Q On and off. And she was with Michael?

14 A Yes.

15 MR. PROPST: No further questions, Your Honor.

16 MS. MUNSON: Very briefly, Your Honor.

17 REDIRECT EXAMINATION

18 BY MS. MUNSON:

19 Q Did the Defendant, also, say that Michael was
20 truthful and intelligent?

21 A Yes, he did.

22 Q And then turned around and called him questionable
23 and easily guided?

24 A Yes, he did.

25 Q Did he, also, say that he loved his wife?

1 A Yes.

2 Q And then called her bipolar and mouthy?

3 A Yes.

4 Q Did he say that he was a hunter?

5 A Yes.

6 Q But he would never shoot a cat or an animal?

7 A Yes.

8 Q Did he say that handguns are bad?

9 A Yes.

10 Q And then repeatedly detail for you how on a regular
11 basis he would go out and shoot a handgun?

12 A Yes.

13 MS. MUNSON: Nothing further, Your Honor.

14 THE COURT: Any recross?

15 MR. PROPST: Yes, sir.

16 RECROSS-EXAMINATION

17 BY MR. PROPST:

18 Q Did he deny doing this crime -- committing this
19 crime?

20 A The crime of killing --

21 Q That he's charged with --

22 A -- Kimberly?

23 Q -- yes.

24 A Yes. He denied it.

25 MS. MUNSON: Nothing further, Your Honor.

1 THE COURT: Thank you, sir.

2 THE WITNESS: Thank you.

3 THE COURT: Ladies and gentlemen, I understand the
4 lunch is here. So we'll just take a break until probably
5 2:15, and resume the trial at that point.

6 Don't talk about the case. And continue to keep an
7 open mind.

8 Have a nice lunch.

9 (WHEREUPON, the jury was excused from open court at
10 approximately 1:25 p.m.)

11 THE COURT: Anything for the record before we break
12 for lunch?

13 MS. MUNSON: Nothing from the State, Your Honor.

14 MR. PROPST: No, sir.

15 THE COURT: Okay. We'll see you back at 2:15.

16 (WHEREUPON, a lunch break was taken.)

17 THE COURT: Anything before we bring the jury back
18 in?

19 MS. MUNSON: Nothing from the State, Your Honor.

20 MR. PROPST: Nothing from the Defense.

21 THE COURT: Okay.

22 (WHEREUPON, the jury came into open court at
23 approximately 2:22 p.m.)

24 THE COURT: All right. Ms. Scott.

25 MS. SCOTT: Thank you, Your Honor.

1 The State calls Michael W .

2 THE CLERK: Michael, would you come forward to be
3 sworn in, please?

4 THE BAILIFF: Place your left hand there.

5 THE CLERK: Raise your right hand.

6 Thank you.

7 WHEREUPON,

8 Michael W.

9 after first having been duly sworn, testified as follows:

10 THE CLERK: Thank you.

11 You may be seated.

12 THE CLERK: Would you tell us your name, please?

13 THE WITNESS: Michael W.

14 DIRECT EXAMINATION

15 BY MS. SCOTT:

16 Q Michael, how old are you?

17 A Twelve.

18 Q And what grade are you in?

19 A Seventh.

20 Q What school do you go to?

21 A Gettysville [phonetic] School.

22 Q Do you have a particular subject that you like over
23 there?

24 A Math.

25 Q All right. Now, do you know why you're here today?

1 A Yes.

2 Q Okay. So I want to get right into it. Do you
3 remember when you lived at Berry Road?

4 A Yes.

5 Q And who did you live there with?

6 A My mom and John.

7 Q Okay. How old were you when you were living at Berry
8 Road?

9 A Nine and 10.

10 Q Now, you mentioned your mom and John lived there.
11 Did you have any pets?

12 A Two cats and one dog, I think.

13 Q Tell the jury about your pets. What were their
14 names?

15 A Polly, Layder [phonetic], Allie, and Mini.

16 Q And they were yours?

17 A Uh-huh.

18 Q Now, in that house, did you have your own room?

19 A Yes.

20 Q I want to show you some things here. They're already
21 in evidence. Tell me if you recognize -- oh, goodness,
22 we -- did we get you in the eyes?

23 THE BAILIFF: Do you want to get him down?

24 MS. SCOTT: No. He's fine up there. What I'm most
25 concerned about is the picture's quality.

1 THE BAILIFF: Let me try this.

2 MS. SCOTT: Okay.

3 BY MS. SCOTT:

4 Q Don't look directly in this light. Keep your head
5 that way. Do you recognize this room?

6 A Yes.

7 Q And whose room is this?

8 A Mine.

9 Q All right. I'm going to leave this here. Now, do
10 you remember the last day that you lived at Berry Road?

11 A Yes.

12 Q You can look at me. I was just saying I didn't want
13 you to look at the light. I moved it over now.

14 A Okay.

15 Q That last night that you lived at Berry Road, was it
16 a snowy day?

17 A Yes.

18 Q Was it a school night?

19 A It was supposed to, but it was a snow day.

20 Q Okay. So what did you do on that day of a snow day
21 when you didn't have to go to school?

22 A Sled.

23 Q You sledded where?

24 A In the front yard.

25 Q Have you got your own sled?

1 A Yes.

2 Q Did you get a pointer? Did I give you a pointer

3 today?

4 A Uh-huh.

5 Q Can you point to the jury that sled?

6 A (Witness complied.)

7 Q All right. That's yours; right?

8 A Yes.

9 Q And you said you sled that morning or afternoon?

10 A Morning.

11 Q Okay. What else did you do on that day on your snow

12 day?

13 A I think we walked around in the woods some.

14 Q You said "we" walked around in the woods some?

15 A All three.

16 Q Who?

17 A All three of us.

18 Q All three of us, that being Kim, and John, and you?

19 A Uh-huh.

20 Q All right. What else did you do after walking in the

21 woods some?

22 A We went inside.

23 Q Okay. Did you watch some TV, get some meals? What

24 did you do when you were inside?

25 A I ate and got hot chocolate.

1 Q So you had a pretty relaxing school day at that
2 point -- well, non-school day at that point?

3 A Yes.

4 Q Did y'all have any visitors that day, any family, or---
5 friends come over?

6 A No.

7 Q Okay. Do you remember having dinner?

8 A Uh-huh.

9 Q Where did you eat your dinner?

10 A In my room.

11 Q Okay. Where did John and your mom eat?

12 A Probably in the kitchen.

13 Q Okay. Now, where did you spend most of your time --
14 that day once you got back in the house after sledding,
15 what room of the house did you spend most of your time?

16 A My room.

17 Q Tell us more about your room. What did you have in
18 there to keep you busy?

19 A Like books and Legos.

20 Q Did you have a computer, or laptop, or anything like
21 that?

22 A A laptop.

23 Q What about a game system, or do you do that on a
24 laptop?

25 A No. I didn't have a game system.

1 Q Okay. So what were you doing in that room? Were you
2 playing with those things, or reading those books?

3 A I think I was watching TV.

4 Q So you had a TV in your room?

5 A Yeah.

6 Q Now, when you were in your room, did your mom come
7 in?

8 A Yes.

9 Q She did? What did she come in and do?

10 A She --

11 Q You're fine. I'm just going to move this microphone
12 because I can't hear you. But go ahead.

13 What was she doing when she came in your room?

14 A I don't really remember.

15 Q Does she normally come in your room and hang out with
16 you?

17 A Sometimes.

18 Q Does she ever lay in your bed with you and maybe read
19 stories?

20 A Yeah.

21 Q But, on this day, she came into your room at some
22 point?

23 A Yeah.

24 Q You remember that?

25 A Yes.

1 Q Did she lay down with you, at that point, or did she
2 watch TV with you?

3 A No.

4 Q What did she come in there to do?

5 A She was trying to get away from John.

6 Q Now, before when she was trying to get away from
7 John, did you hear them arguing, or anything like that?

8 A Yes.

9 Q Do you know what they were even arguing about?

10 A No.

11 Q And, at some point, she left your room?

12 A Yes.

13 Q Now, do you remember ever going out of your room to
14 check on your mom?

15 A Yes.

16 Q And why would you go out of your room to check on
17 her?

18 A Because they were loud. And I was trying to go to
19 sleep.

20 Q Okay. When you went out of your room, tell the jury
21 what you saw them doing.

22 A John was sitting on my mom.

23 Q He was sitting on her?

24 A Yes.

25 Q Okay. Now, I'm going to demonstrate only because

1 you're who you are. I don't normally do this. He was
2 sitting on her like this?

3 MS. SCOTT: And, for the record, I'm kneeling in a
4 fake chair.

5 BY MS. SCOTT:

6 Q Or is he sitting on her like this?

7 MS. SCOTT: And, for the record, I'm squatting in an
8 exercise pose.

9 THE WITNESS: The squatting.

10 BY MS. SCOTT:

11 Q The squatting. And is she on her back, or is she
12 standing up? Where is she as he's squatting?

13 A She was on her back.

14 Q Okay. How did that make you feel when you saw that?

15 A I just pushed him off.

16 Q You pushed him?

17 A (Witness nodded.)

18 Q And what happened after you pushed him?

19 A He just said -- my mom said, Just go.

20 Q And where did you just go? Where did you go?

21 A In the hall going to my room.

22 Q Now, you're in your room and you just saw what you
23 saw and you did what you did, did your mom come back in
24 your room at that point -- or at some point?

25 A Yes.

1 Q How soon was it that she came back into your room
2 after you did what you did in the living room?

3 A She followed me back, but John didn't.

4 Q Did your mom look a certain way --

5 A Yes.

6 Q -- when you saw her?

7 A She had like a broken collarbone, I think.

8 Q And you believe it was a broken collarbone?

9 A Yeah.

10 Q Now, we know you like math. So tell us more about
11 what makes you think this is a broken collarbone?

12 A Because only one was showing kind of.

13 Q Did you ask her about her shoulder?

14 A Yes.

15 Q Were you concerned about her?

16 A Yes.

17 Q Did y'all talk about her shoulder?

18 A Yes.

19 Q Now, did she say anything else to you about how she
20 was feeling?

21 A She said that John was really mad and might kill her,
22 maybe.

23 Q That he might kill her, maybe? You have to speak up
24 for me, just for me. Don't worry about them.

25 And what did you do when you heard that?

1 A I was really scared.

2 Q Now, she came in your room and said those things.
3 Did she stay there for a while, or did she leave after
4 that?

5 A She left.

6 Q Okay. Did you hear any more arguing after she's come
7 in complaining about her shoulder, telling you what she's
8 telling you? Did she come --

9 A She didn't come in any more.

10 Q What did you decide to do at that point? How late is
11 this?

12 A Probably about 9:00, or 8:30.

13 Q And you remember 9:00 because is that normally your
14 bedtime?

15 A Yes.

16 Q So is it safe to say you were wearing your pajamas at
17 this point?

18 A Yes.

19 Q Now, what are you doing? It is a fun snow day here.
20 It's 9:00. Are you preparing to go to bed?

21 A Yeah. I was trying to go to sleep.

22 Q Were you able to relax a little in that bedroom?

23 A No.

24 Q What were you hearing, or seeing, or feeling when you
25 were in your bedroom?

1 A There was arguing.

2 Q Now, Michael, at some point, you had to come out of
3 your room. We've been here for a couple of days now.
4 What made you come out of your room?

5 A There was a loud bang and the house shook.

6 Q The house shook?

7 A Yeah.

8 Q Did you see anything, at that point, in your room?

9 A No, nothing in my room.

10 Q Let's use all our senses here, as many as we can.
11 Did you hear the boom?

12 A Yes.

13 Q And you felt it shake?

14 A Yes.

15 Q Did you smell anything?

16 A It smelled like gun smoke.

17 Q Okay. And you said "gun smoke." Do you know what
18 gun smoke smells like?

19 A Yes.

20 Q Have you been around guns before?

21 A Yes.

22 Q Have you ever went and shot a gun with maybe John, or
23 maybe your uncle?

24 A Yes.

25 Q We're talking about like rifles? Shotguns?

1 A Rifles, maybe.

2 Q And you know about gun smoke from that?

3 A Yes.

4 Q And when you smelled that and when you heard that,
5 what did you do?

6 A I waited like five minutes and then went outside.

7 Q You said you went outside?

8 A Yes.

9 Q Now, just to be clear, did you go out of the house,
10 or outside your room?

11 A Outside my room.

12 Q Okay. When you went outside your room, who was
13 there?

14 A My mom.

15 Q Was John there?

16 A No.

17 Q When you saw your mom, was she standing up, or was
18 she laying down?

19 A She was face first on the ground.

20 Q And "on the ground," do you mean the floor?

21 A Yes.

22 Q And which part on the floor? Was she in a particular
23 room?

24 A Halfway in the bathroom and halfway out of the
25 bathroom.

1 Q And what did you do when you saw her that way?

2 A I tried to look for a phone to call the police.

3 Q And did you find a phone?

4 A Yes.

5 Q Where did you find a phone?

6 A It was in the bathroom.

7 Q All right. You got that phone. And did you call
8 911?

9 A Yes.

10 Q All right. And you did exactly what they asked you
11 to do. You were able to tell them the address, and how to
12 find you and your mom?

13 A Yes.

14 Q And while you were on the phone, did anybody come in
15 the house?

16 A No.

17 Q Other than the police?

18 A No.

19 Q Now, there's been testimony about guns. Did you know
20 y'all had a safe full of guns in your home?

21 A Yes.

22 Q Did you have access and knew how to get in that safe?

23 A No.

24 Q But you knew there were guns there?

25 A Yes.

1 Q Have you ever even loaded a gun before?

2 A No.

3 Q Now, I want to take you back to when the police came.
4 The police came and they took you away from that -- from
5 your mom and from your room?

6 A Yes.

7 Q And they took you to the master bedroom where your
8 mom used to sleep?

9 A Yes.

10 Q Where did you go from there?

11 A To a place in Greenville.

12 Q Okay. Do you remember talking to some people in
13 Greenville?

14 A Yes.

15 Q Were they police officers?

16 A Yes.

17 Q And when you talked with them, did they tell you what
18 to tell them, or did they just ask you questions about
19 what's going on?

20 A They just asked.

21 Q And you told them everything that you could remember?

22 A Yes.

23 Q Now, when you were there, do you remember if you were
24 able to locate your aunt, your Aunt Pam? Could you
25 remember at 10 years old where she might be?

1 A Yes.

2 Q Could you tell them the address, though, of where she

3 might be?

4 A No.

5 Q What about your Ma and Pop-Pop?

6 A They were in Florida.

7 Q Okay. So where did you have to go?

8 A To a foster home.

9 Q How did that make you feel?

10 A I didn't really know them, so I was scared.

11 Q But you were able to see your Aunt Pam; right?

12 A Yes.

13 Q And your Ma and Pop-Pop, they came?

14 A Yes.

15 Q Have you been able to talk about how you've been

16 feeling with counselors, people -- not your family and not

17 the police?

18 A Yes. But I didn't like it.

19 Q You didn't like it. But did you talk with people for

20 a little bit?

21 A Yes.

22 Q And what about any friends or maybe at school, have

23 you ever talked to people then?

24 A Not really.

25 Q Okay. I want to -- one more question. Okay. We

1 mentioned we were outside, and we were sledding, and we
2 were by the creek, and walking through the woods?

3 A Yes.

4 Q Do you remember at any time if while you were outside
5 that there was any shots being fired?

6 A No, there were not any.

7 Q While you were eating your dinner and playing in your
8 room, do you remember if there were any shots being fired?

9 A No. There weren't any shots being fired.

10 MS. SCOTT: All right. I want you to answer any
11 questions Defense Counsel might have for you.

12 THE WITNESS: Okay.

13 MR. SARRATT: Judge, I'm not going to make him answer
14 any more questions.

15 THE COURT: Okay. Thank you.

16 You may step down.

17 All right. Call your next witness.

18 MS. SCOTT: Ms. Vera Davis.

19 THE BAILIFF: Place your left hand on the Bible and
20 face the Clerk.

21 WHEREUPON,

22 VERA DAVIS,

23 after first having been duly sworn, testified as follows:

24 THE CLERK: Thank you.

25 You may be seated.

1 Would you, please, tell us your name for the record?

2 THE WITNESS: Vera Davis.

3 THE CLERK: Thank you.

4 DIRECT EXAMINATION

5 BY MS. SCOTT:

6 Q Ms. Davis, how do you know Kimberly, the deceased
7 woman in this case?

8 A She was my daughter.

9 Q She's, also, Michael's mother?

10 A Right.

11 Q Do you, right now, take care of Michael?

12 A Yes.

13 Q He lives in your home with you and your husband?

14 A Yes, he does.

15 Q Can you tell the jury how this has affected Michael?
16 Has he had to receive any counseling, or things of that
17 nature?

18 A Yes. When he first came to our house, he had
19 stomachaches really bad. He couldn't go to sleep at
20 night. He was nervous. And we took him numerous times to
21 Dr. Manley for his stomachaches. Dr. Manley had blood
22 work done. And we had a four-hour allergy test done. And
23 he -- none of those tests turned out bad.

24 I would tell him stories at night every night to try
25 to get him to go to sleep without being upset. He,

1 eventually, is getting better.

2 Q And did you set him up with a counselor? Michael
3 talked about speaking to someone he didn't like speaking
4 to, but did you set him up with some counseling?

5 A Yes. We had about 14 sessions with Linda Hutton.
6 Michael did not like to talk about it. We sort of had to
7 make him go. But we did go, and we all went, Frank, and
8 I, and Michael. So we all we went to counseling.

9 Q Have you found he's able to talk about it in other
10 ways, perhaps, in other outlets?

11 A No. But he did write about it at school. He had an
12 assignment to write a biography. And he wrote about --

13 MR. PROPST: Your Honor, I think we're going to get
14 into some hearsay here.

15 MS. SCOTT: That's it. That's all.

16 BY MS. SCOTT:

17 Q Now, would you describe the relationship that Michael
18 had with his mom for the jury?

19 A He had a very good relationship with his mom. She
20 was a fun-loving person. Michael participated in baseball
21 games and Scouts. And Kim went to every ball game, took
22 him to all the school functions. She was so proud of him.
23 She made pictures constantly. So I would say they had a
24 very good relationship.

25 Q Now, I need to steer us from talking about Michael

1 and Kim and ask you a couple questions about Kim and John.

2 Did you know when they got married?

3 A No. We were, actually, in Nova Scotia when they got
4 married.

5 Q But did you get a heads-up, an invitation?

6 A No.

7 Q Were you surprised when you found out that they were
8 married?

9 A Yes.

10 Q Were you aware that Kim was moving into his home on
11 Berry Road?

12 A She did not move immediately. This was in October
13 and they moved in at Thanksgiving. So it was a little
14 while before she moved.

15 Q Where was Kim and Michael living before they moved to
16 Berry Road?

17 A They lived across the road from us.

18 Q You saw them daily?

19 A We saw Michael daily. Frank would pick him up from
20 school every day.

21 Q Now, changing relationships here. Did you have any
22 occasion to see John and Michael interact?

23 A A few times John would come to pick Michael up by
24 himself. And Michael would not want to go. I would have
25 to make him go.

1 MS. SCOTT: Answer any questions Defense Counsel may
2 have for you.

3 MR. PROPST: No questions, Your Honor.

4 THE COURT: All right. Thank you, Ms. Davis.

5 MS. MUNSON: May it please the Court, Your Honor.

6 That is the State's case.

7 THE COURT: All right. Ladies and gentlemen, the
8 State has rested. That means they've concluded their
9 presentation of evidence. And I'll have to take up a
10 matter with the lawyers at this time.

11 So don't talk about the case. Continue to keep an
12 open mind. And just take a short recess while I do that.

13 Thank you.

14 (WHEREUPON, the jury was excused from open court at
15 approximately 2:44 p.m.)

16 MOTIONS

17 THE COURT: Okay. Any motions or matters at this
18 time?

19 MR. PROPST: Yes, sir.

20 We make a motion for a directed verdict at this time.
21 Knowing that the standard is taking the light most
22 favorable to the State, this case is built on
23 circumstantial evidence. And we don't believe the State
24 has met their burden of proof of providing substantial
25 circumstantial evidence necessary to get past the directed

1 verdict stage to the jury.

2 THE COURT: Thank you, Mr. Propst.

3 Well, the standard of Rule 19 is viewing the light --
4 viewing the State's evidence in the light most favorable
5 to the State, even though it may be circumstantial, I
6 believe there's sufficient evidence that suggests the
7 State could obtain a guilty verdict sufficient to survive
8 the directed verdict here.

9 So your motion is respectfully denied.

10 MR. PROPST: Other than that, Your Honor, we just
11 renew all objections and motions just to preserve the
12 record.

13 THE COURT: Yes, sir.

14 How many witnesses do you think you'll have?

15 MR. PROPST: Your Honor, I'm anticipating none at the
16 moment. If I could have --

17 THE COURT: Do you need some time to confer?

18 MR. PROPST: Just a second.

19 THE COURT: We'll just take about 10 minutes. Will
20 that give you enough time?

21 MR. PROPST: Sure.

22 THE COURT: All right. We'll have a 10-minute
23 recess.

24 Thank you.

25 (WHEREUPON, a break was taken.)

1 THE COURT: Yes, sir, Mr. Propst.

2 MR. PROPST: Your Honor, after discussing with
3 Mr. Sledge, he has decided not to testify. We do not have
4 any witnesses to present.

5 THE COURT: Okay. That's your decision, Mr. Sledge?

6 DEFENDANT SLEDGE: Yes, sir.

7 THE COURT: All right. Are y'all ready for closing
8 arguments?

9 MS. MUNSON: Just briefly, Your Honor.

10 On the -- we appreciate you showing us the proposed
11 charge.

12 THE COURT: Yes.

13 MS. MUNSON: I have three things. One, there's
14 nothing in there about the stipulation agreement. I don't
15 know if you want to put that in there or not.

16 THE COURT: Yes.

17 Thank you.

18 MS. MUNSON: Also, on Page 2, it appears that what
19 you're mostly talking about -- the very first sentence is
20 something the Plaintiff --

21 THE COURT: Oh, just disregard that.

22 MS. MUNSON: Okay.

23 THE COURT: That's for civil cases.

24 MS. MUNSON: And then there's something in there
25 about you heard testimony from a deposition.

1 THE COURT: Right.

2 MS. MUNSON: That's all we've got, Your Honor.

3 MR. PROPST: Nothing from the Defense.

4 THE COURT: Okay. You can bring the jury in.

5 So, Mr. Propst, I'll let you rest in front of the
6 jury.

7 MR. PROPST: I'm sorry?

8 THE COURT: I'll let you rest in front of the jury.

9 MR. PROPST: Okay. Thank you.

10 (WHEREUPON, the jury came into open court at
11 approximately 3:06 p.m.)

12 THE COURT: All right. Yes, sir, Mr. Propst.

13 MR. PROPST: Nothing from the Defense, Your Honor.
14 We rest.

15 THE COURT: Okay. So the Defense has rested now.
16 We'll have the closing arguments, and I'll give you the
17 instruction on the law. And then the case will be in your
18 hands for a decision.

19 So Ms. Scott or -- Ms. Scott, yes, ma'am.

20 CLOSING ARGUMENTS

21 MS. SCOTT: Thank you.

22 May it please the Court.

23 And Defense Counsel.

24 Members of the jury, I'm Brittany Scott. And my
25 partner and I, Judy Munson, have been with you for a few

1 days now. I ask you for just a little bit more time so I
2 can go over what we have learned today in this trial.
3 This was a very serious trial. It remains serious. I ask
4 you to stay with me. I have a few pictures to go through
5 and some testimony.

6 Now, we -- as the State, we have the burden of proof.
7 We're not going to deny that. And we embrace it because
8 we have met it. This Defendant here, John Calvin Sledge,
9 killed Kimberly Sledge, his wife. And he did it in the
10 house that he grew up in, moved her and her son in. He
11 did it knowing that boy was in the house.

12 We're here for murder. We're here for possession of
13 a weapon during a violent crime. And we're here for
14 unlawful conduct on a child.

15 Now, earlier in the opening statements of Defense
16 counsel, they wanted to make sure that you all knew this
17 was an emotional trial. And it is emotional. There was a
18 moment where I didn't think I could get through that when
19 I was talking to Michael. But we all know in this
20 courtroom that emotions do not override our common sense.

21 How many times have you seen this hand go up and said
22 three, three people in the house? One is a 10-year-old
23 boy. The other, a grown man. The other, a grown woman.
24 One's dead. One has left. And another is frantically
25 trying to get that woman help. That's simple math. We

1 don't need the emotions here. We've got them, sure. But
2 we have our common sense. And I'm asking as we go through
3 this entire testimony, the things here, the evidence, that
4 we use it.

5 Now, we started off with a 911 call. And it was
6 important to get that out here because that's how it
7 started. We had a young man being brave, doing what he
8 had to do. I don't know if any of you all are parents, I
9 happen to be one. That was a lot for a 10-year-old to do.
10 He got that address. He found that postcard. He's
11 calling out his mother's name. He wants someone to come
12 and help her.

13 Remember, when we were listening to that 911 call,
14 not one time did we hear anyone whispering in that boy's
15 ear. There was some hinting of him being coerced, of him
16 making up this story. But did anyone hear that? Did you
17 not hear a constant dialogue between him and the dispatch
18 lady, her constantly telling them to come and hurry up.
19 No one was there giving him information.

20 Michael has been consistent. He said the same story
21 he told 911 and to one officer when they got there to his
22 home, to another officer when he goes to Greenville
23 County. He's been consistent.

24 Remember, I think it was Rivera or Tracy King in the
25 video that we watched, all my eggs are in a basket, and

1 I'm going to put them with Michael. There's truth that
2 comes from children. But we don't need just Michael. But
3 I wanted to remind you all that he wasn't coerced. People
4 like to say -- in fact, the Defendant himself said that
5 he's easy to shake up, easy to manipulate. Who was
6 manipulating him then?

7 Now, after that 911 call, remember the timing of
8 that. I believe it was 22:17, 10:17. Remember the
9 timeline, because the timeline helps with your common
10 sense. There was a timeline given. And I'll keep going,
11 but remember we've got this call coming in.

12 Now, that call comes in, officers come and they look
13 for a suspect. And Michael has told them what John
14 drives, that he's not here. And they go and do a BOLO,
15 a -- BOLO, be on the lookout. And they find him.

16 You have two officers, Heath and May. They told you
17 that they performed a traffic stop on this Defendant. And
18 he was on Augusta Road and Scott Road. I'm not going to
19 use the media, because it always messes up on the media.
20 But they found him here. His home is here, Berry Road.

21 We, also, heard from him that he went to a Spinx. We
22 heard he went to get some Natural Light. It cost \$11.
23 Stuff that we don't care about. But we found out that he
24 went to Spinx on Fairview Road. We find him down here,
25 Augusta Road, after he claims he had gotten the chill off

1 and he was headed back home.

2 We're not submitting to you today that he was leaving
3 the State or leaving this county. But I will submit to
4 you today that he was riding around trying to figure out
5 what he was going to do. Because, like I said, there were
6 three people in that house. One is a 10-year-old boy and
7 another is lying dead.

8 I'm not submitting to you that he's running. There
9 were questions about suitcases, and things of that nature.
10 I'm submitting he's trying to figure this out. And when
11 you do a freak-out like that, you leave a gun on the
12 porch, and you get in the car, and you ride around, and
13 you cool off with some beers. And you figure out what
14 you're going to do.

15 Now, at that traffic stop, you saw it was a felony
16 traffic stop. We had some officers with some colorful
17 language telling him to get out of the car. All right.
18 He gets out. He gets in.

19 Now, they said something is going on back at the
20 house. Do you all remember what he says even in the car?
21 This is before we've been to the two-hour long interview.
22 My wife, you know, she gets to yada, yada, yada. Why is
23 that important now? You're pulled over, guns drawn.
24 You're in the back of the car and you should be concerned
25 about what's going on. But let's go ahead and start

1 talking about that yada, yada, yada wife. He's already
2 trying to figure out how to make this work. But we've got
3 our common sense. We're all emotional, but we have that.
4 Because, again, hold it back up. There's three people.
5 One is dead and one is a 10-year-old child.

6 And I think Investigator Wayne Campbell said it best.
7 He said that I'm not looking for a burglary or a home
8 invasion, because this is an intimate crime. You all, you
9 know that.

10 Why do we know this is an intimate crime? Because
11 there were electronics upon electronics in that house.
12 What did we see? Picture after picture -- and you'll get
13 these -- of stereo equipment, of TVs, of cell phones,
14 jewelry. Nothing is disturbed. You all will get these
15 pictures back. I'm sorry if everybody can't see that.
16 Nothing is disturbed.

17 What did we find out about the actual property out
18 there on Berry Road? It was not on a main road. We heard
19 that. That driveway -- it took us two boards to fill this
20 driveway up taking pictures every 10 steps, I believe he
21 did. It's a windy-style driveway.

22 The person who committed this crime was very intimate
23 with this home, knew about this property. We're not
24 talking about a sunny day in Greenville, apparently,
25 either. There's snow on the ground. People are not even

1 going to school or to work. So we don't have a random
2 stranger slipping and sliding on a Wednesday going up and
3 looking for women to kill in their bathrooms. This is an
4 intimate crime here.

5 Think about how she died. One gunshot to the head.
6 Michael said he heard boom, and he smelled smoke, and he
7 comes out. And who's not there? Remember the three, and
8 then there were two.

9 Now, the Defendant wants you to believe that they
10 just had this argument and he does one of his three safety
11 plans and he leaves. He leaves and he's going to come
12 back. And somehow, in that duration, we've got a phantom
13 out here randomly doing these things.

14 But Hamilton told you -- and that was the forensic
15 officer who had all of these pictures. What did he tell
16 you? We looked around that house. We looked around that
17 house for footprints. Because we were looking to see is
18 the suspect still around. Should we go further beyond the
19 house? Every door he showed you all had been locked and
20 secured. Y'all saw the steps. There was even like a
21 little critter. You could tell if anybody was out there.
22 No one was out there. The point of entry and the point of
23 exit was the front porch.

24 Again, we are not in a suburb. We are not in a place
25 where everybody knows your name and we're all running

1 around. This is a street that is not a main road. This
2 is a home and a windy-style path driveway. No lights.
3 How many officers testified they had to flashlight their
4 way up there? Common sense. I need you all to hear me on
5 that. Because, yes, it's emotional. But we haven't lost
6 our common sense here.

7 Now, I want to talk to you all about guns. I'm not a
8 gun aficionado. I have uncles who love guns, who have the
9 deer in their -- living. And this is not about that.
10 This is not about or against people who hunt. This
11 Defendant, he's proud of it. We're proud of it. That's
12 fine. There's an issue when you use a gun that you've
13 purchased to protect your home to kill a household member.
14 There's our issue here.

15 Now, he said he keeps those guns safe at the
16 beginning. I keep them safe. I keep them locked up.
17 Well, on occasion, I might leave something out in the
18 weather. And on this night, maybe I left something out on
19 the porch.

20 Well, did you shoot your gun that day was one of the
21 questions on the video. He hasn't mentioned it. But then
22 again, yeah, I shot at a black cat, either it was before
23 dark or dark. A black cat, y'all. Okay. Do you see
24 where I'm coming here? Now, he's shooting at this cat.
25 But what did Michael tell you? No one was shooting

1 earlier that day. The shot he heard was the boom in his
2 house.

3 I, also, want to remind you what James Armstrong --
4 he was our ballistics expert. And he talked about guns
5 and the revolver in this case, which is here. That will
6 go back with you. We never really pulled that thing out,
7 but you guys feel free to do that.

8 He talked about that particular gun. And he talked
9 about the fragments that we saw. The fragment that we saw
10 in the bathroom where she died in, and crazy enough, the
11 fragment that we saw in Michael's bathroom. A pretty big
12 forceful gun. He said it had similar rifling
13 characteristics -- excuse me, similar characteristics as a
14 357. And what do you know? A 357 is on the porch. The
15 Defendant owns it. We're using our common sense here.

16 There's been some issue here that our investigators
17 were biased, and they were sort of lazy, and just sort of
18 found Sledge and said, let's just get him and he's the
19 one. We're tired. No. Sometimes, you do get your man
20 the first time. But they didn't stop.

21 So they had the weapon. They have the woman.
22 They've got a witness. They keep going. We heard they
23 went to her job. These two people worked together. They
24 wanted to know is there anybody else who would have that
25 intimate relationship with this woman? Co-workers? No.

1 They tried to ask about him. I mean, maybe somebody
2 has a problem with him and would take it out on his wife.
3 No. They go further asking the family members, hey,
4 what's going on in their lives? No. Common sense, folks.
5 Three people. One is down, one is a 10-year-old boy, one
6 is gone.

7 Now, in this case, we have circumstantial evidence.
8 And I am thankful that we have this snow, because this is
9 the perfect thing to talk about with circumstantial
10 evidence. There is evidence of things because you can
11 hold them and you can see them. And then there's
12 circumstantial evidence, which we often call footprints in
13 the snow.

14 So I may not see someone walking a certain place and
15 path as I'm walking there. But if it were snowy, you all
16 could come out and see that someone had walked. That's
17 just as good. The Judge will tell you. Okay. So you
18 didn't see the person walking, but you have some
19 circumstantial evidence that someone was walking. All
20 right.

21 Now, with this particular case, we've got
22 circumstantial evidence. We have a witness in the home,
23 and we have our common sense. I'm asking for this jury
24 not to get confused by any smoke and mirrors that the
25 Defense might bring to you. No one was coerced.

1 The officers did their job. They went beyond just
2 grabbing the husband and locking him up. They were
3 looking. But you don't have to pull half of Greenville
4 County in here and investigate them to know that you've
5 got John Calvin Sledge, the actual murderer.

6 Now, I want to talk to you about a stipulation. And,
7 in my words, you guys will get it, but there was mention
8 of some tests. And the Judge is going to read out a
9 stipulation agreement.

10 And it talks about a witness not being available.
11 And I want to tell you all that the witness is not
12 available. You've seen her twice, but you never saw her
13 here. And, therefore, the stipulation will say that any
14 tests that were done on her samples, they're not
15 admissible. But you've seen her. Her name is Iona Ooten,
16 a beautiful brunette woman who swabbed him in the
17 interview. That video.

18 I think you saw her again in the traffic stop one
19 where they went and they drove somewhere. That's her. We
20 don't have her. So her tests are inconclusive in the
21 sense that we can't bring those to you. But we have our
22 common sense. I know you guys can't talk back to me, but
23 I hear you. That's what you're using. That's what you're
24 doing here. Because that's what it is.

25 I was talking to Deputy [phonetic] Fulcher. And I

1 asked him, Hey, what's the manner and cause of death? And
2 he almost seemed kind of like offended, a gunshot wound to
3 the head, homicide. But it was important. It was
4 important for him to say that, because just in case the
5 Defense gets up and says some sort of suicide, some sort
6 of ricked gunshot, he showed you. He showed you the wound
7 pattern. And he told you if it was close, there would be
8 a thermal imprint. We don't have that here. Okay. Kim
9 is not her own killer.

10 So we've ruled out one of the three in the house of
11 this intimate crime. I know I'm repeating myself, but
12 I've heard when you repeat yourself, people are listening.
13 And I need you all to do that. I have no idea what the
14 Defense is going to put before you. But I am confident
15 that you all remember the testimony you've heard the past
16 few days, and you will find John Sledge guilty of killing
17 Kimberly, Kimberly, a mother, Kimberly, a sister, a
18 daughter.

19 And I talked a lot about the murder, but I want to
20 make sure you all know that there is another charge,
21 that's unlawful conduct of a child. When you put a child
22 at substantial risk of their physical or mental health,
23 that's a crime. When you leave a child in a home with
24 their dead mother, when the child, as he testified, has to
25 go out and see what's going on between his mom and

1 stepfather and has to literally push him to get him off of
2 her, that does something to a child, some children more
3 than others. But we can all agree that does something to
4 a child.

5 And let's not forget when the child is the only one
6 who can assist his mother in her time of need and has to
7 call 911. That does something to a child.

8 We heard his grandmother, counseling. Michael said,
9 I don't even want to talk about this. He's found other
10 ways to talk about it. He did a brave thing today. He
11 talked to strangers about it, but he would prefer not to.
12 It's done something. It's done something to him.

13 And I need you all to do something about it. I need
14 you all to find John Sledge guilty. Because he, at that
15 point, was his stepfather. Regardless of how close they
16 were getting, he had assumed a custodial parent role in
17 Michael's life. And he needs to be responsible for what
18 he has put Michael through, and what Michael is going to
19 go through for the rest of his life.

20 And our last one is another commonsensical charge.
21 It's possession of a weapon during a violent crime.
22 What's our violent crime? Murder. What's our weapon?
23 That gun. That gun that created -- that bullet -- excuse
24 me, that forced that bullet into Kim's skull killing her.

25 So I want you all to remember everything I've said

1 today. Please remember my hand. Please remember this,
2 three. Please remember how I take it down to two, and
3 take it down to one. This Defendant killed Kim and he
4 left Michael there. And I need you all to find him
5 guilty, based off the evidence that's been presented here
6 at trial.

7 Thank you.

8 THE COURT: Thank you, Ms. Scott.

9 Mr. Propst.

10 MR. PROPST: Yes, sir.

11 Bear with me so this thing doesn't fall over.

12 Okay. So you heard my co-counsel, Mr. Sarratt, at
13 the beginning of this case tell you this was a case that
14 involved a rush to judgment. The police took a 911 call
15 from a distraught 10-year-old, and then they had their
16 guy. That was it. The case is over, at that point, as
17 far as they're concerned.

18 But when the evidence unfolded over the course of
19 things, it wasn't as they wanted it to be. It was a
20 little different. And what they did was they let their
21 emotions from this 911 call kind of put blinders on them.
22 They didn't really follow the evidence. They couldn't
23 separate their emotion from what the evidence had shown
24 them.

25 And I want to transition to something else my

1 co-counsel said, too. We ask that you separate your
2 emotions from your analysis of this case. That was a
3 gut-wrenching 911 call. It's a terrible situation that
4 Michael was put into. He's been traumatized. His life is
5 affected forever. And I hate it for him. But we still
6 need to analyze the evidence and get to the truth here.
7 The police were unable to do so without letting their
8 emotions get involved. So that's why we have to ask you
9 to do it.

10 It was all based on the 911 call. And I get it.
11 They rushed to judgment. It's easy to do. It's a
12 10-year-old child that just found his mother dead. But
13 they, at the very least, should have stepped back and saw
14 what the evidence showed them.

15 Let's talk about that some. Michael -- you heard the
16 Solicitor tell you that he's been consistent throughout.
17 He told the 911 operator this one thing and, you know,
18 that's -- he was very consistent on that phone call. He
19 was, absolutely. But that's about where it stopped. He
20 makes this 911 call. The police show up. They whisk him
21 away to be interviewed, to be interrogated by Sergeant
22 Marling, who you heard her own words, I'm a biased
23 interviewer.

24 So from the get-go, we have a little issue here.
25 He's being interrogated by Sergeant Marling. And she

1 explains it's important to get all the details. So we
2 don't have a video of this interview. We don't have an
3 audio recording. We don't have anything. It's just those
4 two in this room as far as we know.

5 And she searched to get, tease out little bits of
6 information it seems. There's a bone sticking out of
7 Kimberly's shoulder. We know that's not true. That
8 didn't happen. There's a rash on Kimberly's face. Again,
9 that's not true. Dr. Fulcher confirmed both of those were
10 not true.

11 At that point, he'd say anything to get out of that
12 room. He's just been through this traumatic experience.
13 He just needs to end this interview, to end the dream, as
14 he said on the 911 call.

15 And, you know, it kind of goes along with our theme.
16 Investigator Campbell told you that 10-year-old eyes see
17 things differently. You can't necessarily trust what they
18 see. I'm not saying he's a liar by any means, but it's
19 just not the most reliable information.

20 Now, speaking of, let's talk about the false
21 information you heard about. This information is being
22 produced around the same time Michael is being interviewed
23 by Sergeant Marling alone at county square. It's false
24 information that's, subsequently, put in two search
25 warrants, both of which are sworn as the truth to a judge.

1 And it's, also, put into a police report of the lead
2 investigator who has it approved by his superior. And we
3 know that's false.

4 So we'll start with Sergeant Rivera. He did a search
5 warrant for the body of John Sledge. His search warrant
6 says that a witness saw John Sledge pacing in the kitchen
7 after this incident. Again, sworn to the Judge as the
8 truth.

9 You didn't hear that information come from any of the
10 deputies that were on scene. You didn't hear it come from
11 Sergeant Marling, who said he never told her that.
12 Sergeant Rivera couldn't be sure, but he said it might
13 have been Investigator Campbell that told him this. But
14 he is contacting Sergeant Marling throughout the night,
15 Sergeant Marling, the biased investigator, the biased
16 interviewer who's with Michael.

17 So where does that information come from? We don't
18 know for sure, but we can assume. Investigator Campbell,
19 his report that he testified to says Michael came out of
20 his room and saw his mother lying on the floor and his
21 father walking away. Again, we know this is false. He
22 told you it was false. He doesn't know where it came
23 from. It was a rumor.

24 But, at the same time this stuff is happening, guess
25 who he's talking to? A biased investigator alone with

1 Michael. Marling is teasing -- Sergeant Marling is
2 teasing information out of this young, traumatized,
3 impressionable child. And, again, I'm not saying he's a
4 liar. I don't want y'all to think that by any means. I'm
5 just saying that you have to go beyond what he says to
6 really look at the evidence, because a 10-year-old child
7 isn't necessarily the most reliable. 10-year-olds see
8 differently through their eyes.

9 Now, let's talk about Investigator Campbell's
10 forensic evidence issue, his arrest warrant. It says
11 there's forensic evidence of a prior altercation at this
12 home. This warrant is obtained the day after the
13 incident.

14 So this happens late at night. He's questioned --
15 John Sledge is questioned into the morning of the 30th.
16 And, that morning, this arrest warrant is obtained.

17 There are no forensic tests back yet. You didn't
18 hear about any forensic tests. He can't say that this is
19 based on forensic evidence. He said it was based on a
20 photograph of hair on the sink. That's not forensic
21 evidence. That's photographic evidence. It's another
22 false statement.

23 And the point I'm making here is that from the
24 outset, from this 911 call, all the things they want to
25 hear, they're trying to hear. They wanted this stuff to

1 happen. None of it did. The evidence that night pointed
2 to John, but as they kept digging, it didn't. But they
3 already have him. Let's go ahead and make an arrest.
4 Let's close this case. Let's be done with this. Case
5 closed. It's an easy thing to do.

6 Instead of waiting for the actual evidence to be
7 produced, they made a rush to judgment. They have their
8 pieces in place. But, unfortunately, when the evidence
9 started unfolding, their judgments, their assumptions,
10 they were wrong.

11 And let's talk about this for a minute. As the
12 Solicitor discussed with you, James Armstrong, the expert
13 in ballistics and firearms, he told you that he couldn't
14 be completely certain that the projectile that killed
15 Kimberly Sledge came from this gun.

16 In fact, he told you that projectiles with that type
17 of rifling and -- I don't know guns either. The rifling
18 on that projectile could have been caused by numerous
19 guns, countless types of guns. We can't say for sure if
20 that projectile came from the gun they allege it came
21 from.

22 Forensic evidence. Again, there is none. There is
23 no forensic evidence. You didn't see anything about
24 fingerprints. No reports were given to you regarding even
25 taking fingerprints.

1 Ooten. Iona Ooten, you saw her on the tape multiple
2 times -- or you heard her on the tape one time, then you
3 see her on the tape another time. And I brought her up in
4 some testimony. She comes and collects DNA and gunshot
5 residue.

6 Now, what's curious about those tests -- well, one
7 thing you need to realize and remember, did you see any
8 opposition from Mr. Sledge? She came in and wanted to
9 take the swabs. She asked if she could. He said, Yeah.
10 You never saw a warrant. You never heard anyone ask for a
11 warrant. He consented to doing it. I've got nothing to
12 hide. He let her do that.

13 And then you don't see any of those tests. The State
14 has lost their witness. We can't show you the tests. You
15 get a piece of paper that says this, that's your
16 stipulation.

17 Now, I'll go back -- I mentioned Dr. Fulcher a few
18 minutes ago. He did the autopsy. He told you he's very
19 thorough. He's been doing this for years. He's very
20 qualified and a great witness. He saw no bones sticking
21 out of the shoulder. He told you he would have definitely
22 seen that. He's performed over 1,800 autopsies. There's
23 no way he could have missed that. It's not true. There
24 was no bone. He would have told you about a broken
25 collarbone, too. It's not true.

1 There was no rash on Kimberly's face. Dr. Fulcher
2 said he would have seen that. He's done over 1,800
3 autopsies. And he did not see that. Again, he's very
4 thorough. You would have heard about that, but you
5 didn't.

6 Now, the one thing that stayed true and consistent
7 throughout this whole trial was John Sledge's account of
8 that day and that night. Just the bare bones of it, and
9 then I'll get into it a little more.

10 John and Kim had an argument, maybe an ongoing
11 argument. He left the house. He went up to the gas
12 station and bought some beer. He's driving around. He's
13 back on 25 heading north, heading back home, and he's
14 pulled over. He's taken out of the car at gunpoint. At
15 that point, he's detained.

16 He asks, Why am I detained?

17 There's an investigation going on at your house. We
18 can't tell you anything else.

19 Is my wife okay?

20 I can't tell. I don't know.

21 Is my son okay?

22 I can't tell you. I don't know.

23 He's taken over the course of an hour or so, y'all
24 watched the video, to be swabbed at Heatherly Brothers and
25 then straight to the law enforcement center to be

1 interrogated. He's thrown into a red jumpsuit. He's
2 handcuffed again. This time, they take him and put him in
3 a belt so he's handcuffed like this in a room with two
4 investigators through the course of two and a half hours,
5 ballpark.

6 Still, when this interview begins, no one tells him
7 why. He knows they're from homicide. But, I mean, for
8 all we know, he thought he was getting arrested for a DUI.
9 Because he had beer in the car and said he had been
10 drinking. And, now, he's in the LEC facing two homicide
11 investigators. He's in shock.

12 Then he explains all the details as they're given to
13 him by the investigators. So you probably noticed they
14 were saying that we're running around in circles and we
15 keep bringing stuff up.

16 Remember, they start giving him these details right
17 after they say your wife is dead. They just throw it out
18 there. Your wife is dead. Son is fine. Wife's dead. It
19 would be a pretty tough pill to swallow. So he's in
20 shock. He's not coming up with these details offhand.
21 But when they present them to him, he's able to explain it
22 to them. He tells you what happened.

23 And, you know, what was interesting to me was why
24 should he remember those details? It's a normal day up to
25 this point. It was a good day. They had been sledding.

1 It's a snow day, you know, no care in the world.

2 And then he's arrested or detained. He's taken in
3 for interrogation. He's held at gunpoint and handcuffed.
4 The list goes on. He has no reason to remember this at
5 that point. I get it. If it's just a normal day, I'd
6 lose track of what I did. I can't tell you what I had for
7 dinner last night. So why remember?

8 And despite repeatedly saying I didn't do it. I did
9 not do this. I love my wife. I love my son. I couldn't
10 hurt them. No one believes him. And at the end of this
11 two and a half hour interview, you're under arrest, or you
12 will be under arrest once the lead investigator gets here.

13 Now, you, also, heard from John that he's a dedicated
14 family man. Over the year, year and a half leading up to
15 January 29th, 2014, Michael is even calling him dad. John
16 gave up a number of hobbies for this new family. He
17 wasn't fishing as much as he used to. He wasn't hunting.
18 He gave up riding his motorcycle for the most part.

19 He tells you Kim is an awesome person. They have an
20 awesome relationship. Everything is good. Some things
21 are better than good, but everything is good. His words.
22 She's the love of his life.

23 And I meant to mention this earlier. The Judge will
24 tell you about this. But -- and he has explained to you,
25 I believe, that every defendant in a criminal case has the

1 right to remain silent, and that can't be used against
2 them. We all enjoy that right. We don't have to speak if
3 we don't want to.

4 And we made a decision here that after watching that
5 video for two and a half hours and hearing the same thing
6 that he didn't do it, that he was innocent, there was no
7 need for y'all to hear it again. You heard it. So I just
8 wanted to briefly put that in there and let y'all know
9 that that was a strategic decision. It was to help you.
10 We didn't want to hold you in here any longer than we had
11 to.

12 Now, they do argue maybe more than occasionally, but
13 they worked out a system for this. When the bickering
14 would start, John may go smoke a cigarette. One of them
15 may go to bed. He told you that. Either he would go to
16 bed or Kimberly would go to bed. He might even leave the
17 house and get away for a little bit and let things cool
18 down. And then he would come back and everything would be
19 fine. The next day would be great. They had a system for
20 working on this.

21 And the same thing happened that night. His story
22 never changed. Granted, he left out a couple of details,
23 but he explained all those details.

24 Now, the police, again, they made a rush to judgment.
25 They took a 911 call and tried to form a case out of it.

1 A biased interviewer pulled information out of a
2 vulnerable, traumatized child, a child that just found an
3 unspeakable scene.

4 But, remember, there's no rash on Kimberly's face.
5 There's no bones sticking out of her shoulder. You heard
6 false information from two of the investigators. And, you
7 know, honestly, we don't know what happened that night,
8 and we never will. And I hate that for Michael. I hate
9 that for Kimberly's family, her friends.

10 But it's important to remember that we still have
11 someone on trial for something they didn't do. There's
12 another person out there that did this, obviously. And I
13 can't tell you who. The rules don't let me get into that.
14 And I'm going to follow the rules. There's a reason you
15 haven't heard anything like that.

16 But we do know that that night, an argument ensued.
17 John left the house. Michael hears a gunshot. He comes
18 out and finds Kimberly. John is still gone. John is
19 still gone. Michael calls 911. A short time later, John
20 is the central suspect in a murder investigation.

21 I mean, think about -- think back to the video.
22 There's this one portion towards the end where it's the
23 first time you see the investigators leave. Do you
24 remember that, the investigators left him alone in the
25 room? They re-handcuff him. And he's sitting there and

1 he's quiet for a minute.

2 And then you can kind of see the emotion take over.
3 As I keep saying, he had an argument, left the house, got
4 some beer, and was arrested -- or is pulled over, detained
5 at gunpoint, brought straight here to the law enforcement
6 center, and he's under interrogation. He's told his wife
7 is dead.

8 Then let's say an hour after that, he's, finally,
9 left alone for the first time. He's, finally, not being
10 questioned. The emotion sinks in. He realizes what
11 happened, that someone has killed his wife, that she's
12 gone. Those aren't the tears of a guilty man. That's
13 sincere -- I'm drawing a blank on the word. But he is
14 genuinely upset. You can see it there.

15 Now, the Judge is going to talk to you about
16 reasonable doubt. So I'd like to tell you a little bit
17 about it myself. It won't be long. But reasonable doubt
18 is the standard that you will use to determine your
19 verdict. Reasonable doubt can be defined very simply as
20 any doubt that would cause a reasonable person to hesitate
21 to act.

22 You, also, heard the Judge, at the beginning of the
23 trial, talk about these types of trials being like
24 puzzles, and we're trying to put the different pieces
25 together. Okay. What we have here is a puzzle. The

1 problem is we have some major pieces that don't fit.

2 You have the Government trying to jam these pieces
3 into this puzzle, which we all know, we've all put puzzles
4 together, you can't just jam a piece in there if it
5 doesn't fit. They're major pieces, the stuff Michael got
6 wrong. Based on that, we can't really trust his
7 reliability. Again, I'm not saying he's lying. I'm just
8 saying I don't think he got it right. And it's evident.
9 No bones sticking out of the shoulder. There's no rash on
10 the face.

11 There's false information being spread around from
12 two of the lead investigators in this operation. One of
13 them says that Michael saw John pacing around the kitchen.
14 One of them says Michael saw John walking away from Kim.
15 None of this is true. The people that came into contact
16 on scene with Michael and everyone thereafter said that
17 wasn't true, they never heard that.

18 Now, there are questions surrounding Sergeant
19 Marling. Is she teasing this out and spreading it around?
20 It's, certainly, possible. You, also, have missing
21 pieces. You can't complete a whole puzzle.

22 Forensics. You don't have any forensic evidence as
23 the investigator said you would or did have of a prior
24 altercation. It doesn't exist. There's no forensic
25 evidence that you've seen of any gunshot residue, any DNA,

1 any fingerprints. You have a projectile that may or may
2 not have come from this gun or a numerous amount of other
3 guns.

4 So when you take that together, you have a puzzle
5 that has some pieces in there. But then you have several
6 that are jammed where they want them to go. And then you
7 have pieces missing altogether. And when you take that
8 puzzle as a whole, you don't have a complete puzzle.

9 And the point I'm making is that each of those
10 missing pieces or each of those pieces that does not fit,
11 that's your reason to hesitate, your hesitation to act.
12 That's reasonable doubt.

13 And we're confident, based on everything you've heard
14 throughout this entire trial, that you, too, will have a
15 reason to hesitate and you will hesitate to act and you'll
16 find John Sledge not guilty.

17 Thank you.

18 THE COURT: Thank you, Mr. Propst.

19 All right. Mr. Anderson, if you'll move that for me.

20 THE BAILIFF: Yes, sir.

21 CHARGE ON THE LAW

22 THE COURT: Ladies and gentlemen, you've heard all
23 the evidence and the arguments of the lawyers. And it's
24 my duty to instruct you on the law that applies to this
25 case. And it's your duty to find the facts from the

1 for the record, respectfully.

2 THE COURT: Certainly. I note your objection. And I
3 know you were in a difficult spot there.

4 But we'll bring the jury out and give them that
5 instruction.

6 Thank you.

7 (WHEREUPON, the jury came into open court at
8 approximately 4:42 p.m.)

9 THE COURT: Ladies and gentlemen, during the closing
10 arguments, a statement was made by Mr. Propst. The State
11 has objected to Mr. Propst's statement.

12 During closing arguments, the attorneys argue from
13 wide latitude to argue from evidence that is in the
14 record, and to make inferences from things that may be in
15 the record. They're not allowed to go outside the record,
16 or to make inferences from things that are not within the
17 record.

18 I have sustained the objection that the State made to
19 Mr. Propst's argument.

20 The argument said, essentially, that someone else did
21 this. I can't tell you who, the rules won't allow me.
22 That was improper. And I'm instructing you to disregard
23 that argument. It has no place in this case and should
24 not be considered by you, or discussed by you in any
25 manner during your deliberations. So that's no longer

1 part of this case.

2 As I told you, you must decide the facts from the
3 evidence. And evidence consists of sworn witness
4 testimony, exhibits, and a stipulation. It doesn't
5 consist of the arguments. The arguments are just that,
6 they're arguments, not evidence.

7 So remember that what the lawyers say, while I told
8 you should be paid heed to, it is not something you may
9 consider as evidence in the case.

10 So, with that, you can start deliberating. Just --
11 I'll send the exhibits back.

12 Thank you very much for your patience.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 4:45 p.m.)

15 THE COURT: Okay. Anything else?

16 MS. MUNSON: No, sir, Your Honor.

17 Thank you.

18 MR. PROPST: Just to renew my objection, for the
19 record, as to the instruction.

20 THE COURT: Yes, sir.

21 MR. PROPST: And renew all objections and motions
22 throughout the trial.

23 THE COURT: All right. Thank you, Mr. Propst.

24 We'll be at ease until we hear something.

25 Thank you very much.

1 (WHEREUPON, the proceedings were recessed at
2 approximately 4:46 p.m.)

3 THE COURT: Anything for the record before we bring
4 the jury back?

5 MS. MUNSON: Nothing from the State, Your Honor.

6 MR. PROPST: Again, Your Honor, I just would renew
7 all motions and objections.

8 THE COURT: Yes, sir.

9 I understand this is a very emotional case. And I
10 appreciate everybody's civility throughout the trial. And
11 there's to be no reaction when the verdict is read. And
12 if you think you're going to have difficulty containing
13 yourself, please, leave now so it's not something I have
14 to take care of.

15 All right. You can bring the jury in.

16 (WHEREUPON, the jury came into open court at
17 approximately 5:54 p.m.)

18 THE COURT: Madam Forelady, has the jury reached a
19 unanimous verdict, ma'am?

20 JUROR #107, TINA MELLESMOEN: Yes, sir.

21 THE COURT: If you'll hand it to the bailiff, we'll
22 receive it and publish it.

23 Thank you.

24 THE BAILIFF: Yes, sir.

25 THE COURT: All right.

VERDICT

THE CLERK: Your Honor, this is case number
2015-GS-23-4574 and 2016-GS-23-837A.

As to the count -- as to count one of indictment 2015-GS-23-4574, murder, we, the jury, unanimously find the Defendant, John Calvin Sledge, guilty.

As to count two of indictment 2015-GS-23-4574,
possession of a weapon during the commission of a violent
crime, we, the jury, unanimously find the Defendant, John
Calvin Sledge, guilty.

As to indictment 2016-GS-23-837A, unlawful conduct toward a child, we, the jury, unanimously find the Defendant, John Calvin Sledge, guilty. Signed Foreperson, Tina Mellesmoen.

THE COURT: All right --

THE CLERK: If this --

THE COURT: Go ahead.

THE CLERK: Excuse me.

If this was the verdict you reached in the court -- in the jury room and is your verdict now, please, raise your right hand.

(WHEREUPON, all jurors raised their right hands.)

THE CLERK: Thank you.

THE COURT: Any motions or matters before the jury is discharged?

1 MS. MUNSON: Nothing from the State, Your Honor.

2 MR. PROPST: Your Honor, we'd ask for a motion to set
3 aside the verdict and new trial.

4 THE COURT: All right. I deny that motion.

5 How about is there -- do you wish to have the jury
6 polled?

7 MR. PROPST: No, sir, Your Honor.

8 THE COURT: Okay. Ladies and gentlemen, thank you
9 for your service.

10 I believe you'll need to call back --

11 THE CLERK: No.

12 THE COURT: They don't need to call back?

13 THE CLERK: No.

14 THE COURT: Okay. You don't need to call back. Your
15 service has ended this week.

16 Thank you for your conscientious and patient service.

17 And you have a three-year exemption from jury duty in
18 circuit court. And we appreciate your contributions to
19 the justice system.

20 Have a good evening.

21 (WHEREUPON, the all members of the jury were excused
22 from the courtroom, but the Foreperson, Juror #107,
23 Tina Mellesmoen, remained in the courtroom to sign
24 documents.)

25 (Pause.)

1 THE COURT: Ma'am, if you want to attend the
2 sentencing part, you're welcome to.

3 JUROR #107, TINA MELLESMOEN: Okay.

4 THE COURT: Just come around the front and they'll --

5 JUROR #107, TINA MELLESMOEN: Yes, sir.

6 Thank you.

7 (WHEREUPON, Juror #107, Tina Mellesmoen, exited the
8 courtroom.)

9 THE COURT: Is everybody ready for the sentencing?

10 MS. MUNSON: The State is ready, Your Honor.

11 MR. PROPST: Yes, sir, Your Honor.

12 THE COURT: Yes, ma'am.

13 MS. MUNSON: Your Honor, may it please the Court.

14 As to his prior record, the Defendant was convicted
15 of assault and battery in 1987; driving under suspension
16 in 1991; driving under suspension and simple possession of
17 marijuana in 1991; driving under the influence in 1990;
18 two counts of assault and battery and public disorderly
19 conduct in 1991; and driving under the influence in 2012.

20 As to sentencing, Your Honor, I've talked with the
21 family. They don't have anything else to say. They told
22 me to tell you the jury has spoken.

23 Briefly, on behalf of the State, what I would tell
24 you, Your Honor, very strongly is that this man has given
25 this entire family and that young boy a life sentence. I

1 know you have a great deal of range in your sentencing,
2 Your Honor. And he does not have a -- you know, much of a
3 criminal record that would really cause anybody alarm.
4 But, again, through this intentional act, he's given them
5 a life sentence, and I respectfully ask you to do the
6 same.

7 Thank you, Your Honor.

8 THE COURT: Thank you, Ms. Munson.

9 And I appreciate the way you and Ms. Scott presented
10 the case.

11 And, Mr. Propst, I appreciate the way you and
12 Mr. Sarratt represented Mr. Sledge.

13 So anything you wish to say, sir?

14 MR. PROPST: Thank you, Your Honor.

15 While we disagree with the verdict, we respect to
16 juries decision. We thought we had some triable issues.
17 We ask that you not penalize Mr. Sledge for exercising his
18 right to a jury trial.

19 As you heard, he has a very, very, very minimal prior
20 record. Beyond that, he's been a hard worker his whole
21 life. He spent the last 17 years at Hartness
22 International.

23 Your Honor, I'm -- after meeting with him on a number
24 of times, I'm surprised we're even in this situation, but
25 we are. He is 50 years old.

1 DEFENDANT SLEDGE: 48.

2 MR. PROPST: 48.

3 The minimum on this sentence of 30 years is while not
4 technically a life sentence, it could very well be. We
5 just ask that you consider the minimum sentence and pray
6 for the Court's leniency.

7 THE COURT: Thank you.

8 Mr. Sledge, anything you'd like to say, sir?

9 DEFENDANT SLEDGE: No, sir.

10 SENTENCING

11 THE COURT: All right. Well, the jury has spoken.
12 And the circumstances of this were particularly heinous.
13 And I would have to say that young Michael W did
14 about the bravest thing I've ever seen in a courtroom.
15 And I've been doing this a long time.

16 I, certainly, wouldn't penalize anyone for exercising
17 their Constitutional right to a jury trial.

18 But I do think the circumstances of this merit that
19 you be confined to the Department of Corrections for life
20 on the murder charge. You receive a sentence of five
21 years on the handgun charge, using a weapon during a
22 violent crime charge. And 10 years for unlawful conduct
23 toward a child.

24 Good luck, sir.

25 *****END OF TRANSCRIPT OF RECORD*****

JOHN CAWZEN SLEDGE

Case Number: 1-14-015238

DOB: [REDACTED]

SSN: [REDACTED]

PELZER SC 29669

YOUR RIGHTS

Sheriffs Office

Greenville, S.C.

Date 1/30/2014Time 0143

- 1/3 Before we ask you any questions, you must understand your rights.
- 1/1 You have the right to remain silent.
- 1/1 Anything you say can be used against you in court.
- 1/1 You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.
- 1/1 If you have no money to pay a lawyer's fee, the court will appoint one to represent you without cost if you wish.
- 1/1 If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signed ^x[Signature]

Witness

Witness

Time

0146

OF



24 ... 2014 11 05

THE STATE OF SOUTH CAROLINA
In the Appellate Court

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

D. Garrison Hill, Circuit Court Judge

Case No(s).: 2015GS2304574, 2016GS2300000

The State,

v.

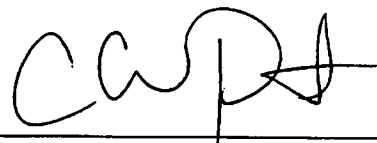
John Calvin Sledge,

FILED-CLERK OF COURT
 PAUL B. WICKENS
 GREENVILLE, SC
 2016 MAR 21 PM 2:07
 Respondent.
 Appellant.

NOTICE OF APPEAL

John Calvin Sledge appeals his conviction and sentence in this case. The sentence was imposed by the Honorable D. Garrison Hill on March 16, 2016.

Date: March 21, 2016



Charles S. Propst, Esq.
 Greenville County Courthouse
 Greenville, SC 29601
 Attorney for Appellant

Other Counsel of Record:
 Judy Munson, Esq.
 13th Circuit Solicitor's Office
 305 E. North Street
 Greenville, SC 29601
 Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In the Appellate Court

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

D. Garrison Hill, Circuit Court Judge

Case No(s): 2015GS2304574, 2016GS2300837A

The State,

Respondent.

v.

John Calvin Sledge,

Appellant.

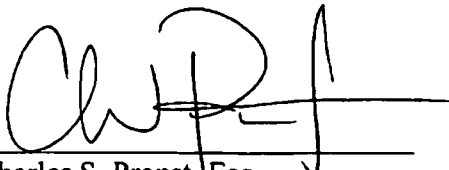
PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on March 21, 2016, addressed to:

Judy Munson, Esq.
13th Circuit Solicitor's Office
305 E. North Street
Suite 325
Greenville, SC 29601-2185

Alan Wilson, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211

Date: March 21, 2016



Charles S. Propst, Esq.
Greenville County Courthouse
305 E. North St., Suite 123
Greenville, SC 29601
Attorney for Appellant

WITNESSES

W.t. Campbell

Greenville County Sheriffs Office

1/30/2014

ARREST WARRANT NUMBER

2014A2330200820

2014A2330200821

ACTION OF GRAND JURY

TRUE BILL

Wayne S. Harrison

GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty Count 1

Guilty Count 2

Jane D. Melleson 3/16/14

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-23-

JMM

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

June

TERM 2015

THE STATE

vs.

JOHN CALVIN SLEDGE

0116
0549Indictment for
COUNT ONE:
Murder

VIOLATION § 16-03-0010, 0020

COUNT TWO:

Possession of a Weapon During the
Commission of a Violent Crime

VIOLATION § 16-23-0490

ENTERED
ACCT.

004574

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

INDICTMENT FOR
COUNT ONE:

Murder

COUNT TWO:

Possession of a Weapon During the Commission of
a Violent Crime

At a Court of General Sessions, convened on **JUN 30 2015** the Grand Jurors of Greenville
County present upon their oath:

COUNT ONE:

That JOHN CALVIN SLEDGE did in Greenville County, on or about the 29th day of January, 2014, unlawfully and with malice aforethought kill KIMBERLY SLEDGE by means of shooting her in the head, and that KIMBERLY SLEDGE died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO:

That JOHN CALVIN SLEDGE did in Greenville County, on or about the 29th day of January, 2014, possess or visibly display a pistol during the commission or attempted commission of a violent crime, to wit: murder. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

SOLICITOR

BAR # 64040

334

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
 STATE VS.
John Calvin Sledge

AKA:

Race: WHITE Sex: M Age: 48DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Pelzer, SC 29669-9673DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
 TO: Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS2304574A/W#: 2014A2330200820Date of Offense: 1/29/2014S.C. Code § : 16-03-0010, 0020CDR Code #: 0116

SENTENCE SHEET

30y. life

☒ CONVICTED OF or ☐ PLEADSin violation of § 16 3 20 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45
The charge is ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

64040

Munson, Judy

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 LIFE days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL		\$ 133.90

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,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2138Sentence Date: 3-16-2016

STATE OF SOUTH CAROLINA

COUNTY OF Greenville
STATE VS.

John Calvin Sledge

AKA:

Race: WHITE Sex: M Age: 48

DOB: SS#:

Address:

City, State, Zip: Pelzer, SC 29669-9673

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Weapons / Poss. Weapon During Violent Cr

IN THE COURT OF GENERAL SESSIONS

335

INDICTMENT/CASE#: 2015GS2304574

A/W#: 2014A2330200821

Date of Offense: 1/29/2014

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

5 years

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

64040

Munson, Amy

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

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for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
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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
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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 ☐

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: _____

Recipient: _____

*Fine:

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3% to County (if paid in installments)	\$	\$ 390
TOTAL	\$	\$ 133.90

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2138

Sentence Date: 3-16-2016

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,



Laura R. Baer
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 26th day of June, 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."

RECEIVED
JUN 26 2017
SC Court of Appeals

Respectfully Submitted,



Laura R. Baer
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 26th day of June, 2017.